

## **OVERSIGHT OF KANSAS ARCHITECTURAL ACCESSIBILITY ACT**

The Attorney General oversees enforcement of the Kansas Architectural Accessibility Act, (KAAA), K.S.A. 58-1301 *et seq.* The statutes encompassing the Act can be accessed at [www.kansas.gov](http://www.kansas.gov) K.S.A. 58-1301 through 58-1310a.

Briefly, the KAAA requires that all facilities covered by the KAAA be designed, constructed and altered so that they are readily accessible to individuals with disabilities. All new, additions to and alterations of such facilities must conform to Title II or III of the Americans with Disabilities Act of 1990. "Facilities" is defined as "all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots or other real or personal property, including the site where the building, property, structure or equipment is located."

The Attorney General is not responsible for directly enforcing the architectural accessibility standards. Rather, the entities responsible for doing so are listed below depending upon the type of facility that is the subject of the complaint:

School facilities	State Board of Education
State government facilities	Secretary of Administration
Local government facilities	Local Government Entity
Privately-owned facilities	Building Inspector or Person designated by Local government entity

The Act does not require that State or local governments enforce the architectural accessibility standards for privately funded facilities built before 1992 that have not been altered since 1992. However, there may be relief through the United States Department of Justice at [www.ada.gov](http://www.ada.gov)

If you have a complaint that a facility covered by the KAAA does not conform to Title II or III of the Americans with Disabilities Act, you can print off the complaint form on our web site, fill it out, and mail it to the Attorney General. Because the Attorney General is responsible only for 'overseeing' enforcement that is the responsibility of other governmental agencies, the following procedure will be utilized for processing accessibility complaints:

1. Log in complaint and open file.
2. Notify complainant of receipt of complaint.
3. Forward complaint to appropriate enforcement agency within 30 days of receipt, if possible. All accessibility complaints regarding local government facilities will be referred to the local governing body of the municipality in which the facility is located. Accessibility complaints regarding privately-owned facilities will be forwarded to the local governing body or the person appointed by the local

governing body to review KAAA matters for the area in which the privately-owned facility is located.

4. After 60 days, review actions of the enforcement agency.
5. If response from the agency is incomplete, seek additional information to determine appropriateness of response.
6. If response indicates that action will be sought, request agency to follow-up with results of such action.
7. Notify complainant of final response and request that complainant contact Attorney General again if not satisfied with response.
8. For complaints about privately-funded facilities built or last renovated before 1992 that are outside the KAAA's scope, notify complainant of option to pursue the issue through the United States Department of Justice.