

# Taken to Access

Volume 3, Issue 1 \* January 1, 2014

**Question of the month:**

**Q. When barriers are identified in a location where we (Sutter Health) are the tenant, who is ultimately responsible for the remediation, the tenant or the landlord?**

R. According to 2010 ADA Title 3 Regulations Section 36.201 (b): *“Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation are subject to the requirements of this part.* (The meaning of **this part** is a reference to general requirements stated throughout the Regulations including prohibition of discrimination or denial of participation.) *As between parties, allocation of responsibility for complying with the obligation of this part may be determined by lease or other contract.”*

In other words, the terms of the existing lease, will help identify the responsible party. When these issues/inquiries come up, an FPS Real Estate or Asset Management representative must be consulted as they will know the appropriate and pertinent lease terms and can help negotiate different terms at lease renewal time. See their contact information below.

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## HAPPY NEW BARRIER FREE YEAR!

With the new year come new and exciting things. For one, Sutter’s Marketing Department has designed a new look for the Taken to Access newsletter. We find the new design modern, slick and in line with other Sutter Health Communications. We hope you enjoy it as well.

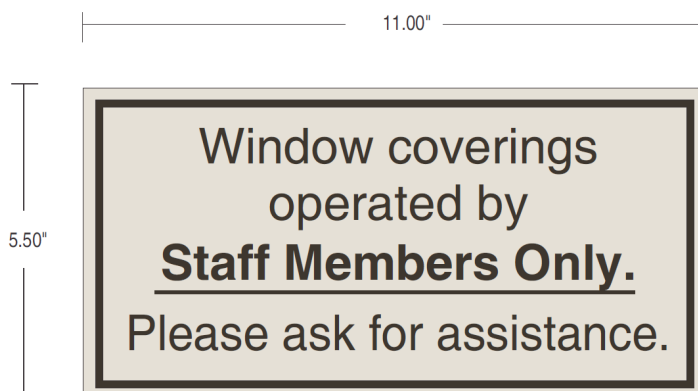
Last month we discussed 2013 CBC coming into effect. As of today, all projects submitted for plan review will have to comply with 2013 CBC and 2010 ADA. Remember, although the new code has been combined with the ADA Standards there are still many aspects of the ADA law that apply to processes, policies and procedures and must be considered during design.

During the latter part of 2013 FPS PAC focused on obtaining Class Counsel approval of ABRP’s and we are now prepared to report barrier removal progress on behalf of all affiliates. We’ll continue to assist affiliates in defining barrier remediation scope and processing funding requests to ensure that we remove barriers at the appropriate pace... 2017 is right around the corner!

Remember, while some barrier remediation requires significant modifications, there are many that can be resolved using practical solutions without space renovations. In our July 2013 Newsletter we discussed the use of informational signage to remediate window blinds control barriers. Below we’ve included the signage template and wording for your use and reference. We currently have two approved vendors for fabrication and installation. Please contact any of the FPS PAC staff for additional information.

Last, as we get caught up with back years barrier removal progress reporting, we’ll need to ensure that “low hanging fruit” barriers have all been addressed. Additionally, there are many barriers that require sending notifications to cities and landlords requesting remediation. Be sure to send notifications and update logs in preparation for first quarter reporting.

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**Sign Template Characteristics:**

- Background—1/8" Non Glare Acrylic painted (color tbd by affiliate)
- Second surface —2 mil Hp Vinyl (color tbd by affiliate) Verify contrast with font.
- Font—Helvetica / Bold—.625 Cap Ht.
- Mounting—D/S Tape.