

ADA Standards

Statewide Alternate Methods are approved by the division administrator in consultation with the appropriate advisory board. The advisory board's review includes technical and scientific facts of the proposed alternate method. In addition:

- Building officials shall approve the use of any material, design or method of construction addressed in a statewide alternate method;
- The decision to use a statewide alternate method is at the discretion of the applicant; and
- Statewide alternate methods do not limit the authority of the building official to consider other proposed alternate methods encompassing the same subject matter.

Code/edition/section: 2022 Oregon Structural Specialty Code (OSSC)—Chapters 11 and 34

Date: Issued—April 16, 2008
Last updated—Oct. 1, 2022

Subject: 2010 ADA Standards—Baseline for Alternate Methods/Equivalent Facilitation / Alterations

Background:

The legislative intent of ORS 447.210 to 447.280 is “to make affected buildings, including but not limited to commercial facilities, public accommodations, private entities, private membership clubs and churches, in the state accessible to and usable by persons with disabilities, as provided in the Americans with Disabilities Act.” It also notes that the Department of Consumer and Business Services can provide greater protection to individuals with disabilities by adopting more stringent standards than prescribed by the Americans with Disabilities Act (ADA).

Oregon law allows local building officials to accept alternate methods of construction and project owners can seek an exception to access requirements. The division has identified the need for local alternate methods and any exceptions to ensure the standard of access in Oregon is never reduced below federal ADA minimums.

This ruling sets forth for the acceptability of the use of the 2010 ADA technical requirements as a minimum baseline a local official can accept.

Discussion:

Alternate Methods/Equivalent Facilitation:

In addressing alternate means and methods of construction, ORS 455.060 authorizes the Director of the Department of Consumer and Business Services to issue a ruling with respect to the acceptability of any material, design, or method of construction about which there is a question under any provision of the state building code. This alternate method ensures that no local or state building official accepts a local alternate request in conflict with this ruling.

Pursuant to ORS 447.220, the OSSC affords the same opportunities as provided for in the ADA to encourage flexibility and innovation while still ensuring access. The problem addressed by this alternate method is that the OSSC also allows building officials to accept alternates to state code.

The state recognizes that local building officials are in the best position to determine whether equivalent facilitation is achieved for the particular building in question, while ensuring that the structure complies with federal and state requirements. Local building officials must also determine whether a proposed material, design, or method of construction creates equivalent facilitation based on the 2010 ADA Standards. In no case, however, can a building official allow a project to create a lower level of access than the 2010 ADA Standards.

Alterations:

Both the OSSC and the ADA require alterations to comply with the requirements for new construction unless “Technically Infeasible.” OSSC Section 3403.6 notes: “Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.”

The language could create the belief that an alternate can be created that may not meet the ADA.

The OSSC defines “Technically Infeasible” as “an alteration that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame, or because site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and are necessary to provide accessibility.”

ADA Baseline:

As noted previously, this ruling will ensure that accessibility is provided for as in the ADA.

Where the provisions of a project cannot meet the OSSC, this statewide alternate method establishes the 2010 ADA technical requirements as a baseline for rulings on the acceptability of any material, design or method of construction in the OSSC.

It should be noted that statutorily mandated accessibility requirements take precedence over this ruling.

Conclusion:

Where the technical feasibility of an accessibility requirement found in the OSSC is in question, no state or local official may allow an alternate method that produces less accessibility than the 2010 ADA Standards. Nothing in this alternate method waives any federal or state statutory accessibility requirement.

Contact: Visit the division website to [contact a building code specialist](#).