

Is the Owner or Tenant Responsible?

Accessibility | Solutions

A large portion of projects received for review and inspection for the American's with Disabilities Act (ADA) and likewise for the Texas Accessibility Standards (TAS) are tenant occupied and not owner occupied. Often, per the lease, it is the tenant's responsibility to make sure the finish out follows all codes. This typically does not extend past the tenant's walls to include the parking and accessible route to the entry. So, who is responsible for these elements if it the tenant's responsibility stops at their door? It depends on who is paying for the work. If the tenant finish out is solely tenant funded, and the owner is not otherwise altering any of the path of travel elements outside of the tenant's suite, then the owner does not have to alter the path of travel elements outside of the suite as a part of this project. If there are owner funds or they provide other concessions, such as free rent, then the owner must ensure the path of travel elements to that project are compliant.

Even where the owner is not contributing any funds or concessions, which may limit the requirement for the additional work, the owner is ultimately responsible for their property and often has an ongoing barrier removal obligation under federal law. If you have any questions regarding compliance for your specific project, please do not hesitate to contact our professionals at Atelier.



A path of travel includes:

- Accessible parking & site arrival points.
- On an accessible route.
- Public Telephones
- Drinking Fountains
- Telephones

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