



DDS Accessibility Variance Request Process

Introduction

All DDS service sites must comply with applicable building codes, contractual agreements, and regulatory requirements.

Residential service sites are required to be accessible to meet the needs of the individuals they serve. Some sites are constructed to meet full Architectural Access Board (AAB) / Americans with Disabilities Act (ADA) standards. These requirements are typically based on the needs of the individuals residing in the home.

Respite and Community-Based Day Service (CBDS) sites must be designed to accommodate all individuals, regardless of their mobility and accessibility needs. These sites must provide fully accessible bathrooms, wider hallways, fully accessible egresses, and provisions to ensure safe and timely evacuation in the event of an emergency.

In certain situations, full accessibility may not be feasible. In such cases, the provider must first initiate a conversation with DDS staff (Regional/Area Office, Operations, and the Office of Quality Management/OQM) to determine whether a variance request is appropriate. Only after this consultation can a provider submit a formal DDS Accessibility Variance Request for consideration and approval.

Key Considerations for Accessibility Variance Requests

The variance request must address the following:

1. **Alternative Site Evaluation**
 - In what ways has the provider exhausted all options for securing a fully accessible site that meets the needs of all individuals, including those requiring mobility/accessibility support?
2. **Programmatic Accessibility (CBDS Only)**
 - Does the provider have a plan to ensure CBDS programming will be accessible on all floors of the proposed site?
3. **Safety Measures**
 - How will the provider ensure the safety of all individuals, regardless of their location within the site?
4. **Evacuation Procedures**
 - What are the provider's strategies to ensure all individuals, including those with mobility impairments, can evacuate within the required timeframe?
 - What plans are in place to ensure evacuation without reliance on elevators in an emergency?

General Approval Process for Any Accessibility Variance

Step 1: Discussion with DDS

- The Provider and Area/Regional Office meet with DDS staff (including Operations and OQM) to discuss the proposed site and determine whether a variance request is appropriate.



- This step ensures that the need for a variance is validated before any formal request is submitted.

Step 2: Submission of Variance Request

1. Provider/Area Office Notification

- Following the initial discussion, if a variance is determined necessary, the Provider and Area Office prepare the variance request and notify the Regional Director (RD).

2. Submission to DDS

- The RD submits the formal variance request to the Office of Quality Enhancement (OQE).

3. Review by OQE

- OQE reviews all variance requests.
- For CBDS sites, OQE will conduct an Accessibility Site Inspection to assess feasibility.

4. Final DDS Leadership Approval

- The request and inspection findings are forwarded to the Assistant Commissioner of Operations and the Assistant Commissioner of Quality Management for final approval.

Specific Respite Accessibility Variance Information

New site-based respite homes should be designed to serve all individuals, regardless of mobility needs. Fully accessible locations must include:

- At least one bedroom located at grade
- At least one accessible bathroom
- An accessible (ramped) egress
- A structure that allows for full fire evacuation within 2.5 minutes and adherence to the four required fire drills per year

DDS will consider a variance for site-based respite services when there is an urgent need for these services for individuals without mobility needs. If a region already has a sufficient number of accessible respite sites, an additional site may be designated as non-accessible. In this case:

- The site must be listed as non-accessible, and referrals will be made accordingly.
- Full evacuation within 2.5 minutes is still required.
- The site must conduct four fire drills per year.

Specific Community-Based Day Services (CBDS) Accessibility Variance Information

As CBDS service locations need to be prepared to serve individuals with any variety of needs, they need to be fully accessible and ensure safe evacuation in the event of an emergency. Ideally, these programs should be located at grade, and require accessible (ramped) egresses.

Recognizing space constraints and affordability challenges, DDS may approve upper-floor CBDS locations in circumstances where:

- A fully accessible ground-level site is unavailable.



- The provider demonstrates compliance with all fire, building, and accessibility regulations.
- Emergency evacuation plans are feasible and well-documented.

A CBDS site above grade may be considered only if the following conditions are met:

- The provider must demonstrate compliance with all fire and building codes, and full compliance with ADA and 521 CMR accessibility standards.
- Safety Plans must include:
 - Accessible egress routes and multiple evacuation options.
 - Specific evacuation procedures for all individuals, including those with mobility needs.
 - Description of equipment to be used to assist those unable to evacuate independently including but not limited to the number of evacuation chairs (“evacu-chairs”).
 - Adequate staffing to effectuate emergency evacuations.
- Fire Drills:
 - The provider must conduct at least two fire drills per year, testing all evacuation strategies, including the use of evacuation chairs.
 - An Initial Fire Drill Before Occupancy must be conducted, simulating evacuation procedures for all individuals including those with mobility impairments.
- Contingency Planning:
 - Providers must have documented plans for handling changes in individual mobility needs.

Conclusion

The DDS Accessibility Variance Request Process ensures that accessibility and safety remain priorities while allowing flexibility in exceptional circumstances. All providers must carefully consider site selection, programming, and emergency planning when requesting variances. For each request, DDS will issue a final decision based on a comprehensive evaluation of safety, feasibility, and the ability to serve all individuals equitably.