

Manhattan Community Board 4  
Recommendations for  
Making business entrances compliant with the  
American with Disability Act (ADA)

Manhattan Community District 4's (CB4) residents have a high propensity to walk and use public transportation. This makes for a vibrant neighborhood and crowded sidewalks along the avenues where most shopping and dining takes place. However, the buildings along the avenues date back to the earlier part of the last century and are often not accessible from the street. At the same time, the population is aging and the numbers of people restricted in their destination is growing.

There are 107 non-ADA-compliant business entrances on the portion of Eighth and Ninth Avenues that have narrow sidewalks (34<sup>th</sup> to 57<sup>th</sup> Streets). A recent wave of lawsuits initiated against business owners to compel them into making their entrances accessible is resulting in bulky ramps that are being built haphazardly. On the very narrow sidewalks of Eighth and Ninth Avenues, the ramps encroach on the pedestrians' right of way.

Manhattan CB4's Transportation Committee convened a working group in January 2018 to address these issues.

Over a 6-month period, the "ADA working group" explored rules and design issues. They met with the Commissioner of the Mayor's Office for People with Disabilities; they performed a non-exhaustive survey of current installations. The task force's licensed architect studied both the Federal regulations and the New York City Department of Building regulations. Task force members, Martin Treat, Board member of "Disabled In Action" and Ken Stewart, President, Metropolitan Council of Low Vision Individuals, a chapter of the Council of Citizens with Low Vision International, contributed their experience and expertise on the matter.

The recommendation of the ADA working group is (1) to provide to business owners a flyer (attachment A) to describe the compliance rules, the legal risks related to non-compliance and the preferred design of ADA ramps in order to share the sidewalk most effectively; (2) to integrate this topic in the Business License and Permits process, which offers the best opportunity to educate new business owners.



# How to Comply with ADA guidelines

## (Building entrances that preserve the right of way)

One million people with disabilities live in New York City, and this population is growing to encompass many seniors. The disabled population is underserved, even though it has access to significant discretionary income, with 25% earning more than \$90,000/ year.<sup>1</sup> People with disabilities have the potential to make great customers when they have access to your business.

The federal **Americans with Disabilities Act (ADA)**<sup>2</sup>, passed in 1990, requires that all newly constructed or renovated buildings and stores be accessible to persons with disabilities and existing businesses and stores remove barriers that are readily achievable. In New York City, the Building Code also requires that newly constructed or renovated buildings and stores be accessible to disabled persons with disabilities and the Department of Buildings (DOB) regulates and enforces it.

1. When renovating a store, you need to comply with the NYC Building Code Accessibility provisions if your renovation meets one of these criteria:
  - Change in use of space (ex. clothing store converted to restaurant)
  - Change in entry door location
  - Scope of the renovation is over 50% of the building's replacement value
2. If your store does not meet any of these criteria, you could still be sued under the ADA **Barrier Removal** provisions, which requires readily achievable removal of barriers within a reasonable time frame. Because the ADA legislation passed over 28 years ago, judges rule that the building owners have had ample time to comply.

In **Manhattan Community District 4**, with its narrow sidewalks on 8th and 9th Avenues and many side streets, building an ADA-compliant entrance can be a challenge, as one must balance the needs of persons with disabilities with the district standard of 8' minimum pedestrian right-of-way on the sidewalk.

The **New York City Mayor's Office for People with Disability (MOPD)**<sup>3</sup> has resources for small businesses, including Federal Tax incentive programs, signage, door opening designs, and how to confirm compliance with the accessibility provisions of the NYC Building Code.

See reverse for best practices to make your entrance ADA compliant and preserve the maximum pedestrian right-of-way in our neighborhood.

\*The information herein is not comprehensive, and should not be deemed legal advice. Please consult with the DOB, your licensed architect, and/or your attorney to make sure that your entranceway plan meets legal requirements.

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<sup>1</sup> <https://www1.nyc.gov/assets/mopd/downloads/pdf/selected-characteristics-disabled-population.pdf>

<sup>2</sup> [https://www.ada.gov/ada\\_title\\_III.htm](https://www.ada.gov/ada_title_III.htm)

<sup>3</sup> <http://www1.nyc.gov/site/mopd/initiatives/small-business-resources.page>



# Best Practices to Comply with ADA Requirements for Building Entrances

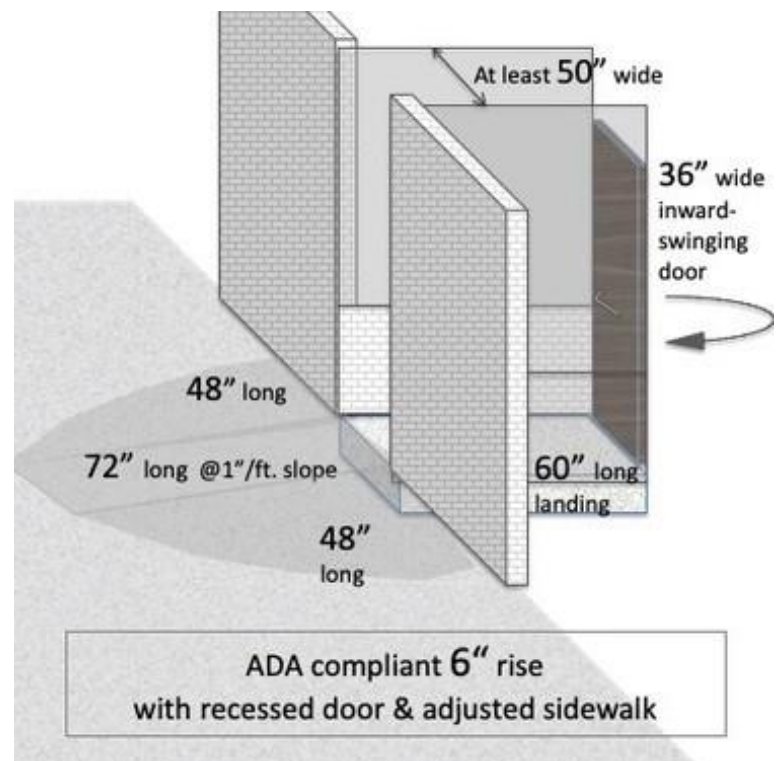
As a rule of thumb, a ramp must be 12 times as long as its rise. For example, a ramp that rises 6 inches will be 6 feet long (1:12 slope), plus landing. ADA allows that a 6" or less rise can have a maximum slope of 1:10. In general, there are two strategies to make a business's entry door accessible to people with disabilities. The preference of Community Board 4 is that all ramps be inside the building entrance and not on the sidewalk to the extent possible (below). In some contexts it may be difficult to accommodate the lengths required, so you should consider combining some of the strategies outlined.

## If floor level at entry door is 6" or less above sidewalk:

It may be possible to adjust the slope of the sidewalk outside the door in order to create the upslope plus the required landing for the door.<sup>4</sup> No handrail or edge protection is required if the entry door is sufficiently recessed, or could be made so, then the required door landing could also be recessed inside of the building line.

## If floor level at entry door is more than 6" above sidewalk:

It might be necessary to install a more typical ramp with handrails and edge protection. Because of the limited space on our sidewalks, it is preferable to install a ramp on the interior, which eliminates conflicts with sidewalk space. The detailed code requirements that govern ramps can be found in NYC Building Code, section BC1010 – Ramps.<sup>5</sup>



For rises 6-12", it might be possible to install a less-than-6" ramp on the exterior, and another on the interior, neither of which would require railings or edge protection. Even for rises greater than 12", this combined interior-exterior approach may allow one of the two ramps to be 6" or less, without railings.

The least preferable option to CB4 is an exterior ramp with railings. In most cases it will have to be oriented parallel to the face of the building. The sidewalk should retain at least 8' of clearance, but a larger clearance is strongly preferred due to crowding. Please note that most storm enclosures (also known as winter vestibules) and removable ramps are not ADA compliant.

<sup>4</sup> Note that the ability to use this strategy may be affected by the natural slope of the sidewalk itself.

<sup>5</sup> [https://www1.nyc.gov/assets/buildings/apps/pdf\\_viewer/viewer.html?file=2008CC\\_BC\\_Chapter\\_10\\_Means\\_of\\_Egress.pdf&section=conscode\\_2008](https://www1.nyc.gov/assets/buildings/apps/pdf_viewer/viewer.html?file=2008CC_BC_Chapter_10_Means_of_Egress.pdf&section=conscode_2008)

<sup>6</sup> Detailed code requirements can be found in NYC Building Code, section BC1010 – Ramp