



# OFFICE OF ADVOCACY FACTSHEET

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## ***Department of Justice Considering New Americans with Disabilities Act Rule that May Affect Small Businesses***

Advocacy has prepared summary materials to inform small businesses about how new Americans with Disabilities Act (ADA) accessibility requirements could apply to them. On September 30, 2004, the Department of Justice (DOJ) published an advanced notice of proposed rulemaking asking the public to comment on how it should apply new handicapped accessibility requirements to existing facilities open to the public or even those only made available to employees. DOJ is considering adopting standards recently passed by another Federal agency, the Access Board, and is turning to regulated businesses and others to hear about how these new ADA rules could affect them. Below are a few of the issues raised in the rulemaking as they pertain to a wide variety of small businesses, including everyone from manufacturers to office-based employers. Advocacy seeks your help in determining how these and other provisions not included here could affect small businesses.

**Contact assistant chief counsel Michael See for more information and information on how to submit comments to DOJ and to Advocacy at [Michael.See@sba.gov](mailto:Michael.See@sba.gov) or (202) 619-0312.**

- Title I of the ADA exempts very small employers from some employee accommodation requirements. But, these new rules fall within a different section of the ADA and would apply to *every* business, regardless of size.
- One provision of the new standards may require *employee only* areas to be wheelchair accessible. This provision may apply whether the employer has ever had an employee in a wheelchair or is likely to in the future. Also, this requirement may apply to premises that are not open to the public, such as manufacturing plants.
- New reach ranges for customers may change from 9-54 inches to 15-48 inches. If DOJ adopts this new range, items in customer areas that may have been installed at 50 inches from the ground to comply with the old ADA rules would have to be lowered.
- The new standards may change the current requirement for 50% of public entrances to be wheelchair accessible to 60%. For example, a small business with two public entrances would be required to have one accessible under the old rule, but the new rule may require both to be accessible.

There are many more requirements in the new standards DOJ is considering, covering areas from parking spaces to restrooms. Advocacy will be submitting detailed comments to DOJ on the effects the new ADA standards could have on small business, and seeks specific, detailed information from small business owners on how the new rule could affect them individually. Comments are due to DOJ by May 31, 2005.