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EVOLUTION OF REGULATION REGARDING TO UNIVERSAL ACCESSIBILITY IN BUILDINGS_ SPAIN CASE

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INTRODUCTION

"Laws have been made for the good of citizens." Marcus Tullius Cicero

Normative regulation of the building activity exists from the first known legislative texts², in order to guarantee minimum conditions of safety, usability and quality of the built object.

Legislation on the built environment has undergone major changes over time, incorporating new aspects and modifying pre-existing standards according to society demands for better safety, comfort, respect for heritage values (generators of identity of towns and cities), caring for the environment, and developing as well new ways of using public space and buildings.

Universal accessibility becomes part of this evolutionary process throughout the 20th century. Initially linked to the disability's medical-assistance approach, accessibility started to be recognized by the international community³ at the beginning of the 21st century, as one of the fundamental pillars to guarantee equal rights and opportunities among all people. This fact has had

² *Hammurabi's code (1750 BC) dedicates six of its laws to regulate the construction of houses.*

³ *Convention on the Rights of Persons with Disabilities, approved by the General Assembly of the United Nations, in session on December 13rd, 2006. Signed by Spain on March 30th, 2007 and ratified on November 23rd, 2007 (publication in the BOE n° 96, of Monday, April 21st, 2008).*

a direct and decisive impact, in the conception of built environments (design and execution) and their specific regulations.

In the Spanish territorial model, the legislative power related to accessibility is transferred to the autonomous entities, so each of them approves its own regulations on universal accessibility to the built environment. However, the State, as guarantor of equal rights and opportunities among all citizens, has developed a national legislative body that establishes the minimum accessibility conditions that all built elements must meet, and to which all the regulations developed by the rest of the Public Administration must comply.

The aim of this article is to review the evolutionary process of the Spanish legislation, at a national level, in terms of universal accessibility. To this end, the regulations that directly regulate accessibility conditions in buildings and their adjoining spaces have been studied, in chronological order of publication in the Official State Gazette (BOE).

General laws regarding the rights of persons with disabilities have been included in this set, as it is considered that their enactment has had a decisive influence on the evolution of normative texts on accessibility to the built environment.

CHRONOLOGICAL EVOLUTION OF SPANISH REGULATIONS ON ACCESSIBILITY IN BUILDINGS

Accessibility to the built environment made its appearance in Spanish legislation in the last quarter of the 20th century⁴, being

⁴ *The Council of Ministers approved, in its session on September 27th, 1974, the program prepared by the Interministerial Commission for the Social Integration*

the first normative that establishes specific accessibility conditions for buildings the Decree 1766/1975, of 20th June, on accessibility features for disabled people in officially protected housing.

This Decree was followed, one year later, by the Resolution of the General Directorate of Social Services approving the rules on the removal of architectural barriers in buildings belonging to the common services of the Social Security dependent on the General Directorate of Social Services.

This growing concern of society for the integration of people with disabilities, was also echoed⁵ by the Spanish Constitution⁶.

The Royal Decree 355/1980, of 25th January, on the reservation and situation of officially protected housing for the disabled, established the number and location of the adapted housing that must be contained in the new social housing developments, but did not set the characteristics that must be met.

As a development of the previous norm, the Order of the Ministry of Public Works and Urbanism, of 3rd March 1980, published the characteristics of the accesses, elevators and interior conditions of the houses for people with disabilities projected in social houses.

of the Disabled, which would serve as the basis for the regulatory development in terms of accessibility to the subsequent built environment.

⁵ Article 49 established that "The public powers will carry out a policy of precision, treatment, rehabilitation and integration of the physically, sensory and mentally handicapped to whom they will provide the specialized attention they require and will protect them especially for the enjoyment of the rights that this Title (Title I of fundamental rights and duties) granted to all citizens".

⁶ Ratified in a referendum on December 6th, 1978.

A year later, the Order of the Ministry of Education and Science was published in 26th March 1981, approving the needs' programs for the drafting of construction and adaptation projects of special education centers.

The Law 13/1982, of 7th April, on the social integration of the disabled, allocated the first section of its Title IX to the built environment, in order to guarantee mobility and the elimination of architectural barriers.

The Royal Decree 1634/1983, of 15th June, about the classification standards for hotel establishments, determined the minimum number of adapted rooms that each establishment must have, referring to the accessibility parameters included in the Order of the Ministry of Public Works and Urban Planning, dated 3rd March 1980.

The dispersion of criteria generated by the approval of different regional legislations on universal accessibility, made necessary to publish the Royal Decree 556/1989, of May 19th, by which minimum accessibility measures are arbitrated in buildings. The application of this norm is compatible with the Order of the Ministry of Public Works and Urbanism, of 3rd March 1980, and supplementary to the regional regulations.

The Law 10/1990, of 15th October, on sports, established that all new sports facilities promoted by the State Public Administrations must be accessible to people with reduced mobility and the elderly, but it did not set the parameters to be met.

Law 38/1999, of 5th November, on building planning, established that the accessibility conditions necessary to allow access and

movement through the building to people with reduced mobility or communication are part of the basic functionality requirements expected from any building, "in the terms provided in its specific regulations".

After 20 years of the enactment of the Law of Social Integration of the Disabled (1982), an update was necessary to accommodate the new ways of understanding disability. For this reason, Law 51/2003, of 2nd December, on Equal Opportunities, Non-Discrimination and Universal Accessibility, was enacted. Although this legislative text did not establish particular conditions regarding to accessibility in buildings and urbanized spaces, it established, for the first time in Spanish regulations, the concept of "reasonable adjustment" for already built environments.

The entry into force of Law 51/2003, promoted the approval of two normative texts that regulate the conditions of universal accessibility in buildings: Royal Decree 366/2007, of 16th March, which established the conditions of accessibility and non-discrimination of people with disabilities in their procedures with the General State Administration; and Royal Decree 505/2007, of 20th April, which approved the basic conditions of accessibility and non-discrimination of people with disabilities for access and use of urbanized public spaces and buildings.

The following year, Order PRE/446/2008, of 20th February, was published, which determined the specifications and technical characteristics of the accessibility and non-discrimination conditions and criteria established in Royal Decree 366/2007, of 16th March.

Likewise, and as it was established on the Third Additional Provision of Royal Decree 505/2007, the Royal Decree 173/2010 was published, amending the Technical Building Code, approved by Royal Decree 314/2006, in accessibility and non-discrimination of people with disabilities. This modification included a Support Document to guarantee the effective adaptation of accessibility conditions in existing buildings.

PARAMETERS REGULATED BY THE SPANISH LAWS ON THE ACCESSIBILITY CONDITIONS OF BUILDINGS

		Decree 1766/1975	Directorate of Social Services	Public Works and Urbanism	Ministerial Order of Education and Science	Royal Decree 556/1989	Order PRE/446/2008	Royal Decree 173/2010
Publication year		1975	1976	1980	1981	1989	2008	2010
Scope of application	General					X		X
	Specific	X	X	X	X		X	
	New construction	X	X	X	X	X	X	X
	Existing		X				X	X
Outdoorspace	Parking		X					X
Access	Door							X
	Ramp		X	X	X	X		G
	Difference in height	X	X	X	X	X		X
Horizontal flow	Corridors	X	X	X	G	X		X
	Doors	X	X			X		X
	Pavement						X	G

Verticalflow	Ramps		X	X	X	X		G
	Lifts		X	X	X	X		X
Rooms	Doors			X	X			X
	Monoeuvrespa ce			X	X			X
	Furniture			X			X	X
Toilets	Door	X	X	X	G		X	X
	Monoeuvrespa ce		X	X			X	X
	Toiletelements		X	X	X		X	X
	Supportelemen ts		X	X	G		X	X
Various	Signing	E	E	E			X	X
	Lighting						X	G
	Facilities		X				X	X
Fireprotectio n	Signing						X	X
	Evacuati on elements						X	X
	Refugezone						X	X

E: outside the building. G: general condition, not specific to accessibility.

CONCLUSIONS

Although the regulations on accessibility to the built environment in Spain can be considered very recent, the evolution of the concepts and regulated parameters has been intense and incessant. Throughout these forty-seven years, universal accessibility has turned from an accessory element to the State's medical-assistance work, into one of the fundamental aspects to guarantee the independent life of people with disabilities (since 2003).

The normative regulation has been becoming more ambitious, increasing its scope of application, from real estate promoted by the general administration of the state (official protection housing in 1975 and 1980, or socio-sanitary establishments in 1976 and 1981) to be extended to all buildings, both new and existing, regardless of their use or ownership (in 2010).

Parallel to this growth in the field of application, there has been a significant increase in the number of regulated elements, going from certain parts of the horizontal circulations in 1975, to the vertical circulations and toilets for social-sanitary buildings in 1976 and for social housing in 1980, up to evacuation routes in case of emergency and their signage in 2010.

Likewise, the legislation has evolved from an approach focused on physical disability, mainly on the spatial needs of wheelchair users, to the incorporation of elements designed to facilitate ambulation, apprehension, communication and orientation of all people, regardless of their abilities. Along these lines, it is significant to see how some of the parameters regulated by the first accessibility regulations have become mandatory, regardless of whether it is or not an accessible element or space.

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