

MASSACHUSETTS

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

**FY 2018
Massachusetts
Community
Development Block
Grant Program**

**Architectural Barrier Removal
GUIDE**

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ARCHITECTURAL BARRIER REMOVAL

Introduction

Community Development Block Grant (CDBG) funding is one of the few non-local public resources available to help pay for Architectural Barrier Removal (ABR) in public and private buildings. This document explains accessibility regulations, examples of projects eligible for CDBG assistance, the relevant national objective, and considerations that will make a Massachusetts CDBG Program ABR application competitive.

Overview of Accessibility Laws and Regulations

The 1990 Americans with Disabilities Act (ADA) was the first, significant civil rights law passed by Congress since the Civil Rights Acts of the 1960s and early 1970s. ADA imposed sweeping mandates on government agencies from the federal level down to rural town halls and also set standards for privately owned “places of public accommodation” -- restaurants, movie theatres, hotels, office complexes, service centers, retail shops, museums -- all toward the common goal of ensuring equal access to services and programs for severely disabled adults.

Title II of the ADA requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings). State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided. The Department of Justice’s revised regulations for Titles II and III of the ADA were published in the Federal Register on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design, *2010 Standards*. On March 15, 2012, compliance with the 2010 Standards was required for new construction and alterations under Titles II and III. Link: <https://www.ada.gov/regs2010/2010ADAStandards/Guidance2010ADAstandards.htm>

Most ADA compliance problems do not involve newly constructed facilities. This is especially true in Massachusetts, where regulations of the state Architectural Access Board (AAB) meet or exceed the *ADA 2010 Standards*. For cities and towns trying to bring themselves into compliance with a law whose ramifications are still unclear to many, the problem is almost never a new building. Instead, it involves existing structures that provide public services of one kind or another -- a town hall, a senior center, a community or neighborhood facility, a school. Since Title II of ADA requires government entities to prepare a Self-Evaluation and Transition Plan (Transition Plan) and make all “readily achievable access” improvements to existing structures,

deciding what and when something becomes “readily achievable” is where many local disagreements and misunderstandings begin.

Nearly every community was already mandated to make certain services and programs accessible long before Congress enacted ADA. The use of federal funds to build or improve public buildings, and to finance services or programs contained in public buildings, already triggered compliance with the Architectural Barriers Act (ABA) and Section 504 of the Rehabilitation Act of 1973. CDBG requires that municipal programs and services be equally accessible. Such compliance can be achieved through “programmatic access,” which includes both the physical relocation of services or programs into areas of existing buildings that are barrier-free, or restructuring the manner in which services are delivered so that they are accessible to all. If programmatic access can be readily achieved no further barrier removal activities may be necessary, or eligible. To ensure that proposed CDBG activities are in fact eligible, it is important that applicants fully address programmatic access.

Accessibility compliance can be confusing for local officials, service providers, and small businesses because there are different sets of rules for different projects, or for the same type of activity in publicly versus privately owned buildings. It is vital to note that construction and rehabilitation projects are governed by a number of overlapping codes and regulations, all of which must be complied with but all such compliance activities may not be eligible CDBG expenses. It is also important to note that all CDBG-funded public facilities projects, whether or not they are specifically intended as architectural barrier removal, are governed by ADA and the regulations of the Massachusetts Architectural Access Board.

Summary of regulations and codes that must be taken into consideration:

- Section 504 of the Rehabilitation Act of 1973 protects individuals against discrimination related to disabilities. Guidelines pertain to construction, housing, and social services among other activities. Building standards are identified for new construction, and substantial rehabilitation. Because Section 504 is triggered by federal assistance to a program or project, Section 504 does not apply if no federal funding is involved.
- The federal Fair Housing Act requires projects centered on multi-family dwellings to meet the design and construction requirements described in 24 CFR 100.205.
- ADA is a civil rights law that places a compliance burden on public and private entities regardless of whether they receive any federal assistance. As such, it is enforceable through the federal courts on both statutory and constitutional grounds. Complaints may be taken into court on behalf of aggrieved parties with standing by the U.S. Justice Department. Connected to ADA are the *ADA 2010 Standards*, which should be utilized for all architectural barrier removal and other accessibility projects regardless of funding source.

- The Architectural Barriers Act of 1968 (ABA) requires that certain buildings financed with Federal funds must be designed, constructed, or altered in accordance with standards that ensure accessibility for persons with physical disabilities. ABA covers any building or facility financed in whole or in part with Federal funds, except privately owned residential structures. The United States Access Board develops and maintains accessibility guidelines under this law. These guidelines serve as the basis for the standards used to enforce the law, the Uniform Federal Accessibility Standards (UFAS). Four Federal agencies are responsible for the standards, including HUD. Usually, if a facility or building is built to meet the requirements of Section 504 and ADA it will conform to the requirements of the ABA.
- The Massachusetts Architectural Access Board (AAB) covers all new construction of public buildings and facilities, and all additions to, reconstruction, remodeling, and alterations or repairs of existing public buildings or facilities, which require a building permit or which are so defined by a state or local inspector are subject to Massachusetts AAB. AAB regulations are in 521 CMR. It is enforced locally by building inspectors. The AAB rules are generally triggered by the cost of improvements to an existing building, and by all new non-residential construction as well as residential uses involving a certain number of dwelling units. Communities may seek waivers from the AAB regulations. Applications should be made directly to the AAB itself and are not issued by local building inspectors. Instead, the AAB itself has jurisdiction over regulatory variances. Because they will affect the scope of the project, such waivers should be sought prior to applying for CDBG funding.
- State and Local building, plumbing, electrical and fire safety codes, enforced by local building inspectors and fire marshals, must be met in order to receive building permits or certificates of occupancy.

Note: It is DHCD's policy that all newly designed and constructed multi-story public facility buildings financed in whole or in part with CDBG funds must provide interior access by an elevator.

Eligibility

Title I of the Housing and Community Development Act of 1974, as amended, includes an extensive list of activities eligible for CDBG assistance. At Section 105(a)(5) of Title I, architectural barrier removal projects are eligible within the following parameters:

Special projects directed to the *removal* of material and architectural barriers, which restrict the mobility, and accessibility of elderly and severely disabled adults.¹

¹ CDBG regulations at 24 CFR 570.483 (Criteria for national objectives) provide in paragraph (a) (2) Limited clientele activities, that activities which, "benefit a clientele who are generally presumed to be principally low and moderate income persons," include "adults meeting the Bureau of the Census' Current Population Reports definition of *severely disabled*." HUD has determined that developmentally disabled persons may also meet the Bureau of the

Elsewhere in Title I, Congress extended the provisions of Section 504 of the Rehabilitation Act of 1973 to programs and activities financed in whole or in part with CDBG funds. [See Section 109(a).] It is very important for communities to understand that, whether or not a CDBG-assisted activity is specifically directed to the “removal of material and architectural barriers,” **all CDBG-assisted activities must be carried out in such a way that services and programs are accessible to disabled persons.** Even if ADA had never been enacted, federally assisted projects are still required to comply with Section 504.

For example, if a community uses CDBG funds to pay for public social services, the services must be provided in a manner that makes them as accessible to disabled persons as they are to non-disabled persons. Commercial façade programs must consider readily achievable access in the design of a rehabilitation project. In this context readily achievable access is based on the *ADA 2010 Standards*.

Construction

While all building codes must be met in a construction project, **compliance with most codes cannot be considered as directly related to removing existing architectural barriers.** In most instances, work required to meet these codes, even though it may be closely associated with or required in order to receive a permit for the barrier removal project, is not eligible **as an ABR project under Section 105(a)(5)**. For example:

1. A town hall currently has only one bathroom with a single toilet. Based on current and proposed occupancy, the plumbing inspector has determined that five toilets are required. The architectural barrier removal portion of the project is restricted to expansion of the bathroom to accommodate a wheelchair and the purchase and installation of the replacement toilet and sink. If the community elects not to use a unisex accessible bathroom but incorporate accessible features in two new gender-specific bathrooms, a pro-rated portion of the costs may be eligible **as a barrier removal project**; the community should consult with CDBG staff prior to initiating design. In most cases the additional fixtures and plumbing, that is, beyond those necessary to remove the existing barriers, and upgrades or improvements to existing plumbing, will not be eligible costs.

Census definition of *severely disabled* for purposes of meeting the national objective if the individual meets the following definition of a severely handicapped person: Persons are classified as having a severe disability if they: (a) used a wheelchair or had used another special aid for 6 months or longer; (b) were unable to perform one or more functional activities or needed assistance with an Activity of Daily Living or Instrumental Activity of Daily Living; (c) were prevented from working at a job or doing housework; or (d) had a condition including autism, cerebral palsy, Alzheimer's disease, senility, or mental retardation. Additionally, persons who are under 65 years of age and who are covered by Medicare or receive SSI are considered to have a disability (and a severe disability). Functional activities include seeing, hearing, having one's speech understood, lifting and carrying, walking up a flight of stairs, and walking. Activities of daily living include getting around inside the house, getting in and out of bed or a chair, bathing, dressing, eating, and toileting. Instrumental Activities of Daily Living include going outside the home, keeping track of money or bills, preparing meals, doing light housework, and using the telephone. **NOTE: Architectural Barrier Removal pertains only to adults; activities such as school barrier removal are not considered eligible under the Housing and Community Development Act.**

2. A building to be provided with an elevator currently has a single means of egress. In order to get a building permit or certificate of occupancy for the elevator project a second means of egress is mandated. While the town can upgrade the existing stairway to meet the access codes, construction of a new stairway is not eligible **as an ABR project under Section 105(a)(5)**, even though the barrier removal project may not otherwise receive a building permit. Similarly, if two means of egress currently exist, even if they do not themselves meet the fire codes, construction of an additional fire-code compliant egress is not eligible as barrier removal. It is possible that an elevator project might require removal of a code-compliant means of egress. In that instance a replacement means of egress may be considered. In such instances prior consultation with CDBG staff is strongly recommended.

It should be noted that all new construction, including additions to existing buildings, must be built in such a manner as to fully meet the AAB regulations. All features, such as bathrooms, must be built fully accessible, even if the building already contains such features. Therefore, ABR improvements associated with construction of a building addition are not eligible ABR costs. *Note: Not all work required to meet the AAB's requirements for full access constitutes architectural barrier removal.*

Below are some examples of CDBG-eligible barrier removal activities.

- Installation of a wheelchair lift or an elevator in a public building, or a private facility that provides public services
- Installation of a new ramp into a public building, and related entranceway modifications
- Rehabilitation of public restrooms in a town hall, a library, or a multi-service center in order to make them accessible to severely disabled patrons (upgrades to existing plumbing systems are not eligible, even as part of eligible barrier removal activities)
- Installation of special signage and communication devices to assist visually or hearing impaired persons, including entrance and exit signs, fire alarms or smoke detectors, international symbol signage to identify handicapped accessible restrooms (upgrades to existing electrical systems, except in the instance where such service is required to run an elevator or chair lift, are not eligible)
- Installation of an entry ramp, entry and interior path of travel modifications to a three-unit rental property in which a ground-floor unit is also accessible, or made accessible as part of a housing rehabilitation activity
- Installation of automatic door-opening devices
- Interior modifications including widening of doorways, path-of-travel changes to accommodate forward, rear, and turning radius wheelchair movement

- Installation of curb cuts, sidewalk ramps and related traffic, parking and pedestrian signage designed to remove access barriers for the elderly and severely disabled adults
- Programs that assist commercial property owners to remove architectural barriers in storefronts and inside their buildings, such as entry ramps, automatic door-opening devices, communication systems, interior realignments designed to achieve wheelchair mobility

Note: Although CDBG assistance is normally prohibited in buildings for the general conduct of government, projects that are limited to the removal of architectural barriers in a town or city hall can be CDBG eligible.

National Objective

A project designed to remove material or architectural barriers categorically meets the national objective of benefit to low and moderate-income persons as a limited clientele activity under 24 CFR Part 570.483(b)(2)(iii), which states:

An activity that serves to remove material or architectural barriers to the mobility or accessibility of elderly persons or of adults meeting the Bureau of the Census' Current [Population](#) Reports definition of “severely disabled” will be presumed to qualify under this criterion (LMI/limited clientele) if it is restricted, to the extent practicable, to the removal of such barriers by assisting:

- (A) The reconstruction of a public facility or improvement, or portion thereof, that does not qualify under [§ 570.483\(b\)\(1\)](#) [LMI/area benefit];
- (B) The rehabilitation of a privately owned nonresidential building or improvement that does not qualify under [§ 570.483\(b\)](#) (1) [LMI/area benefit] or (4) [LMI/jobs]; or
- (C) The rehabilitation of the common areas of a residential structure that contains more than one dwelling unit and that does not qualify under [§ 570.483\(b\)\(3\)](#) [LMI/housing].

A caveat on national objective compliance: An activity that includes both architectural barrier removal and general rehabilitation will not meet the LMI/limited clientele national objective as an “activity that serves to remove material or architectural barriers” “unless the other rehabilitation work is directly necessitated by accessibility modifications. As a rule, rehabilitating a public facility (or any building) beyond the scope of barrier removal must meet a national objective in its own right.

Program Design Considerations: Accessibility in Public Buildings

New Construction

CDBG eligibility and national objective compliance are based on removing existing barriers in publicly or privately owned non-residential buildings. New construction must be done in a way that does not create barriers; therefore new construction as a method for removing existing architectural barriers is not an eligible CDBG activity.² For more information on Accessibility requirements for new construction please see the Technical Assistance Guide for Public Facilities and Infrastructure. The focus here is on existing structures and facilities. Because of this, a community must be diligent in terms of identifying the programs and services that are (a) most needed by handicapped and elderly persons and (b) most constrained by physical barriers. Unless a community plans to spend an enormous amount of money on architectural barrier removal, the project will probably not produce a completely barrier-free building. Instead, the result will be “readily achievable” access given local needs and available funds.

ADA Self-Evaluation Survey and Transition Plan

All municipalities applying for CDBG funds must submit a copy of its ADA Self-Evaluation Survey and Transition Plan (Transition Plan) or provide a statement that the municipality does not have one. If a municipality does not have a current Transition Plan, it will be referred to the Massachusetts Office on Disability (MOD) for execution of an MOU towards development of a Plan.³ If the community is applying for assistance with an ABR project, it must submit a copy of its locally approved Transition Plan. If a municipality does not have an approved Transition Plan, it may not receive funding for an ABR project. The ADA was enacted in 1990 and requires local governments to evaluate for accessibility all of its programs and services that had not previously been reviewed under Section 504 of the Rehabilitation Act of 1973. The ADA required preparation of a Transition Plan for removal of programmatic and structural barriers to its programs and services, and set forth a process for involving the community in the development of the Transition Plan. Programmatic removal of barriers must be fully explored before considering CDBG funding for structural barrier removal. Completion of the Transition Plan is a required threshold for Architectural Barrier Removal applications.

It is the responsibility of each community to ensure that its Transition Plan is consistent with federal regulations. A community’s request for Massachusetts CDBG funding must be consistent with the priorities set forth in these locally developed documents. Communities may wish to contact the [MOD](#) or

²In Massachusetts, all new non-residential construction must comply with handicapped access laws and the Architectural Access Board’s (AAB) building codes. It is possible to show that achieving access in an existing building requires an expansion in addition to building alterations. How access is achieved depends on the features and constraints of the facility with architectural barriers. If new construction is contemplated, consultation with CDBG staff is strongly recommended. More detailed information is available on the [AAB website](#).

³ Massachusetts Office on Disability contact information:

David D’Arcangelo, Director
Massachusetts Office on Disability
One Ashburton Place, Room 1305
Boston, MA 02108
Phone: (617) 979-7317
Email: david.darcangelo@MassMail.State.MA.US

the [U.S. Department of Justice](#) for specific questions regarding the ADA and the Rehabilitation Act of 1973.

Historical Buildings

If the building to be modified is also historically significant, there are other parties who should be involved in the decision making process. They include -- at a minimum -- the local historical commission and the State Historic Preservation Officer at the Massachusetts Historical Commission. This process must include, but may not be limited to Environmental Review procedures under 24 CFR Part 58, which is required prior to any commitment of funds or project implementation.⁴ There may also be a private, non-profit historic preservation group that will be concerned with how the important architectural features of a building are changed as a result of barrier removal.

Compliance with AAB

Finally, a substantial project in a public or private building, regardless of whether it is directed at barrier removal, will probably require compliance with the regulations of the state Architectural Access Board (AAB). The local building inspector should be consulted to determine whether AAB requirements must be met. Building Inspectors do not have the authority to suggest compliance alternatives to 521 CMR, as they do for 780 CMR, and accordingly they are required to strictly enforce the AAB Rules and Regulations. The Board alone has the authority to grant variances for alternative compliance solutions and relief from strict compliance with the code, in addition to the *ADA 2010 Standards*.

Unlike the federal guidelines that implement Section 504 or ADA, the state Architectural Access Board administers a building code. It takes effect when the total cost of building improvements exceeds certain thresholds. The regulations of the AAB covering existing buildings can be found at 521 CMR 3.3, which states in part:

If the work being performed amounts to less than 30% of the *full and fair cash value* of the *building* and

- a) if the work costs less than \$100,000, then only the work being performed is required to comply with 521 CMR, or
- b) if the work costs \$100,000 or more, then the work being performed is required to comply with 521 CMR. In addition, an *accessible public entrance* and an *accessible toilet room, telephone, drinking fountain* (if toilets, telephones and drinking fountains are provided) shall also be provided in compliance with 521 CMR.

The regulations further state:

If the work performed, including exempted work, amounts to 30% or more of the *full and fair cash value* (see 521.CMR 5.00) of the *building* the entire *building* is required to comply with 521 CMR) Where the cost of constructing an addition to a building amounts to 30% or more of the full and fair cash value of the existing building, both the addition and the existing building must be fully accessible.

⁴ Refer to Massachusetts CDBG Program Implementation Manual, Chapter 10.

DHCD strongly recommends that applicants obtain a copy of the AAB regulations (521 CMR) and consult with AAB staff yearly in the project planning. *It can be difficult to obtain a variance from the state code; do not assume that one will be granted. If there is a question as to whether a variance is required an application may lose points on the “Project Feasibility and Readiness” question.*

Planning and Design

After identifying all of the groups or individuals who may have an interest in the project, the community should convene a planning meeting. Several sessions may be necessary to resolve conflicts. Once there is general consensus about the acceptable scope of the project, modification alternatives, and an understanding of all of the rules that must be met to achieve the desired level of barrier removal, the community should seek out architectural services in order to translate goals into design plans and construction specifications.

Note: Identification of groups and individuals having an interest in the project will likely help define the project need, an important element of Question #1 in the FY 2017 Massachusetts CDBG Application.

Architectural design is an eligible CDBG cost. In cases where national objective compliance is based on removal of architectural barriers (such as in town halls) and the scope of the work includes elements that go beyond strict barrier removal, CDBG funds can only be used to pay for the design of the eligible barrier removal portion. Applications for ABR projects with construction costs of \$100,000 or more require bid-ready plans and specifications. Projects with construction costs less than \$100,000 but more than \$25,000 require design development drawings. Communities may apply for CDBG funding for these plans in one year and for construction funding based on those plans in a subsequent year; applicants for design funds should be sure to differentiate between barrier removal and other proposed rehabilitation or code compliance work in their application.

The process for municipalities and related authorities to contract for design services is governed by the Massachusetts Designer Selection Board (DSB) law. Massachusetts General Laws Chapter 7C, Section 54 (a) states:

“Every contract for design services for any building construction, reconstruction, alteration, remodeling, or repair estimated to exceed one hundred thousand dollars (\$100,000) by any city, town or agency, board, commission, authority or instrumentality thereof, other than housing authorities and projects requesting funding from the [Massachusetts School Building Authority] shall be awarded only after a selection procedure adopted in writing, prior to publication requesting applications, complying with the purposes and intent of sections 44 - 58, inclusive, and the following requirements [listed in Section 54 (a)].”

The community is required to use a Designer Selection Committee to evaluate architectural proposals, rank-order the competing firms and as a rule, select from the top three. The Massachusetts CDBG Program recommends that you obtain a copy of a publication produced by

the state Office of the Inspector General titled, [Designing and Constructing Public Facilities](#), for specific guidance on the designer selection process in Massachusetts. Also refer to the [Massachusetts DSB website](#) for further guidance with designer evaluation.

The Request For Qualifications (RFQ) should not only require evidence that the architect or firm meets these minimum requirements, but the names and addresses of appropriate contact persons in the client communities to find out how the architect performed, how well he or she worked with local constituencies, and whether any problems came up during the project. The architect hired will be the most important ally in the accessibility design process. This means selecting someone who is comfortable with citizen groups, can stick by a timeline, and who knows all of the regulations that will come to bear on the project.⁵

Once the design phase is complete, issuing construction plans and specifications in order to hire a general contractor to do the requisite work will be done. In some instances, the community may be seeking equipment and installation bids -- for example, to retrofit and install a wheelchair lift in a town building. Collaboration with the architect, the town's procurement officer, Town Counsel or the City Solicitor, and the individual who will be responsible for overseeing the project will ensure that the bid documents include all required federal and state contract provisions. The Massachusetts CDBG Program requires that the DHCD standard form construction contract be used for this purpose, modified as appropriate by the Town Counsel or on the recommendation of the architect.

The construction process for accessibility projects in public buildings is the same as that described in the FY 2017 Massachusetts CDBG Program *Infrastructure and Public Facilities* Technical Assistance Guide. In general, the project implementation plan must account for these steps:

- Procurement and award for designer services
- Architectural design (or engineering) phase(s)
- Preparation of plans, specifications and bid documents
- Construction bidding
- Contract award
- Pre-construction conference
- Construction phase - labor standards/wage and payroll monitoring
- Inspections to pay invoices
- Final inspections and contract monitoring
- Retainage held - final retainage released
- Close-out

⁵ Bidding for public building projects will mostly fall under Massachusetts General Laws (MGL) Chapter 149, while public horizontal construction procurement will be subject to Chapter 30, Section 39M. (Refer to [Designing and Constructing Public Facilities](#).) All CDBG-funded procurement must meet federal procurement standards of 2 CFR 200, which Massachusetts law meets or exceeds.

Special Considerations for Designer Selection

The process for procuring design services and procuring construction services is outlined below. Some special considerations should be noted in selecting architects for barrier removal projects. Given that ADA 2010 Standards and Massachusetts AAB will both apply to these projects, it is vital that architect have previous experience with accessibility design in public buildings in Massachusetts. If the building is on or eligible for listing on the National Register, also it is advisable to include a selection criterion that requires previous experience with historically significant buildings and National Register eligibility, and the process by which the State Historic Preservation Officer can determine that strict adherence to ADAAG will have an *adverse effect* on the building. Ideally, the selected architect will be:

- Properly licensed to provide the services you need

Experienced with Massachusetts AAB regulations and the Massachusetts Building Code; state and federal construction procurement laws governing public buildings; federal Davis-Bacon and state prevailing wage rate requirements

- Experienced with historic preservation principles, and how to accommodate both preservation and accessibility in older buildings
- Experienced with Massachusetts and federal labor standards and procurement requirements

Procurement Considerations: Privately Owned Buildings

A key distinction between the requirements for accessibility modifications in public buildings and private buildings involves the contract awarding authority. When using CDBG or other funds to work on a public building, the municipality is awarding design and construction contracts and must meet a host of requirements that are unique to public procurement and the types of facilities involved. However, modifications to a privately owned building, such as a non-profit organization's social service center or a commercial property in the downtown, usually involves a contract between two private entities -- the property owner, and the contractor. In such cases, state procurement laws will not apply. State prevailing wage requirements are triggered by the award and execution of a contract by a public entity. Federal wage rates are triggered by the use of federal funds on a construction project, and therefore apply to private building construction except in the case of many private housing rehabilitation projects.

In privately owned buildings, procurement and contracting are governed by federal regulations found at 2 CFR Part 200. State prevailing wage rates do not have to be considered so long as a private property owner and contractor execute the construction contract. However, federal wage rates required by the Davis-Bacon Act must be paid for all on-site labor in any construction contract of \$2,000 or more. Construction bid documents must incorporate the DHCD standard form construction contract, which includes this rule, and project implementation plan must account for a process by which federal wage rate compliance is monitored and enforced. ***Note: The Massachusetts CDBG Program recommends that the municipality as grant recipient manage the procurement process on behalf of a private owner in order to assure full and open competition consistent with 2 CFR Part 200 and cost reasonableness.***

Many of the other suggestions made in the previous section on architect selection should be incorporated into the planning process for accessibility in private buildings, too. At the very least, an architect who is familiar with Massachusetts AAB regulations, has experience with federally funded construction projects and knows ADA Title III should be sought. If the private building is historically significant, or if it is located in a local historic district, both subgrantee and recipient should hire an architect with preservation training as well. *Knowledge of both ADA and historic preservation are absolutely critical to a successful accessibility project in a historically significant building.*

Project Evaluation

Removal of architectural barriers in and of itself does not necessarily make services and programs accessible to disabled and elderly persons, especially those for whom disability is not mobility-related. The results of a barrier removal activity should be evaluated to determine what other, non-bricks-and-mortar changes need to be made in order to accommodate the accessibility needs of various groups. Sometimes, it takes eliminating architectural constraints to see that programmatic strategies still need to be undertaken by the community or the organization that owns a “public accommodation” facility. Success in this area will be greatly enhanced by providing effective opportunities for disabled and elderly persons to shape the design of a building accessibility project from the very beginning.

For more information concerning the use of CDBG funds for architectural barrier removal, please contact the Massachusetts CDBG Program