



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

November 5, 1991

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

ATTORNEY GENERAL OPINION NO. 91- 141

Joe Dick, Secretary
Department of Human Resources
401 S.W. Topeka Blvd.
Topeka, Kansas 66603-3182

Re: Personal and Real Property -- Public Buildings;
Handicapped Accessibility Standards --
Applicability to a Church

Synopsis: A church is a public building for purposes of the
handicapped accessibility standards act. However,
if the church was built before January 1, 1979 and
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.
Cited herein: K.S.A. 1990 Supp. 58-1301a;
58-1305.

* * *

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."
K.S.A. 1990 Supp. 58-1301a.

However, this act does not apply to:

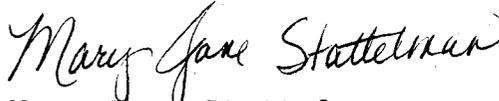
". . . facilities existing or under construction or renovation pursuant to a contract let prior to January 1, 1979, but such provisions shall be applicable to any such governmental buildings or facilities which are renovated pursuant to a contract let after December 31, 1978." K.S.A. 1990 Supp. 58-1305.

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 Stattelma
Assistant Attorney General

RTS:JLM:MJS:bas