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Justice Department Advances Update of ADA Regulations

Officials from the Department of Justice have stated recently that they are hoping to publish the new ADA Standards and the Final Regulations adopting them by the 20th anniversary of the ADA on July 26, 2010. Other announcements have stated that, depending on the Office of Management and Budget (OMB) and agency approvals process, they expect to have them out, at the latest, by the end of September 2010.

The [Access Board](#) recently published the following notice: “The Department of Justice (DOJ) is moving to issue final rules that would update its ADA regulations, including standards governing the construction and alteration of facilities covered by the law. On 26 April 2010, DOJ submitted final rules to the Office of Management and Budget (OMB) for approval. If cleared within OMB's standard 90-day review period, DOJ may publish the updated regulations in late July or early August 2010.

DOJ's new rules will update its ADA regulations for state and local governments under title II and those for public accommodations and commercial entities covered by title III. The pending regulations will implement with effective dates new ADA standards for title II and title III facilities that are closely based on updated guidelines previously issued by the Board. In addition, the final rules, which DOJ made available for public comment in 2008, will revise or supplement other sections of DOJ's regulations, including those covering existing facilities, service animals, policies and programs, maintenance of accessible features, auxiliary aids and services, and effective communication. DOJ had planned to issue the regulations in early 2009 but delayed publication in order to give officials of the incoming Obama Administration an opportunity to review them. For more information, visit DOJ's website at www.ada.gov. Visitors to the site can subscribe to email updates from DOJ on this and other Department activities.

DOJ's standards apply to all facilities covered by the ADA except transportation facilities, which are subject to standards issued by the Department of Transportation (DOT). DOT has already implemented updated ADA standards for transportation facilities. Similar standards are also in place under the Architectural Barriers Act (ABA) for most federally funded facilities. Housing facilities covered by the ABA currently remain subject to earlier standards pending the adoption of new standards by the Department of Housing and Urban Development. Further information on the status of ADA and ABA standards is available on the Board's website at www.access-board.gov/ada-aba/guide.htm.”