

# Help With ADA Compliance



By Kim Doyle

Complying with the ADA, or the Americans with Disabilities Act, is important for every house of worship to consider. But what are the rules and how will you fund such an endeavor?

Signed into law in 1990, the ADA prohibits discrimination by requiring accessibility to a variety of public and private buildings. The ADA has requirements for new construction, alterations, or renovations to buildings and facilities and for improving access to existing facilities of private companies providing goods or services to the public. While the ADA prohibits discrimination, it is the ADA Accessibility Guidelines (ADAAG) developed by the U.S. Architectural and Transportation Barriers Compliance Board (or The Access Board) that defines specifics, placing requirements on elevations, storage, access, visual recall, graphics and others as they relate to the disabled.

It is left to the Department of Justice (DOJ) to enforce the law, which it does so under five categories. The three largest are Title I – Employment practices by units of state and local government, Title II – Programs, services and activities of state and local government and Title III – Public accommodations and commercial facilities.

## 2010 Notice of Changes in the ADA Standards for Accessible Design

In 2010 the Department of Justice's revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 were published in the Federal Register on September 15, 2010.

To review the complete scope and technical requirements for new construction and alterations resulting from the adoption of revised 2010 Standards in the final rules for Title II (28 CFR part 35) and Title III (28 CFR part 36) go to [http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm).

## 2010 Changes To Assistive Listening Systems

### Compliance Date for Title II

If the start date for construction is on or after March 15, 2012, all newly constructed or altered State and local government facilities must comply with the 2010 Standards.

Before that date, the 1991 Standards (without the elevator exemption), the UFAS, or the 2010 Standards may be used for projects when the start of construction commences on or after September 15, 2010.

### Appendix to 35.151 (c)

| Compliance Date for New Construction or Alterations      | Applicable Standard                     |
|--|---|
| Before September 15, 2010                                | 1991 Standards or UFAS                  |
| On or after September 15, 2010 and before March 15, 2012 | 1991 Standards, UFAS, or 2010 Standards |
| On or after March 15, 2012                               | 2010 Standards                          |

## 219 Assistive Listening Systems

703.7.2.2.216.10 **Assistive Listening Systems.** Each assembly area required by 219 to provide assistive listening systems shall provide signs informing patrons of the availability of the assistive listening system. Assistive listening signs shall comply with 703.5 and shall include the International Symbol of Access for Hearing Loss complying with 703.7.2.4.

# Help With ADA Compliance

## 219 Assistive Listening Systems

**EXCEPTION:** Where ticket offices or windows are provided, signs shall not be required at each assembly area provided that signs are displayed at each ticket office or window informing patrons of the availability of assistive listening systems. (Such as the Listen Technologies Corporation LA-304 ADA Signage Kit)



**Assistive Listening System (ALS).** An amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency, infrared, or direct-wired equipment.

**219.1 General.** Assistive listening systems[i] shall be provided in accordance with 219 and shall comply with 706.

**219.2 Required Systems.** In each assembly area[ii] where audible communication is integral to the use of the space[iii], an assistive listening system shall be provided.

**Assembly Area.** A building or facility, or portion thereof, used for the purpose of entertainment, educational or civic gatherings, or similar purposes. For the purposes of these requirements, assembly areas include, but are not limited to, classrooms, lecture halls, courtrooms, public meeting rooms, public hearing rooms, legislative chambers, motion picture houses, auditoria, theaters, playhouses, dinner theaters, concert halls, centers for the performing arts, amphitheaters, arenas, stadiums, grandstands, or convention centers.

**706.3 Receiver Hearing-Aid Compatibility.** Receivers required to be hearing-aid compatible shall interface with telecoils in hearing aids through the provision of neckloops. (Such as the Listen Technologies Corporation LA-166 with any FM system or IR system that has a headset output jack)

**Advisory 706.3 Receiver Hearing-Aid Compatibility.** Neckloops and headsets that can be worn as neckloops are compatible with hearing aids. Receivers that are not compatible include earbuds, which may require removal of hearing aids, earphones, and headsets that must be worn over the ear, which can create disruptive interference in the transmission and can be uncomfortable for people with hearing aids.

### **New (2010 ADA)**

**219.1 General.** Assistive listening systems shall be provided in accordance with 219 and shall comply with 706.

**219.2 Required Systems.** In each assembly area where audible communication is integral to the use of the space, an assistive listening system shall be provided.

**EXCEPTION:** Other than in courtrooms, assistive listening systems shall not be required where audio amplification is not provided.

# Help With ADA Compliance



## New (2010 ADA)

**219.3 Receivers.** Receivers complying with 706.2 shall be provided for assistive listening systems in each assembly area in accordance with Table 219.3. Twenty-five percent minimum of receivers provided, but no fewer than two, shall be hearing-aid compatible in accordance with 706.3.

**Assistive Listening System (ALS).** An amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency, infrared, or direct-wired equipment.

**(Such as the Listen Technologies Corporation LS-03 Performance FM System or LS-85 Performance IR System)**

**Assembly Area.** A building or facility, or portion thereof, used for the purpose of entertainment, educational or civic gatherings, or similar purposes. For the purposes of these requirements, *assembly areas* include, but are not limited to, classrooms, lecture halls, courtrooms, public meeting rooms, public hearing rooms, legislative chambers, motion picture houses, auditoria, theaters, playhouses, dinner theaters, concert halls, centers for the performing arts, amphitheatres, arenas, stadiums, grandstands, or convention centers.

**Table 219.3 Receivers for Assistive Listening Systems**

| Capacity of Seating in Assembly Area | Minimum Number of Required Receivers<br>Contact Listen for customized quote<br>to accommodate area<br>www.listentech.com | Minimum Number of Required Receivers<br>Required to be Hearing Aid Compatible<br>(Using Listen LA-166) |
|--------------------------------------|--|--|
| 50 or less                           | 2  | 2  |
| 51 to 200                            | 2, plus 1 per 25 seats over 50 seats *   | 2  |
| 201 to 500                           | 2, plus 1 per 25 seats over 50 seats *   | 1 per 4 receivers*   |
| 501 to 1,000                         | 20, plus 1 per 33 seats over 500 seats *   | 1 per 4 receivers*   |
| 1,001 to 2,000                       | 35, plus 1 per 50 seats over 1,000 seats *   | 1 per 4 receivers*   |
| 2,001 and over                       | 55, plus 1 per 100 seats over 2,000 seats *  | 1 per 4 receivers*   |

**\*Or fraction thereof**

# Help With ADA Compliance



## Compliance for Houses of Worship

But under what category must a house of worship be compliant? Is it a public accommodation or a commercial facility? Contrary to popular belief, houses of worship and religious entities controlled by them are exempt from coverage under Title III which prohibits discrimination on the basis of disability within public accommodations including theaters, concert halls, stadiums and others. Rather, compliance specific to houses of worship falls under the employment obligations of Title I, and only if the church employs 15 or more people. This exemption is also extended to a religious entity carrying out activities that would otherwise make it a public accommodation including a day care center, a nursing home, a private school or a diocesan school system. 2

If a church rents or leases space to an outside group, such as a local community group or even an independent day care center, the rules of Title III in fact do apply to the activities to the group, unless of course the space is donated to the group. While exempt from complying as a public accommodation, a church with 15 or more employees must meet numerous employer obligations.

## Translation?

Regardless of which ADA Title houses of worship must adhere to, the technical requirements of reaching compliance are complicated, not to mention costly. But the good news is there are resources out there that may help. Some quick research on the web uncovered a few sites that offer ways of curbing the costs of impending compliance accommodations. (See resources below)

Another suggestion when building a new house of worship or updating an existing one, enlist a professional open to differing ideas regarding ADA compliance. In reality, the ADA is very broad and can be interpreted many ways. Unlike stadiums for example, where the requirements can be painstakingly detailed, churches themselves do not have hard and fast rules. Why? According to R. Bob Adams, senior consultant with Hoover & Keith of Houston, TX, the government had opted not to create specifics for religious entities largely due to the fact that "churches are built with a multitude of private money that almost always comes from a variety of different sources. Logic tells you that ADA compliance is important and the right thing to do, but it is hard to know where to draw the line when you are using private money."

## What if a facility is not ADA compliant?

Simply put, you are encouraging lawsuits. There are numerous professionals out there to help you, but do your homework first. Look for someone educated on the law and who is willing to work with you and your budget.

## General Resources

[www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm) - ADA home page.

[www.usdoj.gov/crt/ada/publicat.htm](http://www.usdoj.gov/crt/ada/publicat.htm) - Printed materials can be ordered here or by calling the ADA Information Line at +1.800.514.0301.

## Funding

[www.janweb.icdi.wvu.edu/links/funding/GrantsLoans.htm](http://www.janweb.icdi.wvu.edu/links/funding/GrantsLoans.htm) - Janweb offers funding options for a wide range of accessibility projects, in addition to accommodation ideas, numerous links and more. Call +1.800.514.0301 for a guide on tax credits and deductions, call the ADA Information Line and order fax document #3202.

[www.nasca.org](http://www.nasca.org) – The National Systems Contractors Association is a not-for-profit advocate of the low-voltage electronic systems industry. The NSCA offers education and guidance to member companies on a wide range of topics.