Dear Secretary Dick:

As secretary of the department of human resources you request our opinion as to whether a church is required to comply with the handicapped accessibility standards act.

The handicapped accessibility standards act applies to governmental buildings and facilities and also to public buildings and facilities.
'Public building or facility' means:

(A) Any building, structure, recreational area, street, curbing or sidewalk, or access thereto, which is used by the public, or in which physically handicapped persons may be employed, and which is constructed, purchased, leased or rented by the use of private funds; or

(B) any entrance to or accommodation in any building, structure, or area described in paragraph (1) of this subsection which is available for use by the public or employees, including bathrooms, toilet stalls, dining areas, drinking fountains, phone booths and lodging room or quarters.

(2) 'Public building or facility' does not include any private single-family dwelling or duplex or any entrance thereto or accommodation therein.

(d) 'Renovate' means reconstruct or remodel in an amount equal to 25% or more of the replacement value of a building or facility but shall not include construction of an addition to a building or facility or acquisition and installation of insulation, as defined by K.S.A. 79-32,117, and amendments thereto, or of a solar system, as defined by K.S.A. 79-32,169, and amendments thereto."

However, this act does not apply to:

"... facilities existing or under construction or renovation pursuant to a contract let prior to January 1, 1979, but such provisions shall be applicable to any such governmental buildings or facilities which are renovated pursuant to a contract let after December 31, 1978." K.S.A. 1990 Supp. 58-1305.
It is our opinion that a church does fall within the definition of a public building. However, if the church was built before January 1, 1979, and any renovations do not consist of an amount equal to 25% or more of the replacement value of the building, this act would not apply to the church.

Very truly yours,

ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS

Mary Jane Stattelman
Assistant Attorney General