



Unreasonable Hardship and Technical Infeasibility

Determination of Unreasonable Hardship

An unreasonable hardship exists where the cost of providing an accessible primary entrance, restroom facilities, drinking fountains, public phones and signs serving the area is disproportionate to the cost of the project; that is, where it exceeds 20 percent of the cost of the project without these features. Where the cost of alterations necessary to make these features fully accessible is disproportionate, access shall be provided to the greatest extent that it can be without incurring disproportionate cost.

In alterations, where the enforcing agency determines compliance with the applicable standard is technically infeasible, the alteration shall provide equivalent facilitation or comply with the requirements to the maximum extent feasible. The details of the finding that full compliance with the requirements is technically infeasible shall be recorded and entered into the files of the enforcing agency.

Technical Infeasible

Technical infeasible means, with respect to an alteration of a building or facility, that the alteration has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

DEFINITIONS – CBC CHAPTER 2:

TECHNICALLY INFEASIBLE. [DSA-AC] An alteration of a building or a facility, that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

UNREASONABLE HARDSHIP. When the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:

1. The cost of providing access.
2. The cost of all construction contemplated.
3. The impact of proposed improvements on financial feasibility of the project.
4. The nature of the accessibility which would be gained or lost.
5. The nature of the use of the facility under construction and its availability to persons with disabilities.

The details of any finding of unreasonable hardship shall be recorded and entered in the files of the enforcing agency.