

# ACCESS EQUALS OPPORTUNITY: RETAIL STORES

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## **Q. Are retail stores required to have TTYs (TeleTYpewriters)?**

**A.** No. For making calls to or receiving calls from customers with hearing or speech impairments who use TTYs, retail stores will be able to rely on the relay systems that telephone companies must establish by July 26, 1993. Operators employed by relay systems will relay communications between TTY-users and people using conventional telephones. Only those businesses that allow their customers or clients to make outgoing calls on more than an incidental convenience basis must provide TTYs.

Retail stores can ensure effective communication by telling staff who answer the telephone to anticipate incoming calls through the relay services. Handling these calls may take longer because an operator at the relay system will be receiving typed communications from the caller and will also be using the relay system equipment to type communications from the retail store staff person to the caller. Training should be undertaken as soon as possible because at least 40 states already offer some type of relay service.

For your information, however, a TTY is relatively inexpensive, usually costing about \$275 and would be welcome service for customers with hearing or speech impairments. Businesses with TTYs should list their telephone number followed by "Voice/TTY" in any publications or advertisements to signify that customers can communicate with them by voice or TTY.

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## **Q. Are retail stores that offer parking required to provide accessible parking spaces for people with mobility impairments? If such parking is required how many spaces must be provided?**

**A.** Yes. If a retail store owns and operates the parking lot, it must provide accessible parking if it is readily achievable to do so. If a retail store is a tenant, responsibility for providing accessible parking rests with both the landlord and the tenant. These responsibilities may be allocated between the landlord and tenant in the lease or other contract.

The spaces must comply with the dimensions specified in the ADAAG if it is readily achievable to meet those standards. The ADAAG also specifies a formula for determining the appropriate number of accessible spaces which must be followed if it is readily achievable to do so. If it is not readily achievable to comply with the ADAAG standards for the number and dimensions of accessible spaces, a retail store must provide as many

spaces as readily achievable and of readily achievable dimensions.

If it is not readily achievable to provide any accessible spaces, a retail store could consider providing valet parking as an alternative method of providing access.

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**Q. Are retail stores required to remove barriers posed by sidewalk curbs?**

**A.** Curb cuts (also known as curb ramps) enable people who use wheelchairs or other mobility devices to have ready access to retail stores. If the only parking available is on a city street and the retail store does not own or control the sidewalk, the municipality, not the retail store, is responsible for providing curb ramps. If a retail store owns or controls the sidewalk, it must provide curb ramps if readily achievable. If a retail store is a tenant, responsibility for providing curb ramps rests with both the landlord and the tenant. These responsibilities may be allocated between the landlord and tenant in the lease or other contract.

The ADAAG establishes standards for construction of curb ramps that must be followed if readily achievable.

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**Q. Must all entrances to existing retail stores be accessible?**

**A.** No, but one entrance, preferably the main entrance, must be accessible, making it possible for people with disabilities to "get through the door." For most businesses, ramping one step or even several steps will be readily achievable.

Installation of a permanent ramp, rather than a portable one, is required unless such installation is not readily achievable. If a public accommodation cannot meet the ADAAG's technical requirements for ramps because of space or other limitations, it can deviate slightly from these specifications as long as the ramp is still safe.

If a permanent ramp cannot be installed, a portable ramp must be used if readily achievable. Portable, i.e., moveable, ramps also must be safe. Most portable ramps are relatively inexpensive to purchase or construct.

A retail store using a portable ramp should install a doorbell or intercom (with an appropriate sign) to summon an employee to bring the ramp to the door if readily achievable. If the accessible entrance is one other than the main entrance, a sign at the main entrance should indicate where the accessible entrance is located.

If none of these access options is readily achievable, alternative means to provide service must be considered, such as curbside service at no additional charge.

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**Q. How does a retail store know if the doorway for the accessible entrance is wide enough for customers who use wheelchairs or other mobility devices?**

**A.** The ADAAG standard states that a minimum of 32 inches of clear opening measured between the face of the door and the opposite stop when the door is opened 90 degrees

is required to provide access for customers who use wheelchairs or other mobility devices. Offset hinges can increase the amount of clear space by several inches.

Automatic or push button doors are the best for providing access. Whether installing them is readily achievable or not depends on the circumstances of the individual retail store.

Another measure that makes doors easier to use, not only for customers who use mobility devices but also for those who have conditions that limit their manual dexterity, is to install lever or U-shaped handles. Some retrofit levers cost less than \$10 and can improve access significantly.

Adjusting door closers or springs and oiling hinges are also inexpensive steps that make it easier to open doors and prevent them from closing too quickly. Widening doors, installing accessible door handles, and making door adjustments are examples of modifications that will be readily achievable for most businesses.

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**Q. Must retail stores allow service animals, including guide dogs, to accompany customers with disabilities into retail stores?**

**A.** Yes.

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**Q. Can a retail store deny service to a person with a disability because his or her disability or behavior resulting from the disability may be disturbing to other customers?**

**A.** No. The ADA specifically prohibits this type of discrimination against people with disabilities.

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**Q. How do retail stores make their merchandise accessible to customers with various disabilities?**

**A.** Customers who use wheelchairs, crutches, or other mobility devices, customers with limited manual dexterity, and customers who are blind or who have limited vision tend to experience certain types of access problems in retail establishments. For example, people who use wheelchairs often cannot move down aisles when stock or displays are placed in them.

Although widening aisles where merchandise is displayed is an ideal solution for customers who use wheelchairs, in many retail establishments it will result in a significant loss of selling space and is, therefore, in those cases not readily achievable.

Some retail stores, such as department stores, may be able to rearrange display racks and shelves in a way that does not result in a significant loss of selling space.

Placing lightweight items on higher shelves and heavier items on lower shelves and offering the use of a device for reaching high items will improve the usability of a store not only for customers with mobility impairments but also for customers with manual

impairments. Otherwise, sales clerks should offer assistance in reaching items.

Moving boxes and displays that impede access to aisles or could trip a customer with a vision impairment is a simple, common sense solution to certain access problems that also makes access easier for other customers.

For retail businesses housed in cramped facilities, there may be no storage alternative for boxes placed in the aisles. If readily achievable, the store could provide service at the door to customers who are unable to move down the aisles.

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**Q. What is required to make retail store elevators accessible?**

**A.** If readily achievable, stores must install raised letters and Braille on the control panels and outside the doors for blind customers.

Placing a large, high-contrast sign indicating the floor number outside the elevator and opposite the elevator door helps orient people with limited vision.

If elevator controls are mounted out of reach of wheelchair users and it is not readily achievable to lower them, installing a stick or pointer near the control panel will help some customers operate the elevator independently. Door timers must also be adjusted so the doors do not close too quickly.

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**Q. Are retail stores that display merchandise on more than one floor reached only by stairs required to install an elevator?**

**A.** Although installing an elevator will not be readily achievable for most stores, some access to floors above or below the ground level may be required. If there are only several steps to reach the additional levels, a ramp is required if it is readily achievable to install one. If there are many steps, installation of a wheelchair lift, which is much less expensive than an elevator, is required if readily achievable. Other alternatives include using accessible routes such as a freight elevator or rear entrance.

Retail establishments with limited space and resources and without accessible alternative routes available must take other creative steps to make the merchandise available. Courtesy and common sense should dictate what methods are most suitable. Alternative methods include bringing samples of the merchandise from the inaccessible level to the accessible level; using photo albums with price lists; and video taping the merchandise.

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**Q. Do dressing rooms need to be accessible?**

**A.** If it is readily achievable, stores must alter one or more dressing rooms to allow use by customers who use wheelchairs or other mobility devices. If it is not readily achievable to provide an accessible dressing room, alternative methods must be used, such as establishing a liberal return policy so customers who cannot use the dressing rooms can take merchandise home to try on.

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**Q. Are clothing stores required to provide assistance in dressing rooms to people with disabilities?**

**A.** Department of Justice states that dressing assistance is required in stores where individualized assistance in selecting and trying on garments is provided. In a store where such assistance is not offered generally, it is not required because it is not provided to other customers.

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**Q. What are the best ways to make signs and other written information accessible to people with vision impairments?**

**A.** Store directories must be made accessible if this does not pose an undue burden. Options include Braille, large print, audio tape, and personal assistance. Audio cassettes are useful because many people who are blind do not read Braille. Large print signs and documents are helpful to people with limited vision, including older shoppers, and to those reading directories from a distance, such as people who use wheelchairs.

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**Q. Do price tags have to be in Braille for customers who are blind?**

**A.** No. A salesperson could offer to assist customers who are blind or who have limited vision by describing the items and reading prices and labels. This is a low- or no-cost solution that embodies common sense, courtesy, and good business practice. For most retail establishments, putting all price tags in Braille could not be done without significant expense. Furthermore, many blind individuals do not read Braille.

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**Q. What measures are required in retail establishments for people with cognitive impairments such as a mental retardation?**

**A.** Accommodating people with cognitive impairments can include reading the price tags or product information, using color-coded pictorial maps showing what products are sold in particular locations in the store, and hanging a sign with a large question mark over customer service areas so people with cognitive disabilities know where to go for assistance.

Retail personnel should use simple, direct language and speak in short sentences.

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**Q. If a store is staffed with only a single cashier, is the cashier required to leave the cash register to assist a customer with a disability?**

**A.** No. The ADA does not require a cashier to leave the register if doing so poses a security risk.

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**Q. How can a retail establishment communicate with a customer who is deaf or hard of hearing or who has a speech impairment?**

**A.** Most customers who are deaf or hard of hearing will identify themselves by writing a note or using hand gestures. When a salesperson has determined that a customer is deaf or hard of hearing, he or she can communicate by writing notes. Maintaining face-to-face contact is important for communicating with a customer who reads lips.

The services of a sign language interpreter are not necessary to accomplish most retail transactions that are short and straightforward with deaf individuals but may be necessary to communicate effectively in an unusually complex transaction.

Stores that use public address systems to announce special offers or sale days should consider providing electronic bulletin boards or print announcements near doors and check-out counters to announce these events as a way to communicate effectively with customers who are deaf or hard of hearing if they can do so without incurring significant difficulty or expense.

It is also important for retail businesses to communicate effectively with customers with speech impairments. Allowing sufficient time for a person with such a disability to express himself or herself or to spell out a message on his or her word board are examples of methods to achieve effective communication.

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**Q. Must retail establishments install visual fire and other emergency alarms?**

**A.** Where audible alarms are provided, visual alarms must be added if readily achievable. The ADAAG specifies the types of alarms that meet this requirement.

People who are deaf or hard of hearing depend on visual alarms to alert them to fire or other emergencies. It is suggested that signs be placed next to alarms indicating their purpose. Retail store maps or directories should also point out the location of visual alarms.

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**Q. Is a retail store required to stock special goods for customers with disabilities?**

**A.** No. Retail stores are not required to stock special goods. For example, a book store is not required to stock Braille books. However, if the store routinely makes special orders for its customers and the special goods can be obtained from a supplier with whom the store customarily does business, it is required to make a special order for a customer with a disability.

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**Q. What must retail stores do to make check-out aisles accessible to people who use wheelchairs or other mobility devices?**

**A.** If a store already has one or more accessible check-out aisles, customers with mobility impairments should be provided a level of convenience equivalent to that provided for other customers. The store must either keep an adequate number of accessible aisles open or otherwise modify its policies or practices. For example, if only one aisle is accessible and it is an express aisle limited to customers purchasing fewer than 10 items,

the store must permit a customer who uses a wheelchair to make his or her purchase at the express lane, regardless of the number of items.

If the store has no accessible check-out aisles, then at least one accessible check-out aisle is required in facilities with less than 5,000 square feet of selling space if readily achievable. In facilities with 5,000 or more square feet of selling space, at least one accessible aisle of each design being used by the business is required if readily achievable.

Signs identifying the accessible check-out aisle(s) must also be provided if readily achievable. If it is not readily achievable to provide any accessible check-out aisles, stores must provide readily achievable alternative methods for customers to pay for merchandise, such as assistance at the check-out counter or manager's desk.

Adjustments needed to provide access to check-out aisles must comply with the ADAAG if readily achievable.

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**Q. Must retail stores provide accessible rest rooms? How can rest rooms be made accessible?**

**A.** If rest room facilities are provided for public use, at least one accessible rest room must be available when readily achievable. Certain relatively simple steps can increase access and usability. Widening entry and stall doors; moving obstacles such as vending machines; rearranging toilet partitions to increase maneuverability for customers using wheelchairs; installing a raised toilet seat; installing grab bars near the toilet; repositioning paper towel dispensers; installing lever handles on at least one sink; and installing insulation material around exposed lavatory pipes to prevent wheelchair users from burning their legs while sitting at the sink are examples of readily achievable measures for most businesses. If a retail store provides more than one rest room and not all are accessible, a sign should indicate where the accessible rest room(s) is (are) located.

Simple symbols indicating which facilities are for men or women are easier for some people with cognitive impairments (such as mental retardation) to understand than words or other images. Raised letters and Braille differentiating men's and women's rest rooms are important for people who are blind, and large, high-contrast signs help people with limited vision. Retail stores must take all of these measures if readily achievable.

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**Q. Must retail stores have accessible drinking fountains?**

**A.** If stores have drinking fountains, they must make them accessible if it is readily achievable to do so. To make fountains accessible, mount them low enough to be easily reached from a sitting position or install a paper cup dispenser within easy reach.

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**Questions about Public Accommodations laws and enforcement? Contact the King County Office of Civil Rights, 206-296-7592, TTY 206-296-7596.**