

661—302.1(103A,104A) Purpose and scope. Rules 661—302.1(103A,104A) through 661—302.20(103A,104A) are intended to ensure that buildings and facilities used by the public are accessible to, and functional for, persons with disabilities. Rules 661—302.1(103A,104A) through 661—302.11(103A,104A) apply statewide to new construction, renovation, and rehabilitation projects on existing buildings and facilities when local or state building codes require compliance with standards for new construction.

Some requirements contained in rules 661—302.1(103A,104A) through 661—302.11(103A,104A) are not readily enforceable through the plan review process and may not be enforced through this means. Any of the requirements may be enforced during inspections in jurisdictions which inspect construction projects for compliance with building code requirements. Owners and operators of buildings and facilities subject to the provisions of rules 661—302.1(103A,104A) through 661—302.11(103A,104A) are responsible for compliance with any applicable requirements contained within these rules regardless of whether those requirements are enforced through plan reviews or inspections.

Rules 661—302.2(103A,104A) through 661—302.11(103A,104A) are based upon the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) and in many instances adopt the language of ADAAG by reference. However, state and local building officials charged with enforcement of rules 661—302.2(103A,104A) through 661—302.11(103A,104A) are unable to warrant the acceptance of any interpretation of ADAAG language by federal agencies or any other state. A state or local official's decision to approve a building plan under rules 661—302.2(103A,104A) through 661—302.11(103A,104A) does not prevent the federal government or another state from making a different decision under ADAAG or other applicable law, notwithstanding any similarities among such laws.

NOTE A: See rule 661—302.20(103A,104A) for specific requirements within the individual dwelling units and public and common use spaces of multiple dwelling unit buildings.

NOTE B: Other federal and state laws address requirements for accessibility for persons with disabilities and may be applicable to buildings and facilities subject to rules 661—302.1(103A,104A) through 661—302.20(103A, 104A). Nothing in these rules should be interpreted as limiting the applicability of other provisions of state or federal law. These provisions include, but are not limited to, the following:

1. Iowa Code chapter 216, the Iowa Civil Rights Act of 1965.
2. Iowa Code chapter 216C, which enumerates the rights of persons who are blind or partially blind and persons with physical disabilities.
3. Iowa Code chapter 321L and 661—Chapter 18, which relate to requirements for parking for persons with disabilities.
4. The federal Architectural Barriers Act of 1968 (Public Law 90-480).
5. The federal Rehabilitation Act of 1973 (Public Law 93-112).
6. The federal Fair Housing Act of 1968 (Public Law 90-284), the federal Fair Housing Amendments Act of 1988 (Public Law 100-430), and related regulations, including 24 CFR 100, Subpart D.