



Gold Book

Research Series

Your Guide to Laundry Excellence

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A Laundry Owner's Guide to the Americans with Disabilities Act

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A Laundry Owner's Guide to the Americans with Disabilities Act

In 1990, President George H.W. Bush signed into law the Americans with Disabilities Act (ADA), a landmark piece of civil rights legislation that changed America and the way it does business.

The ADA gives individuals civil rights protection in the areas of employment, transportation, telecommunications, public accommodations, and state and local government services. The act was the culmination of a movement that, since the 1970s, has been breaking down barriers facing the disabled and making it illegal to discriminate against them.

Two decades later, the changes brought by the ADA can be seen everywhere – from how we do business, park our cars, use restrooms and enter public buildings. The ADA has even affected the way consumers use bill changers in self-service laundries and other businesses.

Today, an estimated 48.9 million people in the U.S. (or 17.4 percent of the non-institutionalized population) have some form of disability, according to the President's Committee on Employment of People with Disabilities. This figure includes the estimated 7,092,000 people who have difficulty performing self-care activities, such as dressing, bathing and maneuvering inside the home.

When most of us think of the disabled, we likely think of someone who uses a wheelchair. However, the ADA defines an individual with a disability broadly, as a person who has a physical and/or mental impairment that substantially limits a major life activity – including breathing, speaking, seeing, hearing, learning and working for oneself. Examples of disabilities include such conditions and diseases as cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, tuberculosis, drug addiction, alcoholism, and orthopedic, visual, speech and hearing impairments.

Ray Struder – who owns the 5,000-square-foot Bluewater Laundry in Knoxville, Tenn. – knows the ADA's impact first hand. At age 16, Struder was paralyzed in a high school football game and has used a wheelchair ever since.

Until the ADA's passage, life was tough for the laundry owner. Facilities didn't have features like ramps and designated parking spaces that, today, accommodate those with disabilities.

But times have changed. "The ADA has come to permeate our society," Struder explained. "As I move around, I can see that many businesses are now accessible to the disabled, and the challenges people with disabilities face today aren't what they use to be."

Before opening his laundry, Struder visited and inspected several stores in eastern Tennessee and southern Kentucky.

"I was impressed with the level of ADA compliance," he said. "I would not have a problem accessing any of the laundries I visited."

Despite its success in breaking down barriers for the disabled, the ADA hasn't been without issues. Some critics complain that it has been bureaucratic as well as confusing. Other critics maintain that the ADA has added extra costs to opening a business. Still others say the Act is too vague and can be easily misinterpreted.

For example, until adoption of the 2010 ADA Standards for Accessible Design, it was unclear how many machines had to be accessible to individuals with disabilities. Section 214 of the 2010 ADA Standards (adopted by the Department of Justice as part of its implementing regulations), resolved this question. Where more than three washing machines are provided, at least two must be accessible. Where more than three clothes dryers are provided, at least two must be accessible. Otherwise, only one of each is required to be accessible.

Another question that frequently arises is what action an owner is required to take to ensure that the accessible machines remain available for individuals with disabilities. As long as the owner has provided the number of machines required to be accessible, it is not a violation that nondisabled persons use the accessible machines. It is advisable to post signage identifying the machines as accessible and noting that individuals with disabilities should be given priority in using those machines. If patrons ignore the signage though, that doesn't establish that the owner has violated the ADA.

Despite its shortcomings, the ADA is the law of the land and laundry owners must comply with its provisions. To ignore compliance can mean the hassle of a lawsuit and the payment of thousands of dollars in attorney's fees and court costs.

"A business owner may think the ADA has placed an unfair burden on him or her, but it's still the responsibility of that owner to be compliant with ADA law," said Clark Richards, president of Florida-based Clark Richards Associates, which does regulatory consulting on the ADA.

1. Your Responsibilities Under the ADA

The ADA contains five specific sections, or "Titles." They are:

TITLE 1: EMPLOYMENT: Requires employers to provide reasonable accommodations for applicants and employees with disabilities and prohibits discrimination on the basis of disabilities in all aspects of employment.

TITLE II: PUBLIC ENTITIES (State and Local Government Programs and Services, including Public Transportation): They can't deny services to people with disabilities or deny their participation in

programs or activities available to people without disabilities. In addition, public transportation systems, such as public transit buses, must be accessible to individuals with disabilities.

TITLE III: PUBLIC ACCOMMODATIONS OR ENTITIES: They include facilities such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems. Title III requires all new construction and modifications in Public Accommodations to be accessible to individuals with disabilities. For existing facilities, barriers to access must be removed, if readily achievable.

TITLE IV: TELECOMMUNICATIONS: This section includes telecommunications companies offering telephone service to the general public. They must provide telephone relay service to individuals who use telecommunication devices for the deaf (TTYs) or similar devices.

TITLE V: MISCELLANEOUS PROVISIONS: This includes a section prohibiting (a) coercing or threatening, or (b) retaliating against individuals with disabilities or those attempting to aid people with disabilities in asserting their rights under the ADA.

2. Employment Compliance

When it comes to compliance, the employment requirements under Title I of the ADA tend to get overlooked in the laundry industry because so many of the establishments are self-service. Still, laundry owners should be aware that the ADA has requirements regarding employment that could apply to their businesses.

Title 1 prohibits discrimination in all employment practices, including job applications, hiring, firing, advancement, compensation and training – and it applies to every kind of employment-related activity, including recruitment, advertising, tenure, layoff, leave and fringe benefits.

If your laundry has 15 or more employees, you are required under the ADA to make reasonable accommodation for your employees and job applicants with disabilities so that they can perform their duties, unless doing so presents an undue hardship.

“Reasonable accommodation” could include moving work items to lower or higher shelves, providing a chair to sit in or rearranging a work schedule.

“When you hire a disabled person, you are required to make adaptable concessions,” Richards explained. “For example, if you have a fire alarm system that’s required by a code, and if you have a deaf person on your payroll, the fire alarm would probably be auditory in design. But you would then have to add a visual component to the alarm system to be compliant with the ADA.”

Reasonable accommodation and undue hardship are determined on a case-by-case basis. While it may be an undue hardship for a small coin laundry operator to provide a sign language interpreter for a deaf employee’s full working time, that doesn’t necessarily mean it would be an undue hardship to provide an

interpreter in other circumstances, such as for any training or educational sessions provided to employees or even for a hiring interview.

Some laundry owners – like California’s Debbie Dower – have gone the extra mile when it comes to accommodating the disabled.

“My signs are all in braille, and they are at a height so that the blind know where they’re supposed to be,” Dower said.

Some provisions of the ADA contain an exception for businesses employing fewer than 15 people, but other provisions apply to all businesses providing service to the public, regardless of size. Even if a coin laundry is not covered under Title I with respect to its employment activities, it is nonetheless covered under Title III with respect to the goods and services it provides to the public because Title III covers all places of public accommodation irrespective of the number of employees.

“Employers are required to discuss with the disabled person any reasonable accommodation a disabled person may need to perform the essential functions for the job,” said Chris Cormier, a certified access specialist based in Sacramento, Calif. “The law refers to that as the ‘interactive process.’”

If a person with disabilities applying for the job is unqualified, he or she cannot claim employment discrimination under the ADA.

“An employee must meet the job requirements to perform the essential functions of the job with or without reasonable accommodation,” Cormier explained. “Moreover, the employer doesn’t have to provide a job if it leads to undue hardship on his business.”

In addition, an employer can maintain the same attendance policy for all employees, whether or not they are disabled. However, employers may have to allow certain adjustments in their business leave policy to reasonably accommodate a disabled person. Employers also must post a notice that is accessible to disabled individuals and that explains the ADA provisions.

3. Public Accommodations Compliance

Although laundry owners should be familiar with the ADA’s employment requirements under Title I, they need to pay strict attention to the specific physical and architectural barriers businesses will need to remove to be compliant with the ADA’s Title III requirements.

There are 12 separate categories of public accommodation: (1) places of lodging; (2) establishments serving food or drink; (3) places of exhibition or entertainment; (4) places of public gathering; (5) sales or rental establishments; (6) service establishments; (7) public transportation terminals, depots or stations (not including facilities relating to air transportation); (8) places of public display or collection, such as museums,

libraries and galleries; (9) places of recreation; (10) places of education; (11) social service center establishments; and (12) places of exercise or recreation.

Under the ADA, the requirements for the existing facilities built before 1993 are less strict than those built for first occupancy after January 26, 1993 or modified after January 26, 1992, when the ADA went into effect.

Existing facilities are required to eliminate barriers to access where it is readily achievable, even if they are not otherwise altering or renovating the facility.

If an alteration is to a primary function area, the facility must make the path of travel (including such amenities as restrooms and drinking fountains) accessible, unless the cost of doing so exceeds 20 percent of the cost of the alteration. Alterations to other areas (for example, employee areas) do not trigger this requirement.

The ADA doesn't allow exceptions for so-called "grandfather provisions" that are often allowed by local government building inspectors. So laundry owners are mistaken to think that they don't have to make their buildings accessible because they were constructed prior to the ADA's passage. You may do less than what's required for a newly constructed building or a significantly renovated building, but you will still have to do something.

The architectural barriers needing attention are the physical factors hindering or prohibiting the disabled from obtaining the goods and services offered. In a self-service laundry, this can include such features as parking spaces that are too narrow or lack marked access aisles, an entranceway that's inaccessible, door knobs that are difficult to grasp, aisles too narrow for those in wheelchairs or electric scooters, and laundry equipment that's too high to reach.

"A coin laundry has to provide reasonable access to the equipment in a coin laundry, including bill changers, washers and soap vending machines," Cormier explained. "Otherwise, people with disabilities can claim discrimination."

A lot can be done without difficulty or expense to improve accessibility to a self-service laundry.

"You don't have to be a big business to take some basic precautions," said Dr. William Henry, a registered architect with RGA Architects and a former laundry owner. "Simply building a ramp or designating some parking spaces for the disabled or cleaning up your laundromat once a day to make it safe to maneuver or putting handicap accessible signs near bathrooms will improve accessibility. So, excuses like 'We don't have the money to make changes,' or 'We are stretched thin,' or 'We didn't plan for this' just don't hold water."

The responsibilities for laundries and other public accommodations are explicitly spelled out in the ADA. Public accommodations are expected to do the following:

- Remove architectural and structural barriers in existing facilities when readily achievable.
- Provide readily achievable alternate measures when the removal of barriers isn't readily achievable.

- Eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy the goods and services offered, unless the requirements are necessary to the public accommodation's operation.
- Make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration would result in the nature of the goods and services provided.
- Provide goods and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.
- Furnish auxiliary aids or services when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.
- Provide equivalent transportation services and purchase accessible vehicles in certain circumstances. (This is only a requirement where transportation is a service being offered by the place of public accommodation.)
- Maintain the accessible features of facilities and equipment.
- Ensure accessibility in designing and constructing new facilities, and when undertaking alterations, alter existing facilities in accordance with the ADA Standards for Accessible Design to the maximum extent feasible.

4. 'Readily Achievable'

As this list of responsibilities suggests, self-service laundries, like other businesses serving the public, will only have to remove architectural barriers that are "readily achievable." This means removing architectural barriers where removal can be accomplished without much difficulty or expense. What the U.S. Department of Justice considers to be readily achievable may be more onerous than what a small-business owner likely would consider to be readily achievable.

What the law considers readily achievable is based on the size and the resources of the business. Since large businesses have more resources than smaller businesses, they are expected to take a more active role in removing architectural barriers. The ADA will also give a business a break when it is not doing well, allowing it to delay or reduce barrier removal.

But that doesn't mean the laundry owner is ever off the hook.

"Compliance is an on-going responsibility," Cormier explained. "Once your economic situation improves, you will be expected to remove the architectural barriers. So, the smart thing is to do a long-term plan for barrier removal compatible with your business resources."

What if your building was built after ADA enactment? As a business owner, you are responsible for making sure your place of business is accessible to those with disabilities, regardless of whether or not it was built before or after ADA enactment.

If the last application for a building permit was certified complete on or after January 26, 1992, and if the first certificate of occupancy was issued after January 26, 1993, the facility must fully comply with the requirements of the applicable ADA Standards for Accessible Design. The 1991 ADA Standards apply to new construction, alterations and barrier removal commenced prior to September 15, 2010. An entity can choose to comply with either the 1991 ADA Standards or the 2010 ADA Standards for new construction, alterations and barrier removal commenced on or after September 15, 2010 and before March 15, 2012. New construction, alterations and barrier removal commenced on or after March 15, 2012 must comply with the 2010 ADA Standards. Elements that comply with the 1991 ADA Standards are not required to comply with the 2010 ADA Standards unless they were altered on or after March 15, 2012.

5. 2010 ADA Standards

Since the passage of the ADA in 1990, several Title III requirements have been revised. Experts recommend laundry owners follow the design requirements for new construction stated in the 2010 ADA Standards for Accessible Design.

New construction and alterations commenced on or after March 15, 2012, are subject to the 2010 Standards; readily achievable barrier removal conducted on or after this date also is subject to the 2010 Standards. Elements in the facilities built or altered before March 15, 2012, which comply with the initial 1991 ADA Standards, are not required to be modified to comply with the 2010 Standards.

"I wouldn't say that the Standards have brought major changes to the ADA, but the government has attempted to make compliance with the Standards a little easier," explained David G. Miller, an ADA consultant who was trained by the U.S. Department of Justice. "For instance, wherever possible, the Standards now give ranges instead of absolutes."

Cormier agreed with Miller and strongly advised, "It is incumbent upon the owner to be familiar with the guidelines and know how they have changed over time. It's easy to be sued under the ADA law, and owners certainly don't want that to happen."

As pointed out earlier, laundry owners may find that some of the Standards are not readily achievable because of economic conditions, existing conditions or both. According to the U.S. Small Business Administration booklet, "The ADA Guide for Small Business," if this occurs, barrier removal measures can deviate from the Standards, as long as "the measures do not pose a significant risk to the health or safety of individuals with disabilities."

The U.S. government has published an "ADA Technical Assistance Manual," which addresses the requirements

of the ADA and is designed to assist individuals and entities in understanding their rights and responsibilities under the ADA. Corey Iannacone, a partner with Rhoads & Sinon, LLP in Harrisburg, Pa., who has counseled both public and private sector employers on the ADA, pointed out that the manual provides a specific example of the ADA's applicability to a self-service laundry.

In the example, a blind customer goes into laundry, where instructions for operating the machines are written and displayed on the machines' controls. The store owner could make the machines accessible to the individual by brailleing the instructions onto adhesive tape and placing the labels (or brailled template) on to the machines. Alternatively, the owner could arrange for a laundry attendant to read the blind customer the instructions printed on the machine.

"No one particular method is required, so long as effective communication is provided," Iannacone said.

6. Barrier Removal

The ADA's Title III regulations recommend four priorities for barrier removal to facilitate planning. They include:

- **Priority 1:** Access to approach and entrance
- **Priority 2:** Access to goods and services
- **Priority 3:** Access to public toilet areas
- **Priority 4:** Access to other items, such as water fountains and public telephones

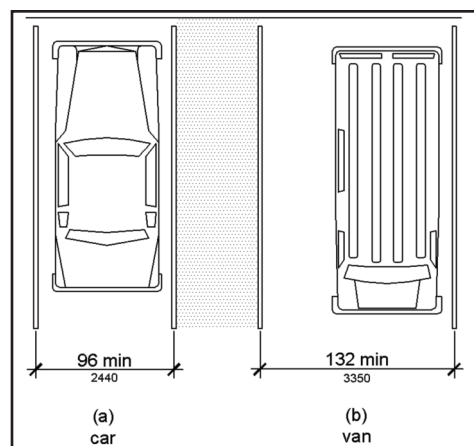
Here are the major architectural barriers a self-service laundry owner should address:

The Public Area

PARKING SPOTS

Provide enough parking spots for the disabled. If a parking lot has one to 25 parking spaces, one is the minimum number for the required ADA-accessible spaces. An additional parking space for the disabled should be provided for every 25 parking spaces, until the total reaches 100. Beyond 100 spaces, the ratio changes.

Additionally, 1 in every 6 accessible parking spaces (or fraction thereof), must also be van-accessible. (If there is only one accessible parking space, it must be van-accessible.) There are



Source: www.ada.gov/2010_regs.htm. ADA regulation for parking spaces. See pg 26

two options for a van accessible parking space – a 132-inch-wide vehicular space with a 60-inch-wide access aisle, or a 96-inch-wide vehicular space with a 96-inch-wide access aisle.

Van-accessible parking spaces, and the access aisles and vehicular routes serving those spaces, also must have at least a 98 inch vertical clearance.

In addition to having adequate accessible parking space, additional space to the left or right of the parking space must be provided to allow a person using a wheel chair, electric scooter or other mobility device to exit the vehicle. This is referred to as an "access aisle." The access aisle must be at least five feet wide. (As noted above, this may vary for van accessible spaces depending on the size of the vehicular space.) Also, be sure to place signage with the international symbol of accessibility in front of the parking space and position it high enough so that it's not hidden by other vehicles; the 2010 Standards require there to be a minimum of 60 inches to the bottom of the sign.

ACCESSIBLE ROUTES

Once a laundry has designated the required number of parking spaces, the owner will need to create an accessible route leading from the vehicle to the sidewalk to the entrance. The access aisles at the parking spaces must connect to this accessible route. At least one accessible route should be provided from the parking spaces, public streets and public transportation stops to the accessible building or facility entrance they serve. A marked crosswalk is necessary if a route to the laundromat crosses vehicular traffic. The routes should have no barriers, such as steps or steeply sloped surfaces, and the surface must be firm, stable and slip-resistant. For sidewalks with curbs, a curb ramp or curb cut, also must be provided.

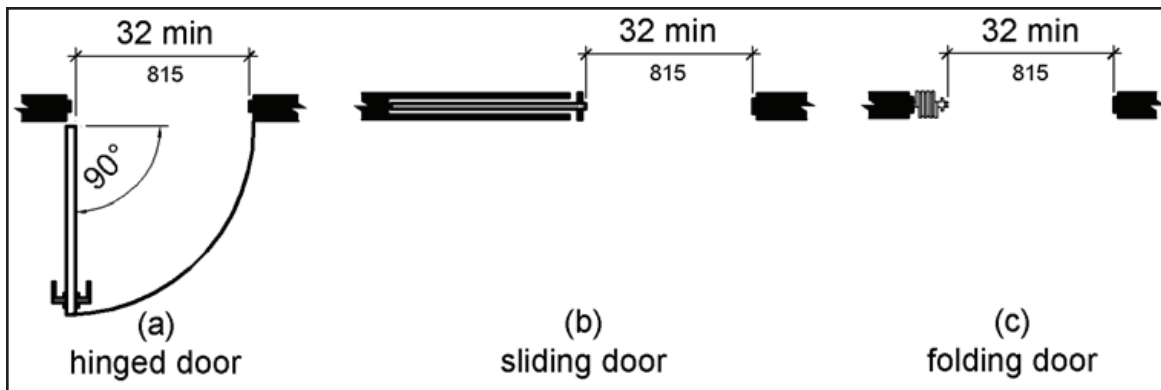
RAMPS

Self-service laundries should ensure that there is an accessible route allowing a disabled person to go from a vehicle to the destination's entrance. This may entail provision of an accessible ramp if the entrance is at a different grade (e.g., entrance accessed by steps, sloping grade between parking and the entrance). Under the 2010 Standards, the ramp's slope cannot exceed a ratio of 1:12; it is not required to have the lowest slope possible, although this can provide greater usability. For alterations and barrier removal, if existing conditions preclude achieving a slope of 1:12, a ratio of 1:8 is permitted only for a maximum rise of three inches, while a ratio of 1:10 is permitted for a maximum rise of six inches. (Curb ramps at sidewalks are subject to different requirements.)

According to the 1991 Standards, if a laundry has two public entrances, only one must be accessible. However, the 2010 Standards require that 60 percent of public entrances be accessible, and owners are required to round fractions up.

To accommodate the widest range of users, the ramp should have the least possible running slope (although the 2010 ADA Standards do not require this so long as , and wherever possible, include stairs with ramps that can be used by individuals for whom distance poses a greater barrier than steps, such as those with limited stamina or heart disease. The rise of any ramp run cannot exceed 30 inches. The overall rise of a ramp with multiple runs can exceed 30 inches but must have compliant intermediate landings.

Handrails are required on ramp runs with a rise greater than six inches and on certain stairways. They must



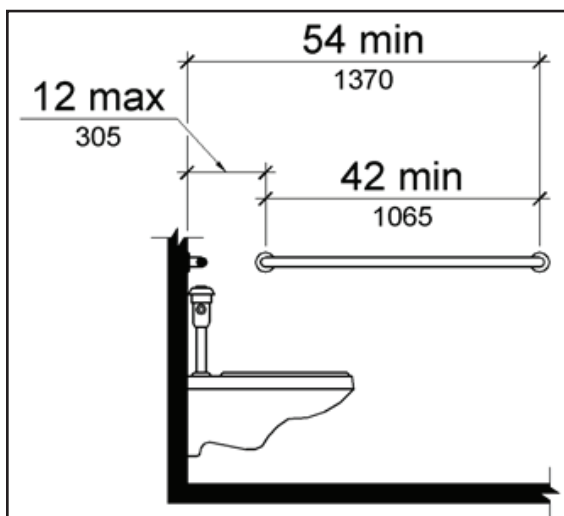
Source: www.ada.gov/2010_regs.htm. ADA regulation for doorways. See pg 27

be provided on both sides of stairs and ramps, except in assembly areas where handrails are not required on both sides of aisle ramps if a hand rail is provided at either side or within the aisle width.

ENTRANCE

The entrance needs to be fully accessible. Typically, there should be 32-inch-wide doors with sufficient maneuvering space on both sides of the door, an accessible threshold and a smooth surface at the bottom 10 inches of the door. (Note: The 10-inch requirement appears in the 2010 Standards, but was not required under the 1991 Standards.) In opening the doors, an individual with disabilities must be able to open them with one hand, and not have to grasp tightly or twist their wrist.

The door hardware should be accessible because many individuals have arthritis or another disability, making it difficult to grasp items. Door knobs that require twisting and turning are not accessible. While the 2010 ADA Standards do not specify an opening force for exterior doors, some state jurisdictions do. For any interior doors (including the interior door of an entry vestibule), the force for pushing or opening a door or gate, other than fire doors, should be five pounds maximum.



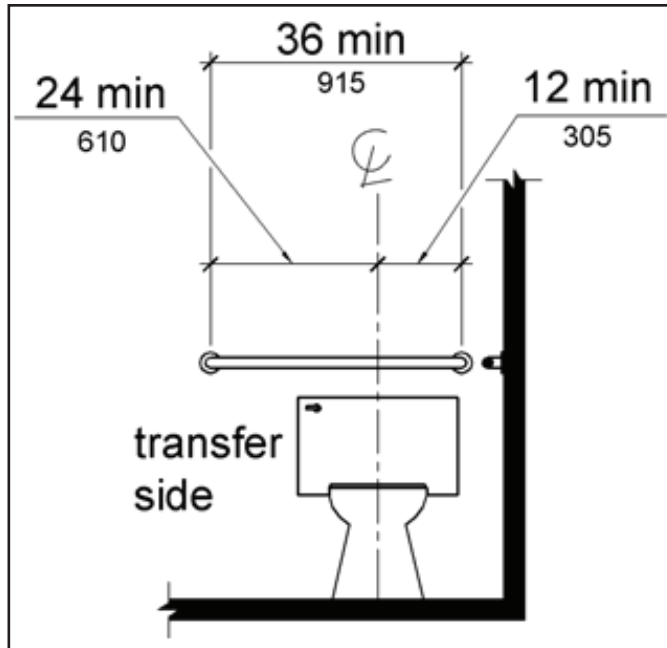
Source: www.ada.gov/2010_regs.htm. ADA regulation for hand rails. See pg 28

INSIDE THE BUILDING

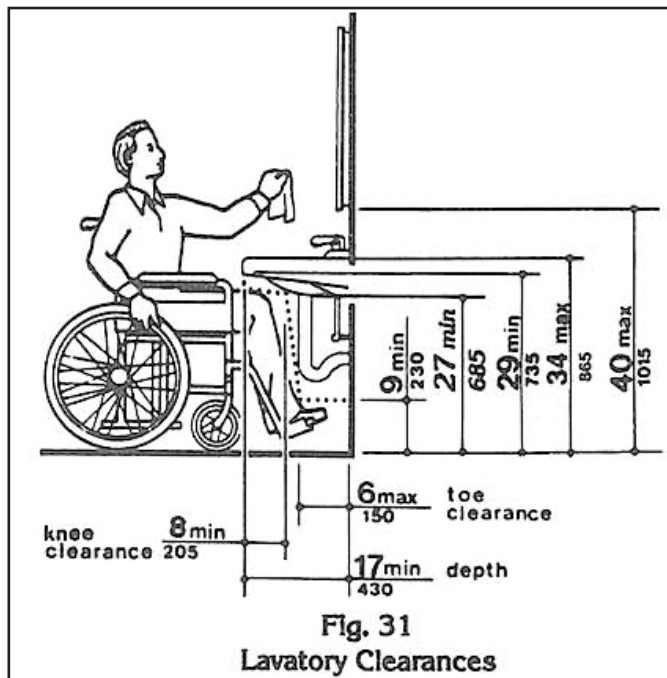
Inside the laundry, a number of areas need to be compliant. They include the table areas, counters, aisles and equipment (including bill changers and soap dispensers).

However, the restroom is perhaps a laundry’s most vulnerable area for violations.

“The Standards have many requirements for accessories and fixtures that make compliance in the toilet area very difficult,” Cormier said “Too often, owners try to make the restroom a storage area. This is a no-no under the ADA. Simply removing the clutter



Source: www.ada.gov/2010_regs.htm. ADA regulation for single user restrooms. See pg 29



Source: www.ada.gov/2010_regs.htm. ADA regulation for knee and toe clearance under a sink. See pg 30

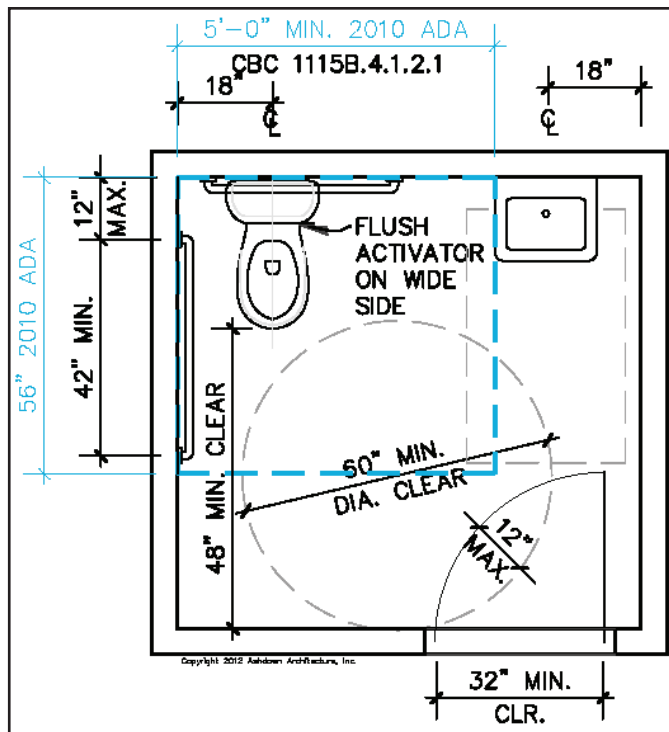
in the restrooms can go a long way in making a coin laundry compliant.”

To accommodate a wheelchair, the clear floor space required in a restroom at a water closet is 56 inches deep by 60 inches wide. The restroom itself will necessarily have to be somewhat larger than this to accommodate other requirements, such as turning space within the room.

In addition, the 2010 Standards require that the centerline of the water closet be 16 inches to 18 inches from the side wall or stall partition. This applies to water closets in single user restrooms and for larger restrooms with multiple stalls, the water closet in the accessible stall (17 inches to 19 inches is the requirement for water closets located in ambulatory accessible stalls).

Although the 2010 Standards do not contain a centering requirement/dimension for sinks, some states (including California) do. The 2010 Standards require that the top of the sink be a maximum of 34 inches high and that clear floor space beneath sinks extend at least 17 inches beneath the sink. Also, pay attention to the pipes under the restroom sink. A disabled person must be able to get his or her knees under the sink while in a wheelchair. Specific requirements for knee and toe clearance are illustrated in the accompanying figure. Also, water supply and drain pipes under sinks should be insulated or otherwise configured to protect against contact. There also should be no sharp or abrasive surfaces under the sinks.

A standard wheelchair-accessible toilet compartment should be 60 inches wide minimum, measured perpendicular to the side wall, 56 inches deep minimum for wall-hung water closets, and 59 inches deep minimum for floor-mounted water closets. This space can't be used or obstructed by fixtures or conveniences, such as baby-changing tables.



Source: www.ada.gov/2010_regs.htm. ADA regulation for restroom spaces. See pg 31

The laundry owner should provide grab bars in the restrooms. They should be installed in a horizontal position – 33 inches minimum and 36 inches maximum above the finished floor, measured to the top of the gripping surface. Exceptions are made for fixtures intended primarily for children’s use.

Urinals provide greater accessibility for a broad range of people, including people of short stature. There should be a stall type or wall-hung urinal with an elongated rim at a maximum of 17 inches above the finished floor. A clear floor space 30 inches by 48 inches should be provided in front of urinals to allow forward approach. This clear space should adjoin or overlap an accessible route. (In restrooms where only one urinal is provided, the 2010 Standards do not require it to be accessible.)

Under the 1991 Standards, urinal shields that do not extend beyond the front edge of the urinal rim may be provided with 29-inch clearance between them. Under the 2010 Standards, the clearance must be 30 inches minimum – and 36 inches minimum if the privacy shields are deeper than 24 inches.

Under the 1991 Standards, flush controls can be hand-operated or automatic and should be mounted no more than 44 inches above the finished floor – while the 2010 Standards permit the controls to be up to 48 inches above the finished floor.

Soap and paper towel dispensers must be mounted with the lowest operable part at a maximum of 48 inches above the floor. (Please note that state requirements may differ.)

In addition, the restroom should feature proper door and wall signage.

7. Changes in ADA Standards

It’s important for laundry owners to be familiar with the 2010 Standards, as well the ADA itself. As stated earlier, elements in facilities built or altered before March 15, 2012, which comply with the 1991 ADA Standards for Accessible Design, are not required to be modified to specifications in the 2010 Standards. For instance, the 1991 Standards allow 54 inches for a side-reach range to a control, such as an operating part of a paper towel dispenser. The 2010 Standards lower the side elements range to 48 inches; however, if a paper towel dispenser was installed prior to March 15, 2012, with the highest operating part at 54 inches,

the paper towel dispenser doesn't need to be lowered to 48 inches. The side reach requirements apply to operable parts on accessible elements, elements located on accessible routes, and elements in accessible rooms or spaces.

Since the dispenser complies with the 1991 Standards, it falls under the ADA's safe harbor provision, which attempts to ensure a balance between the need to provide the disabled with access to facilities and the need to ensure that business owners having previously complied with the requirements are not saddled with potential financial burdens in making further modifications until the element is next altered.

With that, however, the 2010 Standards include some critical changes affecting self-service laundries:

SIGNS

There are now five acceptable locations for the designation of signs as stated in the 2010 Standards. Signs generally are required to be provided to the latch side of doors. Section 703.4.2 in the 2010 Standards specifies additional permissible locations under certain circumstances, and reads as follows:

"Location: Where a tactile sign is provided at double doors with one active leaf, the sign should be located on the inactive leaf. Where a tactile sign is provided at double doors with two active leaves, the sign should be located at the right of the right-hand door. When there is no wall space at the latch side of a single door or at the right side of the double doors, signs should be located on the nearest adjacent wall. Signs containing tactile characters shall be located so that a clear floor space of 18 inches minimum by 18 inches minimum, centered on the tactile characters, is provided behind the arc of the door swing between the closest position and the 45-degree open position."

Note that an exception is made to allow tactile characters on the push side of doors with closers and without hold-open devices.

RESTROOMS

Another significant change affects water closet clearances for the single-user toilet or restroom. Now in a single-user restroom, the water closet must provide clearance for both a forward and a parallel approach. Also, in most situations, the lavatory cannot overlap the water closet clearance. The in-swinging doors of a single-use toilet or restroom may swing into the clearance around any fixture, if clear floor space is provided within the toilet room beyond the door's arc.

8. Laundry Equipment

All laundries – whether in a small multi-housing setting or a large 5,000-square-foot self-service facility – need equipment that's ADA compliant. The Standards address washing machines and dryers under Section 611 of the "Plumbing Elements and Facilities" chapter.

Top-loading machines must have the door to the laundry compartment loaded 36 inches maximum above the finished floor. Front-loading machines are required to have the bottom of the opening to the laundry compartment located 15 inches minimum and 36 inches maximum above the finished floor.

The sections in the Standards regarding laundry equipment compliancy as it relates to the ADA are located in Sections 214, 305, 308, 309 and 611. Given the organization of the Standards, a laundry owner will have to do a lot of jumping around in the manual to determine all of the requirements.

For example, in Section 214, we learn that, for a laundry where three or fewer washers are provided, at least one shall comply with Section 611 – and where more than three washing machines are provided, at least two shall comply with Section 611.

Requirements for dryers are the same as for washers. Section 611 states that a machine's operable parts – including doors, lint screens, and detergent and bleach compartments – shall comply with Section 309, which states that "operable parts" must be placed within reach ranges specified in Section 308. And Section 308 provides details about reach requirements, such as unobstructed and obstructed high reach ranges.

Continental Girbau Vice President Joel Jorgensen noted that the placement of equipment must meet accessible route guidelines.

"Door handles must be able to be operated with a closed fist," he elaborated. "In other words, knobs or buttons that are used in conjunction with the door handle or that aren't operable with a closed fist aren't considered handicap-accessible."

Moreover, Jorgensen cautioned that he and other laundry equipment professionals are merely offering "interpretations" of what is a complex law, adding that many of the "gray areas" are often left to the interpretation of local contractors and inspectors.

"Our views should in no way be confused with a replacement for the ADA code itself," Jorgensen said.

George Pierce, owner of Pierce Commercial Laundry Distributors in Mandeville, La., concurred: "I would suggest that laundry owners consult with their equipment distributor and refer to those sections regarding equipment compliancy as it relates to the ADA."

Pierce, Jorgensen and other laundry industry professionals also explained that the law doesn't certify laundry equipment as being "ADA compliant."

"Many brands and machine sizes comply with the requirements, but to my knowledge, machines that are compliant won't have a designation provided by the Department of Justice stating that fact," Pierce noted.

And, of course, simply because a vendor states that certain machines are compliant, this doesn't necessarily ensure that they are; the laundry owner needs to verify this.

Laundry manufacturers advise new investors and existing owners – before starting a construction project – to have a laundry professional assist in the design of their laundry and have that design reviewed by the appropriate local planning review officials.

9. ADA Lawsuits

To reiterate, every laundry owner must show he or she has taken reasonable steps toward making the business user-friendly for the disabled. What's more, laundry owners are responsible for making sure their places of business are accessible to those with disabilities, regardless of whether facility was built before or after ADA enactment.

Otherwise, your laundry remains open to lawsuits. And be aware that the ADA contains no requirement that violators be notified when an infraction occurs.

The Department of Justice, which oversees the ADA, is authorized to file suit to enforce the ADA. Although the DOJ typically tries to resolve matters prior to doing so, it can and will sue when deemed necessary. The ADA allows private individuals the option of either filing an administrative complaint with the DOJ or initiating a court case.

The majority of the DOJ's investigations and compliance reviews, as well as private litigations, result in settlement agreements or consent decrees. Many business owners find it more prudent to settle with the DOJ and private litigants than risk litigation, especially where noncompliant elements exist.

Since the law has extensive standards, ADA-related violations are easy to find; as a result, there has been a proliferation of ADA cases in the courts, which stem from the fact that plaintiff's attorneys have found it to be an easy vehicle for collecting attorney's fees, given the extensive requirements.

Neither the government nor business groups are tracking ADA compliance efforts of private businesses, but experts estimate that less than 2 percent of public buildings in the U.S. are in compliance. There are no comparable statistics for private entities.

"The majority of ADA-related lawsuits I've seen are most commonly filed against small, mom-and-pop businesses like restaurants, bars and small shopping centers," said Iannacone, who has not been involved in any lawsuits specifically targeting self-service laundries for ADA non-compliance.

It's remarkably easy to file a lawsuit. Under federal and state law, plaintiffs are not required to show proof of sustaining an injury to file a complaint. Also, if a business is noncompliant with the ADA, the law doesn't require a plaintiff to prove that he or she had ever entered the building. However, although a plaintiff is not required to engage in a "futile gesture" of attempting to enter a building that he or she knows to be inaccessible, the plaintiff still must have standing (a specific intent to do so) and some basis for believing that the facility is not accessible.

Given the litigious nature of American society and despite the good intent of the law, the ADA has spawned a cottage industry of "professional" plaintiffs. This shady industry is represented by unscrupulous lawyers who file dozens, if not hundreds, of lawsuits to try to obtain quick settlements. Experts reveal that a defendant's average monetary settlement with plaintiffs is between \$4,000 and \$6,000.

Alleged abuses of the law have been particularly acute in California, where several plaintiffs have fielded thousands of lawsuits. In Sacramento, for example, from 2004 to 2010, one lawyer – who is a quadriplegic – filed more than 1,000 federal lawsuits claiming ADA-related violations.

Another Sacramento man with a disability was caught on camera, allegedly shaking down a business owner with these instructions: “It’s \$6,000 a property, but the only deal I’ll cut is if we settle both – the laundromat and the liquor store – for \$9,000, if you pay in five days with a cashier’s check. And, if you don’t, the price is going to go up.”

Some people have described these lawsuits as frivolous, but Iannacone wouldn’t characterize them that way.

“All of the lawsuits I have seen have merit in that, prior to filing a lawsuit, the plaintiff has in fact identified the business as being non-compliant with the ADA,” he explained.

Iannacone advised laundry owners to address any ADA compliance issues head on, before a lawsuit is filed.

10. The Tenant and the Landlord

Some laundry owners who lease their stores may think the responsibility for being ADA compliant is the property owner’s – but that’s a big misconception. Most likely, both the landlord and the tenant will be named in an ADA lawsuit, if one is filed.

“A laundromat is considered a public accommodation under Title III because it owns, leases to or operates a place of public accommodation,” Iannacone explained. “There is broad liability and numerous potential defendants in a lawsuit – the owners of the laundromat, the lessors of the laundromat, the lessees of the laundromat and the laundromat operators.”

There is no magic formula for delineating responsibility between the landlord and the tenant regarding ADA compliance. An individual with a disability can sue either or both for alleged violations, but the landlord and tenant may allocate responsibility as between themselves. Responsibility therefore will largely depend on the wording in the lease. Typically, a lease will state that the landlord is responsible for the exterior and the tenant for the interior.

“Read your lease carefully and negotiate if you think it puts too much responsibility on you for ADA compliance,” Iannacone advised. “Be aware that many leases have a clause stating that the tenant is responsible for having an ADA inspection completed.”

Iannacone and other experts advise that, if need be, self-service laundry owners should consult an attorney.

To protect themselves legally, laundry owners should not be shy about alerting the landlord to any ADA-related issues.

"Even if the landlord is responsible for, let's say, the parking lot, it's up to the tenant to let the landlord know if the property has a problem," explained Richard Weisinger, a Los Angeles-based consultant to the self-service laundry industry and a former laundry owner. "Suppose there is a pot hole in the parking lot? The lease may show that you're not responsible for patching it. But, if a customer comes to a laundromat and twists his ankle in the pothole, there's a good chance the owner will get sued along with the landlord. So, it's a good idea for a laundry owner to have a letter on file showing that he has notified the landlord about potholes that need to be fixed."

Dower was impacted by one of the litigious Sacramento-based ADA plaintiffs.

"My landlord ended up having to re-do her parking lot and make several other changes as well," she explained. "When I was about to move in, I looked over the leasing agreement the landlord gave me. It had about four pages of disclaimers that exempted her from liability from ADA-related claims. The agreement made it clear that my landlord was not going to do any more ADA improvements to her building."

What can laundry owners do if slapped with a lawsuit? First, seek out professional legal assistance. An attorney can be costly, but you wouldn't want to go to court without one.

"Pick a lawyer wisely," Henry advised. "There are attorneys who specialize in ADA, and there are attorneys who don't have a clue about it. Look carefully for one who has had previous experience with lawsuits brought under Title III of the ADA."

If one has to go to court, a lawyer can implement a number of legal strategies to limit a business' exposure to liability and payment.

"The business should make every effort to become compliant with the ADA as soon as possible," Iannacone said. "An experienced lawyer can then adopt a number of strategies to limit the amount of money the defendant might have to pay in litigation. The key is to have an attorney implement these legal strategies and raise the legal arguments as early as possible in the process."

11. The ADA and Local Building Codes

When it comes to ADA compliance, one of the biggest areas of confusion and misunderstanding is the relationship between the ADA and local building codes and ordinances. Put simply, the federal government enforces the ADA, while local building officials don't have any authority when it comes to the Act; they only have the authority to enforce the local building codes.

It took Dower nearly six weeks to get her building permit from the city of Sacramento.

"The local officials really weren't focused on the ADA," she recalled. "On the forms they gave me to fill out, they had a disclaimer that read: 'If we approve your business for the building permit, you will be in compliance with state requirements but not necessarily the ADA federal requirements.'"

If there is a conflict between the ADA and local standards, a business must comply with whichever code provides greater access or is the least restrictive to individuals with disabilities.

“You can be issued a building permit because your coin laundry is compliant with your local building codes, but that doesn’t mean you have complied with the ADA,” Iannacone said. “You need to check with the local building department to find out if it is following the ADA requirements or if it has its own set of accessibility standards.”

Be aware that, if the local building inspectors are only enforcing the local laws and if those laws don’t follow all of the ADA requirements, the business owner can be open to a costly lawsuit.

12. Tax Credits and Deductions

ADA alterations and remodels cost money, depending on what is needed, but tax breaks in the form of a credit and a deduction are available from the federal government. Section 44 of the IRS Code addresses a tax credit known as the Disability Access Credit for small businesses, and Section 190 of the IRS code allows deductions for all businesses.

A tax credit is subtracted from one’s tax liability after calculating one’s taxes, while a tax deduction is subtracted from your total income before taxes, which establishes one’s taxable income. The tax credit can be used for architectural adjustments, equipment acquisitions and services.

“The tax credit can’t be used for the cost of new construction,” Weisinger explained. “It can only be used to adapt existing facilities that must be ADA compliant.”

The tax credit is allowable for 50 percent of eligible expenditures over \$250, up to \$10,500 annually. No credit is allowed for the first \$250 of expenditures. So your tax bill can be reduced by up to \$5,000.

“It’s a pretty good incentive,” explained Michael Davis, president of Star Distributing Co. “The tax credit can lessen the sting of becoming compliant.”

The tax deduction can be used for architectural or transportation adaptations and is available only to those businesses with gross receipts of \$1 million or less in the previous tax year and fewer than 30 employees.

The tax deduction is available to all businesses, with a maximum deduction of \$15,000 annually, and can be used for claiming expenses incurred in removing barriers and making alterations.

“There are a lot of things a laundromat can do to remove barriers and claim a tax deduction,” Cormier said. “For instance, they can make a restroom wider, lower a change machine, buy front-load washers that have doors that swing out, so long as they comply with the accessibility standards under the ADA.”

A business that annually incurs eligible expenses to bring itself into compliance with the ADA may use their tax incentives every year. If expenses qualify under both Sections 44 and 190 of the IRS code, eligible businesses can use the two incentives together.

According to the IRS regulations, "if a small business' expenses exceed \$10,250 for the maximum \$5,000 tax credit spent, then the deduction equals the difference between the total spent and the amount of the credit claimed."

The IRS provides this example of how it works: A small business that spends \$20,000 for access improvements (restrooms, ramp and doors) can take a credit of \$5,000 (based on \$10,250 expenditures) and an annual deduction of \$15,000. The deduction then is between the total amount of the expenditures and the amount of the credit claimed.

13. Hiring a Consultant

For those laundry owners who have not faced an ADA non-compliance issue, it's a good idea to have their place of business audited so as to identify any potential ADA issues.

"You can try to audit your laundromat yourself, but the ADA has a lot of intangibles," Henry explained. "My advice is to hire a professional ADA consultant."

Laundry owners will never know if they have done everything "reasonable."

Dower hired an ADA consultant when she was drafting the site plans and drawings for her coin laundry.

"It cost me about \$1,000, but it was money well spent," she said. "The consultant came through the front door, inspected our building and told us everything we needed to do to avoid a lawsuit. Then he came back again for a final inspection, after we did what he had advised us to do."

A consultant doesn't have the authority to certify your laundry, but he or she can give you a signed document that says you have met the letter of the law.

Of course, a lot of individuals with a consultant's shingle tout themselves as ADA experts, but that doesn't necessarily mean they understand the law or how it applies to a self-service laundry. A qualified consultant will have familiarity with both the ADA and the 2010 ADA Standards, as well the local building codes. So, check out a consultant closely, going beyond merely reviewing his or her resume. Ask the candidate:

- What experience do you have with design and building construction?
- How familiar are you with the ADA and local building codes?

- How many inspections have you done?
- Can you provide me with some references?
- Could I see a couple of your ADA-related inspection reports?

Some states, such as California, have so-called “Certified Access Specialists” – David Miller, for example – who help businesses with ADA compliance. In 2003, the California legislature mandated the State Architect to establish a state program for volunteer certification of any person who meets the specified criteria as a Certified Access Specialist (CASp). The legislation also required the architect to publish a list of certified access specialists who pass a special examination and receive certification.

“A Certified Access Specialist should be able to identify problems, offer solutions and draw up a plan for a client that’s tailored to their site,” Miller said.

14. Free Advice

A consultant will cost money, but laundry owners don’t necessarily have to pay for ADA advice. A lot of it is free.

“Start with your local building official,” Cormier advised. “You won’t have to pay him.”

Also, check with the State Architect. Simply say: I’m wondering if I’m ADA compliant; what do I have to do to find out?

Laundry owners also can contact one of the 10 regional Disability and Business Technical Assistance Centers (DBTACs), which work closely with local businesses to provide ADA information and technical assistance relating to employment, public services, public accommodations and communications. Collectively, these centers comprise the ADA National Network.

The DBTACs are based in Boston; Ithaca, N.Y.; Rockville, Md.; Atlanta; Chicago; Houston; Columbia, Mo.; Colorado Springs, Colo.; Berkeley, Calif.; and Olympia, Wash. Simply call (800) 949-4232 and be automatically connected them to the DBTAC serving your state.

“A big misconception is that government is not eager to help small businesses, but that’s not true when it comes to the ADA,” Miller said. “The DBTAC will answer your questions over the phone and provide you with whatever information you need to get ADA compliant.”

15. ADA Resources for Self-Service Laundry Owners

- To view the 2010 ADA Standards for Accessible Design, visit:
<http://www.ada.gov/regs2010/2010ADAStandards/2010ADASTandards.htm>.

Guidance on the 2010 Standards also is available at

<http://www.ada.gov/regs2010/2010ADAStandards/Guidance2010ADASTandards.htm>.

- To assist small businesses with ADA compliance, the U.S. Congress established a technical assistance program that can help answer questions about the ADA. You can call the Department of Justice's toll-free lines (800) 514-0031 (voice) and (800) 514-0383 (TDD). You can also visit its website at <http://www.usdoj.gov/crt/ada/adahoml.htm>.
- The U.S. Small Business Administration and the Department of Justice offer the "ADA Guide for Small Business," which explains the law in layman's terms. Visit: <http://www.ada.gov/smbusgd.pdf>.
- To view the "ADA Title III Technical Assistance Manual," which addresses the requirements of Title III (including requirements under the 1991 ADA Standards, visit: <http://www.ada.gov/taman3.html>.
- The Department of Education had founded 10 regional centers – DBTACs (Disability and Business Technical Assistance Centers) – to provide technical assistance on the ADA. Call this toll-free number from any region in the country: (800) 949-4232 (voice and TTY), or visit <http://adata.org>.
- The U.S. government's Access Board offers technical assistance on the ADA Accessibility Guidelines. Call (800) 872-2253 (voice) or (800) 993-2822 (TTY), or visit www.access-board.gov.
- There are free online webinars at www.accessibilityonline.org. These webinars – which are presented by the U.S. Access Board and the Great Lakes ADA Center (one of the DBTAC centers) – cover a variety of topics, and past programs are archived.
- The Equal Employment Opportunity Commission (EEOC) offers technical assistance on ADA provisions for employment that applies to businesses with more than 15 employees. Go to: www.eeoc.gov.
- For the web portal directory to federal government offices and services relevant to people with disabilities, go to www.disabilityinfo.gov.
- The U.S. Small Business Administration can provide information on architectural barriers and assistance on how to remove them. Visit: www.sba.gov.
- Visit the IRS's website at www.irs.gov, or call (800) 829-3676 (voice) or (800) 829-4059 (DY) to order the necessary business forms and publications: Form 8826 "Disabled Access Credit" and Publication 535, "Business Expenses" (tax deduction). You can also call (800) 829-3676 or (800) 829-4059 (TDD) to request the forms.
- For more information on providing accessible accommodations for an employee with a disability, contact the Job Accreditation Network (JAN) at (800) 526-7234 or (877) 781-9403 (TTY). You can also get a copy of the JAN's "Employer's Practical Guide to Reasonable Accommodation under the ADA." The JAN can also provide employers with a free consulting service about all aspects of job accommodation under the ADA.

In Summary

This has been an overview of the ADA, as well as your responsibilities as a laundry owner for meeting its requirements.

The ADA provides civil rights protection to the disabled, similar to those rights offered individuals on the basis of race, gender, national origin, age and religion. As “public accommodations” under Title III of the ADA, all self-service laundries must comply with the ADA’s non-discrimination requirements affecting individuals with disabilities. They must also comply with the ADA’s requirements relating to employment and to architectural standards for new construction and alterations. For existing buildings, barriers to access must be removed when it can be reasonably done without much difficulty or expense, given their resources. Only existing facilities can rely on the “readily achievable” standard.

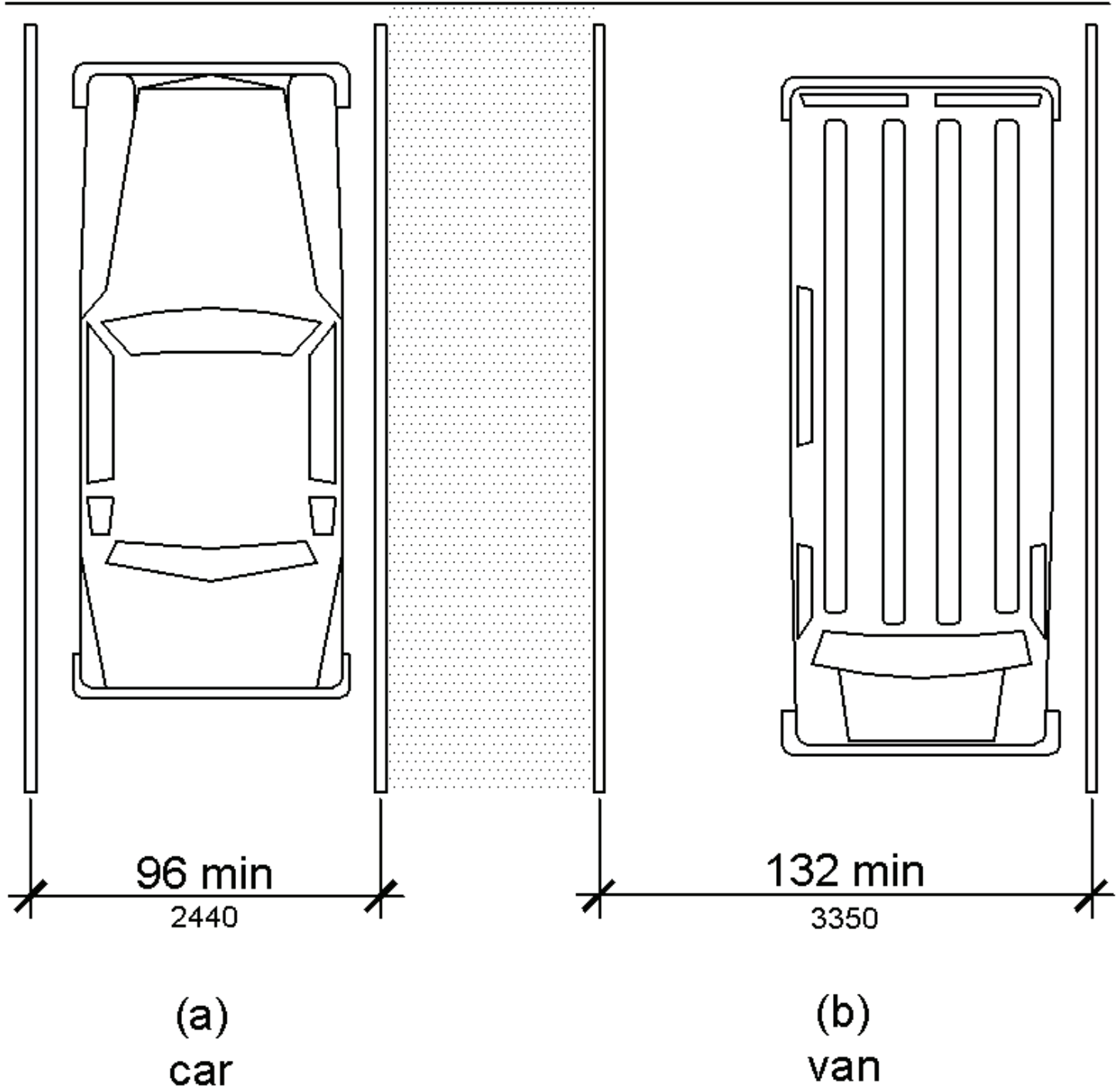
As business owners, laundry operators are responsible for making sure their places of business is accessible to those with disabilities, regardless of whether the facility housing the laundry was built before or after ADA enactment. The release of the 2010 ADA Standards for Accessible Design shows that the ADA is an evolving law.

Therefore, it’s incumbent on store owners to stay abreast of the ADA’s requirements and changes. By addressing and meeting the ADA requirements, laundry owners may minimize exposure to lawsuits, while taking advantage of tax credits and deductions. They will also be fulfilling their responsibilities as good citizens.

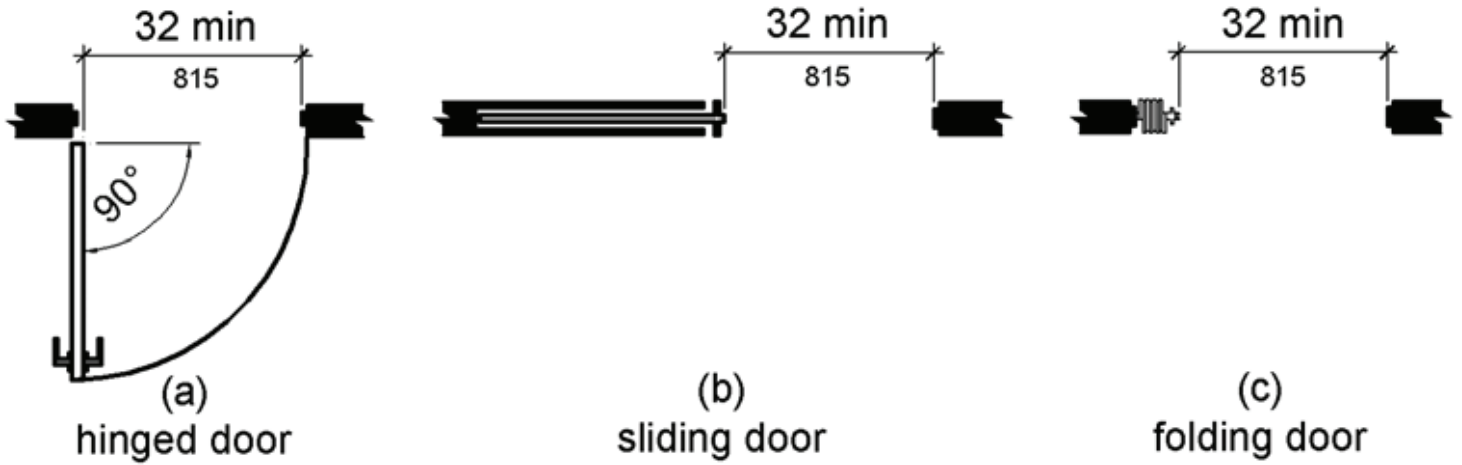
The Coin Laundry Association provides this paper as a general educational tool. It does not replace the judgment of qualified professionals based on individual facts and circumstances. The CLA disclaims liability based on the use of this paper. Regarding legal matters, advice should be sought from a licensed attorney.

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REFERENCE

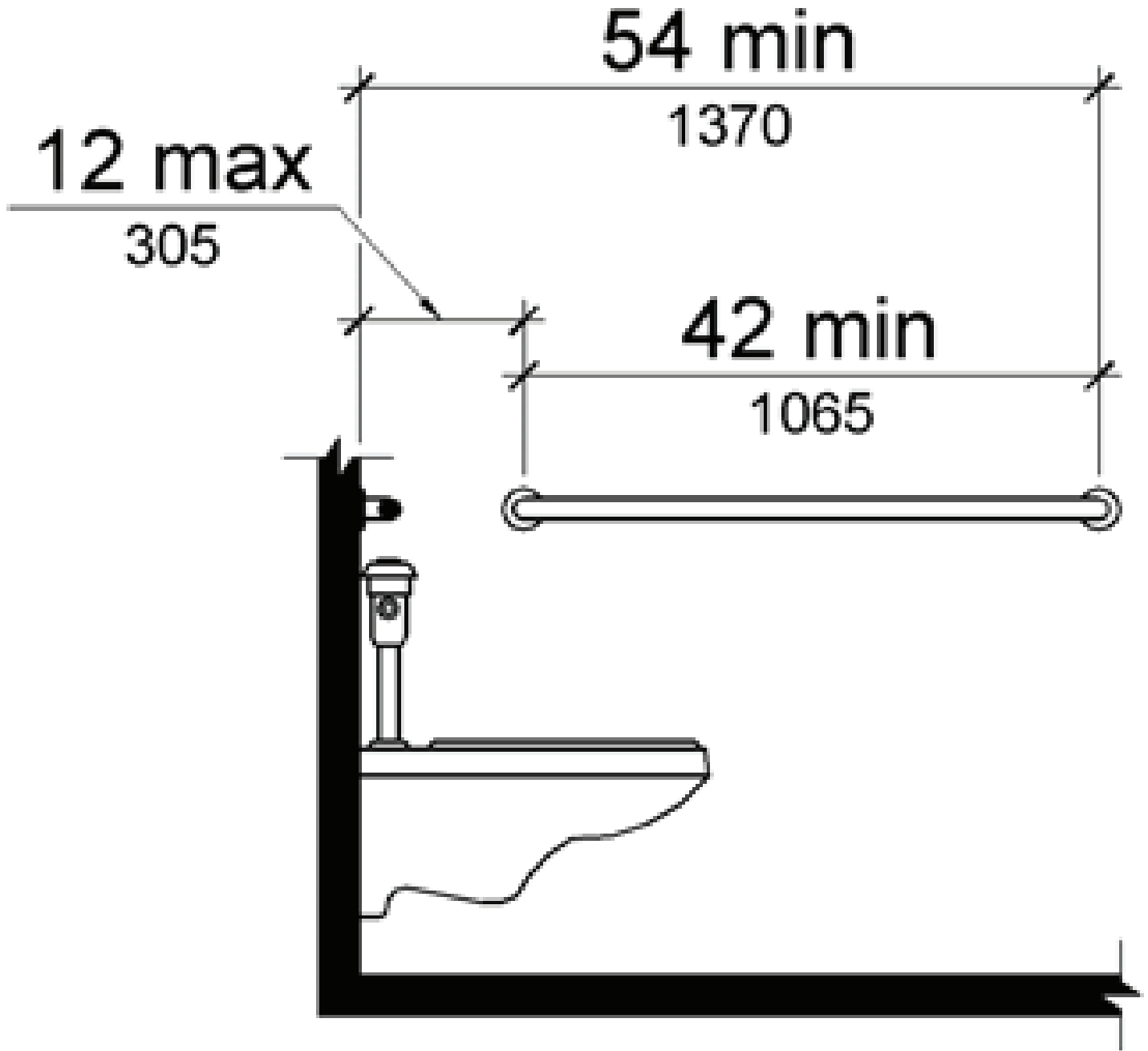


Source: www.ada.gov/2010_regs.htm. ADA regulation for parking spaces. See pg 11

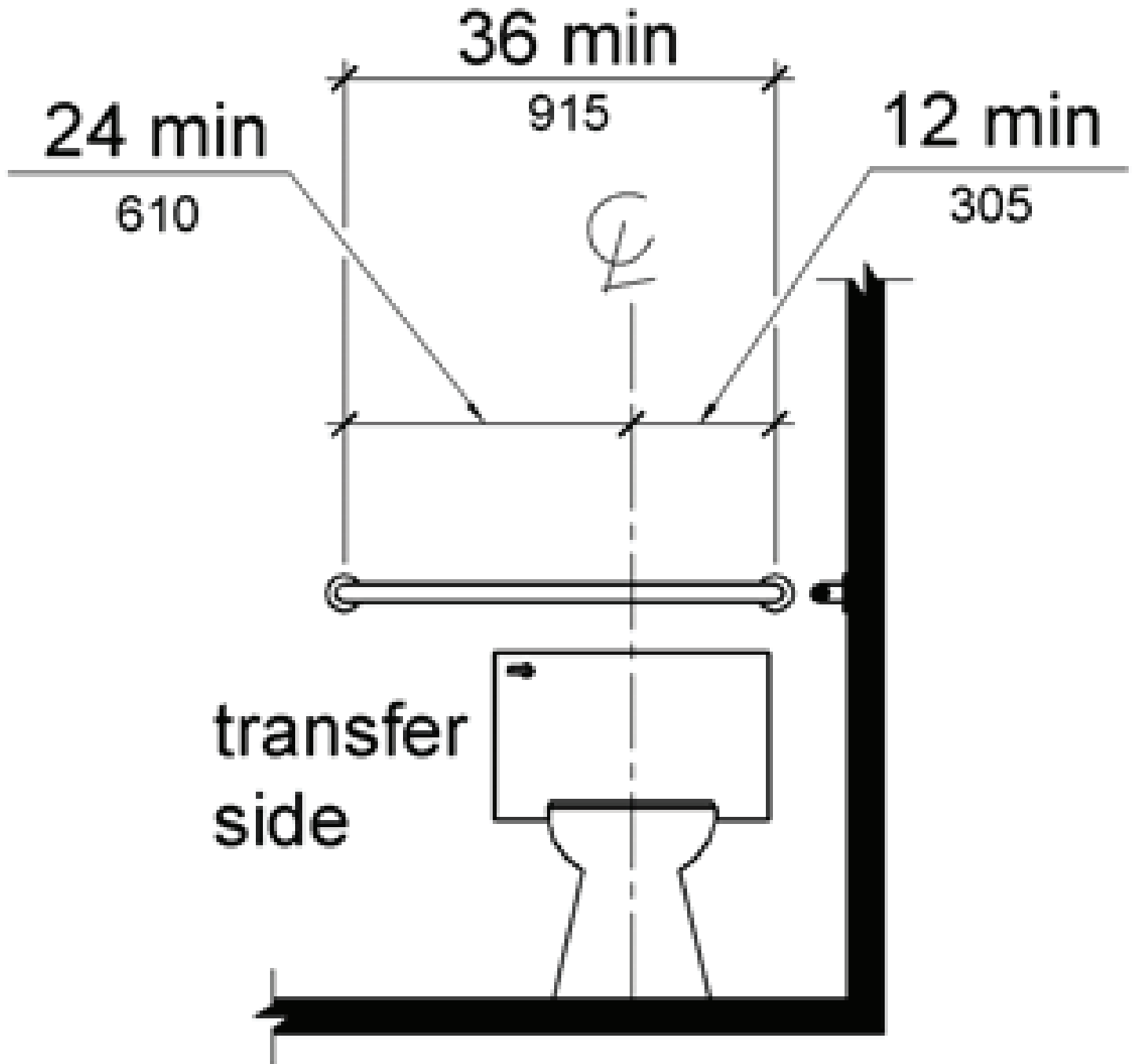


Source: www.ada.gov/2010_regs.htm. ADA regulation for doorways. See pg 13

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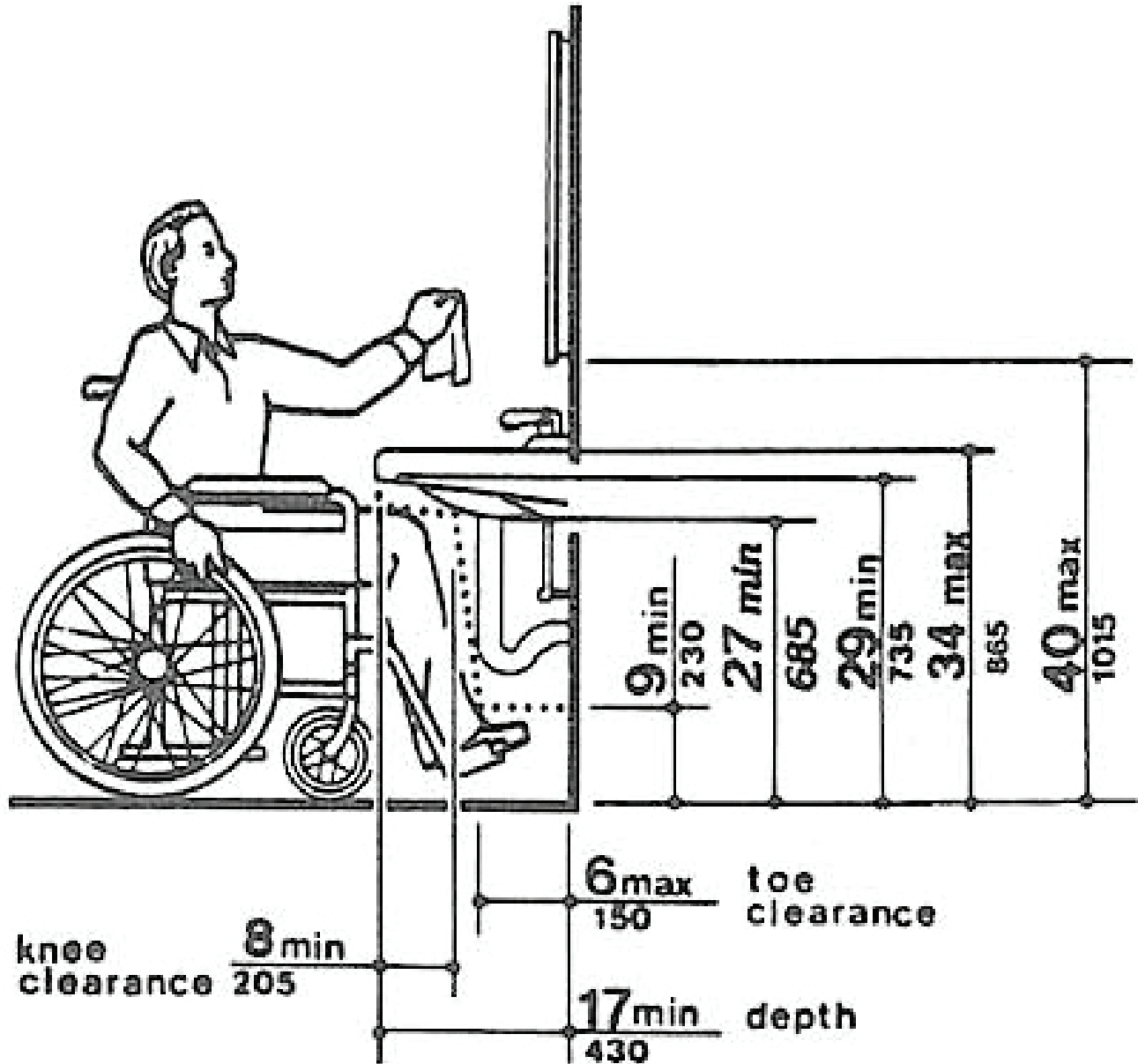


Source: www.ada.gov/2010_regs.htm. ADA regulation for hand rails. See pg 13



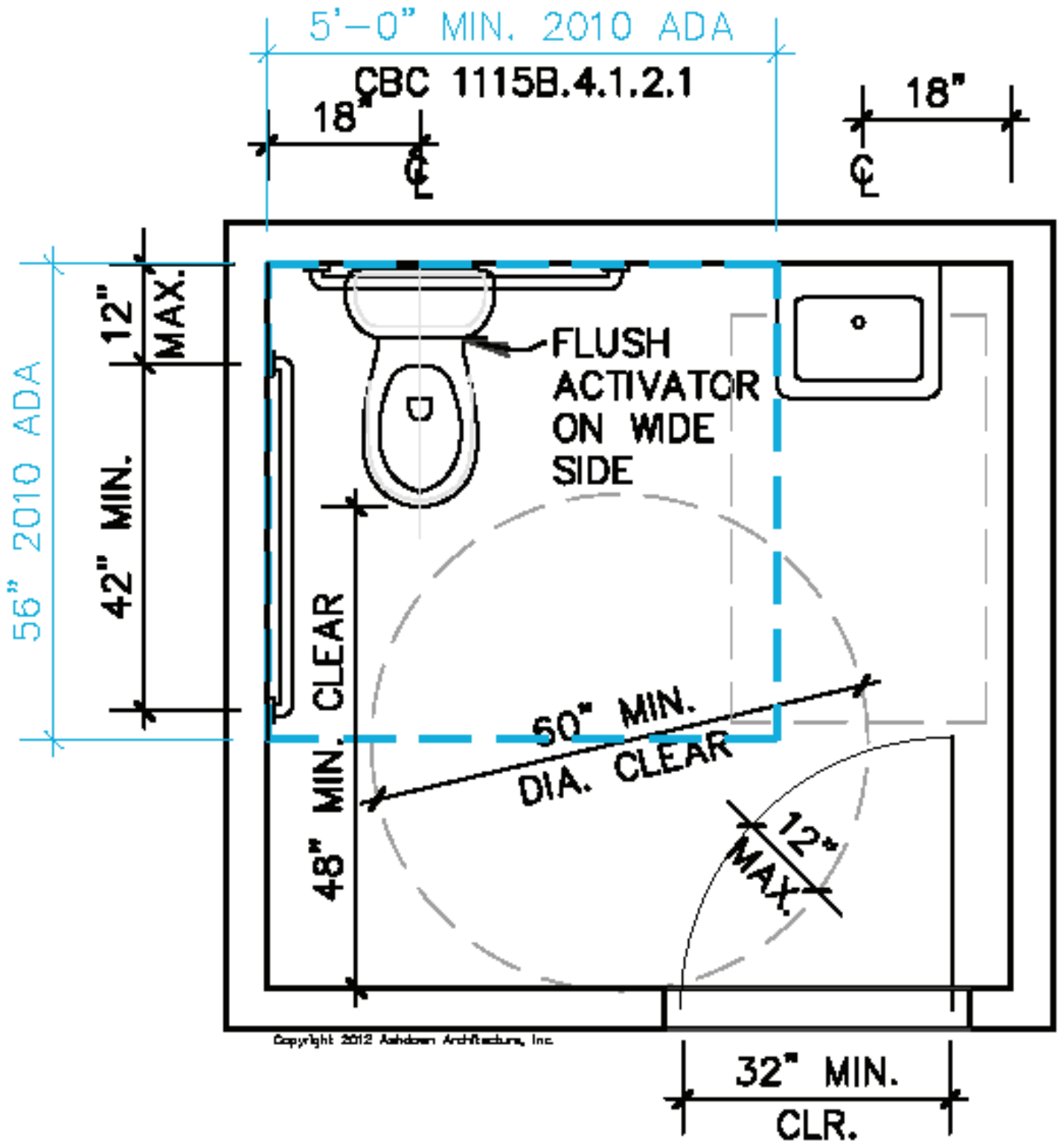
Source: www.ada.gov/2010_regs.htm. ADA regulation for single user restrooms. See pg 14

REFERENCE



**Fig. 31
 Lavatory Clearances**

Source: www.ada.gov/2010_regs.htm. ADA regulation for knee and toe clearance under a sink. See pg 14



Source: www.ada.gov/2010_regs.htm. ADA regulation for restroom spaces. See pg 15

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