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STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

LETTER NO. _____

JUN 30 1998

COMPTROLLER'S MEMORANDUM NO. 1998-19

TO: Heads of Departments

SUBJECT: Policy Guidelines and Procedures for Leasing Office Space to Ensure Program Access for Persons with Disabilities

The State of Hawaii through its Department of Accounting and General Services, Leasing Services Branch, has adopted the following policy guidelines relating to the leasing of office space for the Executive Branch.

GENERAL

1. Programs and activities of State agencies occupying leased office space/buildings will, when viewed in their entirety, be accessible to all persons. This will be achieved through the leasing of buildings which meet minimum facility requirements for program access, or are achieved programmatically by the user agency.
2. The State shall attempt to lease space which most nearly meets, or when altered, will meet minimum requirements for program access, in accordance with the Americans with Disabilities Act.
3. Minimum Access means:
 - A. At least one accessible entrance complying with ADAAG 4.14. Such entrance shall be an entrance used by the general public (i.e., not a service or freight entrance).
 - B. At least one accessible route complying with ADAAG 4.14 to the Premises where lessee's functions are conducted.
 - C. If toilet facilities are provided:
 - (1) One (1) toilet facility for each sex in the building; or
 - (2) One (1) unisex toilet. However, if alterations are being done as a condition of the State's occupancy, a unisex toilet is acceptable only if alterations to existing toilet facilities for each sex are technically unfeasible as defined in ADAAG 4.1.6 (1) (j);

(3) The State will choose the option which provides greater access. Said toilet facilities shall conform with ADAAG 4.22, 4.23, and 4.1.6 (3) (c).

D. Accessible parking complying with ADAAG 4.1.2 (5) [(a) - (c)], 4.1.3. (8) (b) (I), 4.1.6 9(1) (b), and 4.6 if customer or employee parking is provided and included in the lease.

NEW LEASES

1. All potential office space shall be surveyed by the user department's ADA Coordinator/representative, the agency's program manager/supervisor, and lessor or lessor's representative with technical guidance provided by the Commission on Persons with Disabilities. Results/recommendations shall be transmitted to the DAGS Leasing Services Branch from the user department.
2. DAGS office space standards and any applicable policies/procedures in effect, including the ability for the responsible department to pay for such space shall apply to the selection of new office space.
3. If there are no buildings which meet all of the minimum requirements of this guideline in the desired location, then DAGS Leasing Branch will select the building which most fully complies with this guideline, AND which most closely meets the user's space requirements, AND which can be paid for by the department responsible for the user agency with the following requirements imposed upon the user agency:
 - A. The user agency does not serve the public at this office, or
 - B. The user agency will provide equivalent benefits, programs, services, or activities at another location (which is designated in writing as the alternate site) and which meets the minimum facility requirements for program access set forth in this guideline.

In the event that the State must lease a building which does not meet these minimum guidelines, DAGS Leasing Branch shall not commit to a new lease longer than three (3) years, or shall attempt to negotiate the right to terminate the lease in the event that a suitable property meeting these minimum guidelines becomes available.

LEASE EXTENSIONS

1. If a building was not previously surveyed prior to leasing the space, a site survey shall be conducted as mentioned above.
2. If the current building does not meet these minimum guidelines, suitable buildings meeting minimum guidelines shall be pursued subject to paragraphs 2 and 3 under "NEW LEASES."

OTHER

1. All interior improvements/alterations done on behalf of the State, must comply with the minimum requirements of HRS 103-50 and HRS 103-50.5 and shall be reviewed by the Commission on Persons with Disabilities for compliance prior to construction and upon construction completion.
2. All costs associated with the relocation to buildings meeting these minimum guidelines will be at the user agency's cost, unless negotiated into a new lease.
3. The above are only the minimum requirements prior to entering into a new lease or when renewing a lease. Further modifications may be required to increase physical access to meet a user department's needs to provide access to its program or services or to provide reasonable accommodation to a qualified employee with a disability.


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State Comptroller