



U.S. Department of Justice

*United States Attorney's Office
Eastern District of Kentucky*

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Lexington, Kentucky 40507-1612

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July 7, 2022

Sent via email

Re: Americans with Disabilities Act Obligations for Outdoor Dining Areas

Dear Municipal Colleague:

We are aware that as part of a continuing strategy to mitigate the spread of COVID-19, many local municipalities have allowed restaurants to expand their outdoor dining spaces onto streets, sidewalks, and parking lots. We are writing today to simply remind municipalities and any restaurant within your jurisdiction that the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§12101 *et seq.*, applies to all restaurant dining spaces, including outdoor areas.

Under the ADA, restaurants must ensure that all dining areas and routes to such areas are accessible. A portable ramp can be used to create an accessible path of travel from the restaurant building/sidewalk to the outdoor dining area if an outdoor dining space is placed in the street below curb level. Indoor and outdoor seating must include tables that are accessible to a person using a wheelchair, and tables must be arranged far enough apart so that a person using a wheelchair can maneuver around them while other diners are seated.

In addition, municipalities, who often must approve the use or expansion of outdoor dining, must ensure that outdoor dining areas do not obstruct the accessible path of travel on sidewalks. Specifically, outdoor dining spaces must not block access or reduce the width of nearby sidewalks to less than 36 inches. Additionally, outdoor dining spaces should not reduce the availability of accessible parking spaces in streets and parking lots.

We encourage you to consider and discuss the obligations of the ADA with any restaurant within your jurisdiction that seeks to create or expand an outdoor dining area. The U.S. Attorney's Office for the Eastern District of Kentucky is committed to enforcing the Americans with Disabilities Act. This letter summarizes only a few of the ADA's

requirements. Additional useful technical assistance on the ADA's requirements, including a detailed discussion of the ADA's requirements applicable to state and local governmental entities and public accommodations, such as restaurants, can be found at www.ada.gov. The Department has also included information about the ADA's application to outdoor dining establishments in a list of frequently asked questions about COVID-19 and the ADA, available at <https://beta.ada.gov/notices/2021/08/25/covid-qa/>.

Please contact me or Paul Dillon if you have any questions or concerns. I can be reached by phone at 859-685-4869 or by email at carrie.pond@usdoj.gov. Mr. Dillon can be reached by phone at 859-685-4934 or by email at paul.dillon@usdoj.gov. We hope that the summer weather allows all diners in the Eastern District of Kentucky to safely enjoy good food and friends at their favorite local restaurants.

Sincerely,

Carlton S. Shier, IV
United States Attorney

By: Carrie B. Pond
Carrie B. Pond
Assistant United States Attorney