

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 70.—Nondiscrimination on the Basis of Disability by Public Accommodations

21-70-35. Alterations.

(a) (1) Any alteration to a place of public accommodation after July 1, 1991, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) An alteration shall be deemed to be undertaken after July 1, 1991, if the physical alteration begins after that date.

(b) For the purposes of this regulation, "alteration" means a change to a place of public accommodation that affects or could affect the usability of the building or facility or any part thereof.

(1) Alterations may include remodeling, renovation, rehabilitation, reconstruction, historic restorations, changes or rearrangements in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.

(2) Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical and electrical systems shall not be considered alterations unless they affect the usability of the building or facility.

(3) If existing elements, spaces or common areas are altered, then each altered element, space or area shall comply with the applicable standards for accessible design in the Americans with disabilities act accessibility guidelines (ADAAG) dated July 26, 1991, which are incorporated herein by reference.

(c) The phrase "to the maximum extent feasible," as used in this regulation, shall apply to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible

shall be made accessible. If providing accessibility in compliance with this regulation to individuals with certain disabilities, such as those who use wheelchairs, would not be feasible, the facility shall be made accessible to persons with other types of disabilities, such as those who use crutches, or those who have sight, hearing, or other impairments.

(Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective Dec. 19, 1994.)

***** Authenticated Kansas Administrative Regulation *****