



**GEORGIA STATE FINANCING AND INVESTMENT COMMISSION
CONSTRUCTION DIVISION**

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INTER-OFFICE MEMORANDUM

To: State Fire Marshal

From: GSFIC/State ADA Coordinator's Office

Subject: Technical Assistance for Georgia Accessibility Code

Date: June 2014 Revised

General – Georgia Accessibility Code (120-3-20 (.01- .08)) Q & A

Question: What is the Georgia Accessibility Code?

Answer: The Georgia Accessibility Code is the *state* accessible design regulation adopted by the Safety Fire Commissioner (Chapter 120-3-20), pursuant to authority established under Chapter 3 of Title 30 of the Official Code of Georgia. The Georgia Accessibility Code establishes the minimum state standards for accessibility in covered government buildings, public buildings and facilities receiving permits for construction or renovation after July 1, 1997 which were revised in March 14, 2012. At that time the State Fire Marshal's Office adopted new standards, following the Federal Department of Justice, entitled the 2010 ADA Standards for Accessible Design.

The design standards set forth in the Georgia Accessibility Code are required to meet the minimal requirements set forth in the Americans with Disabilities Act Accessibility Guidelines – the 2010 ADA Standards for Accessible Design

Question: Who enforces the Georgia Accessibility Code?

Answer: Three entities are responsible for enforcement of the Georgia Accessibility Code, Chapter 120-3-20, The State Fire Marshal's Office, The Board of Regents and Local Governing Authorities.

Refer to O.C.G.A. Title §30-3-7 (a)(1) “Except for buildings under the jurisdiction of the Board of Regents of the University System of Georgia, all buildings subject to the jurisdiction of the Safety Fire Commissioner pursuant to Code Section 25-2-12 and subsection (c) of Code Section 25-2-13 shall be subject to the jurisdiction of the Safety Fire Commissioner for purposes of enforcement of this chapter “(c) Local governing authorities shall be responsible for the administration and enforcement of this chapter with regard to all government and public buildings and facilities which are not under the jurisdiction of the Safety Fire Commissioner or board of regents, pursuant to subsections (a) and (b) of this Code section and which are under the jurisdiction of such local governing authorities.”

Variances from the Georgia Accessibility Code may only be granted from the Commissioner of Insurance. See O.C.G.A. Title § 30-3-7 (a) (C) “Upon a showing that full compliance with any particular requirement or requirements is impractical or not necessary to accomplish the purposes of this chapter, the Commissioner may exempt a building from full compliance with the requirement or requirements and approve plans and specifications which do not conform, or which only partially conform, to the requirement or requirements.”

Question: What is the relationship between the Georgia Accessibility Code and the Americans with Disabilities Act Accessibility Guidelines (ADAAG)?

Answer:

When the Department of Justice adopted new accessibility regulations and standards in July of 2010, entitled the 2010 ADA Standards for Accessible Design, its usage became mandatory on March 15, 2012. To assure that our state was enforcing the minimum requirements of ADAAG, the State Fire Marshal’s Office followed suite by revising The Georgia Accessibility Code, which adopted the same regulations and standards, the 2010 ADA Standards for Accessible Design, on March 14, 2012. However, the ADA and our state accessibility law, Title 30, have separate requirements and our state does not enforce the ADA. The ADA has 5 titles that govern accessibility which are not fully incorporated in the 2010 ADA Standards. Titles I, II, and III of the ADA all have sections that address construction of buildings and surrounding sites.

Note: State and local fire and building officials review and inspect pursuant to authority under the Georgia Accessibility Law (O.C.G.A. 30-3-7). Neither state nor local officials have authority to enforce the ADA – which is a Federal civil rights statute – on behalf of the Federal government. Rather, the ADA relies on traditional method of case-by case enforcement in response to complaints. It does not contemplate Federal ADA inspections similar to those conducted under Georgia’s Accessibility Law.

TEB
State ADA Coordinator’s Office