

Architectural Barriers Act of 1968 (“ABA”) (42 U.S.C. § 4151 et seq.)

Cultural organizations that use federal funds to design, construct or alter a building must comply with a minimum level of physical accessibility.

The Architectural Barriers Act applies to buildings constructed or altered by, on behalf of, or for the use of the federal government, to federal leases and to buildings: . to be financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if such building or facility is subject to standards for design, construction or alteration issued under authority or the law authorizing such grant or loan; or to be constructed under authority of the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact. Other buildings or facilities constructed by recipients of federal funds are subject to Section 504 of the Rehabilitation Act, which requires all new construction and alterations to be accessible. Regulations implementing Section 504 “deem” compliance with the Uniform Federal Accessibility Standards (UFAS) to be in compliance with Section 504. Both statutes require accessible construction, so the compliance obligation for new construction is the same. ABA requirements do not address the activities or programs conducted in those buildings and facilities.