

Fact Sheet: Accessibility Overview for Businesses

As a retail business, you need to comply with both state and federal accessibility requirements. The Americans with Disabilities Act of 1990 (ADA) is a federal law which includes standards for accessible design, to ensure that businesses are accessible to individuals with disabilities. The Massachusetts Architectural Access Board (MAAB) is a state agency that has its own accessibility regulations. While MAAB and ADA accessibility standards are similar in many respects, there are some differences.

In general, as a retail business, you need to comply with both MAAB and ADA accessibility requirements. In cases where the two standards differ, you need to follow whichever would result in a greater level of accessibility for your customers with disabilities.

Americans with Disabilities Act

First, the ADA requires all places of public accommodation, including retail businesses, to remove barriers to access whenever it is readily achievable to do so.

"Readily achievable" means easily accomplishable, and able to be done without much difficulty or expense. This is an ongoing obligation, and is required even if you are not performing any renovations.

In addition, if you are altering or renovating an existing building, the ADA also requires you to make the altered areas readily accessible to and usable by people with disabilities. The ADA also requires you provide an accessible route from the building entrance to the altered areas, so long as doing so does not result in disproportionate costs.

"Disproportionate costs" are defined as those costs exceeding 20% of the overall cost of the alterations. For example, if you are spending \$50,000 on alterations, under the ADA you may have to spend up to an additional \$10,000 providing an accessible route.

Massachusetts Architectural Access Board

Turning to state law, MAAB regulations also require you to make altered areas accessible as part of your renovations. Furthermore, if you are spending over \$100,000 on renovations, MAAB requires you to provide an accessible entrance into your building (unless an accessible entrance already exists). If the overall cost of your renovations exceeds 30% of the assessed value of the building, MAAB requires you to make the entire building accessible.

Tax Benefits and Financial Assistance

Some Cambridge businesses may be eligible for tax benefits and/or financial assistance to help pay for the cost of removing accessibility barriers. The Cambridge Community Development Department has a Façade Improvement Program which can provide matching grants of up to \$15,000 to independent Cambridge businesses for storefront improvements, including barrier removal.

The Internal Revenue Code, as amended in 1990, may allow a deduction of up to \$15,000 per year for expenses associated with the removal of qualified architectural and transportation barriers and may permit eligible small businesses to receive a tax credit for

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certain costs of compliance with the ADA. Qualifying businesses may claim a credit of up to fifty percent (50%) of eligible access expenditures that exceed \$250 but do not exceed \$10,250. For more information, see the "Information Resources List" below.

Information Resources

For more information about the Americans with Disabilities Act (ADA), contact:

New England ADA Center
Institute for Human Centered Design
(800) 949-4232 (Voice/TTY)
www.adaptiveenvironments.org/neada

U.S. Department of Justice
ADA Information Line
(800) 514-0301 (Voice)
(800) 514-0383 (TTY)
www.ada.gov

For more information about the Cambridge Façade Improvement Program, and about federal IRS Tax Credits and Deductions for barrier removal, contact:

Community Development Department
Façade Improvement Program
(617) 349-4601 (Voice)
(617) 349-4621 (TTY)
www.cambridgema.gov/cdd/ed/cr/cr_facade.html

U.S. Internal Revenue Service
(800) 829-1040 (Voice)
(800) 829-4059 (TTY)
www.irs.gov

For information about Massachusetts Architectural Access Board (MAAB) regulations, contact:

Massachusetts Architectural Access Board
(617) 727-0660 (Voice)
(617) 727-0019 (TTY)
www.mass.gov/dps (click on "Architectural Access Board" on the left-hand side of the page)

For information about ADA & employment issues, contact:

Equal Employment Opportunity Commission
(800) 669-4000 (Voice)
(800) 669-6820 (TTY)
www.eeoc.gov

New England ADA Center
Institute for Human Centered Design
(800) 949-4232 (Voice/TTY)
www.adaptiveenvironments.org/neada

This **FACT SHEET** is one in a series of technical assistance bulletins provided as a public service by:

Cambridge Commission for Persons with Disabilities

51 Inman Street, second floor
Cambridge, MA 02139

617-349-4692 Voice, 617-492-0235 TTY, 617-349-4766 Fax

www.cambridgema.gov/DHSP2/disabilities.cfm

521 CMR: ARCHITECTURAL ACCESS BOARD

521 CMR 17.00: RESTAURANTS

17.1 GENERAL

Restaurants shall comply with 521 CMR, except as specified or modified in 521 CMR 17.00. Restaurants shall include, but not be limited to, cafeterias, lounges, bars, and other places open to the public where food or beverages are served.

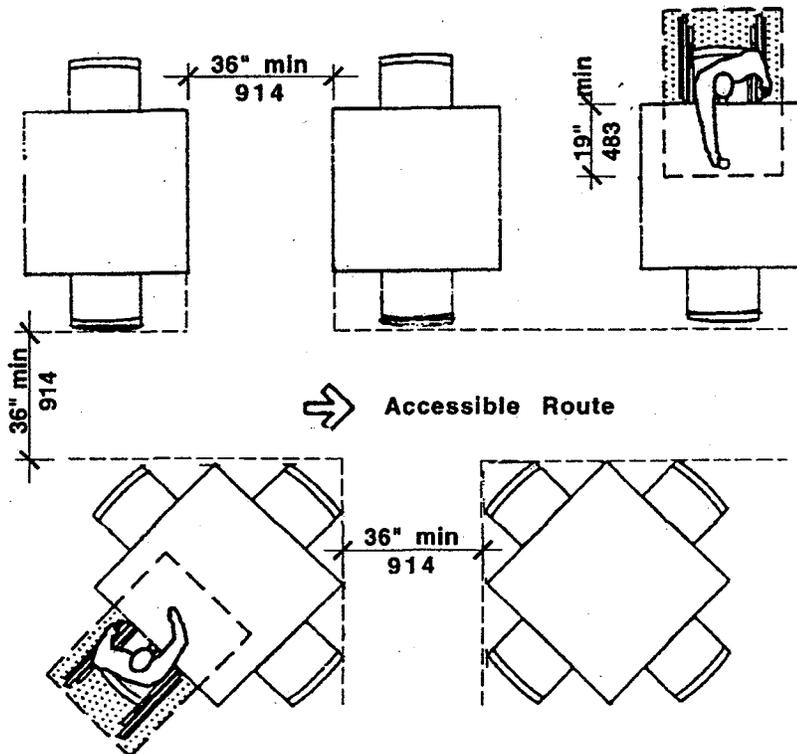
17.2 SEATING

At least 5% but not less than one, of the tables shall be *accessible*, be on an *accessible route*, and in compliance with the following:

17.2.1 Distribution: *Accessible* tables shall be distributed by size and location throughout the *space* or *facility*. In establishments where separate areas are designated for smoking and non-smoking patrons, the required number of *accessible* tables shall be proportionally distributed between the smoking and non-smoking areas.

17.2.2 A 36 inch (36" = 914mm) *access aisle* shall be provided between all *accessible* tables. No seating shall overlap the *access aisle*. See Fig. 17a.

17.2.3 *Clear floor space* as defined in 521 CMR 5.00: DEFINITIONS shall be provided at each seating space. Such *clear floor space* shall not overlap knee space by more than 19 inches (19" = 483mm). See Fig. 17a.



Clearances for Seatings and Tables
Figure 17a

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- 17.2.4 **Knee Clearances:** If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 inches (27" = 686mm) high, 30 inches (30" = 762mm) wide, and 19 inches (19" = 483mm) deep shall be provided. See Fig. 17b.
- 17.2.5 **Height of Tables or Counters:** The tops of *accessible* tables and counters shall be from 28 inches to 34 inches (28" to 34" = 711mm to 864mm) above the finish floor or ground. See Fig 17b.

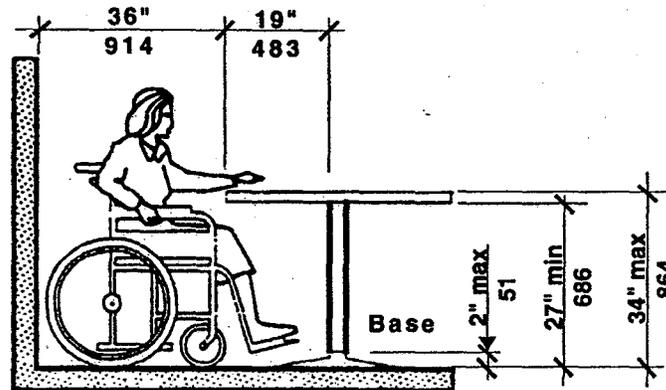


Table Heights and Clearances
Figure 17b

17.3 **DINING COUNTERS WITHOUT SERVICE**

At counters where food is consumed but there is no service, a 60 inch (60" = 1524mm) portion of the dining counter shall be *accessible*, on an *accessible route*, and in compliance with 521 CMR 17.2.5

17.4 **COUNTERS AND BARS WITH SERVICE**

At counters exceeding 34 inches (34" = 864mm) in height, where food or drink is served for consumption by customers seated on stools or standing at the counter, a portion of the main counter shall be *accessible* or service shall be available at *accessible* tables within the same area. The *accessible* portion shall be a minimum of 60 inches (60" = 1524mm) in length and comply with 521 CMR 17.2.4 and 17.2.5.

17.5 **DINING AREAS**

All dining areas, including raised or sunken dining areas, *mezzanines*, loggias, and outdoor seating areas, shall be *accessible*.

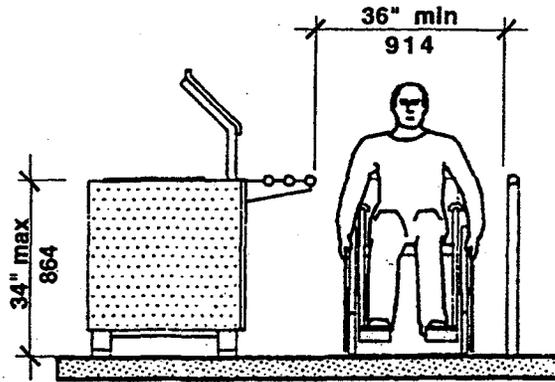
17.6 **FOOD SERVICE LINES**

Food service lines, including but not limited to: cafeterias, buffet tables and salad bars, shall comply with the following:

- 17.6.1 **Clear Width:** Food selection aisles, including *entrance* and exit, shall have a minimum *clear* width of 36 inches (36" = 914mm), with a preferred *clear* width of 42 inches (42" = 1067mm) to allow passage by other customers around a person using a wheelchair. See Fig. 17c.

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17.6.2 Tray slides shall be mounted no higher than 34 inches (34" = 864mm) above the floor. See Fig. 17c.

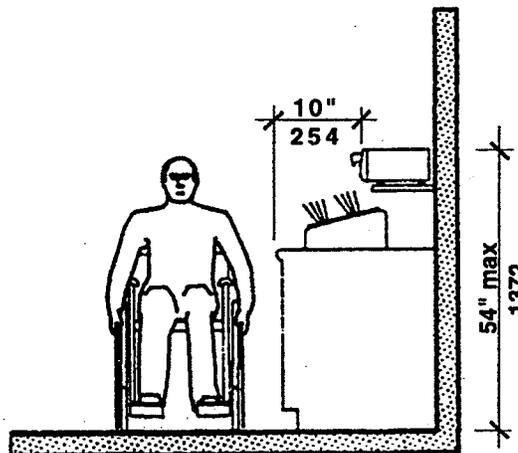


Food Service Line
Figure 17c

17.6.3 If self-service shelves are provided, at least 50% of each type must be within the *zone of reach* defined in 521 CMR 5.00: DEFINITIONS.

17.7 TABLEWARE AND CONDIMENT AREAS

Self-service shelves and dispensing devices for tableware, dishware, condiments, food and beverages shall be installed to comply with *zone of reach* as defined in 521 CMR 5.00: DEFINITIONS. See Fig. 17d.



Food Service Line - Reach Range
Figure 17d

17.8 RAISED PLATFORMS

Where a head table or speaker's lectern is located on a raised platform, the platform shall be *accessible* in compliance with 521 CMR 24.00: RAMPS, or 521 CMR 28.00: ELEVATORS. Open edges of a raised platform shall be protected by a curb or by placement of tables.

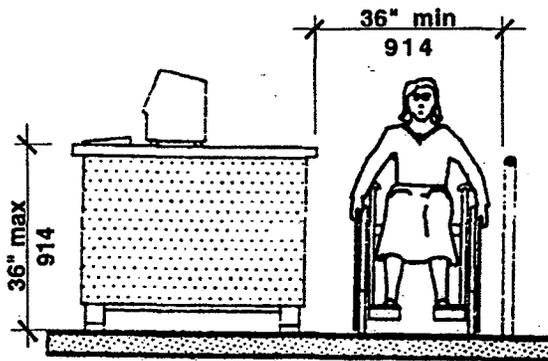
17.00: RESTAURANTS

17.9 VENDING MACHINES AND OTHER EQUIPMENT

Spaces for vending machines and other equipment shall be located on an *accessible route* and shall comply with *zone of reach* as defined in 521 CMR 5.00: DEFINITIONS.

17.10 CASH REGISTER

Where payment is made at a cash register, the counter shall be no higher than 36 inches (36" = 914mm) from the floor to the top of the counter. See Fig. 17e.



Check-Out Lane
Figure 17e

17.11 TELEVISIONS

Where televisions are provided in restaurants, the television shall be equipped with a closed caption decoder.

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