

ADA Compliance

Unreasonable Hardship Request

Purpose

The [ADA Compliance Unreasonable Hardship Request](#) form may be used to request an exception to ADA compliance due to an unreasonable hardship.

Some renovation or alteration projects may be impacted by a hardship that will prevent the project from being designed in full compliance with the Americans with Disabilities Act. When an applicant thinks that their project meets the standard for an unreasonable hardship, they may submit this application to the Building Official for review and approval. **Submit unreasonable hardship requests no later than the end of schematic design or equivalent.**

When submitting a request for unreasonable hardship, provide enough documentation to clearly describe the hardship such as: existing topography, existing grading plans, existing floor plans, existing structural drawings, documentation of historic character, cost estimates as well as any documentation that clearly describes alternative methods for providing ADA accommodation.

What qualifies as an unreasonable hardship?

Hardships are defined under Federal law as follows:

1. Full compliance is not required where an applicant can demonstrate that it is:
 - a) Structurally impracticable to meet the requirements.
 - b) Circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.
2. Alterations to historic properties shall comply, to the maximum extent feasible, with the provisions applicable to historic properties in the design standards Chapter 12 IEBC.
3. Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.
4. Hardships will only apply to alterations to existing buildings or sites except in the case of existing steep grades.

In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:

1. An accessible entrance
2. An accessible route to the area of alteration, structural repair, or addition (see definition of accessible route in IBC Section 202)
3. At least one accessible restroom for each sex or a unisex restroom serving the area of alteration, structural repair, or addition.
4. Accessible telephones, if provided, serving the area of alteration, structural repair, or addition.
5. Accessible drinking fountains, if provided, serving the area of alteration, structural repairs, or addition
6. When possible, additional accessible elements such as parking, storage, and alarms.

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Example of completed ADA compliance unreasonable hardship request form:

Project Address:		Permit No.:	
Project Description/Location: Office tenant improvement (2,040 SF) at 5 th floor Suite No. 502		Permit Valuation: \$120,000	
Type: ☒ Alteration ☐ Structural Repair ☐ Addition		Adjusted Cost of Proposed Construction: \$100,000	
Describe Hardship: Cannot provide required floor turn around space in bathroom due to structural wall			
PATH OF TRAVEL REQUIREMENTS FOR AREA OF ALTERATION, STRUCTURAL REPAIR, OR ADDITION			
Accessible Features	Does existing feature meet accessibility standards of Chapter 11 of the current IBC or A117.1?	Will this feature be replaced or altered to meet Chapter 11 of the current IBC or A117.1?	If so, how much will be spent to make this feature accessible?
1. Accessible entrance	Yes		\$
2. Accessible route to the altered area	Yes		\$
3. Accessible restroom for each sex or a unisex restroom	No	Yes	\$12,000
4. Accessible telephones	N/A		\$
5. Accessible drinking fountains	No	Yes	\$6,000
6. Other (Any of the below)			
A. Accessible parking spaces	No	No	\$10,000
B. Signs	No	Yes	\$2,000
C. Alarms	N/A		\$
D. Other:	A		
Cost of All Features Provided (A)	Summary of costs of Accessible Features Nos. 1-6 provided above.		\$20,000
Adjusted Cost of Proposed Construction (B)	Construction cost for all proposed work on this permit application <u>except</u> Accessible Features Nos. 1-6 provided above.		\$100,000
Percentage Upgrades Provided (A / B)	Cost of all Features Provided / Total Cost on Same Path of Travel.		20%
Description of Access Features Provided: New unisex restroom will be created immediately adjacent to exiting men and women's restroom in corridor. Drinking fountain at ground floor lobby will be replaced with new hi-lo-accessible unit. Existing signage for 10 accessible parking spaces will be replaced and updated to current requirements. Parking stall access aisle slopes are greater than 2% to existing curbs and cost of creating compliant slopes and curb ramps exceeds the required 20% spending.			
Applicant Certification I hereby certify under penalty of perjury of the laws of the State of Washington, that I have read and examined this application and know that the information contained herein is true and correct.			
Signature:	Jane Smith	Date: 01 / 01 / 2019	Company: Jane Smith and Associates
Name:(print)	Jane Smith	Address:	123 Sample St
Title:	Architect of Record	City, State Zip:	Issaquah, WA 98027

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Agent for:	☐ Owner ☒ Architect ☐ Engineer ☐ Contractor	Phone No.:	(425) 555-1212
For Building Official Use Only			
Approved by:	Title:	Date:	/ /

*If an area has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area or a different area on the same path of travel are undertaken within three years of the original alteration, the total cost of alterations to the areas on that path of travel during the preceding three-year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

1/18/2019

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Project Address:		Permit No.:	
Project Description/Location:		Permit Valuation: \$	
Type: ☐ Alteration ☐ Structural Repair ☐ Addition		Adjusted Cost of Proposed Construction: \$	
Describe Hardship:			
PATH OF TRAVEL REQUIREMENTS FOR AREA OF ALTERATION, STRUCTURAL REPAIR, OR ADDITION			
Accessible Features	Does existing feature meet accessibility standards of Chapter 11 of the current IBC or A117.1?	Will this feature be replaced or altered to meet Chapter 11 of the current IBC or A117.1?	If so, how much will be spent to make this feature accessible?
1. Accessible entrance			\$
2. Accessible route to the altered area			\$
3. Accessible restroom for each sex or a unisex restroom			\$
4. Accessible telephones			\$
5. Accessible drinking fountains			\$
6. Other (Any of the below)			
A. Accessible parking spaces			\$
B. Signs			\$
C. Alarms			\$
D. Other:			\$
Cost of All Features Provided (A)	Summary of costs of Accessible Features Nos. 1-6 provided above.		\$
Adjusted Cost of Proposed Construction (B)	Construction cost for all proposed work on this permit application <u>except</u> Accessible Features Nos. 1-6 provided above.		\$

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Percentage Upgrades Provided (A / B)	Cost of all Features Provided / Total Cost on Same Path of Travel.	%
Description of Access Features Provided: 		
Applicant Certification I hereby certify under penalty of perjury of the laws of the State of Washington, that I have read and examined this application and know that the information contained herein is true and correct.		
Signature:	Date:	Company:
Name:(print)	Address:	
Title:	City, State Zip:	
Agent for:	☐ Owner ☐ Architect ☐ Engineer ☐ Contractor	Phone No.:
For Building Official Use Only		
Approved by:	Title:	Date:

*If an area has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area or a different area on the same path of travel are undertaken within three years of the original alteration, the total cost of alterations to the areas on that path of travel during the preceding three-year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.