



National Endowment for the Arts
Office of Accessibility

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

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](#) (2010 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
- U.S. Access Board at 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?

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, [28 CFR, Part 36](#))
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.

This Tipsheet was developed by the Accessibility Offices at the John F. Kennedy Center for the Performing Arts and the National Endowment for the Arts.

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.

2010 ADA Standards Receivers for Assistive Listening Systems		
Capacity of Seating in Assembly Area	Minimum # of Required Receivers	Minimum # of Receivers Required to be Hearing-aid Compatible
50 or less	2	2
51 to 200	2, plus 1 per 25 seats over 50 seats or fraction thereof	2
201 to 500	2, plus 1 per 25 seats over 50 seats or fraction thereof	1 per 4 receivers or fraction thereof
501 to 1000	20, plus 1 per 33 seats over 500 seats or fraction thereof	1 per 4 receivers or fraction thereof
1001 to 2000	35, plus 1 per 50 seats over 1000 seats or fraction thereof	1 per 4 receivers or fraction thereof
2001 and over	55 plus 1 per 100 seats over 2000 seats or fraction thereof	1 per 4 receivers or fraction thereof

EXAMPLE

Theater A has a maximum seating capacity of 2225. Per the previous chart, they are required to have 55 receivers (the minimum) plus 1 per 100 seats over 2000 seats or fraction thereof (the additional receivers).

Calculate the additional receivers using the chart above. Always round up.

1. Calculate additional seats: $2225 \text{ (total seats)} - 2000 = 225$
2. Divide by 100: $225/100 = 2.25$
3. Round up: 3
4. Add the number of additional receivers to the minimum number required:
 $55+3= 58$ receivers

Calculate the number of hearing-aid compatible receivers. (1 out of 4, or 25%).
Always round up.

1. Take the number of required receivers calculated above: 58
2. Divide by 4: $58/4 = 14.5$.
3. Round up: 15 receivers.

Theater A is required to have 58 receivers, 15 of which must be hearing-aid compatible.

FIND IT IN THE REGULATIONS

State and Local Governments: [Title II regulations at 28 CFR 35.151 and the 2004 ADAAG at 36 CFR part 1191, appendices B and D](#)

Places of Public Accommodation: [Title III regulations at 28 CFR part 36, subpart D; and the 2004 ADAAG at 36 CFR part 1191, appendices B and D](#)

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.

NOT APPLICABLE for Assistive Listening Systems