

The Americans with Disabilities Act of 1990 (ADA) protects people with disabilities from discrimination at work, by state or local governments, private businesses or in communication. Part of the ADA (Title III) ensures access to places of public accommodation or commercial facilities. The Title III regulations apply to private entities that own, operate, lease or lease to a place of public accommodation. Both the property owner and the tenant of places of public accommodation have the responsibility to comply with the ADA.

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It is a common misconception that the regulations do not apply to historic buildings or that they only apply if a significant renovation takes place. Since the ADA is a civil rights act and not a building code, structures built before 1990 are not exempt and there is no “grandfathering.”

The ADA requires that physical and communication barriers in existing facilities that are structural in nature should be



The slope of the pavement at this entrance eliminates a step.



The hardware on this door has been converted to a lever that can be opened more easily.

removed where it is “readily achievable,” a standard which may vary from one business to the next.

While the requirements in existing facilities are less stringent, the primary entrance of the building should be the focus of barrier removal so independent access may be achieved in an integrated setting. Portable ramps, access through a secondary entrance not normally used by the public and other alternatives, such as doorbells for requesting assistance, may be considered if no other means of providing access is

readily achievable. Once access to the facility itself is provided, access to the goods and services provided by the facility, access to restrooms, water fountains, pay phones and alarms should be provided.

“Readily achievable” is defined as “easily accomplishable and able to be carried out without much difficulty or expense.”

Barriers on the interior of a facility can be more easily overcome if the inaccessible areas are reserved for non-public functions and the maximum amount of accessible space is left free for public uses. Interior changes that improve access include adjusting the height of display shelves and the width of aisles and lowering the height of checkout counters. Heavier items should be placed lower on shelves with the lighter items placed on higher shelves. If these changes are not readily achievable, staff should assist the patron in reaching the merchandise or provide assistance at the door to allow the patron access to the merchandise. A notepad or dry erase board can be kept on hand to facilitate most transactions with deaf or hearing-impaired customers and attentive staff can accommodate patrons by reading prices.

If an interior door is difficult to operate, it may be left open during business hours. If rest rooms are provided, then at least one should be accessible. Some simple modifications that can make rest rooms more accessible include moving existing stall partitions, adding grab bars in stalls and lowering paper towel dispensers. If water fountains are present, then either one should be accessible or a cup dispenser should be added. If accessible dressing rooms are not readily achievable, a liberal return policy may be adopted to allow customers to try on clothing at home. Each place of

EXAMPLES OF READILY ACHIEVABLE BARRIER REMOVAL

- Installing accessible door hardware
- Eliminating or modifying raised thresholds
- Modifying paving leading up to an entrance to eliminate low barriers
- Installing ramps
- Installing offset hinges to widen doorways
- Repositioning shelves, rearranging tables, chairs, etc.

public accommodation should evaluate their functions and services to determine what other policy or programmatic changes need to be made.

The ADA does acknowledge the National Historic Preservation Act and the national interest in preserving historic buildings. If the maximum level of compliance would threaten or destroy the significance of a historic building eligible for or listed on the National Register of Historic Places or designated historic under State or local law, barrier removal is not considered readily achievable and

alternative standards may be used as long as they do not pose a health or safety risk. In some cases, alternatives may include a steeper ramp than is ordinarily permitted or the accessible entrance need not be the one used by the general public. The Maryland Historical Trust and the Access Board should be consulted if it is believed that full compliance would threaten or damage a building’s significance. The Frederick County Commission on Disabilities may also be able to offer assistance. It is very rare that some level of structural changes cannot be made to provide access, but if that is the case, the public accommodation should make other programmatic or policy changes to provide access. There are also tax incentives offered for businesses that make efforts to comply with the ADA. A business that annually incurs eligible expenses to make its facilities compliant with the ADA may use these tax incentives every year.



This concrete ramp and metal railing provides access to this office building.



This entrance has an automatic door opener and is appropriately marked with the international symbol.

Owners and tenants of historic building should always attempt full compliance with ADA Accessibility Guidelines for Buildings and Facilities.

Other resources:

- “ADA Title III Technical Assistance Manual Covering Public Accommodations and Commercial Facilities”
<http://www.ada.gov/taman3.html>
- “ADA Accessibility Guidelines for Buildings and Facilities” <http://www.access-board.gov/adaag/html/adaag.htm>
- National Park Service “Preservation Brief 32: Making Historic Properties Accessible”
<http://www.nps.gov/history/hps/tps/briefs/brief32.htm>
- U.S Small Business Administration and the U.S Department of Justice ADA, “Guide for Small Businesses” <http://www.ada.gov/smbusgd.pdf>
- University of Vermont, Vermont Division of Historic Preservation, Vermont Department of Public Safety, “Accessibility for Historic Buildings: A Field Guide”
<http://www.historicvermont.org/general/Accessibility%20Field%20Guide.pdf>
- “Accessibility Guide for Neighborhood Business Districts in the City of Pittsburgh”
http://www.city.pittsburgh.pa.us/cp/assets/ADA/04_ada_AccessibilityGuidefinal.pdf
- Utah State Historic Preservation Office, “Adapting for Access: ADA Compliance in Historic Structures”
http://history.utah.gov/historic_buildings/information_and_research/documents/ADABrochure.pdf
- “Accessibility Design Guidelines for Existing Structures in the City of Harrisburg”
http://www.harrisburgpa.gov/Downloads/DBHD/Accessibility_Guidelines.pdf
- Burlington Department of Planning and Zoning, “Design Review Guide: Removing Barriers to Access”
<http://www.ci.burlington.vt.us/planning/dguide/hcaccess.pdf>
- Disability Law Center, “Access Rights to Places of Public Accommodation and Commercial Facilities Fact Sheet”
<http://www.disabilitylawcenter.org/publications/Fact%20Sheet%20-%20Access%20and%20Rights.pdf>
- U.S. Department of Justice, “Expanding Your Market: Tax Incentives for Businesses”
<http://www.ada.gov/taxincent.htm>

For information on the requirements of the ADA contact:

U.S. Department of Justice
ADA Information Line
1-800-514-0301 (v) 1-800-514-0383 (TTY)
<http://www.ada.gov/>

United States Access Board
1-800-872-2253 (v) 1-800-993-2822 (TTY)
202-272-0081 (fax)
<http://www.access-board.gov/>

Contact the Frederick County Commission on Disabilities at:

Winchester Hall
12 East Church Street
Frederick, MD 21701
301-600-1663
<http://www.fccod.org/>

For information on City of Frederick Historic Preservation Commission requirements contact:

City of Frederick
Planning Department
140 West Patrick Street
Frederick, MD 21701
301-600-1499, 301-600-1837 (fax)
www.cityoffrederick.com/preservation

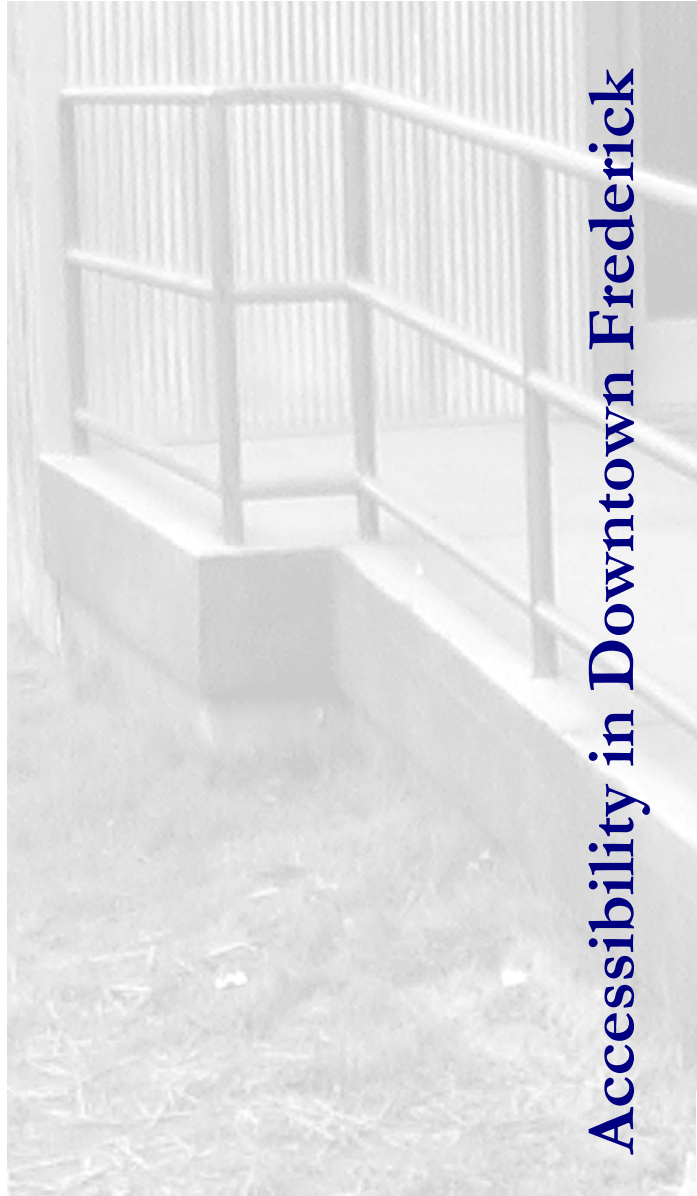
Contact the Downtown Frederick Partnership at:

Federated Charities Building
22 S Market St, Ste 2A
Frederick, MD 21701
301-698-8118, 301-698-4881 (fax)
mainstreet@downtownfrederick.org
www.downtownfrederick.org

Contact the Maryland Historical Trust at:

100 Community Place
Crownsville, MD 21032-2023
410-514-7600, 410-514-7678 (fax)
<http://www.mht.maryland.gov/>

This brochure provides informal guidance to assist you in understanding the ADA and the Department of Justice’s regulations. However, it does not constitute professional advice or a legal interpretation of the statute.



Accessibility in Downtown Frederick



Downtown Frederick
Partnership

Committed to access for all