

DOC-Wide Special Award Condition Pertaining to the
Revised ADA Standards for Accessible Design

[Insert SAC #] Compliance with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794): Deviation from Section C.01.c. of the DOC Financial Assistance Standard Terms and Conditions (March 2008).

Notwithstanding DOC Financial Assistance Standard Term and Condition C.01.c. and the reference made therein to the DOC regulations at 15 C.F.R. part 8b, recipients of DOC financial assistance awards are permitted, but are not required, to use the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design (2010 Standards), as set forth in the applicable revised regulations under Title II of the ADA (28 C.F.R. part 35; 75 FR 56164, as amended by 76 FR 13285), or revised regulations under Title III of the ADA (28 C.F.R. part 36; 75 FR 56164, as amended by 76 FR 13286), as an acceptable alternative to the Uniform Federal Accessibility Standards (UFAS). DOC deems compliance with the 2010 Standards to be an acceptable means of complying with the Section 504 accessibility requirements for new construction and alteration projects under 15 C.F.R. § 8b.18(c), as follows:

- A. Public Recipients subject to Title II of the ADA: May use either the 2010 Standards or UFAS where the physical construction or alternations commence on or after September 15, 2010 and before March 15, 2012 (*see* 28 C.F.R. § 35.151(c)(2)); and
- B. Private Recipients subject to Title III of the ADA: May use either the 2010 Standards or UFAS if the date when the last application for a building permit or permit extension is certified to be complete by a State, county, or local government (or, in those jurisdictions where the government does not certify completion of applications, if the date when the last application for a building permit or permit extension is received by the State, county, or local government) is on or after September 15, 2010 and before March 15, 2012, or if no permit is required, if the start of physical construction or alterations occurs on or after September 15, 2010 and before March 15, 2012 (*see* 28 C.F.R. § 36.406(a)(2)).

In all cases, once a recipient selects an applicable ADA accessibility standard (*i.e.*, the 2010 Standards or UFAS), that standard must be applied to the entire facility.