

How Updated ADA Regulations Affect the Storage Industry

New and renovated facilities must become compliant with latest requirements.

By Laura Tracy-Williams

Beginning in March, self storage owners and operators will contend with the first major update to the Americans with Disabilities Act since the regulations were first published two decades ago.

On March 15, compliance with the 2010 standards will be federally required for new commercial construction and renovations. The new regulations, 20 years in the making, address a variety of building elements, including new requirements for enlarged turning spaces for wheelchairs in restrooms, reach ranges for sales and service counters and space requirements for handicapped employee work spaces.

Specific to self storage, owners will now be federally required to meet a requirement that 5% of the first 200 storage units be wheelchair accessible, and 2% of units thereafter in facilities with more than 200 units.

The effective date of the new standards does not mean owners must begin work to comply with the 2010 standards immediately, says Ron Burton, former vice president of codes, standards and regulatory affairs for BOMA (Building Owners and Managers Association International) and now a consultant with PTW Advisors, LLC. New construction and properties undergoing renovations must meet the new standards.



“If you are going to renovate a project or build a new building, then starting in March you have to design to the new standards.”

***Ron Burton
PTW Advisors, LLC***

“BOMA pushed for grandfathering in any structures that were modified to meet the original law,” Burton says. “If you have a property that was brought up to meet the original ADA regulations then you don’t have to do anything to it and that’s still true. If you are going to renovate a project or build a new building, then starting in March you have to design to the new standards.”

Jack Wilbern, an architect with ButzWilbern, Ltd., a Falls Church, Virginia design firm with extensive storage experience, says the new ADA rules becoming permanent will not prompt radical change in the way self storage facilities

are designed. Most of the ADA regulations, including the 5% accessibility requirement, have been incorporated into building codes across the nation for a number of years in advance of the permanent ADA regulations being written into the federal civil rights code.

Carlos Kaslow, general counsel for the Self Storage Association, says the industry has been aware of upcoming changes to ADA regulations for years. Facilities undergoing construction or renovation in the last few years have likely already met the new standards, including the minimum required number of handicapped-accessible storage units.

“While the March date has significance, it doesn’t change the landscape that much,” Kaslow says. “From an operator’s standpoint, you want to be in compliance. A lot of ADA is easy for self storage to comply with just because of the nature of the business. Most storage facilities already have wide hallways because people are navigating stuff down hallways. We have an advantage over many other commercial building types.”

The new ADA regulations have been adopted by the U.S. Department of Justice because they are part of the nation’s civil rights laws. While the DOJ doesn’t have the capacity to ensure all commercial building types are compliant, building owners are vulnerable to private lawsuits claiming denied access because of failure to comply with ADA rules. Kaslow says he encourages self storage owners to ensure they are meeting current ADA requirements so they don’t invite lawsuits.

“Any person denied access because of their disability can bring a lawsuit under Title 3 of the Americans with Disabilities Act,” Kaslow says. If they are successful, Kaslow says, non-compliant self storage owners will not only have to incur the cost to make their storage facility accessible, but they will pay the plaintiff’s attorneys fees.

“The one thing you don’t want to have is a facility with no handicapped parking spaces out front,” Kaslow says. “A violation like that is like drawing a target on your facility to invite lawsuits” on that and other ADA violations.

Burton says commercial buildings as a whole are not significantly out of compliance with the new ADA standards.

“Non-compliance in commercial buildings is relatively low,” Burton says. “We’ve had a lot of years for people to be aware of this.”

See ADA, page 18



Capture your online and mobile business

- **Online reservations**
- **Payments and account management**
- **Top ranking in the major search engines**
- **Mobile websites, mobile apps, mobile advertising!**
- **Over 200 online partners and directories**

Find out what else we can do for you.

 **Uncle Bob's**
management



**Exclusive Third Party
Management Partner**

6467 Main Street | Buffalo, NY 14221
1-877-270-4665

unclebobsmanagement.com
ubmanagement@unclebobs.com





**More leads.
More exposure.
Low cost.
That's smart.**



Every day we bid on more than 500,000 keywords on Google. As a member of the CubeSmartSM Network, this results in more leads for you. Plus, becoming a member is risk-free - you only pay when you receive leads.

CubeSmartSM Network Partners Receive:

- Top 5 Google search listing for self-storage
- National search engine marketing campaigns
- Industry-leading cubesmart.com website presence
- Social media & PR campaign exposure
- National Sales Center access
- Expert tips via our Network partner blog

Call to find out how you can receive 5 FREE leads!
www.cubesmart.com/networkpartners | 877-264-9749

Can you afford to lose 37% of your business by 2016?

Join us for our FREE SBOA webinar:
Trends in Mobile Marketing
 Wednesday, March 28th at 2pm (EST)

Register for Free
www.cubesmart.com/SBOAwebinar


ADA, from page 16

Beyond the 5% handicapped accessible requirement for self storage facilities, other updates to ADA affecting all commercial building types will impact self storage, Burton says. Those include major changes to the existing regulations on bathroom measurements, turning radiuses and placement of bath fixtures. Measurements have also changed for reach ranges which affect how far a handicapped person might have to reach across a counter to touch a light switch or hand sanitizer dispenser.

The new ADA rules now provide greater protection to users with service animals, generally defining those animals as dogs that cannot be barred from buildings.

Wilbern says the ADA requirements provide greater guidance on what remedies are considered reasonable accommodations for handicapped patrons. Self storage operators often face a challenge in making outdoor units wheelchair accessible because of lips meant to keep rainwater out of storage units. Wilbern says small rubber access ramps are a reasonable accommodation to that issue.

Where the new ADA regulations don't provide more clarity is on the issue of rollup doors for self storage units, Wilbern says. It's unreasonable to expect owners to install 5% of their units with motorized doors, Wilbern says. Where the expectation is vague, Wilbern says he'd spec a pair of swing doors. "We would have liked an answer on that question," Wilbern says. ❖




SELF STORAGE SALES NETWORK

Proven Results.

National Presence.

Unmatched Expertise.



Since 1994, Argus has been the leader in self-storage brokerage. Argus Broker Affiliates have over \$1 Billion in sales history and the experience needed to find solutions for this unique property type.

Call or visit our website today to learn more.

1-800-55-STORE
www.argus-selfstorage.com