

**Gause, John P**

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**From:** Gause, John P  
**Sent:** Tuesday, November 04, 2008 2:03 PM  
**To:** Davis, Fran  
**Cc:** Ryan, Patricia  
**Subject:** RE:

Fran,

The elevator exemption only applies if each floor has under 3000 square feet. If the building is three or more stories and at least one of the floors has 3000 or more square feet (even if the others have less), the exemption does not apply. See Appx B to 28 CFR § 36.401(d)(2) (DOJ Title III Reg's) ("If a facility has three or more stories at any point, it is not eligible for the elevator exemption unless all the stories are less than 3000 square feet."); ADA Title III Technical Assistance Manual, available at <http://www.ada.gov/taman3.html>, § III-5.4000 ("ILLUSTRATION 3: A four-story office building has 3500 square feet on the first floor and 2500 square feet on each of the other floors. An elevator is required. (All of the stories must be under 3000 square feet to qualify for the exemption.)").

John

John P. Gause  
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**From:** Davis, Fran  
**Sent:** Tue 11/4/2008 12:37 PM  
**To:** Gause, John P  
**Subject:** FW:

John: What do you think? Our regs exempt 2 story buildings and also exempt multiple story buildings with less than 3,000 sq ft per floor. It's the "per floor" that I wonder about. Wouldn't this mean that one could have a 10 story building with all but the top floor in excess of 3,000 sq. ft....In that case, would the owners be exempt because the top floor was less than 3,000?

Francina Davis  
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51 State House Station  
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-----Original Message-----

**From:** McCarthy, Richard  
**Sent:** Tuesday, November 04, 2008 11:32 AM

6/17/2009

**To:** Davis, Fran

**Subject:**

Fran

just a quick question I have a 3 story building 1st floor 3,500 sq. ft 2nd story 3,500 sq. ft and 3rd story 1,500 sq. ft

the question posed is do we need an elevator 4.1.3 of ADAAG states the 3,000 sq. ft exemption per story Do you read that as saying each floor must exceed or just one

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6/17/2009