

§ 1190.33 Accessible buildings and facilities: Alterations.

(a) *General.* Alterations to existing buildings or facilities shall comply with the following:

(1) If existing elements, spaces, essential features, or common areas are altered, then each such altered element, space, feature, or area shall comply with the applicable provisions of § 1190.31, Accessible buildings and facilities: New construction, except as noted in paragraph (a)(2) of this section.

(2) Exceptions to the requirements for (a)(1) of this section for existing buildings or facilities are:

(i) *Stairs.* Full extension of stair handrails shall not be required in alterations where such extensions would be hazardous or impossible due to plan configuration.

(ii) *Elevators.* (A) If a safety door edge is provided in existing automatic elevators, then the automatic door reopening devices may be omitted (see ANSI A117.1-1986 section 4.10.6). (The citations beginning with “ANSI” in this section refer to the sections of the American National Standard, ANSI A117.1-1986, “Providing Accessibility and Usability for Physically Handicapped People” by the American National Standards Institute, Inc. which has been approved for incorporation by reference as set forth in § 1190.31(a).

(B) Where existing shaft or structural elements prohibit strict compliance with ANSI A117.1-1986, section 4.10.9 (incorporated by reference, see § 1190.31(a)), then the minimum floor area dimensions may be reduced by the minimum amount necessary, but in no case shall they be less than 48 in by 48 in (1220 mm by 1220 mm).

(iii) *Doors.* (A) Where existing elements prohibit strict compliance with the clearance requirements of ANSI 4.13.5, a projection of 5/8 in (16 mm) maximum will be permitted for the latch side door stop. (The citations beginning with “ANSI” in this section refer to the sections of the American National Standard, ANSI A117.1-1986, “Providing Accessibility and Usability for Physically Handicapped People” by the American National Standards Institute, Inc. which has been approved

for incorporation by reference as set forth in § 1190.31(a).)

(B) If existing thresholds measure 3/4 in (19 mm) high or less, and are beveled or modified to provide a beveled edge on each side, then they may be retained.

(iv) *Toilet rooms.* Where alterations to existing facilities make strict compliance with ANSI A117.1-1986, sections 4.22 and 4.23 (incorporated by reference, see § 1190.31(a)) structurally impracticable, the addition of one “unisex” toilet per floor containing one water closet complying with ANSI A117.1-1986, section 4.16 and one lavatory complying with ANSI A117.1-1986, section 4.19, located adjacent to existing toilet facilities, will be acceptable in lieu of making existing toilet facilities for each sex accessible.

(v) *Assembly areas.* (A) In alterations where it is structurally impracticable to disperse seating throughout the assembly area, seating may be located in collected areas as structurally feasible. Seating shall adjoin an accessible route that also serves as a means of emergency egress.

(B) In alterations where it is structurally impracticable to alter all performing areas to be on an accessible route, then at least one of each type shall be made accessible.

(3) If power-driven vertical access equipment (*e.g.*, escalator) is planned or installed where none existed previously, or if new stairs (other than stairs installed to meet emergency exit requirements) requiring major structural changes are planned or installed where none existed previously, then a means of accessible vertical access shall be provided that complies with ANSI A117.1-1986, section 4.8, Ramps; ANSI A117.1-1986, section 4.10, Elevators; or ANSI A117.1-1986, section 4.11, Platform Lifts (incorporated by reference, see § 1190.31(a)) except to the extent where it is structurally impracticable in transit facilities. All elevator control buttons shall be at least 3/4 in (19 mm) in their smallest dimension. They shall be raised or flush.

(4) If alterations of single elements, when considered together, amount to an alteration of a space of a building or facility, the entire space shall be made accessible.

(b) Where a building or facility is vacated and it is totally altered, then it shall comply with §1190.31 Accessible buildings and facilities: New construction, except to the extent where it is structurally impracticable.

(c) Where substantial alteration occurs to a building or facility, then each element or space that is altered or added shall comply with the applicable provisions of §1190.31, Accessible buildings and facilities: New construction, except to the extent where it is structurally impracticable and the altered building or facility shall contain:

(1) At least one accessible route complying with ANSI A117.1-1986, section 4.3, Accessible Routes (incorporated by reference, see §1190.31(a)), and paragraph (a) of this section;

(2) At least one accessible entrance complying with ANSI A117.1-1986, section 4.14, Entrances (incorporated by reference, see §1190.31(a)). If additional accessible entrances are altered, then they shall comply with paragraph (a)(1) of this section; and

(3) The following toilet facilities, whichever number is greater:

(i) At least one toilet facility for each sex in the altered building complying with ANSI A117.1-1986, section 4.22, Toilet Rooms, Bathrooms, Bathing Facilities, and Shower Rooms (incorporated by reference, see §1190.31(a));

(ii) At least one toilet facility for each sex on each substantially altered floor, where such facilities are provided, complying with ANSI A117.1-1986, section 4.22, Toilet Rooms, Bathrooms, Bathing Facilities, and Shower Rooms (incorporated by reference, see §1190.31(a));

In making the determination as to what constitutes "substantial alteration," the agency issuing standards for the facility shall consider the total cost of all alterations (including but not limited to electrical, mechanical, plumbing, and structural changes) for a building or facility within any twelve (12) month period. For guidance in implementing this provision, an alteration to any building or facility is to be considered substantial if the total cost for this twelve month period amounts to 50% or more of the full and

fair cash value of the building as defined at §1190.3.

(4) *Exception.* If the cost of the elements and spaces required by paragraphs (c) (1), (2), and (3) of this section, exceeds 15% of the total cost of all other alterations, then a schedule may be established by the standard-setting and/or funding agency to provide the required improvements within a 5 year period.

(5) *Exception.* If the alteration is limited solely to the electrical, mechanical, or plumbing system and does not involve the alteration of any elements and spaces required to be accessible under part 1190, then paragraph (c) of this section, does not apply.

(6) *Exception.* Consideration shall be given to providing accessible elements and spaces in each altered building or facility complying with:

(i) ANSI A117.1-1986, sections 4.6, Parking Spaces and Passenger Loading Zones, as modified by §1190.31(s)(1);

(ii) ANSI A117.1-1986, section 4.15, Drinking Fountains and Water Coolers;

(iii) ANSI A117.1-1986, section 4.23, Storage;

(iv) ANSI A117.1-1986, section 4.26, Alarms;

(v) ANSI A117.1-1986, section 4.29, Telephones;

(vi) ANSI A117.1-1986, section 4.30, Seating, Tables and Work Surfaces;

(vii) ANSI 4.31, Auditorium and Assembly Areas, as modified by §1190.31(s)(1). (Incorporated by reference, see §1190.31(a).)

(7) *Exception:* Mechanical rooms and other spaces which normally are not frequented by the public or employees of the facility or which by nature of their use are not required by the Architectural Barriers Act to be accessible are excepted from paragraphs (c) (1), (2), and (3) of this section.

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§ 1190.34 Accessible buildings and facilities: Leased.

(a) Buildings or facilities or portions thereof leased by the Federal Government shall comply with §1190.31, New construction, or shall incorporate the features listed in §1190.33(c), Alterations. Where both types of buildings are available for leasing, reasonable