

Massachusetts Office on Disability

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COMMUNITY ACCESS MONITOR PROGRAM



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COMMUNITY ACCESS MONITOR PROGRAM

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Introduction:

Community Access Monitor Program

Since the creation of the Community Access Monitor Project in 1985, approximately 12,000 people have been trained by the Massachusetts Office on Disability to survey buildings for accessibility and to advocate for compliance. Over 2,000 people have been certified as Community Access Monitors.

Initially, the Community Access Monitor Project emphasized the enforcement of the Architectural Access Board's Rules and Regulations. Now, with the federal Americans with Disabilities Act in effect, requirements for access have broadened to include communication and programmatic as well as architectural accessibility. As the scope of accessibility legislation has broadened, so has the role of the Community Access Monitor.

The workbook contains information on access legislation and provides a step-by-step process for conducting assessments and encouraging voluntary compliance with the Americans with Disabilities Act and the Architectural Access Board Rules and Regulations.

Accessibility

Architectural, communication, programmatic, and policy barriers prevent people from participating fully in society. People with disabilities cannot assume they can use common public places, such as stores, banks, offices, and restaurants, or participate in ordinary activities, such as working, getting an education, visiting friends, and attending community events. Most non-disabled people take these freedoms for granted.

Accessibility means much more than ramps for wheelchair access. People with all types of physical, sensory, cognitive and other disabilities must be ensured equal access to facilities, services, and programs. People with disabilities must not be discriminated against through structural barriers, unequal policies and practices, or inaccessible means of communication and dissemination of information.

The Role of the Community Access Monitor

Community Access Monitors play an essential role in encouraging access improvements. While they do not have legal enforcement authority, monitors have proven to be highly effective advocates. Monitors are encouraged to be a full partner in the implementation process by coordinating advocacy efforts with municipal disability commissions, Independent Living Centers, ADA Coordinators, building inspectors, and others.

Being a Community Access Monitor requires knowledge of access laws and regulations, understanding of the range of organizations that have responsibilities under both state and federal regulations, skill in surveying and advocacy, and the ability to be persuasive and persistent. Through this training program, you will gain the knowledge and skills you need to become an effective accessibility advocate.¹

Getting Involved

Accessibility in Massachusetts is mandated by complex and far-reaching state and federal laws, whose enforcement depends upon the active involvement of the disability community. Get involved; every individual makes a difference. The law is behind you. Through your efforts, and the collective effort of the Community Access Monitor Program of MOD and the whole advocacy movement, you will help bring about change.

Acknowledgments:

The artwork displayed on the cover and spine of the binder was created by Sidewalk Sam.

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¹ MOD exercises no supervisory control or authority over Monitors. Although MOD is available for consultation, it does not in any way indemnify or otherwise assume any responsibility for Monitor's actions or failures to act.

**Community Access Monitor
RIGHTS AND RESPONSIBILITIES**

1. You have the right to public information
2. You have the right to use your designation as a Massachusetts Community Access Monitor in your advocacy work.
3. You have the right to call the Massachusetts Office on Disability for technical assistance.
4. You have the right to advocate for voluntary compliance.
5. You have the right to fill out and file complaint forms when appropriate.
6. You have the responsibility to complete surveys and report your findings to the property owner.
7. You have the responsibility to use your designation as a Community Access Monitor **only** in a volunteer capacity.
8. You have the responsibility to decline requests for advice in situations where you lack expertise.
9. You have the responsibility to keep up to date in your knowledge about the intent and scope of both state and federal regulations.
10. You have the responsibility to notify the organization in writing of your interest in assessing its accessibility.

Frequently Asked Questions

1. How does the ADA affect the Community Access Monitor Program?

Massachusetts businesses, nonprofit organizations, and state, county, and municipal governments have the responsibility to be accessible to people with a wide range of disabilities. Thus the role of the Community Access Monitor include advocacy for compliance with both state and federal laws, and the primary focus consists of advocacy for increased access in all different kinds of organizations as well as building code violations and complaints.

2. Does the Americans with Disabilities Act require all municipal and state buildings to be accessible?

Not exactly. The ADA requires all municipal and state programs, services, and activities to be accessible. Sometimes that requires structural changes to a facility; but sometimes programs can be made accessible through reassigning people or programs to accessible sites, providing home visits, or other programmatic means. Newly constructed facilities and new renovations must be accessible.

3. What about other buildings that are open to the public, such as stores and restaurants?

Existing facilities, including stores, restaurants, and other public accommodations, must make any access improvements that are "readily achievable" (easily accomplishable and able to be carried out without much difficulty or expense). Newly constructed and renovated facilities must be accessible.

4. Are municipalities required to provide town reports and information for Town Meetings in braille? Are they required to provide sign language interpreters at public functions, such as Select Board meetings and school awards programs?

The general rule is that municipalities are required to ensure that communications with people with disabilities are as effective as communication with others. This does not mean that sign language interpreters or braille, large print, or taped materials must always be on hand. It is construed to mean, however, that when such auxiliary aids and services are requested, they must be provided, unless it would cause an "undue burden" (significant difficulty or expense).

5. Do restaurants have to provide menus in braille?

A restaurant need not provide braille menus as long as there is an employee available to read the menu to someone who is unable to read a print menu. This is an example of an auxiliary service to ensure effective communication.

6. If a store has a "no animals" policy, are they required to let in people with guide dogs?

Yes. A general "no animals" policy is an example of a policy that discriminates against people with disabilities, which should be modified to allow people with disabilities who use service animals to use the store.

7. Are hotels, restaurants and stores required to have TTY's (Teletype-writers for the Deaf)?

Hotels, restaurants, and stores are required to ensure effective communication with people with hearing and speech disabilities. Usually the Telephone Relay Service can be used for reservations and general questions. In facilities such as hospitals and hotels where customers/ clients have phones in their rooms, TTY's must be available upon request to ensure equal access to tele-communications. A TTY would also be needed at the front desk so that customers/clients could communicate by phone with staff.

8. What are some of the differences between the ADA and AAB in new construction?

A number of the technical requirements are different, including the requirements for entrances, stairs, ramps, and handrails. In these cases, the more stringent specification should be used (in other words, the one that provides greater access).

9. Do historic buildings need to comply with access laws?

Yes, but historic buildings are allowed some flexibility by both the AAB and the ADA. The AAB may grant variances to historic properties, permitting them to provide alternate access. The ADA requires readily achievable barrier removal in historic buildings (i.e., buildings eligible for listing in the National Register of Historic Places or designated as historic under state or local law) and access in historic buildings undergoing alterations, unless this would threaten or destroy the historic significance of the property. In these rare circumstances, alternative methods should be provided, to make the activities and programs held there available to people with disabilities.

10. Is it true that religious organizations and private clubs are exempt?

Private clubs are exempt from the ADA and AAB requirements if they are exclusive clubs, whose memberships or facilities are not open to the public. However, under the ADA, a private club that leases space to a place of public accommodation takes on the responsibilities of a public accommodation. Religious organizations, such as churches and synagogues, are exempt from the ADA, but are covered by the AAB regulations. Facilities operated by religious organizations, such as hospitals and schools, are also exempt from the ADA. However, a public accommodation that leases space from a religious organization or an exclusive club is still subject to the ADA requirements.

11. Which should be used if the state and federal design guidelines differ?

If the state and federal standards differ on a particular requirement, always use the more stringent one (i.e., the one that provides the greater degree of access).

12. Do local building inspectors have the authority to enforce the ADA?

No. Building inspectors have enforcement authority under AAB, but not under the ADA. The ADA is enforced through complaints to federal agencies, lawsuits when necessary, and, preferably, through alternative means of dispute resolution.

13. What should I tell someone who asks if it's OK to use a portable ramp?

Under the ADA, portable ramps should be used to provide "readily achievable" access only when the installation of a permanent ramp is not readily achievable. If a portable ramp is used, consideration should be given to safety features such as nonslip surfaces, railings, anchoring, and strength of materials. Portable ramps are rarely available for rises of more than two or three steps. **Note:** The use of a portable ramp requires a variance from the Massachusetts Architectural Access Board even if no other work is being performed.

14. If there's not enough space for a ramp, can a lift be used instead?

In some cases, a lift may be used, but a lift may require a variance from the AAB, as do elevators smaller than what the AAB requires.

15. Can one unisex accessible rest room be installed instead of separate accessible men's and women's rooms?

The ADA does allow unisex restrooms. The AAB also allows the use of unisex restrooms but requires a variance to do so.

16. How do I encourage a business or organization to improve access?

Several advocacy techniques are outlined in this workbook, and you or others you work with may develop other strategies. Such strategies might include providing advice and information, working with the local Commission on Disability, Chamber of Commerce or local business association, writing letters, and publicizing your work through a press release or other means.

17. What should I do if someone asks me to review construction plans?

The review of drawings is highly technical and can pose liability risks. If an organization requests assistance of a technical nature, you can offer to assist the organization based on your own expertise; however, please feel free to refer them to the Massachusetts Office on Disability.

18. Is there money available to organizations for access improvements?

Yes, but the money is quite limited. For example, for municipal organizations, some funding is available through there are three sources of funding (1) Community Development Block Grant (CDBG), which for larger communities is entitlement money, and for smaller communities is a competitive grant program, and which can be used for access improvements to facilities (including outdoor features, such as curb cuts); (2) Land and Water Conservation Fund, which can be used for many types of improvements to recreation areas, including access; and (3) Massachusetts Department of Education School Building Assistance Bureau program for capital improvements, which can be used for access. For private organizations, there is a tax credit and a tax deduction available that can be applied to the costs of improving access.

State and Federal Access Laws

Americans with Disabilities Act of 1990 (PL. 101-336) As Amended in 2008 (110-325)

The federal Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities in nearly all segments of society. Title I covers employment; Title II covers state and local government services, including public transportation; Title III covers public accommodations, commercial facilities, and specified private transportation; Title IV covers telecommunication; and Title V contains miscellaneous provisions, including coverage of Congress. This workbook deals with organizations covered by Titles II and III. Prior to March 15, 2012 ADA covered only transient lodging facilities such as hotels and dormitories. The 2010 Standards for Accessible Design expanded the scoping for places of lodging to include facilities that provide guest rooms with conditions and amenities that are similar to a hotel or motel including but not limited to timeshares and condo-hotels. It also expanded scoping to cover Title II entities that build residential housing including those that are offered for sale.

TITLE II: STATE AND LOCAL GOVERNMENT SERVICES

Title II prohibits discrimination by public entities. The emphasis is on access to all services, activities, and programs.

ADA TITLE II JURISDICTION

All services, programs, and activities provided or made available by public entities.

Public entity means:

- 1) Any state or local government
- 2) Any department, agency, special purpose district (such as a county), or other instrumentality of a state or local government
- 3) The National Railroad Passenger Corporation, and any commuter authority

COMMUNITY ACCESS MONITOR PROGRAM

"TO DO" LIST

- * Designate ADA Coordinator (if entity has 50 or more employees)
- * Notify Public of ADA (all entities)
- * Establish Grievance Procedure (if entity has 50 or more employees)
- * Conduct a Self-Evaluation of:
 - * Employment Practices
 - * Communication Access Policies/Practices
 - * Program /Facility Access (All entities)
- * Develop a Transition Plan (if entity has 50 or more employees)

SELF EVALUATION AND NOTICE

By January 26, 1993, public entities were required to evaluate current services, policies, and practices to identify and modify those that are discriminatory. Entities that employ fifty or more people must maintain the evaluation for public inspection for three years, designate an employee responsible for compliance, and establish a grievance procedure for handling complaints. Public entities must also provide notice regarding the rights and protections available to people with disabilities under the ADA.

NONDISCRIMINATION

Title II sets the following nondiscrimination requirements for public entities:

- It is illegal to refuse to allow a person to participate in a service, program, or activity simply because the person has a disability.
- Programs and services must be provided in an integrated setting unless separate programs are necessary to ensure equal access.
- Entities must eliminate unnecessary eligibility standards or rules that exclude or tend to screen out people with disabilities.
- Entities must make reasonable modifications to policies, practices, and procedures to ensure equal access.
- Programs must be readily accessible to and usable by people with disabilities.
- It is illegal to place special charges on people with disabilities to cover the costs of ensuring nondiscrimination.

PROGRAM ACCESSIBILITY

Title II requires state and local programs, services, and activities to be readily accessible to and usable by people with disabilities. **Programs** must be made accessible unless doing so would fundamentally change the nature of the operation or cause an undue financial or administrative burden. Extensive structural alterations of existing facilities are not required where alternative methods, such as the reassignment of services to accessible facilities, delivery of services at alternate accessible sites, redesign of equipment, or home visits, provide adequate access. Structural barrier removal is required only where there is no other way to achieve access. Such changes needed to be made as soon as possible but no later than January 26, 1995.

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Public entities with fifty or more employees needed to develop a Transition Plan by July 26, 1992 if structural changes were needed to achieve program accessibility. The Transition Plan must identify the physical barriers, describe the methods that will be used to make the facilities accessible, specify the schedule for compliance, and indicate the official responsible for implementation. The plan must include a schedule for providing curb cuts on sidewalks for which the public entity has responsibility.

ACCESS TO COMMUNICATION

Effective communication, which may include the use of TTY's, telephone relay services, sign language interpreters, video relay service, large print materials, or other auxiliary aids and services, must be ensured for all applicants, beneficiaries, participants, and others. Telephone emergency services (such as police, fire, and ambulance, including 911 services) must have TTY's to ensure direct access. Accessible routes, facilities, or equipment must be identified with appropriate, accessible signage. These actions are required unless they would cause a fundamental alteration of the program or service or an undue financial or administrative burden.

NEW CONSTRUCTION AND ALTERATIONS

State and local government facilities that were built or renovated after January 26, 1992 must be readily accessible to and usable by people with disabilities. Between January 26, 1992 and March 14, 2012 entities could use either the ADA Accessibility Guidelines or the Uniform Federal Accessibility Standards (UFAS). Work done on or after March 15, 2012 must use the 2010 Standards for Accessible Design. Accessible features must be adequately maintained.

ENFORCEMENT

An individual may report complaints through the grievance procedure established by the public entity where the alleged discrimination occurred, or may file complaints with any appropriate federal agency. (The U.S. Department of Justice is the agency responsible for overall enforcement of Title II; however, it has delegated enforcement for specific program areas to other federal agencies. A list of designated agencies is provided on page 52.) The agency will then try to negotiate for voluntary compliance and may withhold federal funds, or it may refer the case to the Department of Justice for possible legal action, which may result in an injunctive order to provide access, pay damages, litigation expenses, and/or any other relief ordered by the court.

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Individuals also have the option of bypassing these grievance and complaint processes and taking their case directly to court with a private suit. However, alternative means of dispute resolution, such as settlement negotiations, conciliation, mediation, and arbitration, are encouraged.

EFFECTIVE DATE

The effective date for Title II of the ADA was January 26, 1992.

SAFE HARBOR

If a public entity has constructed or altered required elements in accordance with the specifications in either the ADA Accessibility Guidelines (ADAAG -1991 Standards) or the Uniform Federal Accessibility Standards (UFAS) before March 15, 2012, the public entity is not required to retrofit such elements to reflect the changes in the 2010 Standards for Accessible Design.

However, after March 15, 2012, for elements where no scoping or technical requirements existed in the ADA Accessibility Guidelines (ADAAG - 1991 Standards) or the Uniform Federal Accessibility Standards (UFAS) entities are obligated to use the 2010 Standards in situations that require structural alterations to meet program accessibility. (For example, swimming pools, children's play areas, fishing piers, residential facilities, and dwelling units.)

If the 2010 Standards for Accessible Design reduce the technical or scoping requirements for an element below what the ADA Accessibility Guidelines (ADAAG - 1991 Standards) required, the technical or scoping standards may be reduced per the 2010 Standards for Accessible Design. For example, the 1991 Standards require 4% of the total number of seats provided in an auditorium to have assistive listening devices. The 2010 Standards require only 2%. The entity may reduce the existing number to meet the 2010 Standards.

TITLE III: PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES

Title III of the ADA prohibits discrimination on the basis of disability in places of public accommodation, commercial facilities, and private providers of transportation. Existing **public accommodations** must remove structural barriers to make their goods and services usable by people with disabilities to the extent that it is readily achievable to do so, assure effective communication by providing auxiliary aids and services, and eliminate

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discriminatory policies, practices, and procedures (see "New Construction and Alterations" and "Existing Facilities," page 13). The ADA also requires courses and exams for professional and trade licensing or certification to be accessible.

ADA TITLE III JURISDICTION

Public Accommodations: Private entities that own, lease, lease to, or operate a place of public accommodation, including both landlords and tenants, are subject to the requirements of the ADA. Places of public accommodation include:

- 1) **Places of lodging** include transient lodging such as hotels, inns, motels, dormitories, shelters, certain residential facilities (see above), and timeshares.
- 2) **Establishments serving food or drink.** Examples: restaurants, bars
- 3) **Places of exhibition or entertainment.** Examples: theaters, cinemas, concert halls, and stadiums
- 4) **Places of public gathering.** Examples: auditoriums, convention centers, lecture halls
- 5) **Sales or rental establishments.** Examples: bakeries, grocery stores, clothing stores, shopping malls, and video rental stores
- 6) **Commercial services.** Examples: banks, gas stations, funeral parlors, dry cleaners, barber shops, beauty shops, lawyer's offices, hospitals, travel services, pharmacies, offices of health care providers
- 7) **Specified transportation facilities.** Examples: depots, bus stations, and terminals
- 8) **Places of public display or collection.** Examples: museums, libraries, and galleries
- 9) **Places of recreation and leisure.** Examples: parks, zoos, amusement parks
- 10) **Places of education.** Examples: preschools, nursery, elementary, secondary, undergraduate, or post-graduate private schools
- 11) **Social services.** Examples: shelters, hospitals, day care centers, independent living centers, food banks
- 12) **Places of exercise and physical recreation.** Examples: gymnasiums, health clubs, bowling alleys

(Continued)

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ADA TITLE III JURISDICTION (continued)

Commercial Facilities: privately owned facilities intended for non-residential use and whose operations affect commerce. Examples include:

- ✓ Factories
- ✓ Warehouses
- ✓ Offices and office buildings (not open to the general public)
- ✓ Other buildings where employment may take place, but that do not deal directly with the public within the facility
- ✓ Any other facility that does not fall under the twelve categories of public accommodations

NOT UNDER ADA TITLE III JURISDICTION

- X Religious organizations
- X Exclusive private clubs

NEW CONSTRUCTION AND ALTERATIONS

Three different requirements exist depending on the date of construction or building permit.

- For first occupancy after January 26, 1993 or completed building permit application filed after January 26, 1992 construction must comply with the ADA Accessibility Guidelines (ADAAG - 1991 Standards).
- For building permits for new construction or alterations dated between September 15, 2010 and March 14, 2012, the work must comply with either the ADA Accessibility Guidelines (ADAAG - 1991 Standards) or the 2010 Standards for Accessible Design.
- For building permits for new construction or alterations dated on or after March 15, 2012 the work must comply with the 2010 Standards for Accessible Design.
- If no building permits are required to start the project then the actual date of physical new construction or alteration is the trigger.

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Any renovations ("alterations") that affect the usability of areas covered by the ADA begun after January 26, 1992 must comply with the relevant version of the Accessibility Standards. (This does not include, for example, roofing or wiring. It *does* cover new electrical outlets, faucet replacements, and other minor renovations that affect usability, as well as major renovations such as rest rooms and entrances.) If alterations include a primary function area, the path of travel to that area and to rest rooms, telephones, and drinking fountains serving the area should be made accessible, unless the cost would be disproportionate to the overall cost (more than 20% of the cost of renovations).

The ADA requires that all spaces in a building be connected by an accessible route. The only exemptions are elevator pits, elevator penthouses, mechanical rooms, and equipment catwalks. The ADA requires access into and through work stations, but it does not require that each work station be fully accessible. Work station refinements, such as adjusted counter height, are to be individualized, based on an employee's need for reasonable accommodation.

EXISTING FACILITIES Existing *public accommodations* are subject to three specific requirements under Title III: 1) readily achievable removal of barriers, 2) provision of auxiliary aids and services to ensure effective communication, and 3) modification of policies, practices, and procedures. (*Employee areas* in existing facilities are not covered. *Commercial facilities* are not subject to the requirements for existing facilities, but they must meet the new construction and alterations regulations of Title III.)

Readily Achievable Barrier Removal

Existing public accommodations must eliminate barriers whose removal is **readily achievable** (easily accomplishable and able to be carried out without much difficulty or expense). Elements that should be made accessible include architectural features, such as doorways and hardware, and some structural communication features, such as telephones, signage, and alarms. The Department of Justice recommends that resources be allocated for removing barriers according to these four priorities: (1) entrance into the facility; (2) access to goods and services; (3) usability of public rest rooms, and (4) other access features.

The Title III regulations do not define exactly how much effort and expense are required for a facility to meet this obligation. Thus, the judgment of what constitutes a readily achievable modification must be made on a case-by-case

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basis, taking into consideration such factors as the nature and cost of the access improvements needed, and the size, type, and overall financial resources of the facility. These factors are described in more detail on page 55.

Where it is not readily achievable to remove barriers, public accommodations must provide access through alternative means (*if* the alternatives are readily achievable). Alternatives to barrier removal include: providing curb or home service; providing service at an alternate, accessible area; and retrieving merchandise from an inaccessible location.

The Checklist for Existing Facilities, provided with this workbook, has more information on the readily achievable requirement as well as questions to help identify barriers and suggestions for low-cost barrier removal.

Access to Communication

Public accommodations are required to ensure that customers or clients, or their companions (where the companion is someone with whom the covered entity normally would or should communicate, such as in a hospital setting), with visual, hearing, speech, or cognitive disabilities are provided with effective means of communication that enable them to fully benefit from the facilities, services, goods, and programs of the public accommodation. A public accommodation is not required to provide any such auxiliary aid or service if doing so would fundamentally alter the nature of its goods, services, or facilities, or if providing communication aids and services would result in an undue financial or administrative burden (i.e. *significant* difficulty or expense).

Auxiliary aids and services include a wide range of communication techniques and devices. Use of the most advanced technology or the costliest service option is not necessary if effective communication can be provided through other means. It is strongly recommended that the public accommodation take into consideration the preferences individuals with disabilities may have for particular aids and services, but ultimately it is the decision of the public accommodation which to provide. In choosing among the alternatives, *effectiveness* should be the critical deciding factor.

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Policies, Practices, and Procedures

Public accommodations are required to make reasonable modifications in policies, practices, or procedures when such modifications are necessary to provide access to individuals with disabilities, unless it can be demonstrated that making such modifications would fundamentally alter the nature of the services offered. For example, a restaurant that refuses to alter a "no animals" rule for a person who is blind and uses a guide dog, and a grocery store that limits its only accessible checkout lane to small purchases would be violating this requirement. However, it would not be a violation for an art gallery to refuse to modify a policy of prohibiting the handling of delicate works of art for a visitor who is blind.

ENFORCEMENT

The U.S. Department of Justice is designated as the agency responsible for enforcement of Title III. However, enforcement will also occur through private lawsuits and through alternative means of dispute resolution, such as settlement negotiations, conciliation, mediation, and arbitration, which are strongly encouraged. The Department of Justice may bring suite in cases involving a "pattern or practice of discrimination" or which raise an "issue of general public importance". In such cases, the Department of Justice may commence a civil action in the appropriate U.S. district court, which could result in a fine of \$50,000 to \$100,000 and a court order to make the necessary access improvements. In private lawsuits, no damages can be awarded, only an injunction to make the required changes.

EFFECTIVE DATES

The effective date for Title III of the ADA was January 26, 1993.

SAFE HARBOR

If a public entity has constructed or altered required elements in accordance with the specifications in either the ADA Accessibility Guidelines (ADAAG -1991 Standards) or the Uniform Federal Accessibility Standards (UFAS) before March 15, 2012, the public entity is not required to retrofit such elements to reflect the changes in the 2010 Standards for Accessible Design.

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However, after March 15, 2012, for elements where no scoping or technical requirements existed in the ADA Accessibility Guidelines (ADAAG - 1991 Standards) or the Uniform Federal Accessibility Standards (UFAS) entities are obligated to use the 2010 Standards to meet readily achievable barrier removal. (For example, swimming pools, children's play areas, fishing piers, residential facilities, and dwelling units.)

If the 2010 Standards for Accessible Design reduce the technical or scoping requirements for an element below what the ADA Accessibility Guidelines (ADAAG - 1991 Standards) required, the technical or scoping standards may be reduced per the 2010 Standards for Accessible Design. For example, the 1991 Standards require 4% of the total number of seats provided in an auditorium to have assistive listening devices. The 2010 Standards require only 2%. The entity may reduce the existing number to meet the 2010 Standards.

MASSACHUSETTS ARCHITECTURAL ACCESS BOARD RULES AND REGULATIONS (521 CMR)

Note:

The Architectural Access Board is in the process of revising its Rules and Regulations to achieve substantial equivalency with the ADA Accessibility Guidelines. Contact the Massachusetts Office on Disability for further information.

NEW CONSTRUCTION

New facilities must be constructed to comply with the AAB regulations. The version of regulations that applies depends upon the permit date of the facility. The regulations were first published in 1975, and were revised in 1977, 1982, 1987, 1996, 1998, 2002 and 2006.

RENOVATIONS

Any renovations made to facilities under AAB jurisdiction must comply with the AAB regulations (e.g. if the rest room is renovated, then the rest room must be accessible). Depending on the cost of the renovation, the facility may also be required to provide an accessible entrance and rest room, or to make the entire facility accessible. (For AAB Scoping see page 34).

VARIANCES

Only the Architectural Access Board (not the building inspector) has the authority to grant variances if compliance with the regulations is technologically infeasible or if the cost of compliance is excessive and without any substantial benefit to people with disabilities. The Board may also allow alternate accessibility for registered historical buildings. The owner of a facility is required to request a variance for every feature that does not comply with or is not expected to comply with the AAB regulations.

ENFORCEMENT

Local building inspectors have the authority to enforce the AAB regulations. In addition, individuals may file complaints with the Architectural Access Board. When the AAB receives a complaint, they send a letter to the owner or manager of the facility, the local building inspector, the local Commission on Disability (if there is one), and the local Independent Living Center listing the alleged violations. Based on further information the Board may determine to hold a hearing. If the AAB issues an order and the required changes are not made, the facility in violation of the regulations may be subject to fines of up to \$1,000 per day, per violation.

COMMUNITY ACCESS MONITOR PROGRAM

EFFECTIVE DATES

In effect for facilities built with public funds since December 1968, or with private funds since June 10, 1975.

AAB JURISDICTION

- 1) **State, county, city or town buildings** such as state office buildings, legislative offices, city/town halls, libraries, police stations, detention facilities, court houses, schools, recreation centers.
 - 2) **Transportation terminals.**
 - 3) **Commercial buildings**, with a building permit dated before July 10, 1987, exceeding 2 stories in height and in which more than 40 people are employed. *OR:* Commercial buildings, with a permit dated on or after July 10, 1987, where the service or product is offered to the public, or premises in which a member of the public may enter. *Examples:* retail stores, banks, and insurance offices.
 - 4) **Funeral homes.**
 - 5) **Public rest rooms.**
 - 6) **Places of public assembly** such as theaters, auditoriums, armories, lecture halls, arenas, stadiums. (Lobbies, ticket offices, seating, stages, backstage areas, dressing rooms, showers, and green rooms must all be accessible.)
 - 7) **Lodging facilities** such as hotels, motels, or inns, bed and breakfasts, shelters, and dormitories.
 - 8) **Residential facilities** such as apartment buildings and condominiums.
 - 9) **Public sidewalks and ways.**
 - 10) **Buildings in which medical service or treatment is provided** such as hospitals, clinics, dental offices, sanatoriums, alcohol and drug detoxification centers, and buildings in which one or more doctors provide health services similar to those provided by any of the above.
 - 11) **Houses of worship** such as churches, chapels, synagogues, religious meeting halls and administrative offices.
 - 12) **Restaurants** such as cafeterias, lounges, bars, and other places open to the public where food and beverages are served.
 - 13) **Educational institutions** such as libraries, public and private schools, preschools, day care facilities, colleges and universities, training facilities.
- (continued)**

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AAB JURISDICTION (continued)

- 14) **Recreational facilities** such as rinks, courts, swimming pools, gymnasiums, stadiums, health and sports clubs, playgrounds, zoos, fairgrounds, beaches, piers, parks, and campsites.
- 15) **Publicly used parking lots** with a capacity of 25 or more vehicles, built before July 10, 1987. **OR:** Publicly used parking lots with a capacity of 15 or more vehicles, built on or after July 10, 1987.

NOT UNDER AAB JURISDICTION

- 1) Federal buildings
- 2) Residential apartment or condominium buildings with fewer than 3 units
- 3) Private clubs (if not open to the public)

RELATED FEDERAL LAWS

ARCHITECTURAL BARRIERS ACT OF 1968

Requires that, whenever possible, persons with physical disabilities have ready access to and use of all buildings which are used by the public or in which people with physical disabilities may live or work, and which were either: (a) constructed, or altered by or on behalf of the federal government after August 12, 1968; (b) leased in whole or in part after August 12, 1968 by the federal government; or (c) financed in whole or in part by a grant or loan made by the federal government after August 12, 1968. The ABA became effective when standards were issued on September 2, 1969. A 1976 amendment later established January 1, 1977 as the effective date for facilities leased by the federal government. The applicable technical standard is the Uniform Federal Accessibility Standards.

AIR CARRIERS ACCESS ACT OF 1986

People with disabilities may not be refused transportation because of their disability by domestic air carriers. Provisions include: Air carriers may not limit the number of people with disabilities on a flight, may not require special services (such as advance boarding), may not require advance notice except for certain accommodations, may not require travel with an attendant except in limited circumstances, must provide boarding assistance and assistance within the cabin, must give priority to storage of wheelchairs and may not charge for

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accommodations required by the rule. New aircraft over certain sizes must have movable arm rests, accessible lavatories, and space for storing wheelchairs. (The larger the aircraft, the more access is required.)

VOTING FOR THE ELDERLY AND HANDICAPPED ACT OF 1984

Requires that in each state the political subdivision responsible for conducting elections assure that all polling places for federal elections be accessible. In Massachusetts, the Elections Division of the Secretary of State's Office has written regulations that apply to site access, parking, entrances, voting equipment, etc. All municipalities are responsible for following these regulations. The Department of the Attorney General has taken the position that state and municipal elections should also be accessible to people with disabilities.

HELP AMERICA VOTE ACT OF 2002

The Help America Vote Act (HAVA) of 2002 made reforms to the nation's voting process in regards to federal elections. HAVA addressed improvements to voting systems and voter access that were identified following the 2000 election. HAVA created new mandatory minimum standards for states to follow in several key areas of election administration. It required that states implement programs and procedures that address methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities.

REHABILITATION ACT OF 1973

In 1973, Congress passed the Rehabilitation Act in a national effort to end discrimination on the basis of disability by agencies and organizations that receive or benefit from federal financial assistance. The five major components of the Rehabilitation Act, as amended, are outlined below.

Section 501

prohibits discrimination and requires adoption of affirmative action plans for hiring, placement, and advancement of individuals with disabilities within federal agencies and the U.S. Postal Service.

Section 502

establishes the Architectural and Transportation Barriers Compliance Board to implement and enforce the Architectural Barriers Act of 1968.

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Section 503

prohibits discrimination on the basis of disability and requires affirmative action in hiring people with disabilities when the employer has a contract or subcontract with the federal government in excess of \$2500.

Section 504

prohibits discrimination against people with disabilities under any program or activity receiving or benefiting from federal financial assistance. It states that "no otherwise qualified handicapped individual in the United States, shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service."

Organizations, such as colleges, public schools, libraries, hospitals, or cultural programs, that receive or benefit from federal funds under the regulations must provide equal opportunity for people with disabilities in their programs and activities. Remedying actions might include the provision of sign language interpreters, distribution of material in large print or braille, or relocating a class to an accessible location. Every part of every building must not necessarily be accessible, but the program, when viewed in its entirety, must not discriminate against or segregate people with disabilities.

Organizations receiving federal funds are required to consult with disability groups to conduct a Self-Evaluation and a Transition Plan. Public housing authorities are also required to do a Needs Assessment.

Each federal agency has adopted its own 504 regulations with their own effective dates.

For more information on Section 504, contact the Massachusetts Office on Disability, or the Disability Law Center (see Resources).

Section 505

outlines the remedies, procedures, and rights available to a complainant under 501 and 504. It allows a court to award reasonable attorney's fees to a plaintiff who prevails in a discrimination case.

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Section 508

requires that federal agencies' electronic and information technology is accessible to people with disabilities as they apply to the development, procurement, maintenance, or use of electronic and information technology products and services, including software applications and operating systems, web-based internet and intranet information systems, telecommunications products, video and multimedia products, self-contained closed products and desktop and portable computers.

U.S. Telecommunications Act of 1996

Originally enacted as part of the Americans with Disabilities Act, this law deals with telephone and television access for people with hearing and speech disabilities. Telephone companies must provide telecommunication Relay Services for people with hearing or speech impairments 24 hours a day, seven days a week, effective July 26, 1993. Relay Services enable callers who use telecommunication devices for the deaf (TTYs), and those who use voice telephones to communicate with each other through a third party communication assistant. The Federal Communication Commission has set minimum standards for Relay Services. See 47 C.F.R. §§ 6 and 7 for details.

Federally funded television public service announcements and emergency announcements must include captioning of the verbal content. Video programming distributors under the jurisdiction of the Federal Communications Commission (FCC) must provide captioning for the lesser of an average of 1350 hours of captioned video programming or all of its new nonexempt video programming. As of January 1, 2006, and thereafter, 100% of the programming distributor's new nonexempt video programming must be provided with captions. See 47 C.F.R. § 79.1, et seq. for details.

Video description technology enables individuals to "hear what they cannot see" by providing verbal explanation of key visual elements in programming, inserted into natural pauses in the audio of programming. It is designed to make television programming more accessible to the many Americans who have visual disabilities. Under rules adopted by the FCC, broadcast stations and multi-channel video programming distributors must provide programming with video description. 47 C.F.R. § 79.3

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FAIR HOUSING AMENDMENTS ACT OF 1988

Amends Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) to extend protection of equal housing opportunity to include people with disabilities and families with children. (The Fair Housing Act prohibited discrimination on the basis of race, color, religion, sex, familial status, or national origin.) Prohibits private and public entities from discriminating against people with disabilities and families with children in all housing practices, effective March 13, 1989. Establishes national accessibility and adaptability standards for new multifamily construction of four or more units available for first occupancy after March 13, 1991. Requires housing providers to allow tenants with disabilities to make "reasonable modifications of existing premises" and reasonable accommodations in policies.

The tenant pays for modifications and may be required to return the unit to its original condition upon moving.

For more information on the FHAA, contact the U.S. Department of Housing and Urban Development (HUD), the Massachusetts Office on Disability, the Massachusetts Commission Against Discrimination, or the Disability Law Center (see Resources).

RELATED MASSACHUSETTS LAWS

CONSTITUTIONAL AMENDMENT ARTICLE 114 (1980)

States: "No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity within the Commonwealth." Article 114 is broadly written; it prohibits discrimination on the basis of disability on any level within the state, by private businesses, nonprofit organizations, and state, county, and municipal governments.

PUBLIC ACCOMMODATIONS LAW OF 1979

Prohibits discrimination on the basis of disability in places of public accommodation. A public building is defined as any place that is open to and accepts the general public. The law prohibits discrimination not only in terms of building access but also in terms of business or services. This law also prohibits discrimination against a person who is blind, deaf, or hard of hearing, or any other person with a disability, who uses a support or guide dog.

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EXECUTIVE ORDER 246 (1984)

Prohibits discrimination and mandates affirmative action to ensure equal opportunity for people with disabilities in the Commonwealth. The requirements of this Order apply to state executive agencies' internal policies and practices, such as employment and the granting of licenses, as well as to recipients of state funding, including contract and grant recipients such as municipalities. Each agency under an executive office is supposed to create an affirmative action plan that includes goals and methodology for the placement of people with disabilities in the state's work force. All state employment, services, and activities should be accessible and nondiscriminatory on the basis of disability. Programs and activities that must comply include: employment and training services, health care facilities licensed or chartered by the state, private educational institutions licensed or chartered by the state and those that receive state assistance or participate in state programs, or a person, corporation, or business that is licensed or chartered by the state.

MASSACHUSETTS EXECUTIVE ORDER 526 (2011)

Replaced Executive Order 478, signed in January of 2007, which renewed the Commonwealth's commitment to equal rights for all. It prohibits discrimination and mandates affirmative action to ensure equal opportunity for people with disabilities by the Executive Branch of Massachusetts Government. The requirements of this Order apply to State executive agencies' internal policies and practices, such as employment and the granting of licenses, and apply as well to recipients of state funding, including contract and grant recipients such as municipalities. All state employment, services and facilities should be accessible and non-discriminatory on the basis of disability. Some examples of programs and activities that must comply with EO 526 include: employment and training services, health care facilities licensed or chartered by the state, private educational institutions licensed or chartered by the state and those which receive state assistance or participate in state programs, or a person, corporation, or business which is licensed or chartered by the state.

MASSACHUSETTS HOUSING BILL OF RIGHTS (M.G.L. 151B Section 4)

Extends the same protection as the federal Fair Housing Amendments Act of 1988, but only owner-occupied, two-family units are exempt from the provision. Prohibits discrimination in private and public housing, and requires new construction and alterations to meet specific design guidelines. It is illegal for a landlord to ask about a person's disability except to inquire about qualifications

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for a specific type of unit ("Do you have a condition that qualifies you for a wheelchair-accessible unit?"). Only medical opinions that address specific qualifications for a particular unit may be sought ("Does Jane Doe have a condition that qualifies her for a unit for people with mental retardation?").

If there are three or more units, accommodations must be made to rules or policies if the accommodations are needed for a person with a disability to use or enjoy the premises. A person with a disability may make reasonable modifications to the premises at his or her own expense or, in the case of publicly-assisted housing or housing with ten or more units, the landlord is responsible for paying for reasonable modifications unless they would impose an undue hardship. New construction of housing with three or more units ready for first occupancy after March 13, 1991 must be adaptable, consistent with AAB regulations. (The 1996 revision of the AAB regulations incorporate adaptability standards.)

The law also requires a central registry, maintained by the Massachusetts Rehabilitation Commission to match available accessible and adaptable apartment housing units with people who need them.

Planning

Follow the steps outlined in this section to prepare yourself to conduct an access assessment. Remember: although some people are effective advocates working individually, you are encouraged to work with other individuals and organizations to be most effective in your advocacy work. Also, don't forget that help is available to you when you need it; the Resources section lists useful organizations and publications.

OVERVIEW OF STEPS

- STEP 1 ♦ Get connected and get organized.
- STEP 2 ♦ Choose an organization to work with.
- STEP 3 ♦ Obtain information.
- STEP 4 ♦ Determine which access laws apply.
- STEP 5 ♦ Find out if any exemptions apply.
- STEP 6 ♦ Contact the owner or facility manager.
- STEP 7 ♦ Prepare for the site visit.

STEP 1: Get connected and get organized.

Get in touch with your local Commission on Disability and Independent Living Center. Introduce yourself; let them know you have been trained as a Community Access Monitor by the Massachusetts Office on Disability. Try to get a sense of how the advocacy activity in your community is organized and how you can best fit into the effort.

It is most effective and efficient to work with other individuals and disability organizations in your community or municipality. However, there may be times that you will do individual work; for instance, to follow up on a complaint, to respond to a specific request by the director of an organization, or at times when you may be the only one who perceives a problem that needs to be addressed. You might be very effective working on your own.

Contact the Chamber of Commerce or Downtown Professional Association to find out what they are doing, and offer your cooperation on an existing or new task force on ADA compliance or in co-sponsoring an ADA forum.

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If no one has done so yet, make a list of all of the organizations, businesses, agencies, and state and municipal government departments in your community (for the purposes of this workbook, all of these are called "organizations"). This will enable you to work your way through your community systematically, and to coordinate the efforts of several groups. Below is a sample list of facilities and programs to get you started.

COMMUNITY CHECKLIST

State Facilities

Welfare Office
Schools
Court Houses
Registry of Motor Vehicles
Department of Employment
etc...

Municipal Facilities

Police Station
Town/City Hall
Fire Station
Libraries
Parks
Schools
etc...

Social Service Organizations

Health Centers
Houses of Worship
Hospitals
YMCA
Homeless Shelters
Day Care Centers
Rehabilitation Programs
Home Care Agencies
Counseling Services
Adoption Agencies
Recreation Centers
etc...

Businesses

Supermarkets
Banks
Restaurants
Cleaners
Pharmacies
Retail Stores
Doctor's Offices
Dentist's Offices
Theaters
Apartment Buildings
etc...

STEP 2: Choose an organization to work with.

NOTE: For the purposes of this workbook, an "organization" can be a business, nonprofit agency, government department, or any other organization open to the public.

Decide on an organization you would like to work with on access. This is easier when you are well connected with other accessibility advocates. Your local Commission on Disability or Independent Living Center might suggest an organization that needs work, or you may have a particular one in mind. Your interest in a particular organization may be prompted by, among other things, a complaint or concern voiced by a member of the community, the request of an owner seeking to make changes, the completion of a new building, or personal reasons of your own.

Check with the local Commission on Disability, the Independent Living Center or the Massachusetts Office on Disability to find out if the organization you are interested in working with has already been or is currently being assessed for accessibility. If the organization has already been evaluated, select another organization to work with. (If you are interested, the Commission or Independent Living Center may be able to inform you of the results of a previous survey). If someone is currently working with the organization, ask whether your help on the project would be useful, or select another organization.

STEP 3: Obtain information.

Make a photocopy of the Information Worksheet, or call the Massachusetts Office on Disability for copies.

Obtain the information you need for the first section of the Information Worksheet now. As you do Steps 4 and 5, you will fill out the remaining sections.

When you do the assessment of the organization, you will bring along the completed Information Worksheet, which will contain all the data you need.

HOW TO OBTAIN INFORMATION

NOTE:

Find out whether the organization is a recipient of Federal funds, if it is a social service agency (such as a day care center or substance abuse treatment center) or a state or municipal agency. You may wait until after the initial contact with the owner or manager to ask for this information.

| Type of Information | How to Obtain |
|--|--|
| Name and exact address of organization | Check website, the phone book, or call the organization if necessary. |
| Name, address, phone of owner/manager | Call the municipal tax assessor's office (you'll need the exact street address), or call the organization. |
| Permit date for original construction | Call the local building department. |
| Renovations, permit dates, amounts | Call the local building department. |
| Site plans for parking lots | Call the local planning department |
| Tax Assessed Value (if renovations done) | Call the local assessor's office. |

NOTE: Often much of this information may be found by visiting the municipality's website.

IF YOU CALL THE ORGANIZATION FOR PRELIMINARY INFORMATION (address, name of owner, etc.), be tactful. Avoid sounding confrontational. Simply ask politely for the information you need, and request only the information that you cannot find some other way.

COMMUNITY ACCESS MONITOR PROGRAM

INFORMATION WORKSHEET

Name/description of organization: _____

Exact street address: _____

Number of stories: _____

Name, address, phone of current owner/manager: _____

Permit date for original construction: _____

What Type of Organization and Possible Obligations:

- Private Business
 - ADA Title III Obligations
 - AAB Obligations
- State or Local Government
 - ADA Title II Obligations
 - AAB Obligations
- Religious Organization
 - AAB Obligations

Have any renovations been done? YES NO

| Permit date | Dollar amount |
|-------------|---------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

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If renovations have been done:

Tax Assessed Value (TAV) at time of permit: \$_____

Have renovations been done in a primary function area since January 26, 1992?

YES NO

If yes: Subject to accessible path of travel requirement under the ADA.

Is organization receiving federal financial assistance? YES NO

If yes: **Organization** may need to comply with Section 504.
Contact the Office on Disability for further information.

(B) Complete this section after gathering the information described in Step 4:

Check all that apply to this organization (from decision trees):

- AAB
- ADA Title II new construction or alterations
- ADA Title II existing facilities
- ADA Title III new construction or alterations
- ADA Title III existing facilities

COMMUNITY ACCESS MONITOR PROGRAM

(C) Complete this section after gathering the information described in Step 5 (check all that apply):

- Historic building; variances/exemptions may apply (see page 41).
- Elevator exemption applies (see page 42).
- The organization has received variances from the Architectural Access Board (see page 42). List/describe:

(D) Complete this section if organization is under AAB jurisdiction and facility has undergone renovations since December 18, 1968:

If the facility was renovated between before April 1, 1982, call the Office on Disability for compliance information.

For a facility with a building permit issued between April 1, 1982, and September 1, 1996, use the compliance formula below to determine which parts of the building (if any) must comply with the AAB regulations. (See next page for how to calculate percentages.)

Cost of renovations
over any two-year period
less than 25% Tax
Assessed Value (TAV)
and less than \$50,000

Parts of facility that must comply
 only renovated parts must comply

less than 25% TAV
and \$50,000 or more

renovated parts must comply
PLUS addition of accessible rest room
(if public rest room provided) and
accessible entrance required

over 25% TAV

entire building must comply

NOTE:
THE AAB
COMPLIANCE
FORMULA
CHANGED IN
1996 (SEE
NEXT PAGE).
BE SURE WHEN
APPLYING THE
FORMULA,
THAT THE
CORRECT AAB
REGULATIONS
ARE USED.

COMMUNITY ACCESS MONITOR PROGRAM

For a facility with a building permit issued since September 1, 1996, use the compliance formula below to determine which parts of the building (if any) must comply with the AAB regulations.

Cost of renovations
over any three-year period
less than 30% Tax
Assessed Value (TAV)
and less than \$100,000

Parts of facility that must comply
 only renovated parts must comply

less than 30% TAV
and \$100,000 or more

renovated parts must comply PLUS
addition of accessible rest room (if public
rest room provided); accessible entrance
required; and addition of accessible
telephone and drinking fountain (if public
telephone and drinking fountain provided).

over 30% TAV

entire building must comply

How to calculate percentages

Calculations

1) Add the highest dollar amounts for renovations over any two-year period (for work done between April 1, 1982 and August 31, 1996) or the highest dollar amounts for renovations over any three-year period (for work done after September 1, 1996).

R = cost of renovations = _____

2) Multiply this total by 100:

$R \times 100 =$ _____

3) Divide this number by the TAV (from Part A of Worksheet):

$\frac{R \times 100}{TAV} =$ _____ the % of TAV that renovations cost

Example: If the TAV of a building is \$100,000, and the highest cost of renovations over a two-year period is \$20,000, then the % is

$$\frac{20,000 \times 100}{100,000} = 20\%$$

STEP 4: Determine which access regulations apply.

Use the decision trees that follow to determine which access laws apply to the organization you are interested in working with. Refer to Part A of the Information Worksheet (page 32) for the following information:

- ◆ Type of organization
- ◆ Building permit date
- ◆ Renovation permit dates and dollar amounts
- ◆ Type of renovations

Once you have determined which regulations apply, complete Parts B and D of the Information Worksheet (pages 35 and 36).

USING THE DECISION TREES

The decision trees enable you to determine which regulations apply so that you can proceed appropriately with your assessment and advocacy work. As you go through each step of this workbook, you should keep in mind which requirements apply to the organization with which you are working.

There are decision trees for two categories of organizations:

1. **State, County, and Municipal Governments.** This category includes state or local governments, authorities, agencies, and services.
2. **Public Accommodations and Commercial Facilities.** This category includes privately owned or operated places, including retail establishments, restaurants, professional offices, hotels, museums, theaters, private schools, factories, warehouses, and any other place where employment takes place.

Trace down through the appropriate decision tree. Follow the boxes that describe the organization you are interested in working with; this path will determine which nondiscrimination laws and requirements apply to the organization. Record the result in Part B of the Information Worksheet (page 33).

(Continued)

USING THE DECISION TREES (continued)

These types of organizations do *not* appear on the decision trees:

Housing. Publicly-funded and private housing facilities are covered by the AAB regulations, the federal Fair Housing Amendments Act and the Massachusetts Housing Bill of Rights. Publicly-funded housing is also covered by the 2010 Standards for Accessible Design. Contact the Massachusetts Office on Disability for more information.

Federal government and organizations that are recipients of federal funding. These are covered by Section 504 of the Rehabilitation Act of 1973, the Architectural Barriers Act of 1968 and the 2010 Standards for Accessible Design. Contact the Massachusetts Office on Disability for more information.

Religious organizations. If their facilities were built or renovated after June 10, 1975, religious organizations are covered only by the Massachusetts AAB regulations. Religious organizations are not covered under the Americans with Disabilities Act. Religious facilities built prior to June 10, 1975 are not covered by any access law.

Exclusive private clubs. For the purposes of AAB jurisdiction, private clubs are narrowly defined. Clubs whose membership or facilities are open to or are made available to the public are *not* exempt. For more information, contact the Massachusetts Office on Disability.

(continued)

COMMUNITY ACCESS MONITOR PROGRAM

USING THE DECISION TREES (continued)

Regulation

ADA Title II (state/local government services):
new construction and alterations

Requirements

Design and construct to be accessible. Comply with ADA Accessibility Guidelines, Uniform Federal Accessibility Standards, or the 2010 Standards for Accessible Design. Ensure nondiscriminatory practices, effective communication, and program accessibility.

ADA Title III (public accommodations):
new construction and alterations

Design and construct to be accessible. Comply with ADA Accessibility Guidelines or the 2010 Standards for Accessible Design. Ensure nondiscriminatory practices and effective communication

ADA Title II:
existing facilities

Ensure nondiscriminatory practices, effective communication, and program accessibility through structural or programmatic modifications. Conduct Self-Evaluation and develop Transition Plan.

ADA Title III:
existing facilities

Readily achievable barrier removal. Ensure nondiscriminatory practices. Ensure effective communication with auxiliary aids and services.

AAB Rules and Regulations

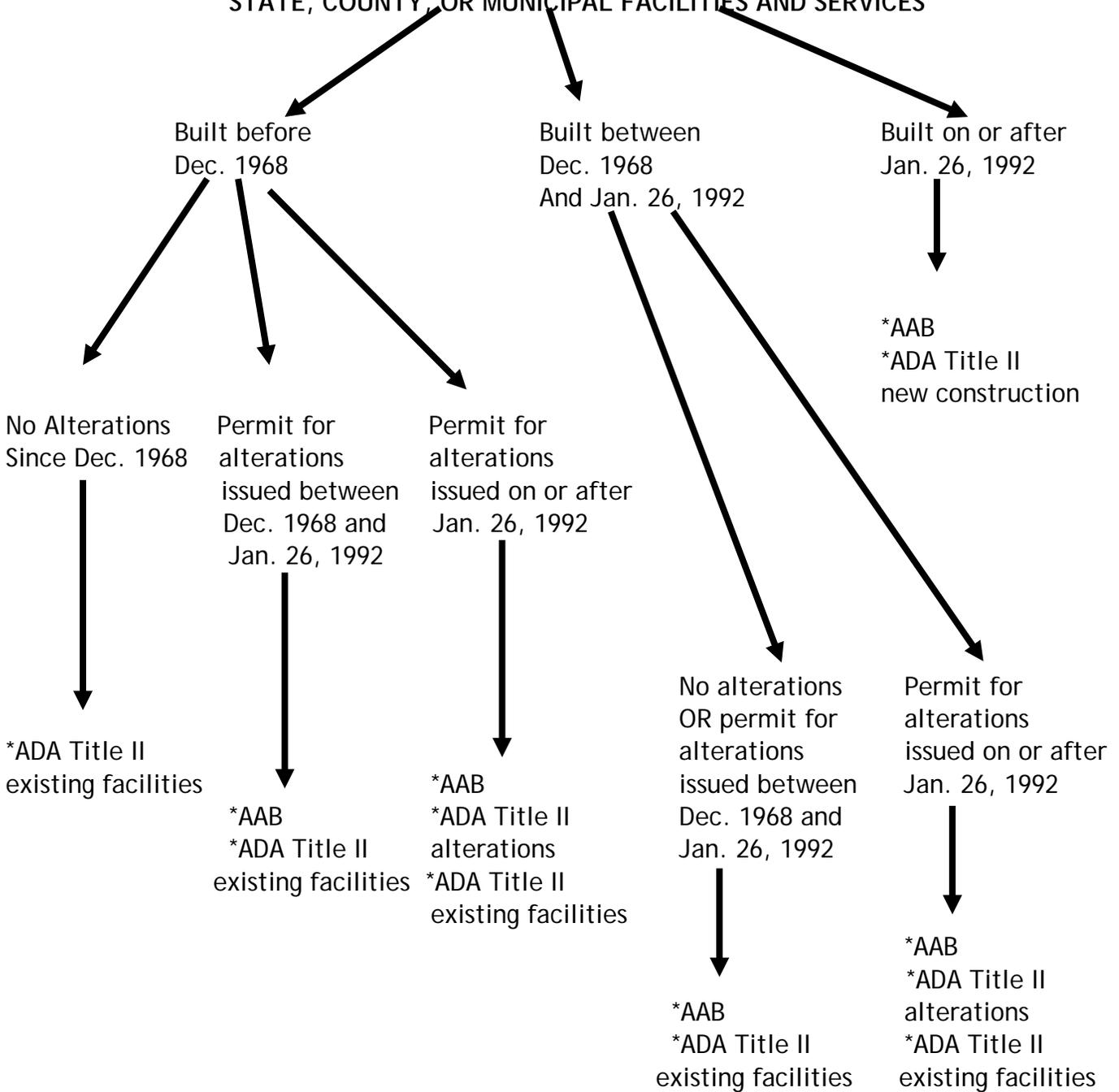
Design, construct, and renovate facilities to comply with the Massachusetts Architectural Access Board regulations.

Section 504 of Rehab. Act
existing facilities

Ensure nondiscriminatory practices, effective communication, and program accessibility through structural or programmatic modifications. Conduct Self-Evaluation and develop Transition Plan.

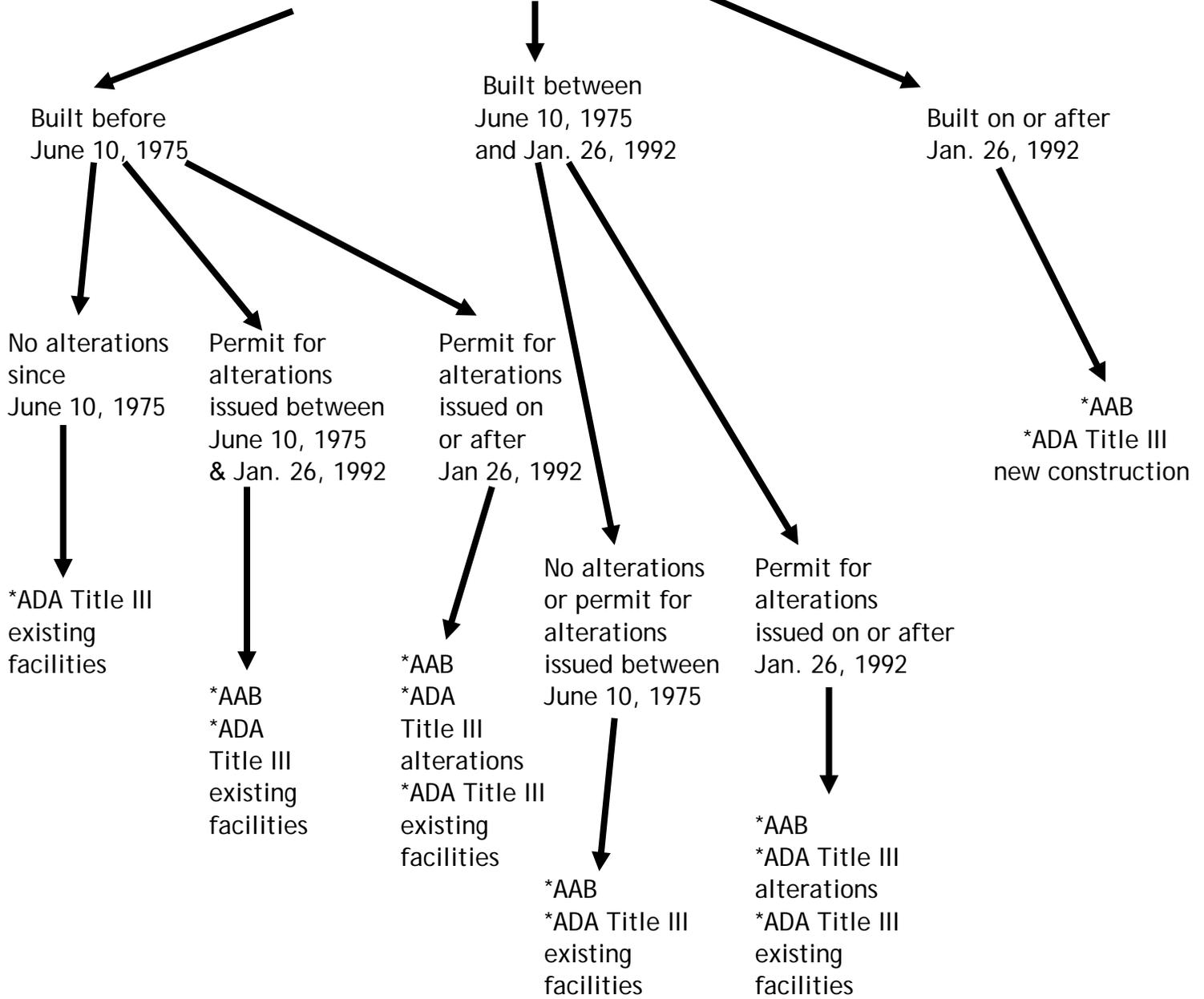
COMMUNITY ACCESS MONITOR PROGRAM

STATE, COUNTY, OR MUNICIPAL FACILITIES AND SERVICES



COMMUNITY ACCESS MONITOR PROGRAM

PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES



COMMUNITY ACCESS MONITOR PROGRAM

If you determine that the organization is under the jurisdiction of the ADA and/or the AAB, proceed with the steps outlined in this workbook.

If you believe the organization is under the jurisdiction of Section 504: Contact the Massachusetts Office on Disability for information and assistance if you would like to pursue work with that organization. If not, select a different organization.

If you are interested in pursuing an individual housing complaint under the Fair Housing Amendments Act or the Massachusetts Housing Bill of Rights: You may independently contact the Massachusetts Commission Against Discrimination or the Massachusetts Office on Disability will provide you with ~~for~~ assistance in how to proceed.

If you determine that the organization is not required to comply with any of the access laws, you can still encourage the organization to make access improvements by using some of the advocacy techniques outlined in this workbook. Contact your local Commission on Disability or Independent Living Center for assistance and support. Or, select another organization to work with, one that is covered by one or more of the access laws.

STEP 5: Find out if any exemptions apply.

HISTORIC BUILDINGS

If the facility is historic, as defined below, check off "Historic building" in Part C of the Information Worksheet (page 34). Historic buildings are not exempt from access laws; however, they are allowed some flexibility by both the AAB and the ADA.

The AAB may grant variances to historic properties listed in the Massachusetts Register of Historic Places, permitting them to provide alternate access.

The ADA requirements for readily achievable barrier removal and alterations apply to historic buildings (i.e., buildings eligible for listing in the National Register of Historic Places or designated as historic in the state register) unless it would threaten or destroy the historic significance of a feature of the property.

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In those circumstances, alternative standards may be used, such as having an alternate accessible entrance or using a slightly steeper ramp. If even these minimal alternative requirements are not possible, access may be provided by adapting programs or activities, modifying policies, or providing auxiliary aids or services.

ELEVATOR EXEMPTION

If the elevator exemption described below applies, check off "Elevator exemption applies" in Part C of the Information Worksheet (page 34).

The AAB requires elevators in all major renovations and new buildings under its jurisdiction.

However, for buildings covered only by the ADA, there is a significant exemption. Elevators are not required in new buildings of less than three stories or in buildings of any height with less than 3000 square feet per story. This exemption does not apply to transportation facilities, health care providers, or shopping malls; under the ADA (as under AAB), these facilities must have elevators.

Even when an elevator is not required, other accessibility specifications must be met on all stories, so that the building will be accessible to people who can use stairs but who may have other limitations. Also if it later becomes possible to install an elevator, the upper levels will already be accessible.

AAB VARIANCES

If the facility is under the jurisdiction of the Architectural Access Board, contact the AAB or the local building inspector to find out if it has been granted any variances.

The Architectural Access Board can grant variances if compliance with the regulations is *technologically infeasible* or if the *cost of compliance is excessive and without any substantial benefit to people with disabilities*. The Board may also allow alternate accessibility for registered historical buildings.

List variances in Part C of the Information Worksheet (page 34). Refer to this information while you do the assessment of the organization.

THE VARIANCE PROCESS

The owner of a facility (or his or her representative, such as an architect) is required to request a variance for every area that does not comply with or is not expected to comply with the AAB regulations. To request a variance, the owner or representative submits an application, along with backup documentation, including architectural plans, photographs, and cost estimates. Based on a preliminary discussion, the Architectural Access Board either grants or denies the variance petition, or schedules a hearing for the petitioner to present his or her case.

If a petition is denied without a hearing, the petitioner can request a hearing before the Board. If the petitioner disagrees with the Board's decision, he or she can file an appeal in Superior Court. The Board may also reopen the case if the petitioner has new information or evidence that was not available at the time of the original hearing.

The local commission on disability, Independent Living Center, and building inspector are also provided variance application and documentation by the applicant. They are also informed of the AAB's final decision.

There is no variance process under the Americans with Disabilities Act.

STEP 6: Contact owner or manager.

Contact the owner or manager of the organization to inform him or her of your interest in working to improve accessibility. Introduce yourself and the project, and propose a date and time to visit the organization.

If you like, you can adapt the model letter on page 44. Create the letter and ensure to include your own name, address, and phone number. Send a copy of the letter to the Massachusetts Office on Disability and the local Commission on Disability.

COMMUNITY ACCESS MONITOR PROGRAM

INITIAL CONTACT LETTER MODEL

(Name of owner or manager)

(Name of organization)

(Address)

(Date)

Dear (Name of owner or manager):

I am a member of the community concerned about access for people with disabilities. I have completed the two day Community Access Monitor Training offered by the Massachusetts Office on Disability. In this capacity, I am helping businesses, agencies, and other organizations identify physical and communication barriers.

I am interested in working with (name of organization) to improve access to your (store, restaurant, business, etc.) and, in particular, to help you meet the requirements of the Americans with Disabilities Act.

The Massachusetts access regulations impact your organization. I am interested in working with (name of organization) to help you meet your accessibility requirements.

I will call you soon to give you more information and to find out when would be a convenient time to visit your facility, or you may feel free to contact me at (phone number). Thank you.

Sincerely,

(Signature)

(Your name)

cc: Massachusetts Office on Disability

(Municipal Commission on Disability)

If organization is covered by ADA only or both ADA and AAB

If organization is subject only to AAB regulations

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Follow up your initial letter with a phone call several days later to plan a meeting place and time. You may use or adapt the model format below if you like.

FOLLOW UP PHONE CALL MODEL

Hello Mr./Ms. _____. My name is _____. I sent you a letter on (date) about looking at your business to determine accessibility for persons with disabilities.

Are you familiar with the Americans with Disabilities Act? It requires public accommodations like yours to make improvements to accessibility. Are you already working on this? I'd like to help you identify the barriers in your (store, restaurant, business, etc.) so that you can consider which ones might be easily removed.

I'm sure you are familiar with the Americans with Disabilities Act, which requires state and local governments to provide access to their programs and services. Do you know whether this municipality has conducted a Self-Evaluation and prepared a Transition Plan? I'd like to help you identify areas where your activities are inaccessible, so you can consider ways to provide improved access to them.

Would it be possible to arrange a time for me to visit your (store, restaurant, business, etc.)? Afterwards I'll prepare a brief summary of your access issues, which I will send to you. (Arrange time.)

Would you like to have someone accompany me while I survey? It will take about two hours. (Get name.)

Where would be a convenient place to meet? (Arrange place.)

Do you have any questions?

Great. I'll be there on (date) at (time). Thank you very much.

If organization is an existing public accommodation covered by the ADA

If organization is a state or local government service covered by the ADA

STEP 7: Prepare for the site visit.

Obtain copies of the survey form.

A checklist is provided in this workbook. Use this checklist as a guide to conduct your survey. Read through it to be sure all instructions and questions are clear to you.

Know how to take all required measurements.

Review the instructions below.

HOW TO MEASURE...

Doorway clear width

With the door open to a right (90 degrees) angle, measure from the inside edge of the door to the inside of the latch side door frame.

Ramp slope

The slope is a ratio of the height to the length. For a 1:12 maximum slope, *at least* one foot of ramp length) is needed for each inch of height.

(continued)

HOW TO MEASURE... (continued)

| | |
|--|--|
| Ramp width | Measure from the inside of one handrail to the other. |
| Height of object | Measure from floor or ground surface to highest operable part of object. |
| Usability of controls and handles | Use this test: Try opening the door or operating the control using only one hand, held with fingers curled. |
| Door opening force | <p>A door pressure gauge can be used to measure the force required to <i>push</i> open a door</p> <p>A fish scale can be used to measure the force required to <i>pull</i> open a door.</p> |
| Non-slip floor surface | Floor surfaces vary considerably depending on conditions. Whether or not a floor fits the definition of "non-slip" is often a judgment call. In general, surfaces such as broom-finish concrete, thermal-finish granite, unglazed brick or concrete pavers, and unglazed quarry tile are non-slip; while terrazzo, polished marble or other polished stone, high-gloss applied surfaces such as polished varnish, and glazed tile are generally considered slippery. |

COMMUNITY ACCESS MONITOR PROGRAM

Enlist help if possible.

It is easiest for two or three people to do a survey. With three people, one person takes notes, while the other two take measurements.

Make sure you have everything you need when you go to the site.

Review the checklist below before you leave.

WHAT TO BRING

- Completed Information Worksheet
- Survey form
- Applicable design standards, with list of sections that apply
- Notebook
- Pens and pencils
- Flexible steel tape measure
- Door pressure gauge or fish scale (if possible)
- Camera

When you arrive at the site (or in advance, if possible), you might want to sketch the layout of all interior and exterior spaces.

A short course in basic sketching and measuring skills is provided at the end of the book.

The Site Visit

OVERVIEW OF STEPS

STEP 8 Visit the organization to assess its accessibility.

STEP 8: Visit the organization to assess its accessibility.

Using the appropriate survey form, assess the architectural, communication, and programmatic accessibility of the organization. The survey form is provided in this workbook. Look at interior and exterior spaces to evaluate architectural, communication, and programmatic accessibility. It is very important to take clear and accurate notes. When in doubt as to whether or not to write something down, write it down. If possible, take pictures of both the accessible and inaccessible spaces and features. Be sure to note on the survey form where you have taken photographs.

The next couple of pages are samples of a survey using the Checklist included in this book.

Remember: Under Title III of the ADA, existing facilities are not required to be fully accessible (i.e., compliant with all requirements of the ADA Accessibility Guidelines). The barrier removal requirement for existing facilities is limited to those changes that are readily achievable. The intent is that facilities become usable by people with disabilities. For example, a deviation of an inch or two from a dimension specified in ADAAG may not be a barrier if it does not affect usability. However, the renovation may have triggered the regulations of the AAB, therefore a variance may be needed for that deviation.

SAMPLE

QUESTIONS POSSIBLE SOLUTIONS

Priority

1 Accessible Approach/Entrance

People with disabilities should be able to arrive on the site, approach the building, and enter as freely as everyone else. At least one route of travel should be safe and accessible for everyone, including people with disabilities.

Route of Travel (ADAAG 4.3, 4.4, 4.5, 4.7)

Is there a route of travel that does not require the use of stairs?

Yes No

- Add a ramp if the route of travel is interrupted by stairs.
- Add an alternative route on level ground.

Is the route of travel stable, firm and slip-resistant?

- Repair uneven paving.
- Fill small bumps and breaks with beveled patches.
- Replace gravel with hard top.

TTTTT Is the route at least 36 inches wide?

42
width

- Change or move landscaping, furnishings, or other features that narrow the route of travel.
- Widen route.

TTTTT Can all objects protruding into the circulation paths be detected by a person with a visual disability using a cane?

8" | 27"
distance from wall/
height

- Move or remove protruding objects.
- Add a cane-detectable base that extends to the ground.
- Place a cane-detectable object on the ground underneath as a warning barrier.

In order to be detected using a cane, an object must be within 27 inches of the ground. Objects hanging or mounted overhead must be higher than 80 inches to provide clear head room. It is not necessary to remove objects that protrude less than 4 inches from the wall.

**Room signage Projects out*

Do curbs on the route have curb cuts at drives, parking, and drop-offs?

- Install curb cut.
- Add small ramp up to curb.

Ramps (ADAAG 4.8)

TTTTT Are the slopes of ramps no greater than 1:12?

2' | 24"
slope

- Lengthen ramp to decrease slope.
- Relocate ramp.
- If available space is limited, reconfigure ramp to include switchbacks.

Slope is given as a ratio of the height to the length. 1:12 means for every 12 inches along the base of the ramp, the height increases one inch. For a 1:12 maximum slope, at least one foot of ramp length is needed for each inch of height.

Ramp @ entrance

COMMUNITY ACCESS MONITOR PROGRAM

— SAMPLE —

| QUESTIONS | POSSIBLE SOLUTIONS |
|---|--|
| <p>Parking and Drop-Off Areas, continued</p> <p>Are the access aisles part of the accessible route to the accessible entrance?</p> <p>Are the accessible spaces closest to the accessible entrance?</p> <p>Are accessible spaces marked with the International Symbol of Accessibility? Are there signs reading "Van Accessible" at van spaces?</p> <p>Is there an enforcement procedure to ensure that accessible parking is used only by those who need it?</p> | <p><input type="checkbox"/> Add curb ramps.</p> <p><input type="checkbox"/> Reconstruct sidewalk.</p> <p><input checked="" type="checkbox"/> Reconfigure spaces.</p> <p><input type="checkbox"/> Add signs, placed so that they are not obstructed by cars.</p> <p><input type="checkbox"/> Implement a policy to check periodically for violators and report them to the proper authorities.</p> |
| <p>Entrance (ADAAG 4.13, 4.14, 4.5)</p> <p>If there are stairs at the main entrance, is there also a ramp or lift, or is there an alternative accessible entrance?</p> <p>Do not use a service entrance as the accessible entrance unless there is no other option.</p> <p>Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance? -N/A- only public entrance</p> <p>Can the alternate accessible entrance be used independently? -N/A</p> <p>33 clear opening</p> <p>9" clear space</p> <p>Does the entrance door have at least 32 inches clear opening (for a double door, at least one 32-inch leaf)?</p> <p>Is there at least 18 inches of clear wall space on the pull side of the door, next to the handle?</p> <p>A person using a wheelchair or crutches needs this space to get close enough to open the door.</p> | <p><input type="checkbox"/> If it is not possible to make the main entrance accessible, create a dignified alternate accessible entrance. If parking is provided, make sure there is accessible parking near all accessible entrances.</p> <p><input type="checkbox"/> Install signs before inaccessible entrances so that people do not have to retrace the approach.</p> <p><input type="checkbox"/> Eliminate as much as possible the need for assistance—to answer a doorbell, to operate a lift, or to put down a temporary ramp, for example.</p> <p><input type="checkbox"/> Widen the door to 32 inches clear.</p> <p><input type="checkbox"/> If technically infeasible, widen to 31-3/8 inches minimum.</p> <p><input type="checkbox"/> Install offset (swing-clear) hinges.</p> <p><input type="checkbox"/> Remove or relocate furnishings, partitions, or other obstructions.</p> <p><input type="checkbox"/> Move door.</p> <p><input checked="" type="checkbox"/> Add power-assisted or automatic door opener.</p> |

Advocating for Access

Once you have completed your assessment, be prepared to follow up by encouraging and working with the organization's owner or facility manager as they make any needed improvements, conduct further surveys, testify at a hearings, or take other necessary actions. The goal is voluntary compliance with the law. This section suggests advocacy methods to help reach this goal. It also explains the complaint processes available, should you choose to file a formal complaint.

OVERVIEW OF STEPS

- STEP 9 ♦ List access issues.
- STEP 10 ♦ Follow up with the owner or manager.
- STEP 11 ♦ Continue to work for improved accessibility.
- STEP 12 ♦ Write a letter of acknowledgment.
- STEP 13 ♦ Write a letter of appreciation.
- STEP 14 ♦ File a complaint if necessary.

STEP 9: List access issues.

Organize the notes and photographs from the site visit and make a list of the access issues that have become apparent. Prepare to present ~~you~~ the evaluation to the owner or manager.

STEP 10: Follow up with the owner or manager.

Within one week from the site visit, write a follow up letter to the owner or manager, detailing the results of the assessment of the organization's level of accessibility and a summary of access concerns. The letter should include a time frame for the person to respond. Adapt the model letter on the following page. Be sure to discuss communication barriers in addition to architectural barriers.

If you have access to a copy machine, include copies of pertinent sections of applicable regulations and information on available tax incentives (included in the Appendix of this workbook). Be sure to send copies of the letter to the Massachusetts Office on Disability and the local Commission on Disability.

COMMUNITY ACCESS MONITOR PROGRAM

**SAMPLE PUBLIC ACCOMMODATION FOLLOW UP LETTER
(ADA Title III or ADA/AAB)**

(Name of owner or manager)
(Organization)
(Address)
(Date)

Dear (Name of owner or manager):

As you know from (our phone call/my letter) of (date), I have completed the two day Community Access Monitor training offered by the Massachusetts Office on Disability.

On (date), I visited your (store, restaurant, business, etc.) to evaluate accessibility for people with disabilities. Thank you for your cooperation during the visit. (If appropriate:) I was impressed that so much of your (store, restaurant, building, etc.) is accessible.

The Americans with Disabilities Act requires existing public accommodations like yours to eliminate barriers whose removal is "readily achievable." The following is a list of barriers I identified during the site survey. As you consider which of these can be easily removed, please keep in mind that all modifications made to comply with the readily achievable requirement must also comply with the Massachusetts access regulations. I am enclosing a list of the factors to be considered to help in determining what is readily achievable.

(Continued)

SAMPLE PUBLIC ACCOMMODATION LETTER (continued)

Examples

- 1) Door hardware is round and difficult to open. Lever or loop handles should be used.
- 2) The soap dispenser in the accessible rest room is too high. It should be no higher than 48 inches.

If communication barriers are present.

The following should be considered in order to improve communication accessibility:

Examples

- 1) Provide a TTY (Teletypewriter for the Deaf) at the hotel front desk.
- 2) Provide large print and audio tape or braille formats of menus, or have someone available to read them out loud upon request.

If subject to compliance with ADAAG and/or AAB

In my opinion, the following are in conflict with the Massachusetts Architectural Access Board Rules and Regulations and/or the ADA Accessibility Standards:

- 1) Clear opening of front door is 28 inches. It should be 32 inches. (Cite appropriate AAB/ADA Section)
- 2) There is only one accessible parking space. Since the lot has 30 spaces, there should be at least two accessible spaces. (Cite appropriate AAB/ADA Section)
- 3) The large conference room should have a permanently installed assistive listening system. (Cite appropriate AAB/ADA Section)

Examples

I look forward to hearing from you in the next two weeks. I can be reached at (phone number).

Sincerely,
(Signature)

(Your name)

cc: Massachusetts Office on Disability
(Municipal Commission on Disability)

Enc. List of readily achievable considerations
Pertinent sections of applicable regulations
Tax incentive information

FACTORS USED TO DETERMINE WHAT IS READILY ACHIEVABLE AND WHAT IS AN UNDUE BURDEN

Readily achievable:

easily accomplishable and able to be carried out without much difficulty or expense

Undue burden:

significant difficulty or expense

Factors to be considered include:

1. Nature and cost of the modifications needed
2. Impact upon the operation of the organization:
 - a. overall financial resources of the organization
 - b. number of persons employed at the organization
3. Geographic separateness and administrative or fiscal relationship of the organization to any parent organization
4. Resources of parent organization:
 - a. overall financial resources of any parent organization
 - b. overall size of the parent organization with respect to the number of employees
 - c. number, type, and location of its facilities
5. Type of operation or operations of any parent organization, including the composition, structure, and functions of its work force

COMMUNITY ACCESS MONITOR PROGRAM

**SAMPLE STATE/LOCAL GOVERNMENT FOLLOW UP LETTER
(ADA Title II)**

(Name of owner or manager)

(Organization)

(Address)

(Date)

Dear (Name of owner or manager):

As you know from (our phone call/my letter) of (date), I have completed the two day Community Access Monitor training offered by the Massachusetts Office on Disability.

On (date), I visited your (agency, department, office, etc.) to evaluate accessibility for people with disabilities. Thank you for your cooperation during the visit. (If appropriate) I was impressed that so much of your (agency, department, office, etc.) is accessible. The Americans with Disabilities Act requires that (State or Local) government entities ensure that all of their programs, services and activities, when viewed in their entirety, are accessible to and usable by persons with disabilities. In my opinion, the following are access barriers that need to be considered.

1. Printed brochures are inaccessible to many people with vision related disabilities. Materials should be available in alternate formats such as large print and Braille.
2. Staff was not familiar with the use of alternate communication resources such as a TTY (Teletypewriter for the Deaf) or the Massachusetts Relay Service.
3. Public meetings need to be moved from the second floor to the first floor.
4. Notices need to be posted and disseminated informing people of their rights under the ADA.

Under Title II of the Americans with Disabilities Act, state and local governments were responsible for conducting a self-evaluation of services, programs, and activities by January 26, 1993. If it was determined structural changes to facilities were needed to provide programmatic access, they were to be done as soon as possible but completed no later than January 26, 1995.

(Continued)

SAMPLE STATE/LOCAL GOVERNMENT LETTER (continued)

If subject to
compliance with
ADAAG and/or
AAB
Examples

In my opinion, the following are in conflict with the Massachusetts Architectural Access Board Rules and Regulations and/or the ADA Accessibility Standards:

- 1) Clear opening of the front door is 28 inches wide. It should be 32 inches. (Cite appropriate AAB/ADA Section)
- 2) There is only one accessible parking space. Since the lot has 30 spaces, there should be at least two accessible spaces. (Cite appropriate AAB/ADA Section)
- 3) The large conference room should have a permanently installed assistive listening system. (Cite appropriate AAB/ADA Section)

I look forward to hearing from you in the next two weeks. I can be reached at (phone number).

Sincerely,
(Signature)

(Your name)

cc: Massachusetts Office on Disability
(Municipal Commission on Disability)

Enc. Pertinent sections of applicable regulations

STEP 11: Continue to work for improved accessibility.

Get in touch with people who can support and advise you in your advocacy efforts. Work with the local disability commission and/or Independent Living Center. They may have ideas that can help you persuade the organization you are working with to increase its level of accessibility, and they may be able to assist by contacting the organization and advocating for compliance.

NOTE: All modifications made to comply with the readily achievable requirement must also comply with the Massachusetts Architectural Access Board Regulations.

If the organization is subject to the ADA's "readily achievable" and communication requirements, work with the owner or manager to develop an **Implementation Plan** for making readily achievable improvements. An Implementation Plan is recommended, but not required, by the ADA. Explain to the owner or manager that preparing and carrying out such a plan will help demonstrate that the organization is making a good faith effort to comply with the requirements of the law. The plan should detail which readily achievable access improvements have been decided upon and when each modification will be carried out. Which improvements are deemed readily achievable will depend on several factors (see page 55). Encourage them to document what is not readily achievable and what alternative methods will be used to provide access. Only the owner of the public accommodation can make these decisions.

If it is a state or municipal organization, offer to work with them to review the **Self-Evaluation and Transition Plan**. Information on these plans is provided in the Appendix, or refer the organization to the Massachusetts Office on Disability, the New England ADA Center or to the U.S. Department of Justice's Technical Assistance Manual for Title II of the ADA for information on how to proceed.

STEP 12: Write a letter of acknowledgment.

When the organization's owner or manager agrees to make the recommended access improvements, send a letter of acknowledgment. Commend the owner or manager's efforts, and emphasize the positive impact his or her action will have as a part of the nationwide movement to remove barriers to people with disabilities. Send a copy of the letter and the organization's plan of compliance to the Massachusetts Office on Disability and the local Commission on Disability. If you wish, adapt the model letter on the next page.

COMMUNITY ACCESS MONITOR PROGRAM

ACKNOWLEDGMENT LETTER MODEL

(Date)

(Name of owner or manager)

(Organization)

(Address)

Dear (Name of owner or manager):

I am writing to thank you for your prompt response to my recommendations for improving accessibility at your (store, restaurant, business, etc.). It is encouraging to see progress being made in the nationwide effort to remove architectural, communication, and programmatic barriers to people with disabilities.

Your plan to increase access to your (store, restaurant, building, etc.) is a positive step toward the goal of creating an accessible environment for all people.

I would like to stay in touch to assist you during the process of implementing your planned improvements. Please feel free to contact me at (phone number) at any time.

Sincerely,
(Signature)

(Your name)

cc: Massachusetts Office on Disability
(Municipal Commission on Disability)

STEP 13: Write a letter of appreciation.

Maintain contact with the organization throughout the process of planning and carrying out access improvements.

When access changes have been made, send a final letter of appreciation. You may use or adapt the model below, if appropriate.

APPRECIATION LETTER MODEL

(Date)

(Name of owner or manager)

(Organization)

(Address)

Dear (Name of owner or manager):

Thank you very much for your cooperation throughout the process of evaluating and improving accessibility at your (store, restaurant, business, etc.). Now that your (store, restaurant, business, etc.) is accessible, all people will be able to benefit from the (products, services, etc.) you offer, and you will benefit from a greater pool of potential (customers, clients, etc.).

I hope you will continue to improve and maintain accessibility. If you need further guidance, please feel free to contact me at (phone number).

Again, I commend your efforts and hope the improvements you have made and your continued attention to access issues will set an example for others to follow.

Sincerely,

(Signature)

(Your name)

cc: Massachusetts Office on Disability
(Municipal Commission on Disability)

STEP 14: File a complaint if necessary.

If, despite your efforts, the organization you are working with refuses to take steps to improve its accessibility, and you believe it is in violation of the law, the next step may be to file a complaint. Although it is better to get voluntary compliance, you should be familiar with the complaint process should filing a complaint become necessary.

If your complaint addresses violations of the Regulations of the Architectural Access Board, submit your complaint to the Architectural Access Board. Copies of AAB complaint forms can be found in the appendix of this book or at www.mass.gov/aab. If you need assistance in completing the complaint form, please contact the Massachusetts Office on Disability.

The AAB will send a letter to the owner or manager of the organization listing the alleged violations. Depending on the owner's response, a hearing may be held. If a hearing is held, you should plan on attending and be prepared to testify. Bring all written documentation, photographs (if you have them), and copies of all correspondence to the hearing. If the complaint is decided in your favor, the AAB will issue an order to the organization to make the necessary improvements within a stipulated timeframe. If the organization does not comply with the order, they may be subject to fines of up to \$1000 per day, per violation.

If your complaint addresses violations of Title II of the ADA (state and local governments), you can do any or all of the following:

- ◆ Complain through the public entity's grievance procedure, and negotiate with them for voluntary compliance. Under Title II, public entities are required to establish grievance procedures for handling complaints.
- ◆ File a complaint with the federal agency you believe to be appropriate within 180 days of the alleged discrimination. Refer to the list on page 65 to determine which federal agency may be appropriate for your situation. To file a complaint, write a letter describing the discrimination that you believe occurred. There is no complaint form for ADA complaints.
- ◆ File a complaint with the Department of Justice, which will refer your complaint to the appropriate agency.
- ◆ File a private suit against the public entity.

COMMUNITY ACCESS MONITOR PROGRAM

- ◆ Contact the Massachusetts Office on Disability to seek guidance on pursuing your complaint with the Massachusetts Commission Against Discrimination.
- ◆ Alternative means of dispute resolution, such as settlement negotiations, conciliation, mediation, and arbitration, are encouraged.

If your complaint addresses violations of Title III of the ADA (public accommodations and commercial facilities), you can:

- ◆ file a complaint with the U.S. Department of Justice, who may investigate and could commence a civil action in the appropriate U.S. district court if the case involves a "pattern or practice of discrimination" or raises an "issue of general public importance.
- ◆ Contact the Disability Rights Section of the Massachusetts Office of the Attorney General.
- ◆ File a private lawsuit.
- ◆ Contact the Massachusetts Office on Disability to seek guidance on pursuing your complaint with the Massachusetts Commission Against Discrimination.

COMMUNITY ACCESS MONITOR PROGRAM

DESIGNATED FEDERAL AGENCIES FOR TITLE II COMPLIANCE
(State and Local Government Services)

Department of Agriculture

All programs, services, and regulatory activities relating to farming and the raising of livestock, including extension services. (Send complaints to: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250. www.ascr.usda.gov)

Department of Education

All programs, services, and regulatory activities relating to the operation of elementary and secondary education systems and institutions, institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health related schools), and libraries. (Send complaints to: U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue, SW, Washington, D.C. 20202. www.ed.gov)

Department of Health and Human Services

All programs, services, and regulatory activities relating to the provision of health care and social services, including schools of medicine, dentistry, nursing, and other health related schools, the operation of health care and social service providers and institutions, including "grass roots" and community services organizations and programs, and preschool and day care programs. (Send complaints to: Office for Civil Rights, Department of Health and Human Services, 200 Independence Avenue SW, Washington, D.C. 20201. www.hhs.gov/ocr)

Department of Housing and Urban Development

All programs, services, and regulatory activities relating to state and local public housing, and housing assistance and referral. (Send complaints to: Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, D.C. 20410. www.hud.gov)

(continued)

FEDERAL AGENCIES (continued)

Department of the Interior

All programs, services, and regulatory activities relating to lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums. (Send complaints to: Director, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, MS#: 5230, NW, Washington, D.C. 20240. www.doi.gov)

Department of Justice

All programs, services, and regulatory activities relating to law enforcement, public safety, and the administration of justice, including courts and correctional institutions; commerce and industry, including general economic development, banking and finance, consumer protection, insurance, and small business; planning, development, and regulation (unless assigned to other designated agencies); state and local government support services (e.g., audit, personnel, comptroller, administrative services); all other government functions not assigned to other designated agencies. (Send complaints to: US Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue, NW, Disability Rights Section NYAV, Washington, D.C. 20530. www.ada.gov)

Department of Labor

All programs, services, and regulatory activities relating to labor and the work force. (Send complaints to: Directorate of Civil Rights, Department of Labor, 200 Constitution Avenue NW, Washington, D.C. 20210. www.dol.gov)

Department of Transportation

All programs, services, and regulatory activities relating to transportation, including highways, public transportation, traffic management (non-law enforcement), automobile licensing and inspection, and driver licensing. (Send complaints to: Director, FTA Office of Civil Rights, East Building, 5th Floor, TCR, 1200 New Jersey Avenue, SE, Washington, D.C. 20590. www.fta.dot.gov)

SUMMARY OF STEPS

Step 1: Get connected and get organized.

- ◆ Get in touch with your local Commission on Disability and Independent Living Center.
- ◆ offer your cooperation on an existing or new task force on ADA compliance.

Step 2: Choose an organization to work with.

- ◆ Decide on an organization you would like to work with on access.
- ◆ Check with the local Commission on Disability and/or Independent Living Center whether the organization you are interested in working with has already been or is currently being assessed for accessibility.

Step 3: Obtain information.

- ◆ Make a photocopy of the Information Worksheet, or call the Massachusetts Office on Disability for copies.
- ◆ Obtain the information you need for the first section of the Information Worksheet.

Step 4: Determine which access regulations apply.

- ◆ Use the decision trees to determine which access laws apply to the organization you are interested in working with.
- ◆ Complete Parts B and D of the Information Worksheet.

Step 5: Find out if any exemptions apply.

- ◆ If the facility is historic, check off "Historic building" in Part C of the Information Worksheet.
- ◆ If the elevator exemption applies, check off "Elevator exemption applies" in Part C of the Information Worksheet.
- ◆ If the facility is under the jurisdiction of the Architectural Access Board, contact the AAB to find out if it has been granted any variances. List variances in Part C of the Information Worksheet.

Step 6: Contact owner or manager.

- ◆ Contact the owner or manager of the organization to inform him or her of your interest in working to improve accessibility.
- ◆ Follow up your initial letter with a phone call several days later to plan a meeting place and time.

COMMUNITY ACCESS MONITOR PROGRAM

Step 7: Prepare for the site visit.

- ◆ Obtain copies of the appropriate regulations and survey forms.
- ◆ Know how to take all required measurements.
- ◆ Enlist help if possible.
- ◆ Make sure you have everything you need when you go to the site.

Step 8: Visit the organization to assess its accessibility.

- ◆ Using the appropriate survey forms, assess the architectural, communication, and programmatic accessibility of the organization.

Step 9: List access issues.

- ◆ Organize your notes from the site visit and make a list of the access issues that have become apparent.

Step 10: Follow up with the owner or manager.

- ◆ Within one week, write a follow up letter to the owner or facility manager, giving your assessment of the organization's level of accessibility and a summary of access issues (and any actual code violations, if any), and suggesting a time frame for the person to respond.

Step 11: Continue to work for improved accessibility.

- ◆ Get in touch with people who can support and advise you in your advocacy efforts.
- ◆ If it is a state or municipal organization, offer to be part of the team that reviews the Self-Evaluation and Transition Plan.

Step 12: Write a letter of acknowledgment.

- ◆ When the organization's owner or manager agrees to make your recommended access improvements, send a letter of acknowledgment.

Step 13: Write a letter of appreciation.

- ◆ Maintain contact with the organization throughout the process of planning and carrying out access improvements.
- ◆ When access changes have been made, send a final letter of appreciation.

COMMUNITY ACCESS MONITOR PROGRAM

Step 14: File a complaint if necessary.

- ◆ If, despite your efforts, the organization you are working with refuses to take steps to improve its accessibility, and you believe it is in violation of the law, the next step may be to file a complaint.
- ◆ If a hearing is held, be prepared to testify.

Additional Resources

Municipal Listing of Local Commissions on Disability:

This list is included in the folder titled: Additional Resources.

Municipal Listing of the ADA Coordinators:

This list is included in the folder titled: Additional Resources.

COMMUNITY ACCESS MONITOR PROGRAM

MASSACHUSETTS INDEPENDENT LIVING CENTERS

BERKSHIRE COUNTY

AD-LIB

Joe Castellani, Director
215 North Street
Pittsfield, MA 01201
(413) 442-7047 V/TTY
(800) 232-7047
(413) 443-4338 FAX
adlib@adlibcil.org

Deaf Individuals in Greater Boston

D.E.A.F., INC.
Sharon Applegate, Director
215 Brighton Ave.
Allston, MA 02134
(617) 254-4041 V/TTY
(617) 254-7091 FAX
info@deafinonline.org

CAPE AND ISLANDS

CAPE ORGANIZATION FOR RIGHTS OF THE DISABLED

Coreen Brinknerhoff, Director
106 Bassett Lane
Hyannis, MA 02601
(508) 775-8300 V/TTY
(800) 541-0282
(508) 775-7022 FAX
cordinfo@cilcapecod.org

FALL RIVER/NEW BEDFORD SOUTHEAST CENTER FOR INDEPENDENT LIVING

Lisa Pitta, Director
Merrill Bldg., 66 Troy St., Suite 3
Fall River, MA 02720
(508) 679-9210 V/TTY
(508) 677-2377 FAX
scil@secil.org

GREATER BOSTON

BOSTON CENTER FOR INDEPENDENT LIVING

Bill Henning, Director
60 Temple Place, 5th Floor
Boston, MA 02111
(617) 338-6665
(866) 338-8085
(617) 338-6662 TTY
(617) 338-6661 FAX
info@bostoncil.org

HAMPSHIRE, HAMPDEN AND FRANKLIN COUNTIES

STAVROS CENTER FOR INDEPENDENT LIVING

Jim Kruidenier, Director
210 Old Farm Road
Amherst, MA 01002
(413) 256-0473 V/TTY
(800) 804-1899 V/TTY
(413) 256-0190 FAX
jkruidenier@stavros.org

262 Cottage Street
Springfield, MA 01104

COMMUNITY ACCESS MONITOR PROGRAM

(413) 781-5555 V/TTY
(413) 733-5473 FAX
55 Federal Street
Greenfield, MA 01301
(413) 774-3001
(413) 772-2556 TTY
(413) 772-2556 FA

**METROWEST AREA
METROWEST CENTER FOR
INDEPENDENT LIVING**

Paul Spooner, Director
280 Irving St.
Framingham, MA 01702
(508) 875-7853 V/TTY
(508) 875-8359 FAX
info@mwcil.org

**NORTHEAST REGION
NORTHEAST INDEPENDENT LIVING
PROGRAM**

June Cowen, Director
20 Ballard Road
Lawrence, MA 01843
(978) 687-4288 V/TTY
(978) 689-4488 FAX
help@nilp.org

**NORTH SHORE/CAPE ANN
INDEPENDENT LIVING CENTER OF
THE NORTH SHORE**

Mary Margaret Moore, Director
27 Congress St., Suite 107
Salem, MA 01970
(978) 741-0077
(978) 745-1735 TTY
(978) 741-1133 FAX
information@ilcnsca.org

**SOUTHEAST/SOUTH SHORE
INDEPENDENCE ASSOCIATES**

Carline Louizia, Co-Director
Wini McGraw, Co-Director
141 Main Street, 1st Floor
Brockton, MA 02301
(508) 583-2166 V/TTY
(800) 649-5568
(508) 583-2165 FAX
info@iacil.org

**STATEWIDE INDEPENDENT LIVING
COUNCIL**

Coordinator
C/o Metrowest CIL
280 Irving St.
Framingham, MA 01702
(508) 620-7452 V/TTY
(508) 620-7450 FAX

**MULTICULTURAL INDEPENDENT
LIVING CENTER OF BOSTON**

Director
110 Claybourne Street
Dorchester, MA 02124
(617) 288-9431
(617) 265-2574 TTY
(617) 265-2597 FAX

**WORCESTER COUNTY
CENTER FOR LIVING AND WORKING**

Ann Ruder, Director
484 Main Street, Suite 345
Worcester, MA 01608
(508) 798-0350
(508) 755-1003 TTY
aruder@centerlw.org

COMMUNITY ACCESS MONITOR PROGRAM

STATE AGENCIES

Massachusetts Office on Disability

One Ashburton Place, Room 1305

Boston, MA 02108

(617) 727-7440 Voice/TTY

(800) 322-2020 Voice/TTY

<http://www.mass.gov/mod>

Provides information, technical assistance and advocacy for people with disabilities. The MOD staff can increase an organization's awareness of access, assist advisory committees, and help in the transition to accessibility.

Massachusetts Architectural Access Board

One Ashburton Place, Room 1310

Boston, MA 02108

(617) 727-0660 Voice

<http://www.mass.gov/aab>

Enforces regulations designed to make public buildings accessible to people with disabilities. The AAB staff also offers limited assistance in resolving access questions.

Massachusetts Commission Against Discrimination

One Ashburton Place, Room 601

Boston, MA 02108

617-994-6000 Voice

(617) 994-6196 TTY

<http://www.mass.gov/mcad>

Investigates discrimination complaints regarding employment, housing, public accommodations, education, mortgages, and credit. Has 24-hour information line in English and Spanish.

COMMUNITY ACCESS MONITOR PROGRAM

Massachusetts Rehabilitation Commission

Administrative Offices

600 Washington Street

Boston, MA 02211

(617) 204-3600 Voice

(800) 245-6453 Voice/TTY

<http://www.mass.gov/mrc>

Services include vocational rehabilitation, independent living programs, employment services, and van and home modifications; offers information, speakers, and publications on employment requirements under the ADA. Call for complete list of programs and services.

Massachusetts Commission For the Deaf and Hard of Hearing

600 Washington Street

Boston, MA 02211

(617) 740-1600 Voice

(617) 740-1700 TTY

(800) 882-1155 Voice

(800) 530-7570 TTY

<http://www.mass.gov/mcdhh>

Provides technical assistance, training, and information on communication accommodations to businesses, agencies, and the general public. Call or write for information about assistive listening systems, interpreting services, and other innovative access technology or services.

Massachusetts Commission for the Blind

600 Washington Street

Boston, MA 02211

(617) 727-5550 Voice

(800) 392-6556 TTY

(800) 392-6450 Voice

<http://www.mass.gov/mcb>

Provides rehabilitation, information, and referral services to Massachusetts residents who are blind or visually impaired. Telephone tape is available. Call for a copy of The Mobility Guide Book.

COMMUNITY ACCESS MONITOR PROGRAM

Massachusetts Developmental Disabilities Council

100 Hancock Street
Second Floor, Suite 201
Quincy, MA 02171
(617) 770-7676

<http://www.mass.gov/mddc>

Promotes rights and opportunities for people with developmental disabilities to integrate into society. Provides information, referrals, and public education services.

Massachusetts Department of Mental Health

Central Office
25 Staniford Street
Boston, MA 02114
(617) 626-8000 Voice
(617) 727-9842 TTY

<http://www.mass.gov/dmh>

Responsible for assuring the delivery of mental health services to all citizens of Massachusetts, particularly those with limited income. Services include 24-hour emergency services, inpatient/hospital services, community residential services, outpatients counseling and psychotherapy, day treatment, respite care and school consultation.

Massachusetts Department of Developmental Services

Central Office
500 Harrison Avenue
Boston, MA 02118
(617) 727-5608 Voice
(617) 624-7783 TTY

<http://www.mass.gov/dmr>

Provides services in employment and training, family support, emergencies, and transportation. Also provides residential services and technical assistance to people with mental retardation. Works with local housing authorities for community placement.

COMMUNITY ACCESS MONITOR PROGRAM

Disabled Persons Protection Commission

300 Granite Street, Suite 404

Braintree, MA 02184

(617) 727-6465 Voice

(888) 822-0350

[http: www.mass.gov/dppc](http://www.mass.gov/dppc)

Conducts and oversees investigations of alleged abuse and monitors the delivery of protective services for people who need them. Receives and reviews reports of suspected abuse through a 24-hour hotline.

COMMUNITY ACCESS MONITOR PROGRAM

FEDERAL AGENCIES

Equal Employment Opportunity Commission

131 M Street, NE
Washington, D.C. 20507
(202) 663-4900 Voice
(202) 663-4494 TTY
(800) 669-4000 Voice
(800) 669-6820 TTY

<http://www.eeoc.gov/>

Responsible for developing and enforcing ADA employment regulations. Investigates charges of employment discrimination and works to resolve problems through conciliation. 800 number provides referrals to local EEOC offices and information on discrimination laws. Free publications available.

Department of Justice

950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - NYA
Washington, DC. 20530
(800) 514-0301 Voice
(800) 514-0383 TTY

<http://www.usdoj.gov/crt/ada/adahom1.htm>

Responsible for developing and enforcing the ADA regulations for public accommodations and state and local government agencies. Coordinates federal ADA technical assistance programs. Numbers listed are hotlines for information on the ADA and the regulatory process.

COMMUNITY ACCESS MONITOR PROGRAM

Architectural and Transportation Barriers Compliance Board

1331 F Street NW, Suite 1000

Washington, D.C. 20004-1111

(202) 272-0080 Voice

(202) 272-0082 TTY

(800) 872-2253 Voice

(800) 993-2822 TTY

<http://www.access-board.gov/>

An independent federal architectural agency that establishes accessibility guidelines for the government, and produces or distributes a variety of publications, including the ADA Accessibility Guidelines (ADAAG). Provides technical assistance and information on the architectural requirements of the ADA and other access-related legislation, and architectural, communication, and transportation accessibility.

Department of Transportation

1200 New Jersey Avenue, SE

Washington, D.C. 20590

(202) 366-4000 Voice

(800) 877-8339 TTY

<http://www.fta.dot.gov/office/civ.htm>

Responsibilities for developing and enforcing the ADA regulations for private and public transportation providers.

Easter Seals Project ACTION:

1425 K Street, NW

Suite 200

Washington, D.C. 20005

(800) 659-6428 Voice

TTY: Use Relay System (711)

(202) 347-3066 Voice

(202) 347-7385 TTY

<http://www.projectaction.org/>

Funded by the Department of Transportation to provide ADA information and publications on making transportation accessible.

COMMUNITY ACCESS MONITOR PROGRAM

Aviation Consumer Protection Division:

Attn: C-75-D

U.S. Department of Transportation

1200 New Jersey Avenue, SE

Washington, D.C. 20590

<http://airconsumer.dot.gov/ACAacomplaint.htm>

Concerns about airline safety:

(866) 825-5322 Voice

TTY: Use Relay System (711)

Concerns about aviation security:

(866) 289-9673 Voice

(202)-366-0511 TTY

<http://www.dot.gov/airconsumer>

Covers most issues and questions pertaining to air transportation. See web site for complaint forms and other important information.

Department of Housing and Urban Development

Regional Office:

Thomas P. O'Neill, Jr. Federal Building

10 Causeway Street, 3rd Floor

Boston, MA 02222

<http://www.hud.gov/offices/fheo>

(617) 994-8200 Voice

(617) 565-5453 TTY

Fair Housing Resource Center:

(800) 225-5342 Voice

(877) 833-2483 TDD

Complaint Hotline:

(800) 669-9777 Voice

(800) 927-9275 TTY

Federal agency responsible for housing and economical development programs. Information on the Fair Housing Amendment Act and Section 504 of the Rehabilitation Act.

COMMUNITY ACCESS MONITOR PROGRAM

Federal Communications Commission

445 12th Street, SW
Washington, DC 20554
(888) 225-5322 Voice
(888) 835-5322 TTY

<http://www.fcc.gov/>

Responsible for enforcement of Title IV of the ADA, which addresses telecommunications relay services and closed captioning of federally funded public service announcements.

The Office of Compliance

Room LA 200, John Adams Building
110 Second Street, SE
Washington, D.C. 20540
(202) 724-9250 Voice
(202) 426-1912 TDD

<http://www.compliance.gov/>

Offers technical assistance on accessibility laws applying to Congressional offices and services.

Internal Revenue Service

Address varies. See website or call for local address.

Tax Code Information and Assistance:

(800) 829-1040 Voice
(800) 829-4059 TDD

To Order Publications 535 and 334:

(800) 829-3676 Voice
(800) 829-4059 TDD

<http://www.irs.gov/>

Provides information about tax code provisions, including tax credits (section 44) and deductions (section 190) that can assist businesses in complying with the ADA.

COMMUNITY ACCESS MONITOR PROGRAM

Job Accommodation Network

(800) 526-7234 Voice/TTY

(877) 781-9403 Voice/TTY

www.askjan.org

Funded by the U.S. Department of Labor to provide advice on accommodating employees with disabilities.

New England ADA Center

Region 1: CT, ME, MA, NH, RI & VT

New England ADA Center

Adaptive Environments Center, Inc.

180-200 Portland Street, Suite 1

Boston, MA 02114

(617) 695-0085 Voice/TTY

For other regional centers other than Region 1:

(800) 949-4232 Voice/TTY

<http://www.newenglandada.org>

Funded by the Department of Education to provide technical assistance on the ADA.

COMMUNITY ACCESS MONITOR PROGRAM

Publications: The Superintendent of Documents Announces Disability-Related Publications (Price and availability current at time of release)

Please Note: This list has become outdated. For historical purposes, it remains in the book. Please search for these items online or call our Office for more assistance in finding these, and updated, materials.

To order:

www.bookstore.gpo.gov

By Phone: (866) 512-1800 (Toll Free) or (202) 512-1800

Washington, DC - The U.S. government publications listed below are designed to help understand and care for the needs of differently-abled children, adults, and colleagues, and to provide information on how to achieve independence and have one's rights enforced. All publications are available for purchase from the Superintendent of Documents, U.S. Government Printing Office.

Americans with Disabilities Act Handbook

contains key information on the Americans with Disabilities Act. The Handbook covers the following: equal employment opportunity; nondiscrimination in public accommodations; access to State and local government services. Loose-leaf. 1992. 730 p. il. S/N 052-015-00074-0. \$56-U.S.

A Technical Assistance Manual on the Employment Provisions (Title 1) of the Americans With Disabilities Act

helps employers, persons with disabilities, and others learn about their obligations and rights under the employment provisions of the Americans With Disabilities Act. Part One explains key legal requirements in practical terms and uses examples to illustrate particular points or principles. Part Two is a Resource Manual listing public and private agencies and organizations that provide information, expertise, and technical assistance on many aspects of employing people with disabilities, including reasonable accommodations. Loose-leaf. 1992. 494 p. S/N 052-015-00080-4. \$28-U.S.

Annual Report on the Employment of Minorities, Women and People With

COMMUNITY ACCESS MONITOR PROGRAM

Disabilities in the Federal Government for the Fiscal Year Ending 1999

describes the progress of Federal agencies in creating an equitable employment environment for minorities, women, and differently-abled people.
2000. 299 p. il. S/N 052-015-00085-5. \$33-U.S.

Focus on Diversity: Directory of Recruitment Sources

identifies colleges, universities; employment services organizations and centers, and other institutions that serve challenged individuals, minorities, women, and senior citizens. Provides employers with the information needed to find employees who reflect the demographic diversity of America.
1994. 121 p. S/N 029-014-00249-6. \$9.50-U.S.

Equality of Opportunity: The Making of the Americans With Disabilities Act provides a detailed history of the Americans With Disabilities Act and describes disability policy and activism from 1968 through 1988.

1999. 329 p. S/N 052-003-01477-7. \$30-U.S.

Achieving Independence: The Challenge for the 21st Century, A Decade of Progress in Disability Policy, Setting an Agenda for the Future

assesses the Nation's progress in creating equal opportunity and empowerment for the disabled during the 1986-1996 period. Contains more than 120 recommendations for change in national disability policy developed by grassroots and national leaders with disabilities.

1999. 199 p. S/N 052-003-01476-9. \$19-U.S.

Voices of Disability: Access to Health Care in Rural America

examines how differently-abled people living in rural America use the current health care system, the problems they face in accessing health care, and the strategies that have worked for them. Summarizes the findings from research into health care access for the differently-abled in rural America.

1995. 40 p. il. S/N 017-090-00083-6. \$4.00-U.S.

Americans with Disabilities: Household Economic Studies

reports current facts and figures on Americans with disabilities. Examines types, characteristics and prevalence of disabilities, employment and earnings by disability status, and disability status of children under 15 years old.

2001. 17 p. il. S/N 803-044-00065-1. \$2.75-U.S.

COMMUNITY ACCESS MONITOR PROGRAM

Enforcing the Civil Rights of Air Travelers With Disabilities

contains various subject-related laws and recommendations and evaluates the effectiveness of federal enforcement of the Air Carrier Access Act. 1999. 176 p. S/N 052-003-01475-1. \$17-U.S.

CD-BLND

contains a bibliography of approximately 250,000 works for the blind, dyslexic, and visually impaired. This CD-ROM includes citations to music, books, and cassette recordings as well as Braille and large print books. System requirements: IBM compatible PC; 640K RAM; 500K hard disk space; DOS 3.1; and a CD-ROM reader using MS CD-ROM Extensions 2.01. Uses Dataware search and retrieval software.

Quarterly CD-ROM periodical. List ID BLND. \$79/year-U.S.

National Health Interview Survey on Disability,

1995, Phase 1-2 (CD-ROM) includes two household interviews. Phase One screened all members of sample families for any indication of disability. Phase Two followed up for additional information. Disk contains software to retrieve Statistical Export and Tabulation System (SETS) and Acrobat to read PDF files. System requirements: IBM compatible computer; Pentium processor; 16M RAM; 40M free space on hard drive; Windows 95, 98, or NT with NT service pack 4.0; VGA monitor; CD-ROM drive; and Windows-supported graphics-capable printer. 1999. S/N 017-022-01455-6. \$16-U.S.

American Rehabilitation

comments on all aspects of life affecting disabled people, covering programs, treatment, news, and legislative and technical matters of interest to a wide range of professional and consumer groups, and concerned individuals.

List ID ARHB. \$15/year-U.S.

Information for Disability Annuitants (FERS)

presents information for disability retirees under the Federal Employees Retirement System (FERS). The pamphlet includes segments on: disability annuitant computation; entitlement to other benefits; earnings while receiving benefits; reemployment in the Federal service; future annuity rights if annuity stops and you are not re-employed in the Federal government.

1999. 21 p. S/N 006-000-01509-3. \$2.00-U.S

COMMUNITY ACCESS MONITOR PROGRAM

Self-Sufficiency Project Implementation Manual: Lessons Learned from Eight Years of Office of Community Services Demonstration Partnership Programs summarizes lessons learned through the implementation of a program designed to permit Community Action Agencies to put forth and assess innovative approaches to increase the self-sufficiency of the poor, including individuals and families who rely on or are at risk of relying on public assistance. 1996. 115 p. il. S/N 017-090-00084-4. \$8.50-U.S.

Opening our Doors and Removing the Barriers: Accommodations for Persons With Disabilities

describes the Health Care Financing Administration's new facility in terms of its accessibility to individuals with physical and mental health challenges. Discusses the design of the work environment to promote awareness of the special needs of differently-abled colleagues. 1996. 23 p. S/N 017-060-00588-2. \$2.50-U.S.

Institutional Perspective on Students with Disabilities in Post-Secondary Education

presents national data from two-year and four-year post-secondary education institutions about differently-abled students. Focus is in the areas of enrollments, support services and accommodations, education material and activities designed to assist faculty and staff, and institutional records and reporting. 1999. 80 p. il. S/N 065-000-01261-8. \$8.50-U.S.

Translating the IEP Into Everyday Practice

builds on the skills of Head Start staff in effectively using the Individualized Education Program (IEP) to analyze and adapt this program, routines, and activities to accommodate children with disabilities so they can demonstrate their abilities alongside their peers. 1998. 124 p. il. S/N 017-092-00128-2. \$11-U.S.

Including Children With Significant Disabilities in Head Start

provides Head Start teaching staff, family service workers, home visitors, and managers with skills to recruit and include children with significant disabilities and their families; and to offer Head Start staff the tools needed to work more collaboratively with parents, related service and health care professionals, and each other to plan and implement integrated services for all children, including those with significant disabilities. 1998. 168 p. il. S/N 017-092-00129-1. \$17-U.S.

COMMUNITY ACCESS MONITOR PROGRAM

Inclusion of Students With Disabilities and Limited English Proficient Students in Large-Scale Assessments: A Summary of Recent Progress

describes many of the recent efforts at the national, State, and local levels to increase the participation of students with disabilities, as well as limited English proficient students, in large-scale evaluations. Serves as a compendium of approaches to inclusion, and as an introduction to current developments in increasing the participation of students with special needs.

1997. 117 p. S/N 065-000-01040-2. \$13-U.S.

Profiles of Students With Disabilities as Identified in NELS: 88

identifies those students in the National Education Longitudinal Study of 1988 (NELS:88) who had or may have had a disabling condition or received services related to such a condition. Examines their personal and family characteristics and their educational experiences and outcomes as they progress from the eighth grade in 1988 into and out of high school in 1992.

1997. 141 p. S/N 065-000-01031-3. \$17-U.S.

Students with Disabilities in Post-Secondary Education: A Profile of Preparation, Participation, and Outcomes

provides a comprehensive study of the representation of students with disabilities in post-secondary education; who among high school students gains access to post-secondary education; how well do the enrolled students persist to degree attainment; and what are the early labor market outcomes and graduate school enrollment rates.

1999. 107 p. il. S/N 065-000-01250-2. \$10-U.S.

Back to School on Civil Rights: Advancing the Federal Commitment to Leave No Child Behind

studies more than 20 years of Federal monitoring and enforcement of compliance with Part B of the Individuals with Disabilities Education Act (IDEA). Includes recommendations to the Presidents and Congress to strengthen IDEA.

2000. 390 p. S/N 052-003-01482-3. \$36-U.S.

Public Law 106-448:

To Amend the Immigration and Nationality Act to Provide a Waiver of the Oath of Renunciation and Allegiance for Naturalization of Aliens Having Certain Disabilities.

2000. 1 p. S/N 869-040-00278-1. \$2.00-U.S.

COMMUNITY ACCESS MONITOR PROGRAM

Public Law 106-413:

Veterans' Compensation Cost-of-Living Adjustment Act of 2000.

2000. 2 p. S/N 869-040-00243-9. \$2.00-U.S.

Public Law 106-402:

Developmental Disabilities Assistance and Bill of Rights Act of 2000.

2000. 63 p. S/N 869-040-00232-3. \$4.75-U.S.

Public Law 105-220:

Workforce Investment Act of 1998. 1998. 312 p. S/N 869-036-00067-6. \$15-U.S.

Public Law 105-17:

Individuals with Disabilities Education Act Amendments of 1997.

1997. 120 p. S/N 869-033-00018-9. \$6.50-U.S.

Public Law 101-336:

Americans with Disabilities Act of 1990. 1990. 51 p. S/N 869-010-00096-1. \$1.75-U.S.

Publications may be ordered online, via phone, fax, or mail. Visit the Superintendent of Documents Online Bookstore at www.bookstore.gpo.gov for secure online ordering; phone toll free (866) 512-1800 and DC area (202) 512-1800, Monday through Friday, 7:30 a.m.-5:00 p.m., eastern standard time; fax (202) 512-2250, any day at any time; or mail to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, U.S.A. All orders require prepayment, either by check, VISA, American Express, MasterCard, Discover/NOVUS, or SOD Deposit Account. **Prices are free of tax and include shipping and handling.**

Other publications on these and other topics are also available from the Superintendent of Documents, the premier source of official information published by hundreds of U.S. Federal government departments and agencies.

For details on what is available, point your browser to <http://www.bookstore.gpo.gov>.

Media contact: Jim Cameron, (202) 512-1709

Information provided in this document was provided by: The New England ADA Technical Assistance Center, 800-949-4232 V/TTY

COMMUNITY ACCESS MONITOR PROGRAM

1987 Massachusetts Architectural Access Board's Rules and Regulations:

These regulations are included in the folder titled: Regulations.

1991 Americans with Disabilities Act Design Standards:

These regulations are included in the folder titled: Regulations.

2006 Massachusetts Architectural Access Board's Rules and Regulations:

These regulations are included in the folder titled: Regulations.

2010 Americans with Disabilities Act Design Standards:

These regulations are included in the folder titled: Regulations

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

Title II Highlights

REQUIREMENTS FOR PUBLIC ENTITIES (STATE, COUNTY, MUNICIPAL GOVTS)

- I. Who is covered by title II of the ADA
- II. Overview of Requirements
- III. "Qualified Individual with a Disability"
- IV. Program Access
- V. Integrated Programs
- VI. Communications
- VII. New Construction and Alterations
- VIII. Enforcement
- IX. Complaints
- X. Designated Agencies
- XI. Technical Assistance

COMMUNITY ACCESS MONITOR PROGRAM

I. Who is Covered by Title II of the ADA

The title II regulation covers "public entities."

"Public entities" include any State or local government and any of its departments, agencies, or other instrumentalities.

All activities, services, and programs of public entities are covered, including activities of State legislatures and courts, town meetings, police and fire departments, motor vehicle licensing, and employment.

- Unlike section 504 of the Rehabilitation Act of 1973, which only covers programs receiving Federal financial assistance, title II extends to all the activities of State and local governments whether or not they receive Federal funds.

Private entities that operate public accommodations, such as hotels, restaurants, theaters, retail stores, dry cleaners, doctors' offices, amusement parks, and bowling alleys, are not covered by title II but are covered by title III of the ADA and the Department's regulation implementing title III.

Public transportation services operated by State and local governments are covered by regulations of the Department of Transportation.

DOT's regulations establish specific requirements for transportation vehicles and facilities, including a requirement that all new busses must be equipped to provide services to people who use wheelchairs.

II. Overview of Requirements

State and local governments -

- May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.
 - For example, a city may not refuse to allow a person with epilepsy to use parks and recreational facilities.
- Must provide programs and services in an integrated setting, unless

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separate or different measures are necessary to ensure equal opportunity.

- Must eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless "necessary" for the provisions of the service, program or activity.
- Requirements that tend to screen out individuals with disabilities, such as requiring a driver's license as the only acceptable means of identification, are also prohibited.
 - Safety requirements that are necessary for the safe operation of the program in question, such as requirements for eligibility for drivers' licenses, may be imposed if they are based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.
- Are required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration in the program would result.
 - For example, a city office building would be required to make an exception to a rule prohibiting animals in public areas in order to admit guide dogs and other service animals assisting individuals with disabilities.
- Must furnish auxiliary aids and services when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.
- May provide special benefits, beyond those required by the regulation, to individuals with disabilities.
- May not place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters.

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- Shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

III. "Qualified Individuals with Disabilities"

Title II of the Americans with Disabilities Act provides comprehensive civil rights protections for "qualified individuals with disabilities."

An "individual with a disability" is a person who --

- Has a physical or mental impairment that substantially limits a "major life activity", or
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

Examples of physical or mental impairments include, but are not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Homosexuality and bisexuality are not physical or mental impairments under the ADA.

"Major life activities" include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Individuals who currently engage in the illegal use of drugs are not protected by the ADA when an action is taken on the basis of their current illegal use of drugs.

"Qualified" individuals".

- A "qualified" individual with a disability is one who meets the essential eligibility requirements for the program or activity offered by a public entity.

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- The "essential eligibility requirements" will depend on the type of service or activity involved.
 - For some activities, such as State licensing programs, the ability to meet specific skill and performance requirements may be "essential."
 - For other activities, such as where the public entity provides information to anyone who requests it, the "essential eligibility requirements" would be minimal.

IV. Program Access

State and local governments--

- Must ensure that individuals with disabilities are not excluded from services, programs, and activities because buildings are inaccessible.
- Need not remove physical barriers, such as stairs, in all existing buildings, as long as they make their programs accessible to individuals who are unable to use an inaccessible existing facility.
- Can provide the services, programs, and activities offered in the facility to individuals with disabilities through alternative methods, if physical barriers are not removed, such as --
 - Relocating a service to an accessible facility, e.g., moving a public information office from the third floor to the first floor of a building.
 - Providing an aide or personal assistant to enable an individual with a disability to obtain the service.
 - Providing benefits or services at an individual's home, or at an alternative accessible site.
- May not carry an individual with a disability as a method of providing program access, except in manifestly exceptional circumstances.

COMMUNITY ACCESS MONITOR PROGRAM

- Are not required to take any action that would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. However, public entities must take any other action, if available, that would not result in a fundamental alteration or undue burdens but would ensure that individuals with disabilities receive the benefits or services.

V. Integrated Programs

Integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the Americans with Disabilities Act.

Public entities may not provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective.

Even when separate programs are permitted, an individual with a disability still has the right to choose to participate in the regular program.

- For example, it would not be a violation for a city to offer recreational programs specially designed for children with mobility impairments, but it would be a violation if the city refused to allow children with disabilities to participate in its other recreational programs.

State and local governments may not require an individual with a disability to accept a special accommodation or benefit if the individual chooses not to accept it.

VI. Communications

State and local governments must ensure effective communication with individuals with disabilities.

Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, the public entity must provide appropriate auxiliary aids.

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- "Auxiliary aids" include such services or devices as qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD's), videotext displays, readers, taped texts, Brailled materials, and large print materials.
- A public entity may not charge an individual with a disability for the use of an auxiliary aid.

Telephone emergency services, including 911 services, must provide direct access to individuals with speech or hearing impairments.

Public entities are not required to provide auxiliary aids that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. However, public entities must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burdens.

VII. New Construction and Alterations

Public entities must ensure that newly constructed buildings and facilities are free of architectural and communication barriers that restrict access or use by individuals with disabilities.

When a public entity undertakes alterations to an existing building, it must also ensure that the altered portions are accessible.

The ADA does not require retrofitting of existing buildings to eliminate barriers, but does establish a high standard of accessibility for new buildings.

- Public entities may choose between two technical standards for accessible design: The Uniform Federal Accessibility Standard (UFAS), established under the Architectural Barriers Act, or the Americans with Disability Act Accessibility Guidelines, adopted by the Department of Justice for places of public accommodation and commercial facilities covered by title III of the ADA.
- The elevator exemption for small buildings under ADA Accessibility Guidelines would not apply to public entities covered by title II.

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VIII. Enforcement

Private parties may bring lawsuits to enforce their rights under title II of the ADA. The remedies available are the same as those provided under section 504 of the Rehabilitation Act of 1973. A reasonable attorney's fee may be awarded to the prevailing party.

Individuals may also file complaints with appropriate administrative agencies.

- The regulation designates eight Federal agencies to handle complaints filed under title II.
- Complaints may also be filed with any Federal agency that provides financial assistance to the program in question, or with the Department of Justice, which will refer the complaint to the appropriate agency.

IX. Complaints

Any individual who believes that he or she is a victim of discrimination prohibited by the regulation may file a complaint. Complaints on behalf of classes of individuals are also permitted.

Complaints should be in writing, signed by the complainant or an authorized representative, and should contain the complainant's name and address and describe the public entity's alleged discriminatory action.

Complaints may be sent to --
Disability Rights Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66738
Washington, D.C. 20035-6738

Complaints may also be sent to agencies designated to process complaints under the regulation, or to agencies that provide Federal financial assistance to the program in question.

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X. Designated Agencies

The following agencies are designated for enforcement of title II for components of State and local governments that exercise responsibilities, regulate, or administer services, programs, or activities in the following functional areas --

Department of Agriculture: Farming and the raising of livestock, including extension services.

Department of Education: Education systems and institutions (other than health-related schools), and libraries.

Department of Health and Human Services: Schools of medicine, dentistry, nursing, and other health-related schools; health care and social service providers and institutions, including grass-roots and community services organizations and programs; and preschool and daycare programs.

Department of Housing and Urban Development: State and local public housing, and housing assistance and referral.

Department of Interior: Lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums.

Department of Justice: Public safety, law enforcement, and the administration of justice, including courts and correctional institutions; commerce and industry, including banking and finance, consumer protection, and insurance; planning, development, and regulation (unless otherwise assigned); State and local government support services; and all other government functions not assigned to other designated agencies.

Department of Labor: Labor and the work force.

Department of Transportation: Transportation, including highways, public transportation, traffic management (non-law enforcement), automobile licensing and inspection, and driver licensing.

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XI. Technical Assistance

The ADA requires that the Federal agencies responsible for issuing ADA regulations provide "technical assistance."

Technical assistance is the dissemination of information (either directly by the Department or through grants and contracts) to assist the public, including individuals protected by the ADA and entities covered by the ADA, in understanding the new law.

Methods of providing information include, for example, audio-visual materials, pamphlets, manuals, electronic bulletin boards, checklists, and training.

The Department issued for public comment on December 5, 1990, a government-wide plan for the provision of technical assistance.

The Department's efforts focus on raising public awareness of the ADA by providing--

- Fact sheets and pamphlets in accessible formats,
- Speakers for workshops, seminars, classes, and conferences,
- An ADA telephone information line, and
- Access to ADA documents through an electronic bulletin board for users of personal computers.

The Department has established a comprehensive program of technical assistance relating to public accommodations and State and local governments.

- Grants will be awarded for projects to inform individuals with disabilities and covered entities about their rights and responsibilities under the ADA and to facilitate voluntary compliance.
- The Department will issue a technical assistance manual by January 26, 1992, for individuals or entities with rights or duties under the ADA.

For additional information, contact:
Disability Rights Section
Civil Rights Division

COMMUNITY ACCESS MONITOR PROGRAM

U.S. Department of Justice
P.O. Box 66738
Washington, D.C 20035-6738

(800) 514-0301 (Voice)
(800) 514-0383 (TDD)

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U.S. Department of Justice
Civil Rights Division
Disability Rights Section

Title III Highlights

REQUIREMENTS FOR PUBLIC ACCOMMODATIONS

- I. Who is covered by title III of the ADA
- II. Overview of Requirements
- III. "Individuals with Disabilities"
- IV. Eligibility for Goods and Services
- V. Modifications in Policies, Practices, and Procedures
- VI. Auxiliary Aids
- VII. Existing Facilities: Removal of Barriers
- VIII. Existing Facilities: Alternatives to Barrier Removal
- IX. New Construction
- X. Alterations
- XI. Overview of Americans with Disabilities Act Accessibility Guidelines for New Construction and Alterations
- XII. Examinations and Courses
- XIII. Enforcement of the ADA and its Regulations
- XIV. Technical Assistance

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I. Who is Covered by Title III of the ADA

The title III regulation covers --

- Public accommodations (i.e., private entities that own, operate, lease, or lease to places of public accommodation),
- Commercial facilities, and
- Private entities that offer certain examinations and courses related to educational and occupational certification.

Places of public accommodation include over five million private establishments, such as restaurants, hotels, theaters, convention centers, retail stores, shopping centers, dry cleaners, laundromats, pharmacies, doctors' offices, hospitals, museums, libraries, parks, zoos, amusement parks, private schools, day care centers, health spas, and bowling alleys.

Commercial facilities are nonresidential facilities, including office buildings, factories, and warehouses, whose operations affect commerce.

Entities controlled by religious organizations, including places of worship, are not covered.

Private clubs are not covered, except to the extent that the facilities of the private club are made available to customers or patrons of a place of public accommodation.

State and local governments are not covered by the title III regulation, but rather by the Department of Justice's title II regulation.

II. Overview of Requirements

Public accommodations must --

- Provide goods and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.

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- Eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy the goods and services of a place of public accommodation.
- Make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration would result in the nature of the goods and services provided.
- Furnish auxiliary aids when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.
- Remove architectural and structural communication barriers in existing facilities where readily achievable.
- Provide readily achievable alternative measures when removal of barriers is not readily achievable.
- Provide equivalent transportation services and purchase accessible vehicles in certain circumstances.
- Maintain accessible features of facilities and equipment.
- Design and construct new facilities and, when undertaking alterations, alter existing facilities in accordance with the Americans with Disabilities Act Accessibility Guidelines issued by the Architectural and Transportation Barriers Compliance Board and incorporated in the final Department of Justice title III regulation.

A public accommodation is not required to provide personal devices such as wheelchairs; individually prescribed devices (e.g., prescription eyeglasses or hearing aids); or services of a personal nature including assistance in eating, toileting, or dressing.

A public accommodation may not discriminate against an individual or entity because of the known disability of a person with whom the individual or entity is known to associate.

Commercial facilities are only subject to the requirement that new construction and alterations conform to the ADA Accessibility Guidelines. The other

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requirements applicable to public accommodations listed above do not apply to commercial facilities.

Private entities offering certain examinations or courses (i.e., those related to applications, licensing, certification, or credentialing for secondary or post-secondary education, professional, or trade purposes) must offer them in an accessible place and manner or offer alternative accessible arrangements.

III. "Individuals with Disabilities"

The Americans with Disabilities Act provides comprehensive civil rights protections for "individuals with disabilities".

An individual with a disability is a person who --

- Has a physical or mental impairment that substantially limits one or more major life activities, or
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

Examples of physical or mental impairments include, but are not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Homosexuality and bisexuality are not physical or mental impairments under the ADA.

"Major life activities" include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Individuals who currently engage in the illegal use of drugs are not protected by the ADA when an action is taken on the basis of their current illegal use of drugs.

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IV. Eligibility for Goods and Services

In providing goods and services, a public accommodation may not use eligibility requirements that exclude or segregate individuals with disabilities, unless the requirements are necessary for the operation of the public accommodation.

- For example, excluding individuals with cerebral palsy from a movie theater or restricting individuals with Down's Syndrome to only certain areas of a restaurant would violate the regulation.

Requirements that tend to screen out individuals with disabilities, such as requiring a blind person to produce a driver's license as the sole means of identification for cashing a check, are also prohibited.

Safety requirements may be imposed only if they are necessary for the safe operation of a place of public accommodation. They must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

- For example, an amusement park may impose height requirements for certain rides when required for safety.

Extra charges may not be imposed on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as removing barriers or providing qualified interpreters.

V. Modifications in Policies, Practices, and Procedures

A public accommodation must make reasonable modifications in its policies, practices, and procedures in order to accommodate individuals with disabilities.

A modification is not required if it would "fundamentally alter" the goods, services, or operations of the public accommodation.

- For example, a department store may need to modify a policy of only permitting one person at a time in a dressing room if an individual with mental retardation needs the assistance of a companion in dressing.

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Modifications in existing practices generally must be made to permit the use of guide dogs and other service animals.

Specialists are not required to provide services outside of their legitimate areas of specialization.

- For example, a doctor who specializes exclusively in burn treatment may refer an individual with a disability, who is not seeking burn treatment, to another provider. A burn specialist, however, could not refuse to provide burn treatment to, for example, an individual with HIV disease.

VI. Auxiliary Aids

A public accommodation must provide auxiliary aids and services when they are necessary to ensure effective communication with individuals with hearing, vision, or speech impairments.

"Auxiliary aids" include such services or devices as qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD's), videotext displays, readers, taped texts, brailled materials, and large print materials.

The auxiliary aid requirement is flexible. For example, a brailled menu is not required, if waiters are instructed to read the menu to blind customers.

Auxiliary aids that would result in an undue burden, (i.e., "significant difficulty or expense") or in a fundamental alteration in the nature of the goods or services are not required by the regulation. However, a public accommodation must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or an undue burden.

VII. Existing Facilities: Removal of Barriers

Physical barriers to entering and using existing facilities must be removed when "readily achievable."

Readily achievable means "easily accomplishable and able to be carried out without much difficulty or expense."

COMMUNITY ACCESS MONITOR PROGRAM

What is readily achievable will be determined on a case-by-case basis in light of the resources available.

- The regulation does not require the rearrangement of temporary or movable structures, such as furniture, equipment, and display racks to the extent that it would result in a significant loss of selling or serving space.
- Legitimate safety requirements may be considered in determining what is readily achievable so long as they are based on actual risks and are necessary for safe operation.

Examples of barrier removal measures include --

- Installing ramps,
- Making curb cuts at sidewalks and entrances,
- Rearranging tables, chairs, vending machines, display racks, and other furniture,
- Widening doorways,
- Installing grab bars in toilet stalls, and
- Adding raised letters or braille to elevator control buttons.

First priority should be given to measures that will enable individuals with disabilities to "get in the front door," followed by measures to provide access to areas providing goods and services.

Barrier removal measures must comply, when readily achievable, with the alterations requirements of the ADA Accessibility Guidelines. If compliance with the Guidelines is not readily achievable, other safe, readily achievable measures must be taken, such as installation of a slightly narrower door than would be required by the Guidelines.

VIII. Existing Facilities: Alternatives to Barrier Removal

The ADA requires the removal of physical barriers, such as stairs, if it is "readily achievable." However, if removal is not readily achievable, alternative steps must be taken to make goods and services accessible.

Examples of alternative measures include --

- Providing goods and services at the door, sidewalk, or curb,
- Providing home delivery,
- Retrieving merchandise from inaccessible shelves or racks,
- Relocating activities to accessible locations.

Extra charges may not be imposed on individuals with disabilities to cover the costs of measures used as alternatives to barrier removal. For example, a restaurant may not charge a wheelchair user extra for home delivery when it is provided as the alternative to barrier removal.

IX. New Construction

All newly constructed places of public accommodation and commercial facilities must be accessible to individuals with disabilities to the extent that it is not structurally impracticable.

The new construction requirements apply to any facility occupied after January 26, 1993, for which the last application for a building permit or permit extension is certified as complete after January 26, 1992.

Full compliance will be considered "structurally impracticable" only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features (e.g., marshland that requires construction on stilts).

The architectural standards for accessibility in new construction are contained in the ADA Accessibility Guidelines issued by the Architectural and Transportation Barriers Compliance Board, an independent Federal agency.

COMMUNITY ACCESS MONITOR PROGRAM

These standards are incorporated in the final Department of Justice title III regulation.

Elevators are not required in facilities under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, shopping mall, professional office of a health care provider, or station used for public transportation.

X. Alterations

Alterations after January 26, 1992, to existing places of public accommodation and commercial facilities must be accessible to the maximum extent feasible.

The architectural standards for accessibility in alterations are contained in the ADA Accessibility Guidelines issued by the Architectural and Transportation Barriers Compliance Board. These standards are incorporated in the final Department of Justice title III regulation.

An alteration is a change that affects usability of a facility. For example, if during remodeling, renovation, or restoration, a doorway is being relocated, the new doorway must be wide enough to meet the requirements of the ADA Accessibility Guidelines.

When alterations are made to a "primary function area", such as the lobby or work areas of a bank, an accessible path of travel to the altered area, and the bathrooms, telephones, and drinking fountains serving that area, must be made accessible to the extent that the added accessibility costs are not disproportionate to the overall cost of the original alteration.

- Alterations to windows, hardware, controls, electrical outlets, and signage in primary function areas do not trigger the path of travel requirement.
- The added accessibility costs are disproportionate if they exceed 20 percent of the original alteration.

Elevators are not required in facilities under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, shopping mall, professional office of a health care provider, or station used for public transportation.

XI. Overview of Americans with Disabilities Act Accessibility Guidelines for New Construction and Alterations

New construction and alterations must be accessible in compliance with the ADA Accessibility Guidelines.

The Guidelines contain general design ("technical") standards for building and site elements, such as parking, accessible routes, ramps, stairs, elevators, doors, entrances, drinking fountains, bathrooms, controls and operating mechanisms, storage areas, alarms, signage, telephones, fixed seating and tables, assembly areas, automated teller machines, and dressing rooms. They also have specific technical standards for restaurants, medical care facilities, mercantile facilities, libraries, and transient lodging (such as hotels and shelters).

The Guidelines also contain "scoping" requirements for various elements (i.e., it specifies how many, and under what circumstances, accessibility features must be incorporated).

Following are examples of scoping requirements in new construction --

- At least 50 percent of all public entrances must be accessible. In addition, there must be accessible entrances to enclosed parking, pedestrian tunnels, and elevated walkways.
- An accessible route must connect accessible public transportation stops, parking spaces, passenger loading zones, and public streets or sidewalks to all accessible features and spaces within a building.
- Every public and common use bathroom must be accessible. Only one stall must be accessible, unless there are six or more stalls, in which case two stalls must be accessible (one of which must be of an alternate, narrow-style design).
- Each floor in a building without a supervised sprinkler system must contain an "area of rescue assistance" (i.e., an area with direct access to an exit stairway where people unable to use stairs may await assistance during an emergency evacuation).

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- One TDD must be provided inside any building that has four or more public pay telephones, counting both interior and exterior phones. In addition, one TDD must be provided whenever there is an interior public pay phone in a stadium or arena; convention center; hotel with a convention center; covered shopping mall; or hospital emergency, recovery, or waiting room.
- One accessible public phone must be provided for each floor, unless the floor has two or more banks of phones, in which case there must be one accessible phone for each bank.
- Fixed seating assembly areas that accommodate 50 or more people or have audio-amplification systems must have a permanently installed assistive listening system.
- Dispersal of wheelchair seating in theaters is required where there are more than 300 seats. In addition, at least one percent of all fixed seats must be aisle seats without armrests (or with movable armrests). Fixed seating for companions must be located adjacent to each wheelchair location.
- Where automated teller machines are provided, at least one must be accessible.
- Five percent of fitting and dressing rooms (but never less than one) must be accessible.

Following are examples of specific scoping requirements for new construction of special types of facilities, such as restaurants, medical care facilities, mercantile establishments, libraries, and hotels -

- In restaurants, generally all dining areas and five percent of fixed tables (but not less than one) must be accessible.
- In medical care facilities, all public and common use areas must be accessible. In general purpose hospitals and in psychiatric and detoxification facilities, ten percent of patient bedrooms and toilets must be accessible. The required percentage is 100 percent for special

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facilities treating conditions that affect mobility, and 50 percent for long-term care facilities and nursing homes.

- In mercantile establishments, at least one of each type of counter containing a cash register and at least one of each design of check-out aisle must be accessible. In some cases, additional check-out aisles are required to be accessible (i.e., from 20 to 40 percent) depending on the number of check-out aisles and the size of the facility.
- In libraries, all public areas must be accessible. In addition, five percent of fixed tables or study carrels (or at least one) must be accessible. At least one lane at the check-out area and aisles between card catalogs, magazine displays, and stacks must be accessible.
- In hotels, four percent of the first 100 rooms and approximately two percent of rooms in excess of 100 must be accessible to persons with hearing impairments (i.e., contain visual alarms, visual notification devices, volume-control telephones, and an accessible electrical outlet for a TDD) and to persons with mobility impairments. Moreover, an identical percentage of additional rooms must be accessible to persons with hearing impairments.
- Technical and scoping requirements for alterations are sometimes less stringent than those for new construction. For example, when compliance with the new construction requirements would be technically infeasible, one accessible unisex bathroom per floor is acceptable.

XII. Examinations and Courses

Certain examinations or courses offered by a private entity (i.e., those that are related to applications, licensing, certification, or credentialing for secondary or post-secondary education, professional, or trade purposes) must either be given in a place and manner accessible to persons with disabilities, or be made accessible through alternative means.

In order to provide an examination in an accessible place and manner, a private entity must --

- Assure that the examination measures what it is intended to measure,

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rather than reflecting the individual's impaired sensory, manual, or speaking skills.

- Modify the examination format when necessary (e.g., permit additional time).
- Provide auxiliary aids (e.g., taped exams, interpreters, large print answer sheets, or qualified readers), unless they would fundamentally alter the measurement of the skills or knowledge that the examination is intended to test or would result in an undue burden.
- Offer any modified examination at an equally convenient location, as often, and in as timely a manner as are other examinations.
- Administer examinations in a facility that is accessible or provide alternative comparable arrangements, such as providing the examination at an individual's home with a proctor.

In order to provide a course in an accessible place and manner, a private entity may need to --

- Modify the course format or requirements (e.g., permit additional time for completion of the course).
- Provide auxiliary aids, unless a fundamental alteration or undue burden would result.
- Administer the course in a facility that is accessible or provide alternative comparable arrangements, such as provision of the course through video tape, audio cassettes, or prepared notes.

XIII. Enforcement of the ADA and its Regulations

Private parties may bring lawsuits to obtain court orders to stop discrimination. No monetary damages will be available in such suits. A reasonable attorney's fee, however, may be awarded.

Individuals may also file complaints with the Attorney General who is authorized to bring lawsuits in cases of general public importance or where a "pattern or

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practice" of discrimination is alleged.

In suits brought by the Attorney General, monetary damages (not including punitive damages) and civil penalties may be awarded. Civil penalties may not exceed \$50,000 for a first violation or \$100,000 for any subsequent violation.

XIV. Technical Assistance

The ADA requires that the Federal agencies responsible for issuing ADA regulations provide "technical assistance".

Technical assistance is the dissemination of information (either directly by the Department or through grants and contracts) to assist the public, including individuals protected by the ADA and entities covered by the ADA, in understanding the new law.

Methods of providing information include, for example, audio-visual materials, pamphlets, manuals, electronic bulletin boards, checklists, and training.

The Department issued for public comment on December 5, 1990, a government-wide plan for the provision of technical assistance.

The Department's efforts focus on raising public awareness of the ADA by providing—

- Fact sheets and pamphlets in accessible formats,
- Speakers for workshops, seminars, classes, and conferences,
- An ADA telephone information line, and
- Access to ADA documents through an electronic bulletin board for users of personal computers.

The Department has established a comprehensive program of technical assistance relating to public accommodations and State and local governments.

- Grants will be awarded for projects to inform individuals with disabilities and covered entities about their rights and responsibilities under the ADA

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and to facilitate voluntary compliance.

- The Department will issue a technical assistance manual by January 26, 1992, for individuals or entities with rights or duties under the ADA.

For additional information, contact:

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66738
Washington, D.C 20035-6738

(800) 514-0301 (Voice)

(800) 514-0383 (TDD)

The Americans with Disabilities Act Fact Sheet Series (October 26, 1992)

Fact Sheet 1: Who Has Obligations Under Title III?

To obtain additional copies of any fact sheet in this series, contact your ADA Center. To be automatically connected to your regional ADA Center, call 1-800-949-4ADA. This fact sheet may be copied as many times as desired by the ADA Centers for distribution to small businesses but may not be reproduced in whole or in part and sold by any other entity without written permission from the authors.

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Adaptive Environments Center, Inc.

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Commercial Facilities

A **commercial facility** is a privately owned, non-residential facility involved in commercial activity, such as a factory, warehouse, corporate office building, or other facility in which employment may occur.

Commercial facilities must comply fully only with the **new construction and alterations** regulations of Title III, including the scoping and technical specifications of the ADA Accessibility Guidelines (ADAAG), the accessibility standard for facilities under Title III jurisdiction. **Existing commercial facilities** are *not* required to comply with the Title III regulations covering nondiscrimination in policies, practices and procedures, effective communication, and barrier removal.

Places of Public Accommodation

A place of **public accommodation** is a private establishment (for-profit or nonprofit) that fits one of twelve categories specified by the Department of Justice in the ADA regulations. Hotels, restaurants, theaters, museums, retail stores, private schools, banks, doctors' offices, and health clubs are all places of public accommodation.

Under Title III of the ADA, any private entity that owns, leases, leases to, or operates an existing public accommodation has four specific requirements:

1. **Remove barriers** to make their goods and services available to and usable by people with disabilities, to the extent that it is **readily achievable** to do so—in other words, to the extent that needed changes can be accomplished without much difficulty or expense.
2. Provide **auxiliary aids and services** so that people with sensory or cognitive disabilities have access to effective means of communication, unless doing so would fundamentally alter the operation or result in undue burdens.
3. **Modify any policies, practices, or procedures** that may be discriminatory or have a discriminatory effect, unless doing so

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would fundamentally alter the nature of the goods, services, facilities, or accommodations.

4. Ensure that there are no unnecessary **eligibility criteria** that tend to screen out or segregate individuals with disabilities or limit their full and equal enjoyment of the place of public accommodation.

Effective Dates

Title III requirements for **existing facilities and alterations** became effective on January 26, 1992. (However, lawsuits cannot be brought against businesses with twenty-five or fewer employees and annual gross receipts of \$1,000,000 or less until July 26, 1992. Lawsuits cannot be brought against businesses with ten or fewer employees and gross receipts of \$500,000 or less until January 26, 1993.) The requirements for **new construction** generally apply to places of public accommodation and commercial facilities first occupied after January 26, 1993.

Twelve Types of Places of Public Accommodation

Type of Establishment with Examples. Please note this list is not exhaustive)

1. **Place of lodging** - Hotel, inn, motel (except if less than six rooms and the residence of the owner)
2. **Establishment serving food or drink** - Restaurant, bar
3. **Place of exhibition or entertainment** - Theater, cinema, concert hall, stadium
4. **Place of public gathering** - Auditorium, convention center, lecture hall
5. **Sales or rental establishment** - Bakery, grocery store, clothing store, shopping mall, video rental store

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6. **Service establishment** - Bank, lawyer's office, gas station, funeral parlor, laundromat, dry cleaner, barber shop, beauty shop, insurance office, hospital, travel service, pharmacy, office of health care provider
7. **Station used for specified public transportation** - Depot, bus station, terminal
8. **Place for public display or collection** - Museum, library, gallery
9. **Place of recreation** - Park, zoo, amusement park
10. **Place of education** - Preschool, nursery, elementary, secondary, undergraduate or post-graduate private school
11. **Social service establishment** - Shelter, hospital, day care center, independent living center, food bank, senior citizen center, adoption agency
12. **Place of exercise and recreation** - Gymnasium, health club, bowling alley, golf course

The Americans with Disabilities Act Fact Sheet Series (October 26, 1992)

Fact Sheet 2: Providing Effective Communication

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Introduction:

Places of public accommodation are required to ensure that customers or clients with disabilities affecting hearing, vision, speech, or cognition are provided with effective communication through **auxiliary aids and services** that enable them to fully benefit from facilities, services, goods, and programs. A place of public accommodation is not required to provide any auxiliary aid or service if doing so would "fundamentally alter" the operation (i.e., alter the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered), or if providing communication aids and services would result in an "undue burden" (i.e., significant difficulty or expense).

To determine whether your facility is a public accommodation and, therefore, subject to the auxiliary aids and services requirement, read **Fact Sheet 1: Who Has Obligations Under Title III?**

Auxiliary aids and services include a wide range of communication techniques and devices, many of which are discussed below. Use of advanced technology or the costliest service option is not necessary if effective communication can be provided through other means.

It is strongly recommended that places of public accommodation take into consideration the preferences that individuals with disabilities may have for particular aids and services, but ultimately it is the decision of the owner or operator which aids and services are provided. In choosing among the alternatives, *effectiveness* should be the critical deciding factor. For example:

A restaurant would not be required to provide menus in braille if it provides reading by a waiter or host upon request; **however**, a research library in a private university that provides copies of written materials to students *would* be responsible for providing those materials in an accessible format upon request (i.e., large print, braille, audio cassettes, or computer disk).

A place of public accommodation would not be required to have a TDD available for receiving or making telephone calls that are part of business operations. It should, however, train staff to be prepared to receive calls through the telephone relay service (see page 5). On the other hand, TDDs must be provided when customers, clients, patients, or participants are permitted to make outgoing calls on "more than an incidental convenience basis." Hospitals and

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hotels, for example, would generally be required to provide TDDs for their patients or guests.

The American Foundation for the Blind and National Center for Law and Deafness' ADA Communication Accommodations Project (ADA-CAP) provides technical assistance to help businesses deal with communications barriers. They have two hotlines and produce pamphlets on communication accessibility.

This fact sheet describes several methods of making information and communication accessible. Other options are also possible, and new ones will be available as the technology continues to develop. Always ask the people who will be using these services which accessible information formats or communication methods they need or prefer.

Whichever aids and services are offered, be sure to publicize their availability with the appropriate signage and symbols (contact ADA-CAP for information). Many people who would benefit from these services may be reluctant to request them unless they know such assistance is available.

For People with Visual Disabilities

For people with visual disabilities, the auxiliary aids and services requirement means that information regularly provided in visual formats must also be available in audible or tactile forms. For example, the information in printed brochures can be made available in braille or on audio tape. Restaurants can offer menus in braille or have staff read the selections and prices when necessary. Movie theaters can provide telephone tapes with their film schedules for people who do not have access to the printed listings in the newspaper. Annual reports can be provided on computer diskette. These and other methods of providing access to information are described below.

Large Print Materials

Many people with visual disabilities have some usable sight and can read large print. Large print materials can often be made at low cost using a photocopier or a personal computer. Use a 16-point type size or larger (18 is best). The type should be double-spaced and printed on a high-contrast background. When you are planning a conference or other event, estimate the number of large print materials needed by asking participants to notify you in advance about their

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specific needs. (If you are providing printed materials, it is always a good idea to have a few large print copies available.) Places that display information on wall signs can offer large-type printed versions; for example, fast food restaurants can provide large- print menus for those who cannot read the wall menu.

All Printed Materials

Prepare text according to the following principles to maximize legibility (this benefits everyone, including people with limited vision):

- Set type in columns that are not too narrow or too wide (for 11- or 12-point type, 3 to 7 inches is a comfortable column width). Use only one column if possible. Leave right margins ragged; this leaves words evenly spaced, making ragged-right text easier to read than justified text.
- Use lower case letters with initial capitals; this is more legible than all capitals.
- Black lettering on yellow or off-white paper provides maximum legibility, with less glare than plain white paper.
- Use simple serif typefaces. Simple fonts work best; don't use thin, bold, italic, or fancy typefaces. Restrict the use of sans-serif type to headlines, column headings, and other short pieces of information. Do not use more than two typefaces on a page.

Braille

If brailled materials are needed, there are a number of resources that provide transcription services. The National Federation of the Blind and the National Braille Press have free public service brochures describing many of these resources.

Be sure to make arrangements for transcription before you offer materials in braille. Some organizations will work from a computer disk, others from printed material. There is a great range in price for producing brailled materials, depending on turnaround time, the capacity of the providing organization, and the type of equipment used and services offered. Services offered by some

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transcription organizations include high-speed braille, interpoint (two-sided) braille, and tactile reproductions of pictures and graphics.

For assistance, contact the Information Access Center of the National Federation of the Blind for technical information on providing published materials in nonvisual accessible formats, or contact the ADA-CAP vision issues hotline.

Audio Tapes

Recording program materials on cassette tape is a good alternative to written information. Some people who are blind or visually impaired cannot or prefer not to read braille or large print, and find tapes more useful. Tape duplicators, found on many stereo cassette decks, make copies easily and inexpensively. You can make the recordings yourself if your machine records with good, clear sound quality, or you may wish to have your material recorded professionally.

Professional recorders can use two-track or four-track cassettes. Two-track cassettes can be used on any type of tape player, and so can be more widely circulated. Four-track cassettes must be played on a specially adapted tape player, but more information can be recorded on one four-track than on one two-track tape. In addition, four-track tapes can include "tone indexing," which allows users to forward to any page. If you do not know what type of equipment will be used to listen to your recorded material, you might want to have it recorded on two tracks, so that anyone can use it (especially if the material is not extremely long). You may also consider having the material recorded on both two- and four-track tapes. (Note that once a recording is made, it can be remastered onto another format, so even if you do not start out with both two- and four-track tapes, you will be able to respond to specific requests.)

Recording tips for doing it yourself:

- On each side of the tape, identify the side number, the document title, and the page range being read. The cassette label should include the title and tape number (e.g., "Tape 1 of 4") in type and in braille.
- At the end of the recording, identify the reader. (*"Your reader has been Joe Smith."*)

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- Make sure the recording is done in a room where there is no background noise.
- Read at a moderate pace and articulate words clearly.

Readers

If brailled or taped materials are not available, designate someone to read information aloud, when necessary, to people who are blind or visually impaired. This is a stop-gap measure, but it will work if there is not a large volume of material to be read.

Computer Diskettes

Computer diskettes provide an efficient, simple means of transferring print information to audible communication. Many individuals now have computers with voice output that can "read" data aloud. The diskette can also be used to print out braille text or large print. This electronic process is often the fastest way to convert print text to an accessible format. This alternative is excellent for providing conference materials, reports, minutes of meetings-any print information of any length. The National Federation of the Blind can advise on this process.

Radio Reading Services and Telephone Tapes

Radio reading services and telephone tapes provide people who are blind or visually impaired with a wide range of information. Radio reading services regularly read newspapers, periodicals, weather reports, and event calendars. Telephone tapes provide information about services and programs. These services are a great source of advertising once you have made your business accessible.

For People with Hearing or Speech Disabilities

For people with hearing or speech disabilities, auxiliary aids and services include communication devices such as text telephones or TDDs, assistive listening systems, and services such as interpreters or alternative methods of communication.

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Many communication access improvements are inexpensive and easy to implement. In addition to those listed below, other useful methods may be as simple as making paper and pencil available for writing messages and maintaining a clear-sounding, adequately amplified public address system. If there is someone in particular for whom you will be providing communication aids or services, you should always ask that person what he or she needs or prefers.

Telephone Amplifiers

The telephone company can install amplification devices on pay phones that are required to have them. There is a nominal monthly charge for this service. For amplification on other phones, contact AT&T's National Special Needs Center (see "For More Information," page 8). Their receivers work only on AT&T equipment. Portable amplifiers for individual use are also available.

Captioning

Captioning is the process by which the audio part of a videotape or film is transcribed and made visible on the screen to be read by people with hearing disabilities. Closed captions are visible only if the television is equipped with a decoder; open captions are always visible.

Telecommunication Devices for the Deaf

A telecommunication device for the deaf (TDD), also called a text telephone or a TTY, allows a person with a hearing or speech disability to communicate with other TDD-users over the telephone using a keyboard and visual display and/or printer.

Portable TDDs are easy to use and affordable. Prices range from \$150 to \$1000, depending on the features provided. You may decide to use a TDD on an existing phone line or to get a separate dedicated line. If the same line is used for voice and TDD, everyone who answers the phone must be trained to recognize the TDD tone and to know how to respond. If you have a dedicated TDD line, be sure to train employees in its use.

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Publicize the availability of a TDD number by listing your telephone number in all of your publications and publicity materials in the following format: **(800) 123-4567 voice/TDD Or abbreviate: V/TDD**

Telecommunication Relay Services

Telecommunication Relay Services (TRS) enable someone using a TDD to communicate with someone using a voice telephone. Operators (communication assistants) at the relay service act as a communication bridge between hearing people and people who have hearing or speech disabilities, or people who need voice or hearing carry-over service (a feature required of all relay services, allowing people who have hearing disabilities to use their own voices and allowing people with speech disabilities who can hear to type their messages but hear the other party directly). You can use a relay service if you have a TDD and want to contact a hearing person, or if you are a hearing person and want to call someone who uses a TDD.

The Americans with Disabilities Act mandates that, by July 26, 1993, all telephone companies must provide telecommunication relay services. Many states already provide intrastate relay services, so check with your telephone company, vocational rehabilitation agency, or state commission for the deaf and hard of hearing to obtain the phone number.

Because of the low cost of a TDD and the efficiency and desirability of one-to-one communication, it is recommended that businesses, services, and agencies that carry out a high volume of business by phone consider making themselves directly accessible through TDDs, rather than relying on relay services.

Assistive Listening Systems

If your facility has a meeting room, theater, or auditorium, an assistive listening system will enhance the sound for people who are hard of hearing. Several systems are available: the **induction system**, the wireless **AM or FM system**, and the wireless **infrared system**. The choice of systems is dependent upon a number of factors, including the intended users, the location, and the need for portability. For technical assistance, contact Self Help for Hard of Hearing People (see "For More Information," page 8) or the ADA-CAP hotline on hearing issues, or request the "Assistive Listening System" brochure from the Architectural and Transportation Barriers Compliance Board.

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In new construction of assembly areas where audible communication is integral to the use of the space, such as concert and lecture halls, theaters, and meeting rooms, an assistive listening system must be provided. If the assembly area has fixed seats for at least 50 people or has an audio-amplification system, an assistive listening system must be permanently installed. In open gathering spaces in places such as shopping malls, where concerts or other events may occasionally be held, but which do not have fixed seating, an induction system is recommended. In other cases, either a permanently installed system may be provided or adequate electrical outlets or other necessary wiring must be provided to support a portable system. (Refer to the ADA Accessibility Guidelines for complete scoping and technical requirements.)

Interpreters

People who are deaf or hard of hearing often request interpreters or transliterators in order to participate in conversations, meetings, and events. Interpreters translate from spoken language to American Sign Language (ASL) and vice versa. Transliterators interpret from spoken English to Pidgin Signed English, Manually Coded English, or Cued Speech, and vice versa. Oral interpreters paraphrase or mouth silently the spoken message and, if necessary, voice-interpret the speech of a person who is deaf or hard of hearing. The person who is deaf or hard of hearing should be consulted as to his or her preferred type of interpreting.

Fees for interpreters generally range from \$25 to \$35 an hour with a two-hour minimum fee. Information on fees, use of interpreters, and other related information is available from state vocational rehabilitation agencies or state commissions for the deaf and hard of hearing. In order to assure the availability of an interpreter, be sure to make your request as soon as your meeting or event is scheduled, preferably at least four weeks in advance.

For more information about sign and oral interpreting, contact the Registry of Interpreters for the Deaf, Inc.

Computer-Aided Real-Time Reporting (CART)

A relatively new type of translation service, called computer-aided real-time reporting or real-time captioning, has become available as an option for people

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who are deaf or hard of hearing and who read English fluently. Real-time reporters, often trained as court stenographers, type what is said in a meeting, and the text is simultaneously displayed on a computer or video monitor or projection screen. For assistance in obtaining this service, contact your local court stenotypist organization, the Association of Late-Deafened Adults (see "For More Information," page 8), interpreting agencies, or other organizations serving people who are deaf or hard of hearing.

Working with Interpreters and Stenotypists

Depending on the length and the nature of the assignment, varying numbers of interpreters or stenotypists will be needed. For most assignments lasting no longer than two hours, only one professional may be needed. The professional should be provided at least one break during that time. For those assignments that involve many people, such as round table discussions where more than one mode must be interpreted-voice-to-sign and oral interpreting-or where the information being communicated is particularly complex, two or more interpreters may be needed.

Under some circumstances, clients might assume that even though a meeting runs three hours, only one interpreter is needed since the meeting is "informal" and there will be coffee breaks. The danger in this assumption is that especially when the setting is informal, there tends to be more people talking over each other, which makes it difficult to effectively interpret all of the conversations being exchanged. The idea that coffee breaks will provide a break for the professional is also erroneous. The exchanges that occur in the hallways or around the lunch or refreshment table are often the places where a great deal of the important "work" is done. The interpreter often works at these times as well.

Interpreters need frequent breaks, both for mental processing reasons and for the prevention of physical damage due to Repetitive Motion Syndrome/Injury (RMS) or other overuse syndromes. At least one 10- to 15-minute break per hour should be provided.

Interpreters should always be in a visible, well-lit place near the presenters. When slides or films are shown, a spotlight may be used to illuminate the interpreter, taking care not to have the light directly in the interpreter's eyes. At all events, an area close to the interpreter and presenters should be reserved

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for people who are deaf or hard of hearing and for those sitting with them. In small group meetings, it is important that both the people who are deaf or hard of hearing and the interpreter have an opportunity to select where they sit so that they can see and hear all participants. Round tables or circular seating arrangements are preferred. In interactive meetings such as group discussions and workshops, the moderator should enforce a rule that only one person may speak at a time, so that all comments can be interpreted by the interpreter.

Artistic interpreters, who transliterate and interpret dramatic literature, poems, plays, and concerts, require written material and recorded music anywhere from one day to several months prior to the performance, depending on the nature of the assignment. Interpreters for speeches and presentations from dignitaries, politicians, and the like also require advance review of a script in order to ensure the most accurate delivery possible.

For People with Cognitive Disabilities

The most important service for people with cognitive disabilities is the provision of clear information. Everyone appreciates printed information and announcements that are easy to understand. People who have cognitive disabilities especially appreciate the use of graphic symbols, color, and other supplements to the meaning of verbal information. For example, illustrations in restaurant menus make them easier to comprehend for someone who does not read well.

All employees should be trained to provide information clearly, and to have patience with people who might not understand the first time or the first way it is presented. (For more information on communicating effectively with people with cognitive and other types of disabilities, refer to Fact Sheet 3.)

FOR MORE INFORMATION...

The following organizations are referred to in this fact sheet, and address aspects of communication accessibility.

ADA Communication Accommodations Project (ADA-CAP)

American Foundation for the Blind
Governmental Relations Department
1615 M Street, NW, Suite 250

COMMUNITY ACCESS MONITOR PROGRAM

Washington, DC 20036
Hotline on vision issues: (202) 223-0101 voice/TDD
Hotline on hearing issues: (202) 651-5343 voice/TDD

Association of Late-Deafened Adults

P.O. Box 641763
Chicago, IL 60664
(312) 604-4192 TDD

National Braille Press

88 St. Stephen Street
Boston, MA 02215
(617) 266-6160 voice

National Federation of the Blind

Information Access Project
1800 Johnson Street
Baltimore, MD 21230
(301) 659-9314 voice

AT&T's National Special Needs Center

2001 Route 46, Suite 310
Parsippany, NJ 07054-1315
(800) 233-1222 voice
(800) 833-3232 TDD

Self Help for Hard of Hearing People

7800 Wisconsin AvenueM
Bethesda, MD 20814
(301) 657-2248 voice
(301) 657-2249 TDD

Architectural and Transportation Barriers Compliance Board

1331 F Street, NW, Suite 1000
Washington, DC 20004-1111
(800) USA-ABLE voice
(202) 653-7834 voice
(202) 272-5449 TDD

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Registry of Interpreters for the Deaf, Inc.

8719 Colesville Road, Suite 310

Silver Spring, MD 20910-3919

(301) 608-0050 voice/TDD

The Americans with Disabilities Act Fact Sheet Series (October 26, 1992)

Fact Sheet 3: Communicating with People with Disabilities

To obtain additional copies of any fact sheet in this series, contact your ADA Center. To be automatically connected to your regional ADA Center, call 1-800-949-4ADA. This fact sheet may be copied as many times as desired by the ADA Centers for distribution to small businesses but may not be reproduced in whole or in part and sold by any other entity without written permission from the authors.

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Developed under a grant from the National Institute on Disability and Rehabilitation Research (grant#H133D10122).

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Employees or customers who have disabilities will feel most comfortable at your place of business if you consider these suggestions for effective communication:

General Considerations

- Do not be afraid to make a mistake when meeting and communicating with someone with a disability. Try following the suggestions below. Imagine how you would react if you were in similar situations. Keep in mind that a person who has a disability is a person, and, like you, is entitled to the dignity, consideration, respect, and rights you expect for yourself.
- Treat adults as adults. Address people with disabilities by their first names only when extending the same familiarity to all others present. (Never patronize people by patting them on the head or shoulder.)
- Relax. If you don't know what to do, allow the person who has a disability to put you at ease.
- If you offer assistance and the person declines, do not insist. If it is accepted, ask how you can best help, and follow directions. Do not take over.
- If someone with a disability is accompanied by another individual, address the person with a disability directly rather than speaking through the other person.

"People First" Terminology

- Place the person before the disability. Say "person with a disability" rather than "disabled person."
- Avoid referring to people by the disability they have, i.e., "an epileptic," "blind people." A person is not a condition. Rather, refer to "a person with epilepsy," or "people who are blind."

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- People are not "bound" or "confined" to wheelchairs. They use them to increase their mobility and enhance their freedom. It is more accurate to say "wheelchair user" or "person who uses a wheelchair."

Physical Disabilities

- Do not make assumptions about what a person can and cannot do. A person with a physical disability is the best judge of his or her own capabilities.
- Do not push a person's wheelchair or grab the arm of someone walking with difficulty, without first asking if you can be of assistance. Personal space includes a person's wheelchair, crutches, or other mobility aid.
- Never move someone's crutches, walker, cane, or other mobility aid without permission.
- When speaking to a person using a wheelchair for more than a few minutes, try to find a seat for yourself so the two of you are at eye level.

Visual Disabilities

- Identify yourself when you approach a person who is blind. If a new person approaches, introduce him or her.
- It is appropriate to touch the person's arm lightly when you speak so that he or she knows you are speaking to him or her.
- Face the person and speak directly to him or her. Use a normal tone of voice.
- Don't leave without saying you are leaving.
- If you are offering directions, be as specific as possible, and point out obstacles in the path of travel. Use clock cues ("The door is at 2 o'clock").
- Alert people who are blind or visually impaired to posted information.

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- Never pet or otherwise distract a guide dog unless the owner has given you permission.
- You may offer assistance if it seems needed, but if your offer is declined, do not insist. If your offer is accepted, ask the person how you can best help.

Hearing Disabilities

- Ask the person how he or she prefers to communicate.
- If you are speaking through an interpreter, remember that the interpreter may lag a few words behind-especially if there are names or technical terms to be fingerspelled-so pause occasionally to allow him or her time to translate completely and accurately.
- Talk directly to the person who is deaf or hard of hearing, not to the interpreter. However, although it may seem awkward to you, the person who is deaf or hard of hearing will look at the interpreter and may not make eye contact with you during the conversation.
- Before you start to speak, make sure you have the attention of the person you are addressing. A wave, a light touch on the shoulder, or other visual or tactile signals are appropriate ways of getting the person's attention.
- Speak in a clear, expressive manner. Do not over-enunciate or exaggerate words. Unless you are specifically requested to do so, do not raise your voice. Speak in a normal tone; do not shout.
- To facilitate speech reading, face into the light, and keep your hands and other objects away from your mouth.
- If the person is speech reading, face the person directly and maintain eye contact. Don't turn your back or walk around while talking. If you look away, the person might assume the conversation is over.

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- While you are writing a message for someone who is deaf or hard of hearing, don't talk, since the person cannot read your note and your lips at the same time.
- If you do not understand something that is said, ask the person to repeat it or to write it down. The goal is communication; do not pretend to understand if you do not.
- If you know any sign language, try using it. It may help you communicate, and it will at least demonstrate your interest in communicating and your willingness to try.

Speech Disabilities

- Talk to people with speech disabilities as you would talk to anyone else.
- Be friendly; start up a conversation.
- Be patient; it may take the person a while to answer.
- Give the person your undivided attention.
- Ask the person for help in communicating with him or her. If the person uses a communication device such as a manual or electronic communication board, ask the person how best to use it.
- Speak in your regular tone of voice.
- Tell the person if you do not understand what he or she is trying to say. Ask the person to repeat the message, spell it, tell you in a different way, or write it down.
- To obtain information quickly, ask short questions that require brief answers or a head nod. However, try not to insult the person's intelligence with over-simplification.

Cognitive Disabilities

- Treat adults with cognitive disabilities as adults.

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- When speaking to someone who has a cognitive disability, try to be alert to their responses so that you can adjust your method of communication if necessary. For example, some people may benefit from simple, direct sentences or from supplementary visual forms of communication, such as gestures, diagrams, or demonstrations.
- Use language that is concrete rather than abstract. Be specific, without being too simplistic. Using humor is fine, but do not interpret a lack of response as rudeness. Some people may not grasp the meaning of sarcasm or other subtleties of language.
- People with brain injuries may have short-term memory deficits and may repeat themselves or require information to be repeated.
- People with auditory perceptual problems may need to have directions repeated, and may take notes to help them remember directions or the sequence of tasks. They may benefit from watching a task demonstrated.
- People with perceptual or "sensory overload" problems may become disoriented or confused if there is too much to absorb at once. Provide information gradually and clearly. Reduce background noise if possible.
- Repeat information using different wording or a different communication approach if necessary. Allow time for the information to be fully understood.
- Don't pretend to understand if you do not. Ask the person to repeat what was said. In conversation, people with mental retardation may respond slowly, so give them time. Be patient, flexible, and supportive.
- Some people who have a cognitive disability may be easily distracted. Try not to interpret distraction as rudeness.
- Do not expect all people to be able to read well. Some people may not read at all.

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Please note: This material is based in part on *Achieving Physical and Communication Accessibility*, a publication of the National Center for Access Unlimited, and *Community Access Facts*, an Adaptive Environments Center publication.

The Americans with Disabilities Act Fact Sheet Series (September, 1998)

Fact Sheet 4: Tax Incentives for Improving Accessibility

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Two tax incentives are available to businesses to help cover the cost of making access improvements. The first is a tax credit that can be used for architectural adaptations, equipment acquisitions, and services such as sign language interpreters. The second is a tax deduction that can be used for architectural or transportation adaptations.

(NOTE: A *tax credit* is subtracted from your tax liability after you calculate your taxes, while a *tax deduction* is subtracted from your total income before taxes, to establish your taxable income.)

Tax Credit

The **tax credit**, established under Section 44 of the Internal Revenue Code, was created in 1990 specifically to help small businesses cover ADA-related "eligible access expenditures." A business that for the previous tax year had either revenues of \$1,000,000 or less or 30 or fewer full-time workers may take advantage of this credit.

The credit can be used to cover a variety of expenditures, including:

- provision of readers for customers or employees with visual disabilities
- provision of sign language interpreters
- purchase of adaptive equipment
- production of accessible formats of printed materials (i.e., braille, large print, audio tape, computer diskette)
- removal of architectural barriers in facilities or vehicles (alterations must comply with applicable accessibility standards)
- fees for consulting services (under certain circumstances)

Note that the credit cannot be used for the costs of new construction. It can be used only for adaptations to existing facilities that are required to comply with the ADA.

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The amount of the tax credit is equal to 50% of the eligible access expenditures in a year, up to a maximum expenditure of \$10,250. There is no credit for the first \$250 of expenditures. The maximum tax credit, therefore, is \$5,000.

Tax Deduction

The **tax deduction**, established under Section 190 of the Internal Revenue Code, is now a maximum of \$15,000 per year—a reduction from the \$35,000 that was available through December 31, 1990. A business (including active ownership of an apartment building) of any size may use this deduction for the removal of architectural or transportation barriers. The renovations under Section 190 must comply with applicable accessibility standards.

Small businesses can use these incentives in combination if the expenditures incurred qualify under both Section 44 and Section 190. For example, a small business that spends \$20,000 for access adaptations may take a tax credit of \$5,000 (based on \$10,250 of expenditures), and a deduction of \$15,000. The deduction is equal to the difference between the total expenditures and the amount of the credit claimed.

EXAMPLE: A small business' use of both tax credit and tax deduction:

\$20,000 cost of access improvements (rest room, ramp, 3 doors widened)
-\$5,000 maximum credit
\$15,000 remaining for deduction

Annual Incentives

The tax credit and deduction can be used **annually**. You may not carry over expenses from one year to the next and claim a credit or deduction for the portion that exceeded the expenditure limit the previous year. However, if the amount of credit you are entitled to exceeds the amount of taxes you owe, *you may carry forward the unused portion of the credit to the following year.*

For further details and information, review these incentives with an accountant or contact your local IRS office to the national address below.

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FOR MORE INFORMATION...

Request IRS Bulletin #907 for further information on tax incentives, or Form 8826 to claim your tax credit.

Internal Revenue Service

Publications and Forms

(800) 829-3637 voice

(800) 829-4059 (TTY)

Questions

(800) 829-1040 voice

(800) 829-4059 TTY

Legal Questions

Office of the Chief Counsel

P&SI:6

1111 Constitution Avenue, NW, Room 5112

Washington, D.C. 20224

(202) 622-3110 Voice

(800) 829-4059 TTY

The Americans with Disabilities Act Fact Sheet Series (October 26, 1992)

Fact Sheet 4: Alternatives to Barrier Removal

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Introduction:

The Americans with Disabilities Act specifies that facilities and establishments that are "places of public accommodation," as defined under Title III, must remove architectural barriers, as well as communication barriers that are structural in nature, from existing facilities when such removal is "readily achievable."

The *readily achievable* standard is a key concept. It requires public accommodations to eliminate physical barriers whose removal is "easily accomplishable and able to be carried out without much difficulty or expense."

(Read **Fact Sheet 1** to determine whether your facility is subject to the "readily achievable" barrier removal requirement. The **Checklist for Existing Facilities**, a companion piece to this Fact Sheet series, is a useful guide to identifying barriers, planning structural modifications, and determining which modifications are readily achievable.)

The removal of barriers can often be achieved by making simple changes to the physical environment. However, the determination of what is readily achievable must be made on a case-by-case basis, taking into consideration such factors as the size, type, and overall financial resources of the facility, and the nature and cost of the access improvements needed. Readily achievable modifications might include ramping a few steps, raising or lowering handrails or grab bars, replacing doorknobs with lever handles, or rearranging furnishings to provide a clear path of travel.

Alternatives

When modifications are not readily achievable, an establishment is required to take alternative steps that can be accomplished without much difficulty or expense; in other words, to take steps other than physical barrier removal that *are* readily achievable. Alternative methods are not required if they are not readily achievable, or if they would fundamentally alter the operation of the establishment (i.e., alter the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered).

When programmatic alternatives are used in place of physical barrier removal, the availability of such accessible alternative services should be publicized through advertising and signage. Note that charging extra for services that are

COMMUNITY ACCESS MONITOR PROGRAM

provided as alternatives to barrier removal is *prohibited*. Alternative methods are not to be considered *additional* services, merely *accessible* ones. Employees should be made aware of these services and trained in how to interact effectively with people with disabilities.

Alternative methods should be considered only after all options for removing barriers have been thoroughly examined and demonstrated *not* to be readily achievable.

The examples below illustrate alternative methods by which facilities can make their goods and services accessible to people with disabilities.

Providing service at an alternate, accessible location:

Example: A restaurant with an inaccessible main entrance that offers take-out food sends an employee to provide service at an entrance or at the curb for customers who have disabilities that limit their mobility. A buzzer is installed in an accessible location by the main entrance with a sign stating "Ring for Assistance," in large, clear print.

Example: A theater sells tickets from a booth with a Plexiglass shield that prevents communication with people who have limited hearing. A manager is summoned when needed to sell tickets outside of the booth. A sign posted at the booth informs customers that this service is available.

Example: A bank has teller counters that are too high for access by people who use wheelchairs. A manager is summoned to conduct the transaction at a desk located elsewhere in the lobby.

Example: A restaurant has a flight of stairs leading down to the dining area. On an accessible level, there are several small tables for bar service and light fare. In order to serve people who are unable to use the stairs, a dining table is added to this area and full menu service is offered when needed. Adequate notice of the availability of this service is provided.

Example: A law firm with offices on the second floor of a building that has no elevator arranges to use an accessible meeting room in a nearby building to serve clients when necessary.

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Example: A multi-screen cinema has inaccessible upstairs theaters and accessible first-floor theaters. It rotates its schedule so that each film has several showings in an accessible theater, and provides information on the accessible showings in its newspaper advertising and recorded phone information.

Offering home delivery and services:

Example: An inaccessible pharmacy offers home delivery of orders of prescription medications and other products. Adequate notice of this service is provided.

Example: Several days a week, at the end of regular shop hours, an inaccessible salon provides haircutting and other services in patrons' homes. Adequate notice of this service is provided.

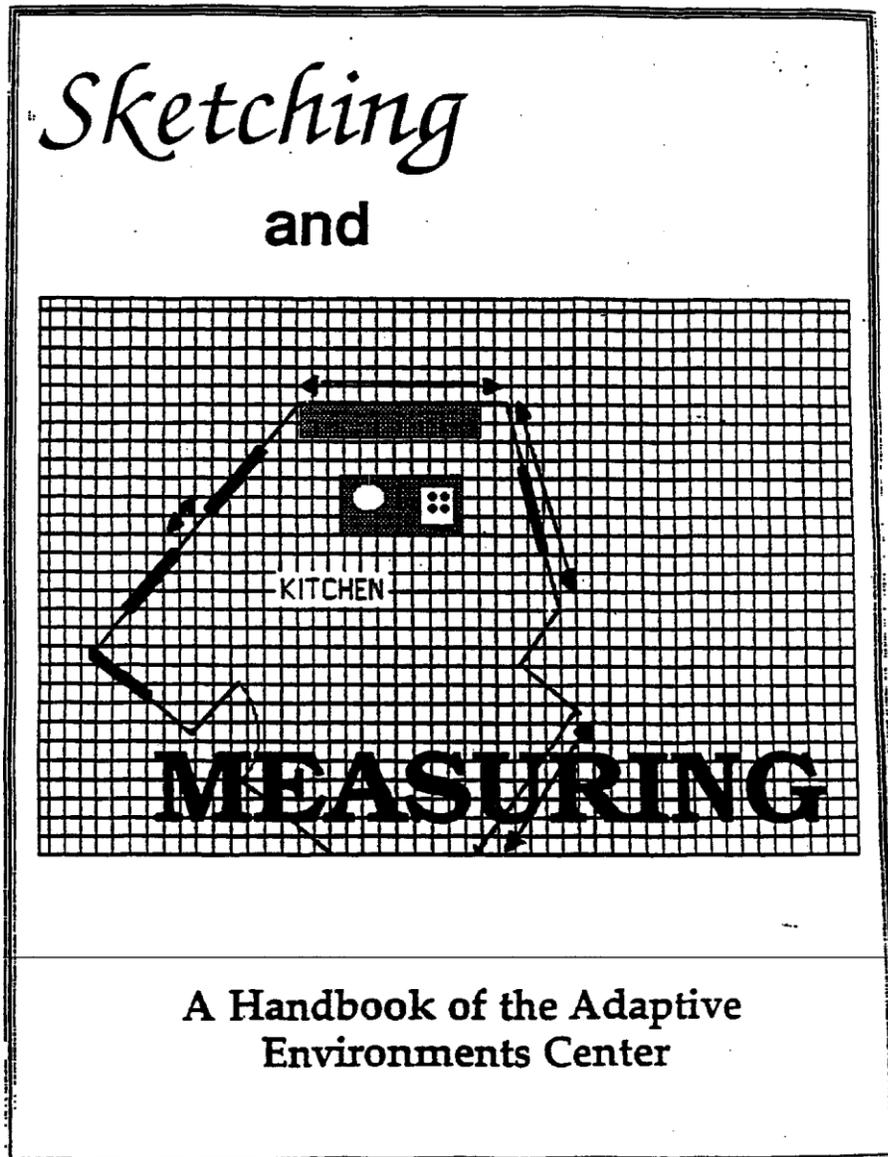
Retrieving merchandise from inaccessible shelves or inaccessible parts of a store:

Example: A department store with a mezzanine reachable only by stairs places a directory on the accessible level describing the goods found on the mezzanine. A sign invites patrons who are unable to climb stairs to have a clerk bring them the items they wish to examine or purchase.

Example: A supermarket provides employee assistance to people who are unable to reach goods on upper shelves, and provides adequate notice of the availability of this service. The store suggests that, when possible, shoppers with disabilities make a list of unreachable items while shopping, so that an employee can retrieve all of the items at one time.

Sketching and Measuring
A Handbook of the Adaptive Environments Center

Please Note: This handbook was produced in the early 1990's. With cellphones and digital camera's becoming commonplace, the usefulness of this book has become dated. However, we still feel it deserves a place in the book as a useful resource to help you understand the basic mechanics.



How To Measure Up a Space:

Measuring a space and drawing a floor plan are early steps in the design process. They are tools for both analyzing the current space and planning future modifications. This section explains how to measure and draw the fixed features of any space.

To measure up a space, you must have:

- Tape measure
- Plain paper
- Pencil with eraser

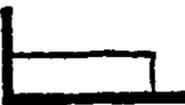
You will be locating, measuring, and drawing all the "fixed features" of the area. These include:

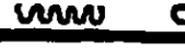
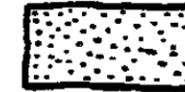
- Walls
- Built - in - furnishings
- Windows
- Electrical Outlets
- Doors
- Ceiling Heights
- Radiators
- Lights
- Stairs
- Pipes

You will want to leave out all furnishings for now. They can be added and/or changed later.

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Designers use a graphic language to represent walls, doors, windows, etc. Some of the symbols needed for drawing a room in the illustrations here:

| | PLAN | ELEVATION |
|-------------------------------|--|--|
| WALL |  |  |
| WINDOW |  |  |
| DOOR |  |  |
| COUNTER/ FLOOR CABINETS |  |  |

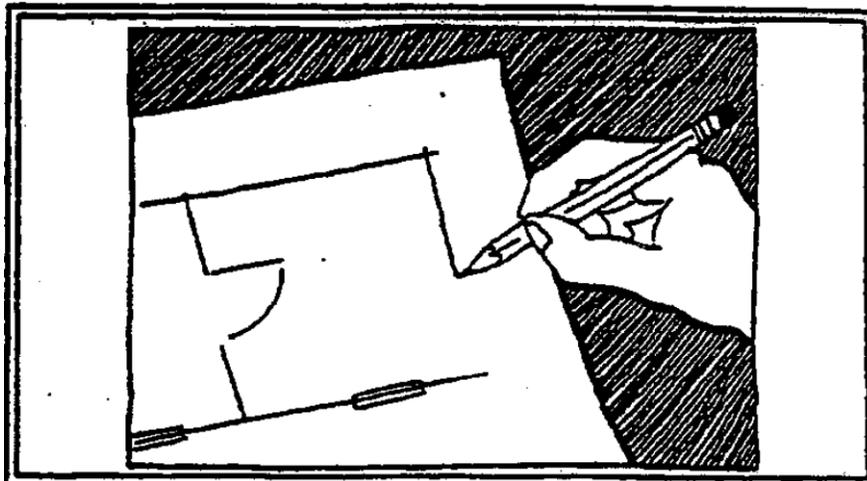
| | PLAN | ELEVATION |
|-------------------------|---|---|
| ELECTRICAL OUTLETS |  |  |
| SWITCHES |  |  |
| PIPES & RADIATORS |  |  |
| CARPET |  |  |
| FIREPLACES, CHIMNEYS |  |  |

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| | PLAN | ELEVATION |
|--------------------------|------|-----------|
| HANGING SHELF OR CABINET | | |
| FURNITURE | | |
| SINK & TOILET | | |
| STAIRS | | |

Step 1: Drawing the Space.

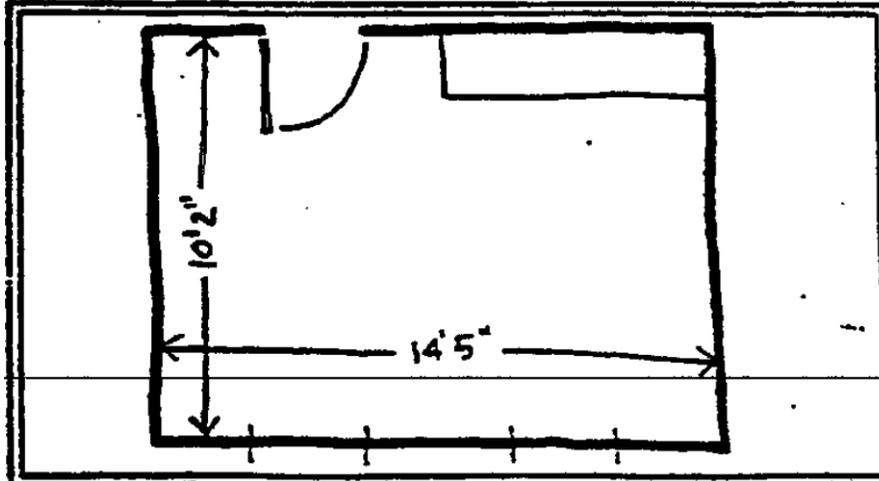
Begin the process of measuring up your space by drawing a floor plan. A floor plan is a two dimensional map of the room. It is a birds eye view of the room. Include in this drawing all the fixed features in their approximate locations. This initial drawing will look like this:



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Step 2: Overall Dimensions.

Measure the overall dimensions of the room, from corner to corner. Secure one end of the measuring tape at the beginning point and measure the exact length. If the length is longer than the tape, pencil a mark on the wall where the last tape measurement occurs. Replace the beginning of the tape on the mark and continue from there. That wall's dimension will be the sum of the two lengths.



Working in Pairs:

It is often helpful to work in pairs to measure a space. One person holds the tape end securely while the other marks and measures. One person calls the dimensions as he or she measures them, and the other draws and writes dimensions on the plan. Most importantly, two people can check each other's work to ensure accuracy.

Step 3: Accuracy.

Double check measurements as you proceed. One little error can throw all the others off. Try measuring the same area once from the right to left and again from the left to right. Or have another person take the same measurement.

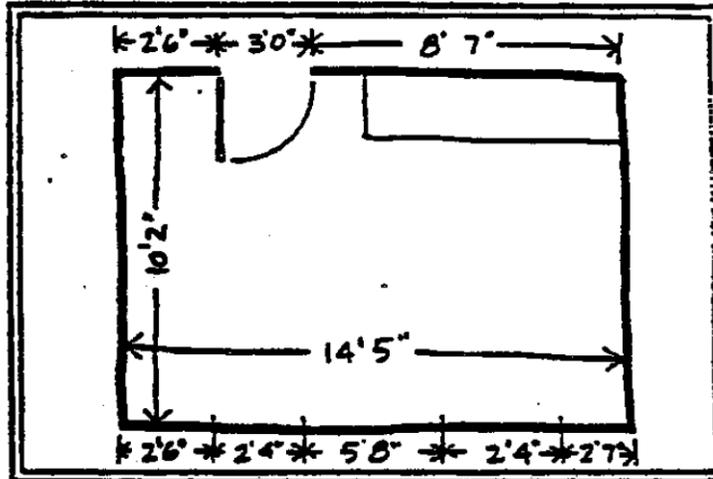
Doors and windows: Add the dimensions of doors and windows. Be sure to show which way the doors swing.

Show the exact dimensions of the doors and windows as well as the frames and sills.

Measure how far from each corner they are. Make a note of their heights.

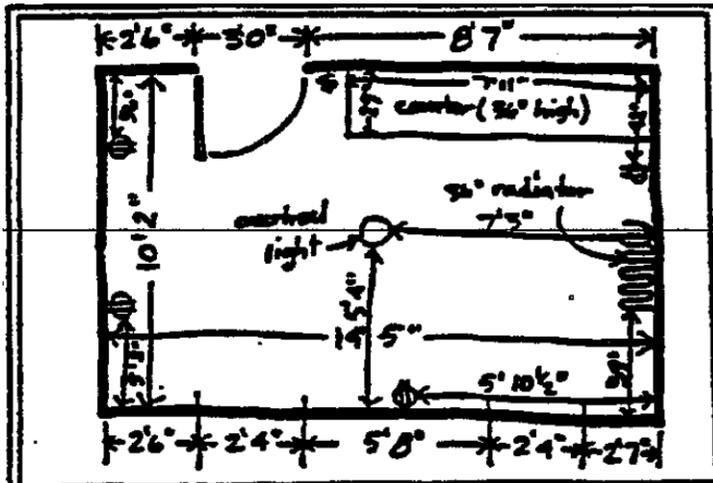
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Accuracy Check: To check the accuracy of your measurements, add all the wall, window and door measurements. The sum should equal the overall length of that wall horizontally or the overall height of the wall vertically. If it doesn't, go back and re-measure. Your measurements should be accurate to one half of an inch.



Step 4: Other Fixed Features.

Continue adding the size and location of the other fixed features of the room: built in cabinets, sink, pipes, radiators, etc.



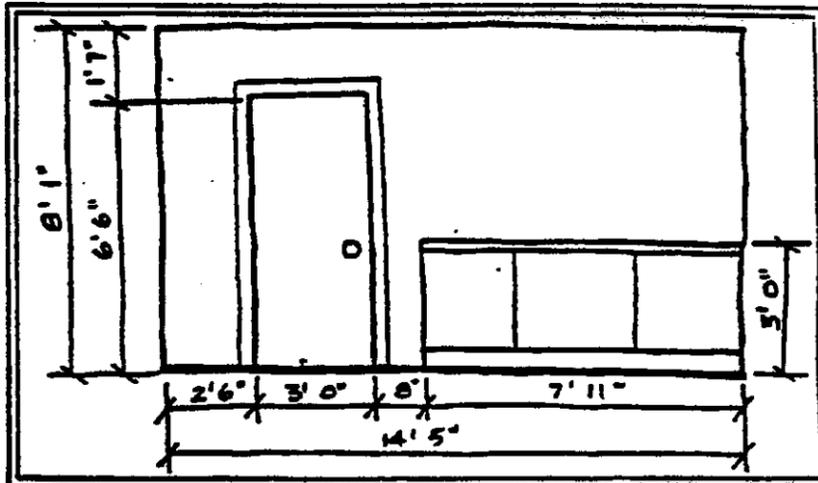
Write it Down: While measuring the space, it is important to write all measurements and notes on the drawings. These drawings are usually not neat. That is why it is a good idea to work in pencil. They are, however, accurate and complete. Later, they will be neatly redrawn and reproduced.

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Elevations: Knowing the vertical dimensions is as important as knowing the horizontal ones. For example: It is as important to know how tall things are as how long and wide they are.

An "elevation" is a two dimensional drawing that illustrates what can be seen if standing at one end of the room and looking straight ahead at one of the walls. It allows you to locate fixed features in walls that might not show on the plan view.

Draw an elevation for each wall to show vertical dimensions in the room. Measure the distance from the floor to the ceiling and write the ceiling height on the elevation. In older buildings, the ceiling height may vary so take this measurement in more than one location.



Accuracy Check: Be sure that all vertical dimensions add up to the total ceiling to floor height. Re-measure pipe widths to double-check with the floor plan measurements.

After measuring up the space, take the floor plans, elevations, and notes home. The next step will be to transcribe these sketches and notes into clean, accurate scale drawings that show all fixed features and dimensions.

These are valuable documents for reference in case a measurement is forgotten or transcribed incorrectly.

The final plans and elevations will be used:

- For the floor and walls of a model.
- As base plans over which trace papers can be drawn.
- For showing others, family, contractors, etc.

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- To decide on exact dimensions and locations of furnishings such as cabinets, lofts, tables, cubbies, etc.

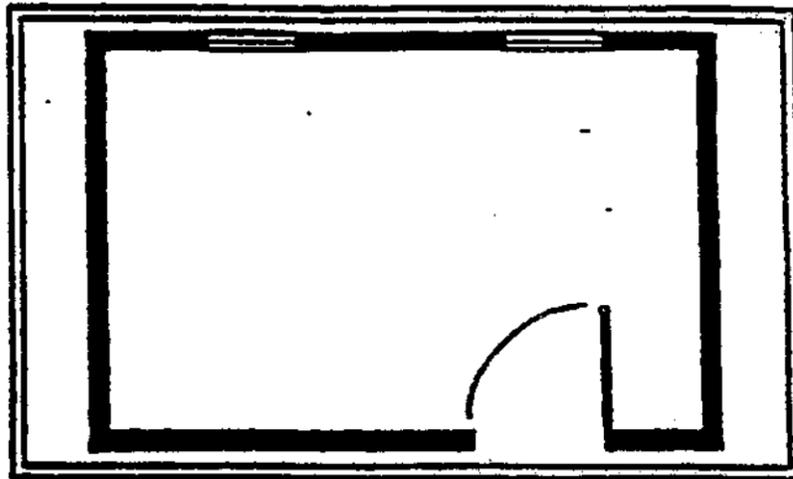
Drawing Floor Plans and Elevations to Scale:

After sketching and measuring up your space, you can draw final floor plans and elevations to scale. These drawings can be used for:

- The floor and walls of a model.
- Presentations.
- Drawings over which design planning and sketching can be done on trace paper.

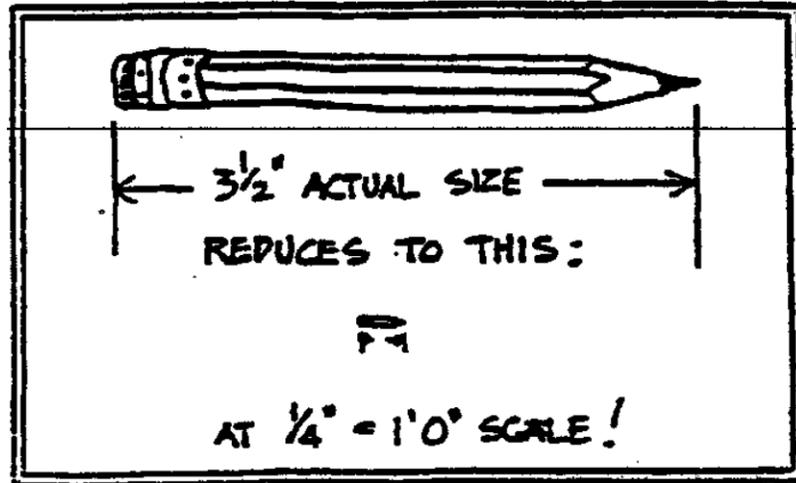
Scale: Drawing a floor plan or elevation to scale requires representing larger room measurements on small paper. Because full size floor plans are not practical, a method for reducing their size and maintaining their proportions is used. This method is called "scaling." A measurement is selected to represent one inch. One inch equals one foot, one half-inch equals one foot, one-quarter inch equals one foot are all commonly used scales.

At one-quarter inch scale, a living room used by eight people looks like this:



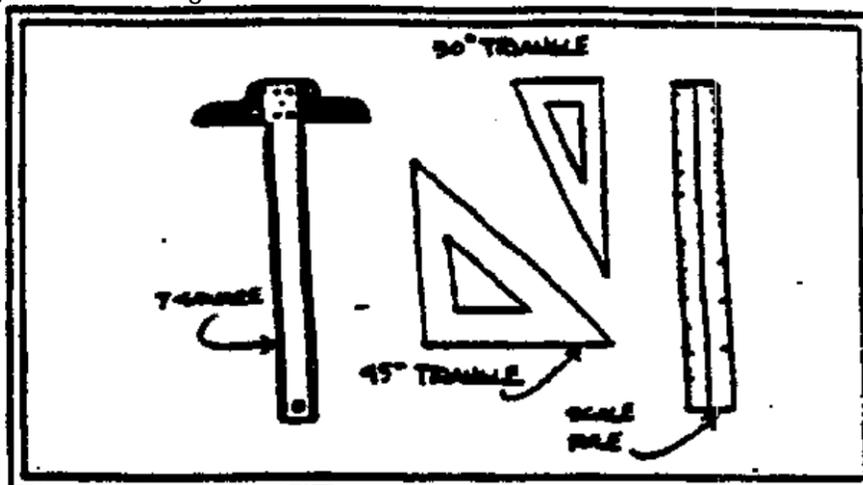
With the sketches and precise measurements, drawing plans and elevations is mechanical. You will use:

- Large paper (blue lined graph paper may be used as an aid to scaling and drawing proper angles. This paper is especially helpful if you have neither a T square nor architectural scale).
- Ruler or architectural scale.
- Pencil with eraser.
- Straight edge (different from a ruler, unless the ruler has a very straight edge).



Additional Helpful Tools:

- T-square, or other 90-degree angle.
- Circle template.
- Adjustable triangle.



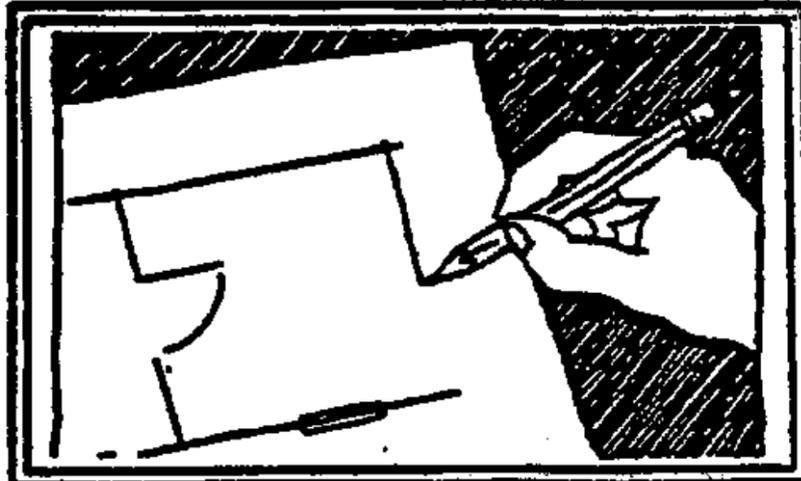
Step 1:

The first step is to decide at what scale you will be working. Since these plans will be the base of a model, they should be fairly large. For example: 2 feet by 3 feet, 3 feet by 5 feet, 3 feet by 4 feet. For most single rooms, one inch equaling 1 foot will be a good scale. A 25-foot by 30-foot room would be drawn as 2 feet one inch by 2 feet 6 inches. The paper used should be large enough to allow lots of notes and dimensions to be written outside the plan. This 25 feet by 30 feet room then, might be drawn on 30 inches by 36 inches or 36 inches by 42 inches paper.

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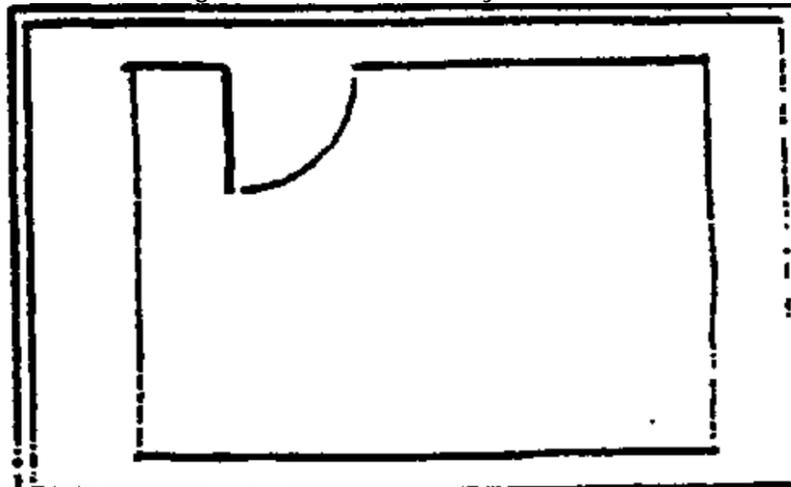
Step 2:

This second step in drawing the final floor plan is to lightly pencil in the outer walls, regardless of doors and windows. The drawing should be located on the page so that there is enough room for the label (see Step # 6) and all notes and dimensions.



Step 3:

Draw in doors and windows, using the architectural symbols.

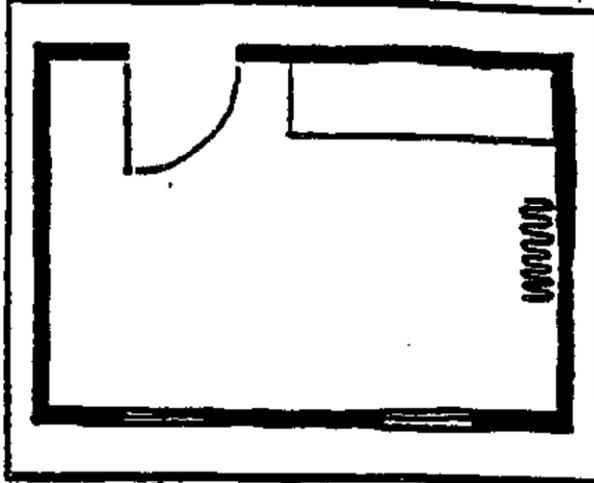


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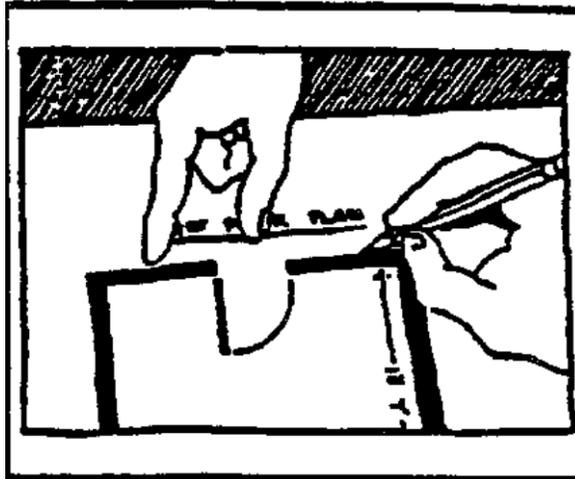
Step 4:

Darken lines that represent the solid walls. Add the fixed features of the room including:

- Built in shelves
- Pipes
- Radiators
- Lights



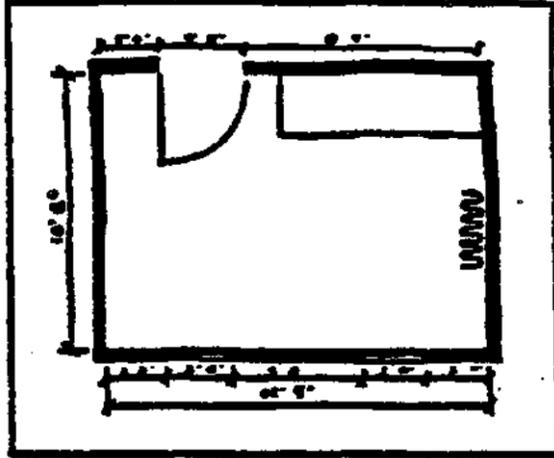
If the plan gets full, do an overlay on trace or acetate that shows overhead features such as lighting.



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Step 5:

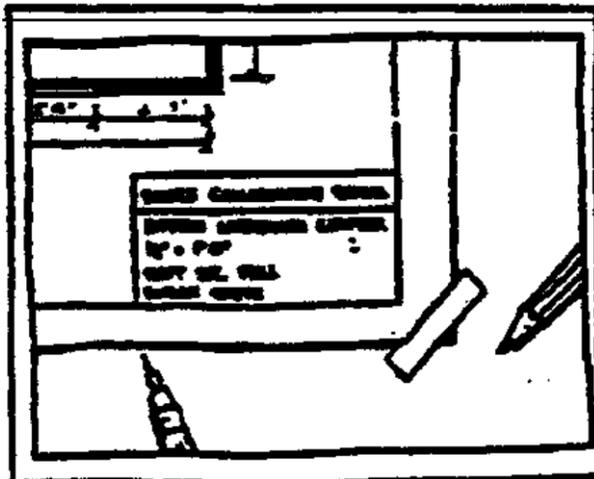
Add dimensions to the outside of the drawing.



Step 6:

In the lower right hand corner, label the drawing with:

- Name of the space
- Location
- Scale
- Date
- Your name(s)



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Elevations:

Step 1:

After determining the size of paper needed, lightly pencil in the outer dimensions of the first wall. The elevation should be drawn at the same scale as the floor plan. Locate the elevation on the page so that there is room for the label and all notes and dimensions.

Step 2:

Add the doors, windows, lighting, and other fixed features.

Step 3:

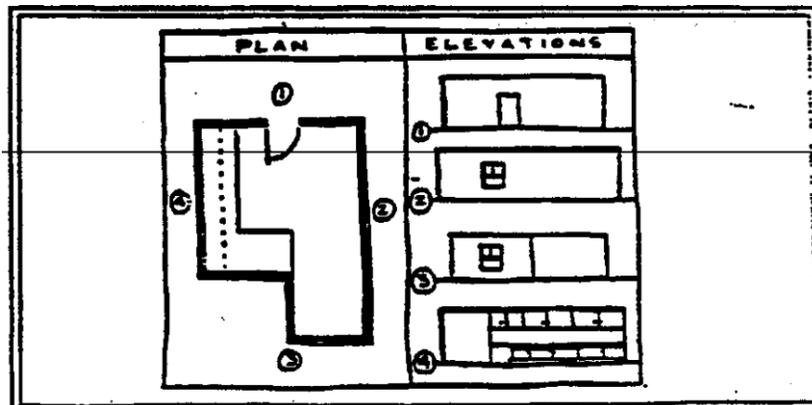
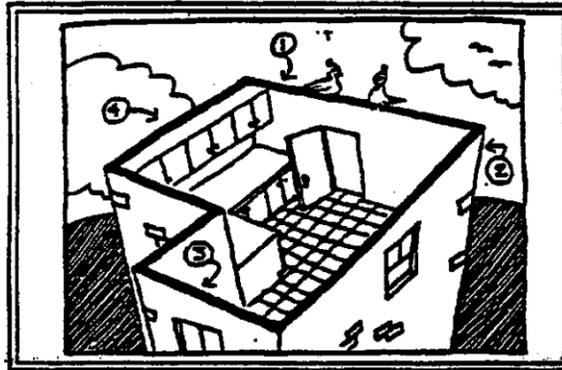
Add the dimensions and notes.

Step 4:

Label and drawing in the lower right hand corner as on the floor plan.

Step 5:

Do the elevations for each wall, as described in Steps 1 through 4.



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When the drawings are complete, roll, (do not fold) them up. You can have special types of photocopying done from your plans. These are called "blue lines" or "black lines" and make cheap, permanent copies (approximately \$2.50 for a 2 foot by 3 foot drawing). Blue lines can be made at many locations in the greater Boston area. Look under "Blueprinting" in the Yellow Pages for the cost for the most convenient location.

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HANDICAPPED PARKING REGULATIONS

Combining the More Stringent Regulations of the Americans with Disabilities Act and the Massachusetts Architectural Access Board

All parking lots for customers or visitors (with the exception of valet parking), should have accessible spaces for vehicles with proper identification. Parking lots for employees (built or altered as of 1/26/92) must also have accessible spaces. If an employee with a disability needs such accommodation in an older parking lot, s/he should request it of the employer.

Parking Space Size:

Accessible spaces should be at least 8 feet wide, with level access aisles not less than 5 feet wide. Two accessible spaces may share a common aisle.

Location:

These spaces should be in a level location providing the shortest safe, accessible route of travel to an accessible entrance. With more than one accessible entrance, the spaces should be located near each accessible entrance; the space should be located near each accessible entrance. Sidewalks at such spaces should have curb cuts at each access aisle, so a person is not required to enter the stream of traffic to get to a sidewalk.

Parking Space Number:

| <u>Total Spaces</u> | <u>Required Accessible Spaces</u> |
|---------------------|-----------------------------------|
| 1-14 (ADA only) | 1 space |
| 15-25 | 1 space |
| 26-50 | 2 spaces |
| 51-75 | 3 spaces |
| 76-100 | 4 spaces |
| 101-150 | 5 spaces |
| 151-200 | 6 spaces |
| 201-300 | 7 spaces |
| 301-400 | 8 spaces |
| 401-500 | 9 spaces |
| 501-1000 | 2% of total |



Outpatient Medical Facilities:

10% of the total spaces should be accessible.

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Facilities specializing in treatment or services for people with mobility impairment:
20% of the total spaces should be accessible.

Van Parking:

One in six handicapped spaces (minimum one) should be a “van accessible” space, 8 feet wide with an access aisle 8 feet wide allowing a van to operate a lift. Or all spaces may be “universal” spaces 11 feet wide with a 5 foot access aisle.

Signs:

There should be a permanent sign at each space showing the accessibility symbol, like on the sign above. Van accessible spaces should have an additional sign below it saying “VAN ACCESSIBLE”. Signs should be at a height between 5 feet and 8 feet to the top of the sign.

For more information about State and Federal regulations and enforcement, Call your local Commission on Disability or the Massachusetts Office on Disability at (617) 727-7440 or (800) 322-2020. Both lines are voice/tty.

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Additional Resources:

Title II ADA Discrimination Complaint Form:

This form is included in the folder titled: Additional Resources.

Checklist for Existing Facilities:

This checklist is included in the folder titled: Additional Resources.

Architectural Access Board Complaint Forms:

These 5 complaint forms are included in the folder titled: Additional Resources.

Sample Site Visit Survey Letter:

This sample is included in the folder titled: Additional Resources.