



State Historic Preservation Office  
Oklahoma Historical Society  
800 Nazih Zuhdi Drive  
Oklahoma City, OK 73105  
405/521-6249  
FAX 405/522-0816  
<http://www.okhistory.org/shpo/shpom.htm>

Fact Sheet #7

January 1996

---

## HISTORIC PROPERTIES AND THE ADA

### What is the ADA and Who Must Comply?

The Americans with Disabilities Act, Public Law 101-336 prohibits discrimination on the basis of disability by private entities in places of public accommodation, requires that all new places of public accommodation and commercial facilities be designed and constructed so as to be readily accessible by persons with disabilities. Public agencies and private entities must comply.

### Where Does a Property Owner Find Information about Compliance?

The Department of Justice, Office of the Attorney General, published regulations concerning compliance with the ADA in the Federal Register on Friday, July 26, 1991. These regulations are entitled Non-discrimination on the Basis of Disability by Public Accommodations and Commercial Facilities: Final Rule (28 CFR Part 36).

### Are Historic Buildings Exempt from the ADA?

No. Measures that are “readily achievable” should be taken immediately. When “qualified historic buildings or facilities” are altered, the alterations must comply with the same accessibility requirements as any other building or facility unless it is determined through the process described below that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility in which case alternative requirements may be used for the feature.



Moore-Lindsay House, Cleveland County

### What is a “Qualified Historic Building or Facility”?

A “qualified historic building or facility” is a building or facility that is either (1) listed in or eligible for listing in the National Register of Historic Places or (2) designated as historic under an appropriate State or local law. In the latter case in Oklahoma, buildings or facilities listed in the Oklahoma State Register of Historic Places are “qualified”. Many Oklahoma municipalities enforce local preservation ordinances, and designation under such an ordinance would also cause the building or facility to be considered “qualified”.

## When Does the SHPO Get Involved?

The Department of Justice’s regulations stipulate that the SHPO must be consulted in accordance with the normal Section 106 (National Historic Preservation Act) process for alteration projects that are federal undertakings. Entities planning alterations to “qualified historic buildings or facilities” that are not subject to the Section 106 review process may consult with the SHPO if the entity believes compliance with accessibility requirements will threaten or destroy the historic significance of the building or facility and that the alternative requirements should be followed.

## How Does a Property Owner “Consult” with the SHPO?

If an entity’s alteration is an undertaking subject to the Section 106 process, the entity should follow the process outlined in 36 CFR Part 800. Such undertakings are federally aided, licensed, or permitted activities. Additional guidance is available from the SHPO.

If the entity’s alteration to the “qualified historic building or facility” is not a federal undertaking and therefore not subject to Section 106 review, the entity should submit a written request to the SHPO that includes the name and location of the building or facility, a statement about which of the designations cited in this fact sheet causes the property to be considered a “qualified historic building or facility”, and documentation that demonstrates why the alternative accessibility requirements set forth in 28 CFR Part 36.4.1.7(3) should apply. If the entity does not know whether or not the property is a “qualified historic building or facility”, the SHPO should be contacted so that this determination can be made.

## Who Does the Property Owner Call?

Questions about the Americans with Disabilities Act and “qualified historic buildings and facilities” may be addressed to:

Historic Preservation Architect  
State Historic Preservation Office  
Oklahoma Historical Society  
Oklahoma History Center  
800 Nazih Zuhdi Drive  
Oklahoma City, OK 73105  
(405) 521-6249



Oklahoma City Federal Courthouse,  
Oklahoma County



Tulsa Federal Courthouse, Tulsa County