



## 2010 Revised Regulations of the Americans with Disabilities Act Titles II and III

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### INTRODUCTION

On September 15, 2010, the [United States Department of Justice](#) (DOJ) published revised Americans with Disabilities Act (ADA) regulations in the [Federal Register](#) that update and amend some of the provisions in the original 1991 ADA regulations. These changes include revised accessibility standards, called the [2010 Standards for Accessible Design](#) Standards), which establish minimum criteria for accessibility in design and construction.

This tipsheet highlights some of the revisions that have a specific effect on cultural venues, such as theaters or museums. It is not intended to be comprehensive. To view the revised regulations in their entirety with guidance, please see these two definitive resources:

- U.S. Department of Justice at [www.ada.gov/regs2010/ADAregs2010.htm](http://www.ada.gov/regs2010/ADAregs2010.htm)
- U.S. Access Board at [www.access-board.gov/ada-aba/ada-standards-doj.cfm](http://www.access-board.gov/ada-aba/ada-standards-doj.cfm)

The material contained herein was drawn from or excerpted from both of these resources.

### WHO IS IMPACTED BY THE NEW REGULATIONS?

Places of Public Accommodation: [§36.104 definition](#) and [§36.302 \(c\) service animals](#)

The revised regulations apply to the following entities, which have until March 15, 2011, to comply:

- **State and Local Governments** (ADA Title II, [28 CFR, Part 35](#))  
This includes any non-federal department, agency, district, or instrumentality of a State or local government. For example: State arts commissions and councils, city-owned or -operated cultural centers, recreational venues and parks, libraries, state colleges, and universities.

- **Places of Public Accommodation**(ADA Title III, This includes any facility operated by a private, non-governmental entity and open to the public. For example: Theaters, museums, concert halls, arts and performing arts centers, stadiums, private colleges and universities, lecture halls, galleries, parks, zoos, other places of exhibition or entertainment, and assembly areas.

## NEW REQUIREMENTS FOR ASSISTIVE LISTENING SYSTEMS (ALS)

You can find most of these changes in sections [219](#) and [706](#) of the [2010 Standards](#)

**Requirements:** ALSs are required **where audible communication is integral** to the use of the space, but are not required where audio amplification is not provided.

**Hearing Aid Compatibility: 25% of the receivers** must be hearing aid compatible, which means that the ALS receiver must be usable with an induction neckloop that interfaces with the telecoil in an individual's personal hearing aid or cochlear implant.

### **Technical Requirements**

- Receivers must have a 1/8 inch (3.5 mm) standard monojack.
- ALSs must be capable of providing sound pressure levels of 110 dB minimum and 118 dB maximum with a dynamic volume control range of 50 dB; the signal-to-noise ratio for internally generated noise must be 18 dB minimum; and the peak clipping must not exceed 18 dB of clipping relative to the peaks of speech.

**Number of Receivers Required:** Use the following table to calculate how many receivers must be provided:

## SAFE HARBOR

The 2010 regulations have incorporated an element-by-element “safe harbor” which exempts elements (which can be anything from a door knob to an entire room) that are currently in compliance with the 1991 ADA Standards from compliance or any immediate retrofit obligations under the 2010 Standards until the facility engages in a renovation, modification, alteration, or barrier removal. If an element never complied with the 1991 ADA Standards then there is no safe harbor for that element. Additionally, there is no safe harbor for elements not covered in the 1991 Standards including, but not limited to, swimming pools, amusement rides, play areas, and recreational boating facilities.

### EXAMPLE

In 2005 a museum renovated restrooms and installed paper towel dispensers at 54 inches from the floor in order to be in compliance with the 1991 ADA Standards. The 2010 Standards require paper towel dispensers to be a maximum of 48 inches from the floor. Are they out of compliance?

No. Because the installed dispensers were in compliance with the 1991 ADA Standards, they are in a safe harbor under the new 2010 Standards. The museum will not need to re-install the paper towel dispensers in order to comply with the lower reach range in the 2010 standards until they renovate, alter, or modify the restroom.

### FIND IT IN THE REGULATIONS

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State and Local Governments: [§35.150 \(b\)\(2\)\(i\) safe harbor](#)

Places of Public Accommodation: [§36.304 \(d\)\(2\)\(i\) safe harbor](#)