

Architectural Barrier Removal

Video transcript

- [Rebecca] Good morning. Welcome. We're happy to have you here today. Thank you. My name is Rebecca Martin, and I'm with the grant facilitation team here at the Rutgers University Edward J.

Bloustein School of Planning and Public Policy. Throughout my time with IHC, the grantees have often wanted to know more about the ADA and how to increase accessibility for their programs, municipalities, organizations, and communities. And we're very fortunate to have engaged Jen Perry and her colleague, Joe Zesski from the Northeast ADA Center for a series of three training sessions on the topics addressing accessibility through the lens of the ADA.

Today we have Jen presenting on Architectural Barrier Removal, which is a necessary focus for increasing accessibility. However, barrier removal often feels intimidating for organizations who may not know where to begin. And I'm excited for this presentation because I feel like Jen is going to give us some practical ways to start making positive changes to our environments.

And I think this presentation will help us remove our barrier of intimidation that blocks us from getting started. So, before we get started, I'd like to go over a few housekeeping notes. I'd like to let everybody know that we are recording the training today. We have enabled captions for the event and ASL interpreters have been spotlighted for all users and we'd like to thank them for being here today.

Also, there will be time for question and answers towards the end of the conversation today. If you have clarifying questions throughout, we will also interrupt to get those clarifications handled. Also, please feel free to put any questions you'd like in the chat as we go along. A PDF of slides will be

presented today and we will send them out afterwards. So, please keep an eye out for that with your email.

And then towards the end of the presentation, I'm going to be placing a link in the chat for you. Please send an evaluation afterwards. Thank you in advance for that. And then finally, I'd like to take a moment to express our deep appreciation to Peri Nearon and her team at the New Jersey Division of Disability Services for making this training series and the IHC grant program possible.

And now without further ado, I will turn it over to Jen Perry. Thank you, Jen.

- [Jen] Thank you. Thank you so much for having us, Rebecca. We, the Northeast ADA Center, both Joe and myself, are so happy to be here. Today it's just me. So, for those of you who joined us for the first session where we just did a general overview of the ADA, both Joe and I were presenters on that topic. Today I'm going to be focusing on this topic of Architectural Barrier Removal.

And then in the third presentation of the series, Joe will be the presenter for that one. And just so you're aware, he'll be focusing on more website, digital accessibility considerations. But today our focus is going to be more on the built environment side of things and barrier removal specifically.

So, thank you, again, for having me. And as Rebecca said, you will be getting a PDF of the slides today. I mean, feel free to take notes if you'd like to. But just know that you will be getting a copy of the slides that we are using. So, the Northeast ADA Center, I'll talk more about in a second. But we are federally funded by the National Institute on Disability, Independent Living and Rehabilitation Research.

That acronym is NIDILRR, which is housed within the Administration for Community Living and Health and Human Services. They require me to tell you that I am not a lawyer. So, that's what this disclaimer slide is all about. We are here to provide information and technical assistance. We're also funded to provide training programs like today's.

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But this presentation should not be construed as legal advice. So, this is my direct contact information. Again, my name is Jennifer Perry. I work at the Northeast ADA Center. I am a white woman in my late 40s with shoulder-length brown hair that's pulled up today. I'm presenting from my home office.

And I'm wearing a pink sweater today. So, I've provided you all with our 1-800 number that you can always use if you have questions about the Americans with Disabilities Act. We answer that phone Monday through Friday from 8:30 to 4:30 for anyone, any stakeholder who has questions about the ADA is free to contact us with those questions.

And we provide confidential technical assistance. So, we are not reporting people to any kind of federal agency. We do not enforce the ADA. We are specifically funded to be a source of information for anyone and everybody who wants to know more about their rights or about their responsibilities under the Americans with Disabilities Act.

So, hopefully, today isn't the last time that I hear from you. Feel free to reach out in the future. And I've also provided my direct email address as well. And you can always reach out to me that way. And my email is J as in Jennifer, L as in Larry, P as in Peter, and then the numbers 359@cornell.edu. So, you'll have that contact information if you have questions that we either don't get to today or if you think of something after the session and you want to reach out, I'm happy to chat with you further.

So, for those of you that aren't familiar with the Northeast ADA Center, we are one of 10 regional ADA centers throughout the country. So, every state and territory throughout the U.S. is covered by an ADA Center. Our center, the Northeast region, we cover all of New York State, all of New Jersey, Puerto Rico, and the U.S.

Virgin Islands. That's our territory, if you will. So, if you live in any of those areas and you have a question, then you can feel free to contact us and we're happy to assist. On this slide, there's a photograph of a woman seated at a

desk. She's a wheelchair user and she is working on her laptop. We answer questions at the ADA Center.

A lot of them are related to employment of people with disabilities, as well as to things like our topic today, physical accessibility, as well as digital accessibility, access to state and local government programs. We kind of address a broad range of topics that are covered by the ADA. Our website is northeastada.org.

And you can also email our general email, which is northeastada@cornell.edu. And I should have mentioned, I keep saying Cornell because the Northeast ADA Center is housed within Cornell University. So, there is a physical building on campus at Cornell in Ithaca where many of our staff members work. I, however, work remotely and I am based in Monmouth County, New Jersey.

And Joe, who also works for the ADA Center, Joe Zesski, is also a fellow New Jerseyan. He's in the Trenton area. So, both of us are local to New Jersey, so we're always happy to help out the... I'm using air quotes, "the locals." I don't know if you can see this, Rebecca, but there appears to be like a red line drawn on the screen.

- I do see that.

- I don't know where that came from.

- I'm not sure either. Do you want to stop share and try to reshare?

- Sure. Wait. I'm sorry on that. I don't want to end the show. I just want to stop the share. Oh, should I just hit New Share?

- Maybe is there a stop share at the same location?

- Oh, yeah, there is. I'm sorry. Okay. Now try it again?

- Yeah.

- Sorry, everybody. I don't know what that... Okay. I don't see it now. Do you guys?

- No, but it's not shared back yet.

- Okay. Hold on. That is really strange. Share screen. Are you seeing it now?

I'm going to make it full-screen.

- Yes.

- Okay.

- Okay. No mark.

- We're good?

- Yes.

- Okay. That was super... I don't know where that came from. Okay. Sorry about that interruption, guys. So, like I said, we're going to be talking about architectural barrier removal. But before we dive specifically into barrier removal and what that means, I thought we might just kind of start by talking about, in general, you know, how do we...

What do we consider... What should we be planning for when we think about accessible spaces? Now, I know many of the grantees, some of you have your own locations or your own sites and facilities. Some of you are renting space. Some of you may be renting space for, you know, a day or a week or occasionally.

So, obviously, things are going to change depending on your location, but there are a few things you always want to be considerate of and they are, of course, thinking about location. You always want to check things out yourself beforehand. There are so many well-intentioned individuals who truly believe that their site is very accessible.

And they just don't realize that, you know, if you have a step at your entrance that you're not accessible or, you know, if your bathroom isn't certain dimensions, that it's not accessible. Some people think, well, if it's a little wider and a little bigger, then it's accessible.

And the problem is that that term "accessible" means different things to different people, right, which is why checking sites out yourself beforehand really is critical. Like I said, many people are well-intentioned in saying that they are accessible, but it's best to be sure and to check out sites yourself beforehand. You also certainly can ask opinions from people, particularly, with lived disability experience, what their experience might be with certain sites or certain locations or facilities and ask for their feedback.

And you absolutely can and should involve the venue's staff and ask, you know, engage them in helping you to assess the accessibility, excuse me, of a site. And you also want to think not only of the actual location of your event or of your programming, but you also want to consider how do people get here?

Is there only accessibility via driving a car? And if that's the case, is there a parking area. And if there's a parking area, is there accessible parking? If it's in a downtown area, how close are we to public transportation and perhaps to a bus stop?

And is that bus stop accessible? If people are perhaps coming via paratransit, is it going to be easy to navigate, you know, from the passenger loading zone where the paratransit vehicle drops off and picks up passengers? So, you also want to consider the ability to get from that site arrival point, we call it, to the location itself.

And that includes looking for accessible routes of travel as you approach the building or it could be an outdoor site perhaps where you're holding an event. And that would include assessing things like elevators and ramps, curb ramps as well. And then in terms of seating, depending... I know every event is different.

But consider the need to have extra seats or movable seats that maybe aren't all ganged together that can be moved because sometimes just the ability to relocate chairs, create more space goes a long way in improving access for individuals with disabilities. So, before we talk about removal of barriers in older buildings, I wanted to be clear about the ADA design requirements

because they really do vary a little bit depending on the date that a building was built or when a building undergoes an alteration because those are different than barrier removal.

So, I just wanted to kind of set the tone here. The ADA standards for accessible design, the current standards are known as the 2010 ADA standards. And they have been in effect since March 15th of 2012. So, they haven't been updated since then.

Those are the current standards. And from an ADA perspective, the first round of ADA design requirements went into effect for state and local government buildings in January of 1992, and then for private buildings or for nonprofit organizations, things like office buildings, retail, Title III entities, they went into effect in January of 1993.

So, that's why there's '92. There was a year more given to private entities to comply initially when the ADA was signed into law, which, by the way, you know, that was 33-plus years ago. So, this requirement, everything we're talking about with barrier removal is 33 years old as well.

So, anything that was built after 1992 or 1993, the assumption is that if the ADA applied to that site, it had to be built as accessible. And that meant in compliance with the current ADA standards that were in effect at that time. So, new construction. I think most people understand that when you build things that are new, they have to be accessible. We can all pretty much agree.

Right? The other thing to remember is that when you alter an existing building, so if you had a building that was built in 1980 and now, let's say it's a restaurant, and the owner decides he wants to renovate the bathrooms. So, this is a planned alteration project. He knows that my 1980s bathroom is just out of style, it's out of date. The fixtures are leaking, they're not working.

That is an alteration project. And if they're intent to that, they're taking out the flooring and they're taking out the partition walls and they're replacing the sink. That is an alteration project that has to comply with the ADA standards

for design. There's no question about that. That's a planned project that you are working on.

That's an alteration, has to comply. And then also keep in mind here in New Jersey, if you do an alteration project like that one I just described to a bathroom, our building code in New Jersey has pretty much the same requirements to improve accessibility as what's found in the ADA. So, local code enforcement checking for compliance with the New Jersey building code is also going to be saying, "Hey, in this bathroom project, do we have an accessible stall? Do you have an accessible lavatory? Is the door to the toilet room accessible?"

So, my point is it's not just a function of the ADA, which is if you remember from our last session of federal civil rights law, it's also something that's required under the building code of New Jersey. So, to be clear, new construction and alterations, those have to comply with the 2010 ADA standards for design.

Now, one of the most basic components of accessibility and one of the hardest things to change, frankly, at a site is if they don't have one is accessible routes. So, here on this screen is just an illustration showing you the basic features of an accessible route. And because this is so critical, I'm not going to bore you with a bunch of diagrams of technical specifications, but I thought this one was important, because when we use that term "accessible route," that means that you have a level path of travel that people can use that is at least 36 inches wide, it can be more, ideally it is, but that's your minimum clear width of 36 inches, that can be reduced to 32 inches in certain instances like going through a doorway.

If you measure an accessible doorway, it can drop down to 32 inches of clear width. You also want to provide space for somebody who is using a wheelchair to change direction and to turn around without having to travel too far. So, we have a requirement that no more than every 200 feet of travel, you have to provide usually it's 60 inches of turning space so someone can turn around and change direction because you can't do that with just 36 inches of clear width.

You also want to be mindful of those things that may be protruding into the accessible route. At the left side of the screen, there's an illustration of a water cooler. So, if that was encroaching more into that path of travel, that would become an issue, you will no longer have your 36 inches of clear width. Now, on this next slide, I've pulled out a few photographs.

And up in the upper left-hand corner, there is a photo of I think many of you are probably familiar with, it looks like a pretty large retailer of pharmacy, other types of goods. And it says "Before" above it.

I'm highlighting this because when we think about accessible routes, many of you if you've been to retail stores like this, you know, when you come into the store in the morning, aisles are nice and clear, all the merchandise is packed away. But then immediately to the right, there's another photograph showing another retail space where now the doors have been open for a while and this nice and clear accessible route now is littered with merchandise, right?

Things are in the way, it's going to create obstacles for somebody who is perhaps has a visual disability, or someone using a mobility device. It's no longer a very clear accessible route of travel. On the bottom left-hand corner, there's a photograph of a gentleman using a wheelchair who's traveling down a sidewalk just trying his best to get past a very overgrown shrub that is making that 36 inches of clear width no longer, right?

So, it would have been an accessible route, but that tree is now invading in that clearance. And then on the middle of the screen, on the bottom row, there's a photograph of a heavily heaved sidewalk. And in orange spray paint is calling out the vertical change in level there. It's actually about close to three inches change in level, which means that that sidewalk is no longer an accessible route of travel.

You can't have that kind of change in level. Anything more than a quarter of an inch vertical change in level is a problem and negates your accessible route of travel. And then finally, on the far right is a photograph. This is actually of a

library inside one of the rooms. And there's a trash can immediately to the left of where the door to this room would latch.

That trash can, although it is plastic and, you know, could be easily moved somewhere else, is eliminating the clear floor space that somebody who used a wheelchair will need to get close enough to that door to pull it open if they needed to. Right now, the door, I propped it open for the picture, but, otherwise, that trash can is in the way.

And then on the right, there's also some shelving that's been placed right there in front of the door that would make it difficult for someone to access that door. I'm using all these pictures because these are all examples of accessible routes that just have not been maintained.

You can't just build something and say it's accessible and then walk away, and we're done. Accessibility is something that has to continually be maintained. And if you do not, then it's just as easy to be, you know, this brand-new building that was built, you know, a year ago if you don't cut back the shrubs, if you don't maintain the sidewalks, if you don't make sure that day to day your staff isn't unknowingly placing furniture that blocks the accessible features that were designed for the building, you're still creating an environment for people with disabilities that is not accessible.

So, I just wanted to point that out that accessibility isn't something that you can do once. It's not a one-and-done issue. It's something that you continually want to be evaluating. So, a great resource if you're not familiar with it already that I can share with you if you wanted to take a look around a building or site and see if there are any barriers to accessibility is adachecklist.org.

This is a product of ADA National Network that we're a part of. And it's a pretty user-friendly checklist that you can use to evaluate a site on your own. Now, for some events, if you're hosting a very, very large, you know, lots of attendees, like, a very large festival or something of that nature, you may want to consider retaining outside support like a consultant or something perhaps.

But if you just wanted to, you know, go and take a look around your site, I think this checklist is really good user-friendly tool that can help you identify some of those barriers. And all you really need is a tape measure to go through a site. In some cases, it might be helpful to have a smart level or a digital level, if you have one. And that's used for measuring the slopes of ramps.

You can do it the old-fashioned way, measuring slopes of ramps, you know, with math and formulas, but that's not something I'm very good at, so I choose to use a digital level. My point is, this is a resource, it's free of charge that you certainly can consult if you wanted to do your own check for barriers to accessibility. Rebecca, are there any questions so far?

- Not so far.

- All right. Thank you. Okay. So, barrier removal is an obligation that the ADA calls out for what are known as Title III entities or places of public accommodation. And some of the other major things that are required for places of public accommodation are kind of highlighted here.

So, as I'm sure many of you already know we'll begin with you can't discriminate against individuals with disabilities when you operate a place of public accommodation. And that term "place of public accommodation" includes anything that is open to the public and affects commerce. So, again, retail I've mentioned, things like restaurants, office buildings, certainly private museums, all kinds of private sites including nonprofit organizations.

The only things that really don't fall under Title III would be state and local government buildings. Those fall under Title II. And there is an exception in the ADA for religious sites and organizations, so churches, synagogues, mosques. The Title III of the ADA does not apply to those nor does it apply to what are known as true private clubs. And there is a very detailed definition of what actually is a true private club in the ADA regulations.

If you have questions about that I can send you more information. But just so you're aware, just because you might pay a membership to belong to a particular club does not mean it's exempt from the ADA. And in most cases, it's

actually not. But other than that, if you're not a state or a local government building or a church or a true private club, chances are Title III of the ADA applies to you and you're considered a place of public accommodation.

So, you can't discriminate against people with disabilities. You have to be willing to reasonably modify your policies and your practices, meaning how you normally do things, how you normally provide service or access to your services, you have to be willing to change that up, you know, to help people with disabilities. And that could be something as simple as offering assistance.

Somebody may come in to your organization and say, you know, "I'd like to sign up for your newsletter." And you normally say, "Okay. Well, here's the email address to use." But this individual because of their disability may say, "Well, I don't have access to email. Can you help me?"

Providing that kind of assistance is an expectation under Title III of the ADA. You also need to be thinking about auxiliary aids for effective communication. And this includes things such as our amazing ASL interpreters that we have here with us today as well as things like assisted listening devices or perhaps captioning. Architectural accessibility.

I touched on this, you know, a few minutes ago, new construction and alterations, you absolutely have to comply with the 2010 ADA standards for design. And then finally, a readily-achievable barrier removal in pre-ADA facilities. So, if you remember back a few slides ago, readily-achievable barrier removal is what applies to those buildings that were built before January of 1993.

The assumption is anything built after that date it was required to be accessible. So, you can't kind of just say, "Well, if it was built wrong in the first place and not in compliance with the ADA standards, then that's a problem." But frankly, if it truly was predating January of 1993, that's when we start this conversation of, "Okay. What can we do to improve accessibility at this building or at this site that was here before the ADA became law?"

So, barrier removal. I love to say this. There is no such thing as grandfathered when we think about the ADA. From a building code perspective there absolutely are grandfather provisions, you know, depending on the age of a building. Certain requirements may not have been required when it was built.

And that's a grandfathering clause. The same is not true under the ADA. Remember, the ADA is not a code. It's a federal civil rights law. So, what the Department of Justice, that's who enforces these provisions, what they have said is that, you know, if you operate a museum or a theater and your site was built before 1993, if there are barriers to accessibility, what's expected is that you remove those barriers if it is what's known as readily achievable to do that.

And readily achievable is they define it as easily accomplishable without much difficulty or expense. Some people like to say think of it as cheap and easy. So, if there are barriers I just don't want anyone to be mistaken in thinking that, "My building was built in 1980 before the ADA, so I'm grandfathered in.

I don't have to be worried about these barriers to accessibility," because that's not true. And that's frankly what gets a lot of people into trouble. Unknowingly they may truly believe that they are grandfathered in somehow and because of that they might not take steps to improve accessibility.

And for some people, it's a really hard lesson to learn. Sometimes they find out when an ADA complaint is filed against them. So, I'm here to let you all know that there is no grandfathering under Title III of the ADA. But what is a reality is that those barriers that you remove are limited to those that are readily achievable for you to do.

This is a much lower standard than an alteration project or new construction that I mentioned earlier. If you have a planned project, like I said, there's no doubt the ADA standards are going to require you to comply with a bunch of technical requirements. And there are technical requirements for barrier removal as well, but they are not as stringent because the logic here to barrier removal is, I'm not doing an alteration to my site.

I just want to make it more accessible. And that's the difference between barrier removal and an alteration project. So, I know I'm trying to make this point. If it's not clear, please feel free to reach out to me later. I'm happy to talk to you more. But I just don't want to mislead anyone that there is that distinction between an alteration and barrier removal.

The other thing about barrier removal is that when you're thinking about barriers to access, it's not something that you just do one time. It's something that you have to continually be thinking about and evaluating because depending on the barriers that you might have, the physical barriers to your site, and depending on things like your financial resources, maybe this year, you know, we just don't have the funding, you know, to put in a ramp or to install grab bars in the bathroom.

But if we plan for it over time, that might be something that becomes readily achievable, you know, down the road. So, planning is key. Just because you can't afford to do something today doesn't mean that it's going to be cost-prohibitive forever. So, we want to be thinking about that kind of long-range planning if that's what's needed. So, here are just a few, and this is not an exhaustive list, but here are some examples of things that you can do that are generally considered readily-achievable barrier removal actions.

So, they include things like installing ramps. Now, what I'll say here is ramps come in many, you know, shapes, forms, sizes, lengths. If you have one or two steps at your entrance, it may absolutely be readily achievable to install a ramp to overcome those two steps.

But some sites, you know, you may have 10 steps. And a ramp, to overcome 10 steps, is going to be certainly much more costly. It's going to be much longer. It may not even be technically feasible to install a ramp to overcome 10 steps. So, I don't want to say that installing ramps is readily achievable for every site because, again, that's contingent upon the barriers that exist.

But it is an example of barrier removal, so are things like widening doorways. If you can't fully widen a doorway to provide that at least 32 inches of clear

width, sometimes you can purchase, they're known as offset hinges. They're special hinges that you can adapt a door with that give you another inch, inch and a half of clearance that may, you know, provide enough clear width for someone using a mobility device to go through the door.

You can do things like changing outdoor hardware. Round doorknobs are not accessible, but lever-style hardware is. Even things that don't really have much of a cost attached to them at all like rearranging tables to provide that accessible route that I showed earlier. Repositioning shelving is a barrier removal.

Upgrading your alarm system so that you provide strobe appliances, the flashing alarm lights for individuals who are deaf. Providing curb cuts, you know, at your sidewalks. Installing grab bars in toilet stalls. If your building predates the ADA and you don't have any grab bars installed, that's an example of barrier removal.

You might not be able to make the entire bathroom accessible as part of barrier removal, but if you're just looking to see what can I do to make it better, installing grab bars is one example of that. And then if you determine that, you know, it's just eliminating the barriers that I have is not readily achievable for me or for my organization.

We just do not have the resources to do so. Then you want to think, "Okay. So, what else can we do to provide access to whatever goods or services that we exist for, that we provide?" Some examples of that are providing curb service or home delivery. Perhaps relocating to another accessible location, offering to provide assistance. Retrieving merchandise from inaccessible shelves.

And you have the ability to get as creative as you want here with these alternative ways to provide service. You could look into using your website perhaps and recording events, live streaming events, making recordings available. So, if you can't remove barriers that are physical in nature, you want to think, "What else can we do that's readily achievable for us so that

someone who physically can't access this site can still enjoy whatever it is that we're providing for the public?"

And like I said, there are all kinds of creative options out there, and the use of websites has certainly helped in that respect a lot. Are there any questions yet, Rebecca?

- Well, I just wanted to clarify. But it is important if it's easier for an organization to make some sort of other alteration but they could do the architectural barrier removal, they should still do the architectural barrier removal so that people can come to their site and participate in the way that other people can participate.

Right?

- That is very true. So, if the removal of barriers is not readily achievable, that's when you take the alternate steps to provide access to make your goods accessible. So, that's a very... Yes. So, definitely, that's why we put not if it's not readily achievable, that's when you look at alternate ways to provide access.

- And then I think Jenna wanted to ask a question. Jenna?

- [Jenna] Hi, Rebecca. Hi, Jen. Thank you so much.

- Sure.

- This is such amazing information for our project. Our IHC initiative is focused on making enhancements at the local federally-qualified health center. And, you know, we recently toured the building with our advisory board members which are comprised of people with disabilities, their caregivers, service providers like nurses, staff of the center, etc., and we came up with a list of possible recommendations, lots of different things.

- Great.

- So, I was wondering if you would be willing to either take a look at the list of recommendations that we came up with and see, you know, if these things are good or bad. Those are horrible words to use, but appropriate maybe. And also if you'd be willing to join one of our upcoming advisory council meetings to share...

- I think I lost you for a second, Jenna.

- Oh, dear. Did I lose you?

- You're back now.

- Okay. I was wondering if you would be willing to take a look at our list of recommendations that we have for the center after our tour.

- Absolutely. So, you're going to... My email address will be in the slides when Rebecca sends them out. Please reach out. I'll be happy to talk to you about that and we can set something up, for sure.

- Okay. Wonderful. Thank you.

- Oh, yes, thank you. Is there anything else for now, Rebecca?

- That's the only question in the chat so far.

- Okay. All right. So, when we think about removing barrier removal that's readily achievable, so remember, you're thinking about what can I do that is easily accomplishable without much difficulty or expense. Now, hopefully, this isn't the case, but you may have a site where there are multiple barriers that you know you need to address and you don't quite know where to start.

So, the Department of Justice has given us some guidance in that respect, and they're known as the priorities, for barrier removal. So, the priority number one, like I said, if you have multiple barriers, interior, exterior at a site, we know that the priority number one is can people get through the door?

Like, can they arrive at the site? Can they get to an accessible entrance? And some examples of barriers that might be removed for under priority one are,

you know, ramps at your entrance, widening entrances. If you have parking, do you provide accessible parking? So, that's kind of the main priority as you...

And you can think of it kind of as you would as you arrive at a site from the outside in. Priority number two is can people get to what that building is there for? So, wherever the programming or event that you're hosting wherever that's taking place or wherever your goods and services are located, getting to that area of the building should be priority two for removal of barriers.

So, again, this may include things like adjusting the layout of display racks or merchandise, rearranging tables, looking at your signage. Do you have accessible signage with raised characters and braille? Thinking about that accessible route and the width of your doorways again. Visual alarms, ramps.

So, you get through the door, address those barriers first if it's readily achievable to do so. And then continue with that logic to how people access your goods and services. And then priority three is going to be your toilet rooms. If they are not accessible, again, we're assuming this is a building built pre-1993. Remember if it was built after 1993 and it's not accessible, meaning, it was just built non-compliant, that's a problem.

So, one of the things you should always ask, particularly, if you're leasing a site is, "When was this built?" because if it was built wrong, you can't just say, "Well, I'm just going to put in grab bars and call it a day now," to correct something that should have been done right the first time. And I'm not trying to confuse people there but I've seen a whole lot of people who just build things wrong say, "Well, I'll just, you know, put the grab bars in and move the toilet dispenser, and then we're good."

I'm like, "No, you're not good." You built it wrong the first time. But in those older buildings you can do things like remove furniture, you know, that is perhaps blocking access to a door, widening doors. Think about protruding objects. And protruding objects are those things that are wall-mounted that protrude more than four inches into the path of travel that people are using particularly people who are blind who may be sweeping their cane in front of

them, certain wall-mounted objects if they're, you know, within certain heights above the floor can become hazardous for somebody who was blind, meaning, they stick out too far from the wall and you can walk into them.

So, that's an easy thing from a barrier removal perspective to address. In most cases, you can either relocate that protruding object or you could install something underneath of it that is cane detectable. It's usually something that can be done pretty cheap and easy. Signage, widening your toilet stalls. And we talked about grab bars.

So, that's your third priority is improving access to your toilet rooms. And then priority four is remove remaining barriers. So, this can include things such as drinking fountains or telephones. There's two diagrams on this screen just showing you some of the technical requirements from the 2010 standards for an accessible single-user toilet room on the left and the technical requirements for a wheelchair-accessible drinking fountain on the right.

If you have questions about those specific things, please always feel free to reach out. But I did want to mention, you know, we were talking before the session today. Sometimes people get hung up on the fact that maybe you have five steps at the entrance of your building, so you assume, "Well, why would I bother to improve access at the toilet rooms?"

Because someone who uses a wheelchair might not be able to get in the front door because of those steps. I want to remind you that you would still be expected to install grab bars at that toilet room if it's readily achievable for you to do so. You kind of go down that list of barriers that you can remove. If you can afford to put a ramp in at the entrance you certainly should do that.

But if you cannot, that does not mean that you don't take other barrier removal actions inside the building. Not every individual that benefits from grab bars at toilet stalls uses a wheelchair for mobility. So, don't think that, you know, having steps negates taking other actions to improve accessibility.

So, I thought I'd share with you some of the helpful... The Department of Justice does not say you have to follow these four steps the way they do those

four priorities they do say to help guide you in what barriers to remove which are a higher priority. But if you are interested in doing an evaluation and determining, you know, what barriers you have and how to remove them, we've put together some recommendations here for you, steps that you can kind of use.

But don't feel as though this is something I'm telling you you absolutely have to follow these steps. You can do this as you see fit, but this is something that many organizations find helpful. So, step one, would be to conduct a survey of the site or of the facility. You can use something like that ADA checklist that I shared earlier. Depending on your resources, depending on the event and a number of other factors, you may want to consider retaining outside assistance.

There are accessibility consultants that you can hire, but again those do come with a fee, but that's something depending on your resources that you may want to consider. Remember, you also want to, as much as you can, involve the disability community to get their thoughts on the accessibility.

So, you want to conduct a survey. And then you're going to summarize your findings in a report. And in that report you're going to note those barriers to accessibility. You can include photographs of those things that you noted that are going to be a challenge. And as you go through your survey, if you have questions, you certainly can reach out to the Northeast ADA Center.

We'd be happy to help you if you have questions about the technical requirements for a specific item. But you're going to, in that report, note those barriers to accessibility. They're going to be summarized in the report. And you're going to start thinking about, "Well, we know this is a barrier. What can we do to correct it?"

That ADA checklist includes some recommendations per barrier of possible solutions, so that might be helpful to you as you go through the report. But again, you also might want to reach out to other organizations for their feedback on removing of those barriers. And then step four is kind of finalizing

this barrier removal plan. And this is really critical because you can do the survey, you do the report, you note these barriers, you have some ideas in your head about what can be done to fix them.

You are doing some research to find out what will it cost to eliminate those barriers. For this plan to actually become actionable, that's going to involve the buy-in and approval of people with decision-making authority. Right? So, you have to have the buy-in of those decision makers within your organization so that everyone is aware of this plan, that they support this plan, and that you are going to be able to, frankly, afford, you know, to make those changes that you've noted in it.

With that same group of decision makers, you decide which solutions will best eliminate those barriers at a reasonable cost, and then you start working through your priorities. If you don't have the money to correct all the barriers that you found, that's okay. You start figuring out what's the biggest problem. If it's at the entrance, we know that's where you should start.

And make a timeline. This is important because it holds you to a time frame to actually implement those changes. And here is just a photograph from a very long time ago when I was doing a site review. And this is just a sample. You do not have to create a report that looks at all like this.

I just thought it might be helpful for you to see. I'm hoping you can see the top of my screen. It's cut off for me. I'm hoping you can see the names of the rows at the top there. But this was a site of a parking lot, exterior of a building, where there's a photograph saying there was one car-accessible space and one van-accessible space at this location.

The width was good. The slopes were good. No changes were needed. But the signage was off. The signage wasn't 60 inches above grade to the bottom of the sign. So, I noted that in the report. What do you have to do?

You have to raise it. You have to raise that lowest sign. It has to go up to 60 inches above grade. And then you sit down and you talk with the decision-

makers, "Okay. Well, who can raise the sign?" "Oh, maintenance can do that." Okay. That's going to go to maintenance.

It's part of maintenance's responsibility. "What's it going to cost us?" "Nothing, because our own in-house staff is going to raise the sign." Then they had a curb ramp that didn't join the street properly. The curb ramp basically needed to be replaced and they needed to fix where the curb ramp met the asphalt. Now, that's something you're going to have to hire an outside contractor to do.

So, you note in your report, "I'm going to have to reach out to a contractor to get that cost. And we're going to target this to be completed by September of 2014." Giving themselves four to five months to have that barrier eliminated. So, this is just an example to help you.

You don't have to have a barrier removal plan that looks like this in this format. What's important, though, is that your plan does include a time frame for improvements. And usually, that time frame comes after you determine what the cost is to eliminate that barrier. And then once you developed your plan, you want to keep all of the notes that you took when you're doing that site survey.

Save all of that. Save the names of the contractors that you reach out to because the Department of Justice expects that you are making a good-faith effort to remove barriers to accessibility. Saving all of this information really goes very far in proving that you are doing just that, that you are making that good-faith effort, that you're not just sitting there saying, "Well, my building was built before ADA, so I'm not really doing anything."

Save all of this information to show that, "Yes, you know, we are doing our best. Given our resources, we're doing the best we can to remove those barriers." And then, actually, use the report. Implement the changes. It's not something you can file away in a drawer and say, "Well, you know, we did our review," and you put it away, and that's that.

You want to actually implement those changes and make sure they comply to the maximum extent feasible with the ADA standards. And then because it's likely that in your barrier removal plan you're not going to fix everything at once, I mean, great if you can, but for most people, that's not the case. So, I would recommend that annually you pull that report out and see, "Okay. What has changed?"

Maybe you can bump something up to complete sooner than you initially thought. Maybe you had a really good year. So, look at it annually and see, you know, how are you making the progress that you wanted to? If you follow these steps, you are absolutely meeting your obligations under the ADA to work towards readily-achievable barrier removal.

And then remember, in some cases, you may still have barriers to accessibility that are not readily achievable for you to remove. That's okay. That's when you look at alternate ways to provide services. And then if you do at some point in time have a large-scale renovation project planned, that's the point in time when you would have to come into compliance with the ADA standards.

- Jen, I have a question for you.

- Yeah, sure.

- Okay. It's in the chat. Carly asks, "How do they determine what is readily achievable for a site?" She imagines that there's a gray area.

- It is gray area. So, the definition itself of readily achievable is easily accomplishable and without much difficulty or expense. So, let's all focus for a minute on expense. The Department of Justice absolutely considers the financial resources of the organization or of the entity.

So, if a small nonprofit organization with a very small budget has some barriers to accessibility, that's taken into consideration, versus Bill Gates owns that same building, his financial resources are drastically different. So, what's readily achievable for Bill Gates to afford might be drastically different than what a small nonprofit corporation can afford.

So, the overall financial resources of the entity absolutely come into play. So, if you determine that a barrier is not readily achievable to remove based on your financial resources, I would say just be prepared to document that.

- I noticed that the readily achievable wording is different from the wording in other parts of the ADA about financial harm. Is it kind of comparable or is it like a lower bar than kind of the accommodations wording around the undue hardship?

That's the wording I'm thinking of.

- Undue hardship. It's kind of a similar concept. I mean, for state and local government entities, barrier removal doesn't really come into play. It's a little different for those Title II state and local governments. They have to achieve program accessibility. They have a little bit more leeway than private organizations under Title III. And yeah, there are absolutely shades of gray when we talk about readily-achievable barrier removal.

And one is financial resources of the entity to get rid of those barriers. The other one is the nature of every site being unique and every barrier to accessibility being unique. Like I said, to provide a ramp over two steps is drastically different. If you have 10 steps, chances are you can't even do a ramp.

You're going to have to install a lift. And lifts are much more expensive, probably beyond readily achievable for most smaller organizations. So, that's not going to be readily achievable. And then that's why I'm trying to be very careful to point out, though, if you have an entrance with 10 steps and you're doing alterations to that entrance, there's a higher expectation for you to become accessible in a planned alteration project.

Barrier removal is really kind of looking around and saying, "I'm not doing any alterations. I'm not pulling permits. I don't have an architect. I just want to make things a little bit better with what I can afford to do." That's barrier removal. It is kind of the lowest level, if you will, of improving physical access, but it's still really important.

- Thank you for clarifying that.

- Sure. So, I don't know how I am on time, but I just included in here some of the more common questions that we've gotten over the years related to this general topic. And a lot of them relate to leasing of buildings or of sites. So, one of the questions was, if you're leasing a building and there's a step to enter, are you required to have it fixed to be accessible?

And the short answer to that question is, steps are never accessible... period, end of story. So, the other thing that this question speaks to is landlord-tenant responsibilities. Under the ADA, both landlords and tenants are responsible to provide accessibility. Both landlords and tenants, they both fall under the umbrella, if you will, of the Americans with Disabilities Act.

So, if you're asking me who has to pay to fix it, the ADA doesn't stipulate that. It just says that both parties are responsible, you know, for providing for access. Usually in lease agreements, this is where... I'm just going to fast-forward to here. Usually in lease agreements, a landlord and a tenant would try to hammer out that language of financial responsibility between those two parties.

But just to be clear, in the eyes of the Department of Justice, both the landlord and the tenant, it's both of their responsibilities to provide for accessibility. So, that one step, it's not as if you could say, "Well, that's only one step. It's not that big of a barrier." I would not make that mistake. But in lease agreements, it's definitely something to be aware of if you are entering into an agreement of who is going to be responsible for accessibility improvements.

Another question is, what's your liability as an organization if you're leasing a facility all year or renting for a one-time program? And is the organization or the building owner responsible parties to make changes if there is a complaint?

Again, similar to what I just said, the ADA standards apply to temporary events just as they do to a permanent site. So, if you have a one-day pop-up festival, the ADA applies to that pop-up festival just as it does to a museum that

operates, you know, year-round. So, accessibility is not something that just applies to permanent structures or to permanent sites.

Equally, they apply to temporary events. So, your liability is essentially the same, whether you're a one-time event or using it annually. And again, both the landlord and the tenant have obligations to provide for accessibility. Now, you may find when you are doing your barrier removal survey that you can make changes that are temporary in nature.

It is readily achievable for you, for instance, not to provide a permanent ramp, but it is readily achievable for us to install a temporary ramp. From a barrier removal perspective, that's actually okay. If you can't afford to do something permanently, it's not readily achievable for you. Going with a temporary solution is something that is permitted under the barrier removal standard.

It is not permitted in new construction or in alterations, but as an effort to remove barriers, it is. So, if you're holding a one-day event and the accessible parking isn't right, maybe you can use traffic cones or chalk on the pavement to improve the accessible parking for that one-day event.

You'll see this sometimes at polling locations on election day when just for election day, they're using a site for voting and they have to make temporary modifications just for that day. The same logic can be applied for barrier removal, if making permanent changes is not something that is readily achievable for you.

And here it is again. So, you mentioned undue burden, Rebecca, earlier. So, these temporary changes can be substituted for permanent ones if it's an undue burden, excessively expensive to create permanent access. Parking is something that is...for many people with disabilities, parking is incredibly, incredibly important.

So, I would always point out to pay special attention to the accessible parking if you provide parking at your site and attention to how people get from that accessible parking to the entrance. So, if you only have street parking, though,

let's say there isn't a parking lot, it's just, like, maybe a downtown area where it's just street parking.

In that instance where you, the organization, don't have any control over street parking, I would recommend you perhaps try to reach out to the local authorities, if you can, and say, "Is there any way we can get a dedicated on-street accessible parking space here or is there a way to have some of it blocked off?" if you're just having a one-day event.

This is something you would want to be creative with. But the ADA, if you look at the black-and-white standards for a private organization, is not going to require you to provide an on-street parking space where you don't have control over that on-street parking.

It would be advisable to do something, though, if you can. Okay. So, we have a few more slides here thinking about, you know, inclusion and people with disabilities having the ability to participate in your events or in your programming. So, just a few more things to talk about. If you have the resources to do so, and this can even be another example of barrier removal.

It's not just things that you have a hammer out to fix. You can look at things like your brochures, your maps, your schedules, assuming you've removed other barriers to accessibility, providing things in large print, maps, or schedules for individuals with disabilities. Blowing things up on copiers is not something that's difficult to do.

It's probably easily accomplishable without much difficulty or expense. And, of course, training your staff to be prepared to read literature aloud if requested by people with visual disabilities. Now, particularly, in older buildings where not everything is accessible, signage can be of great use. Many people with disabilities are accustomed to looking for that international symbol of accessibility to direct them to where the accessible route is.

And something as simple as including directional signage can save someone from perhaps traveling 200 feet out of their way only to find out that door is not accessible and they have to turn around. There's nothing more frustrating.

So, I would encourage you to use accessible signage to make that route of travel very clear and very well delineated at those sites where not all are accessible.

Also, use signage to let people know that, yes, we have assisted listening devices, you know, at the box office or on your websites or in your promotional materials. If you have performing areas, if you have things like stages or speakers platforms, you want to make sure that an accessible route is provided to those so that perhaps presenters or speakers with disabilities have access to those raised areas.

Of course, providing microphones so that individuals with hearing disabilities have access to all the content that is being shared. And I'm going to share... I know we're coming up on time, but I'm going to... There's a resource where you can learn more about accessible seating layouts. But you do want to think through, depending on your event.

Some events you may have classroom-style seating which is shown in the photograph on the left here. Some events it's more what's known as theater style. That's the photograph in the middle of this slide where you just have rows of chairs together. And some events, you know, it's really not, there are no seats it's just more of an open layout. An example would be like an outdoor festival where you may be outside.

But you want to think about how are we going to accommodate individuals with disabilities at all these different types of events. And a great resource for you, and there's a link to it in the slides that you'll get. If you have round tables, you know, at an event, here's something you can use for guidance on how can we remove chairs at the tables to try to accommodate for individuals using manual wheelchairs or perhaps scooters.

You also want to... If people are coming with service dogs, you know, you want to provide extra space for them to be accompanied by their service dog as well. So, there's some of these printable room layouts that you may want to look at. These are not firm and fast. I'm not saying the ADA says you have to

do this, but they are super, super helpful if you are looking for guidance on room setup and seating layouts to accommodate people with disabilities.

So, next here you'll see a sample theater seating layout. General rule of thumb is you remove two chairs from a row to accommodate somebody using a mobility device. So, then you have extra chairs in the back of the room.

Also, note that you're maintaining accessible routes around and throughout. And most importantly that you're not just requiring people using mobility devices to sit in the front or in the back. You want to be mindful of, you know, equally dispersing those seating locations so that people with disabilities have a choice of seating location.

Some people love to sit in the front. In my experience, most like to sit in the back. But you want to give people that choice of seating area. So, these are some resources that you can certainly look at when you get the slides. And if you have things like vendors or concession areas, you want to make sure that they are equally accessible, people with disabilities.

So, can they get to them, you know, via an accessible route? Clear floor space, technically, it's 30 inches by 48 inches, but essentially it's clear ground in front of something like the photograph on the left. It's a typical counter where you go and you get your beverage and then there's napkins and straws and, you know, salt and pepper, ketchup.

Can someone with a disability access that counter? Can they reach the straws that are on the back there? Can they reach the condiment area? That's clear floor space. And also, again, training your staff to offer assistance to people with disabilities and accessing these. So, here are some of those resources. There's links to them that you will have, the ADA checklist.

Small business and ADA readily achievable requirements. That's a fact sheet. The Department of Justice's ADA website has a wealth of information. And this planning guide for making temporary events accessible is very, very well done. That's also from the ADA National Network that we're a part of.

It's specific to temporary events, but a lot of the information in it is applicable to all types of events. And then the accessible meetings events and conferences guide. That's where those room layout plans are located. And then there's an online course from the Department of Justice reaching out to customers with disabilities that I think might be of interest to you all as well.

And that's it.

- Thank you so much to everyone for your time today. Thank you, Jen. Thank you to the interpreters. And also thank you to Peri Nearon and the team at the Division of Disability Services. And it's always lovely to have you all here. Take care. Have a great day.

- All right. Thank you, everybody. Have a good day.