



MANHATTAN RESTAURANTS ADA COMPLIANCE REVIEW

Survey Form

Title III of the Americans with Disabilities Act of 1990 ("ADA") provides, among other things, that "[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation." 42 U.S.C. § 12182(a). The term "public accommodation" includes "a restaurant, bar, or other establishment serving food or drink[.]" 42 U.S.C. § 12181(7)(B). The ADA authorizes the Department of Justice to investigate alleged violations of Title III and to initiate compliance reviews of covered entities. 42 U.S.C. § 12188(b)(1)(A)(i); 28 C.F.R. § 36.502(c). The United States Attorney's Office for the Southern District of New York is charged with enforcing the federal civil rights laws, including Title III of the ADA, in the Southern District of New York, which includes Bronx, Dutchess, New York, Orange, Putnam, Rockland, Sullivan, and Westchester counties. 28 U.S.C. § 112(b).

I. RESTAURANT NAME AND ADDRESS

Name of restaurant

Restaurant street address

II. OWNER AND OPERATOR INFORMATION

The ADA prohibits discrimination by "any person who owns, leases (or leases to), or operates a place of public accommodation." 42 U.S.C. § 12182(a). "Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation are public accommodations subject to the requirements of this part." 28 C.F.R. § 36.201(b). Accordingly, the questions in this section are designed to elicit information about each entity that owns, leases, or operates the restaurant.

1) State the full name and address of the corporation, partnership, or other artificial entity that **owns** the building that houses the restaurant. If more than one corporation, partnership, or other artificial entity has an ownership interest in the restaurant, you may attach a separate sheet.

2) State the full name and address of the corporation, partnership, or other artificial entity that **leases** and/or **operates** the restaurant. If more than one corporation, partnership, or other artificial entity leases and/or operates the restaurant, you may attach a separate sheet.

Entity Name

Entity Name

Address (Line 1)

Address (Line 1)

Address (Line 2)

Address (Line 2)

City, State

Zip

City, State

Zip

IV. LEGAL OBLIGATIONS

The ADA establishes different standards depending on when the facility was constructed and whether the facility has been altered since January 26, 1992. 28 C.F.R. §§ 36.401, 36.402. Existing facilities are required to remove barriers to access for persons with disabilities where removal is "readily achievable." 42 U.S.C. § 12182(b)(2)(A)(iv); 28 C.F.R. § 36.304. Facilities designed and constructed for first occupancy after January 26, 1993, must be accessible to persons with disabilities unless the entity can demonstrate that it is "structurally impractical." 42 U.S.C. § 12183(a). Finally, alterations after January 26, 1992 must be made to ensure that, to the "maximum extent feasible," the altered portions of the facility are accessible. 28 C.F.R. § 36.402(a)(1).

The original ADA design Standards were first published in 1991 and are set forth at 28 C.F.R. Part 36, Appendix A (the "1991 Standards"). The new ADA design Standards were first published in 2010 and are set forth at 28 C.F.R. Part 36, Subpart D (the "2010 Standards"). Both Standards are available at www.ada.gov. New construction and alterations commenced between September 15, 2010, and March 15, 2012, must comply with either the 1991 Standards or the 2010 Standards. All new construction and alterations commenced on or after March 15, 2012 must comply with the 2010 Standards.

Accordingly, the questions in this section are designed to elicit information necessary to determine the standard applicable to the restaurant's barrier removal obligations. Place an "X" in the appropriate box.

		YES	NO
6	Was the restaurant designed and constructed for first occupancy after January 26, 1993? <i>See</i> 28 C.F.R. § 36.401.		
7	Is the restaurant located in a facility that was constructed after January 26, 1993? <i>See</i> 28 C.F.R. § 36.401.		
8	Has the restaurant undergone any alteration after January 26, 1992? For purposes of this question, the term "alteration" includes, but is not limited to, remodeling, renovation, rehabilitation, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full height partitions. Normal maintenance, re-roofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems are not alterations unless they affect the usability of the building or facility. <i>See</i> 28 C.F.R. § 36.402(b). <i>If your answer to this question is "YES," briefly describe those alterations on a separate sheet.</i>		
9	On what date did the restaurant open to the public?		

V. COMPLIANCE WITH THE STANDARDS

Under the ADA, new construction and alterations to existing facilities must comply with either the 1991 Standards or the 2010 Standards, but cannot mix and match provisions from different Standards. In addition, existing facilities are generally obligated to bring their facilities as close to compliance with the Standards as is readily achievable.

These questions are designed to elicit information about whether certain elements of the restaurant comply with the applicable Standard; citations are included to both the 1991 and 2010 Standards for ease of reference. For purposes of these questions, the term "accessible" means complying with the applicable Standard.

Reservations and Food Ordering Procedures

		YES	NO
10	Does the restaurant take reservations? If Yes, answer questions 11 through 13. If No, please go to question 14.		
11	Is there a telephone device for the deaf ("TDD") available at the host station so that restaurant personnel can take reservations from persons who are deaf or have speech impairments? See 28 C.F.R. § 36.303(d).		
12	Does the restaurant maintain a website that can be used to make reservations? If Yes, is the website accessible? See 28 C.F.R. § 36.303.		
13	Does the restaurant accept relay calls? See 28 C.F.R. § 36.303.		
14	Does the restaurant take orders by telephone for take-out or delivery? If Yes, is there a telephone device for the deaf ("TDD") available so that restaurant personnel can communicate with persons who are deaf or have speech impairments? See 28 C.F.R. § 36.303(d). If Yes, does the restaurant provide curbside delivery upon request for people with disabilities?		

Main Public Entrance

		YES	NO
15	Is the route leading into the restaurant from the street accessible to persons with disabilities? See 1991 Standards §§ 4.1.2(1), 4.3; 2010 Standards § 206.2.1 and Chapter 4.		
16	Is the route through the main entrance and into the restaurant accessible to persons with disabilities? See 1991 Standards §§ 4.1.3(7), 4.3, 4.1.3(8), 4.13; 2010 Standards §§ 206.4, 404.		
17	If your answer to question 15 or 16 is "No," is there an alternate public entrance (that is not a service or loading entrance) leading into the restaurant from the street that is accessible to persons with disabilities and, if so, is ADA-compliant signage using the international symbol of accessibility posted at the accessible entrance and directional signage posted at the inaccessible entrance(s) indicating the location of the accessible entrance(s)? See 1991 Standards §§ 4.1.3(8), 4.1.2(7)(c), 4.30; 2010 Standards §§ 206.2.1, 216.6, 703.		

Restaurant Layout

		YES	NO
18	Does the restaurant occupy more than one floor level?		
	If your answer to question 18 is "No," please proceed to question 19. If the answer is "Yes," please indicate the number of levels, including any raised or sunken dining areas, and describe what facilities or services are on each level (e.g., entrance and bar on first level, dining on second level, restrooms in basement):		
	If the restaurant occupies more than one level, please indicate how patrons move from one level to the next (e.g., ramp, elevator, stairs), and whether each route is accessible. See 1991 Standards § 4.3; 2010 Standards § 206.		

Host Station

		YES	NO
19	Is there an accessible route from the entrance to the host station? See 1991 Standards §§ 4.1.3(1), 4.3; 2010 Standards § 206.2.4 and Chapter 4.		
20	Is there an accessible route from the host station to the seating area? See 1991 Standards §§ 4.1.3(1), 4.3; 2010 Standards § 206.2.4 and Chapter 4.		

Dining Areas

21	What is the total number of seating locations for patrons in the restaurant?		
22	<p>Tables</p> <p>a. Total number of tables:</p> <p>b. Total number of seating locations at tables:</p> <p>c. How many of the seating locations at tables are accessible to people using wheelchairs? <i>See</i> 1991 Standards §§ 4.1.3(18), 4.32; 2010 Standards § 902.</p> <p>d. Are the accessible table seating locations distributed or dispersed throughout the facility? <i>See</i> 1991 Standards § 5.1; 2010 Standards § 226.2.</p> <p>e. Is there an accessible route to all accessible table seating locations? <i>See</i> 1991 Standards §§ 4.1.3(1), 4.3; 2010 Standards § 206.2.4 and Chapter 4.</p> <p>f. Do all of these accessible table seating locations have adequate clear floor space, knee clearance, and sufficient height? <i>See</i> 1991 Standards §§ 4.32, 5.2, 5.4; 2010 Standards §§ 226.1, 902.</p> <p style="padding-left: 40px;">If NO, indicate how many seating locations have adequate clear floor space, knee clearance, and sufficient height:</p> <p>g. How many seating locations at tables offer window views?</p> <p>h. How many of the seating locations at tables that offer window views are accessible to people using wheelchairs? <i>See</i> 1991 Standards §§ 5.1, 5.4; 2010 Standards § 206.25.</p>		
		YES NO	

23

Bar or Counter Areas Where Food or Drink Is Served

- a. Total number of seating locations at the bar or counter where food or drink is served:
- b. How many of the seating locations at the bar or counter are accessible to people using wheelchairs? *See* 1991 Standards §§ 4.32, 5.2; 2010 Standards §§ 226.1, 902.
- c. Is there an accessible route to all accessible seating locations at the bar or counter? *See* 1991 Standards §§ 4.1.3(1), 4.3; 2010 Standards § 206.2.4 and Chapter 4.
- d. Do all of these accessible seating locations at the bar or counter have adequate clear floor space, knee clearance, and sufficient height? *See* 1991 Standards §§ 4.32, 5.2, 5.4; 2010 Standards §§ 226.1, 902.

If NO, indicate how many seating locations at the bar or counter have adequate clear floor space, knee space, and sufficient height:

- e. Is any portion of the bar or counter lowered? *See* 1991 Standards § 5.2; 2010 Standards §§ 226.1, 902.
- f. Does the restaurant offer bar service to accessible table seating locations within the same area?
- g. How many accessible table seating locations within the same area are there? *See* 1991 Standards §§ 4.32, 5.2; 2010 Standards § 226.1.

YES NO

YES NO

24

Booths or Banquettes

- a. Total number of seating locations at booths or banquettes:
- b. How many of the seating locations at booths or banquettes are accessible to people using wheelchairs? *See* 1991 Standards §§ 4.1.3(18), 4.32, 5.1; 2010 Standards §§ 226.1, 902.
- c. Are the accessible booths or banquettes distributed or dispersed throughout the facility? *See* 1991 Standards § 5.1; 2010 Standards § 226.2.
- d. Is there an accessible route to all accessible seating locations at booths and banquettes? *See* 1991 Standards §§ 4.1.3(1), 4.3; 2010 Standards § 206.2.4 and Chapter 4.

YES NO

	<p>e. Do all accessible seating locations at booths and banquettes have adequate clear floor space, knee clearance, and sufficient height? <i>See</i> 1991 Standards §§ 4.32, 5.2, 5.4; 2010 Standards §§ 226.1, 902.</p> <p>If NO, indicate how many seating locations at booths and banquettes have adequate clear floor space, knee clearance, and sufficient height:</p>	YES NO	
25	<p>Special Seating Locations (e.g., Chef's Table, seating on the floor, etc.)</p> <p>a. Total number of special seating locations:</p> <p>b. How many of these special seating locations are accessible to people using wheelchairs? <i>See</i> 1991 Standards §§ 4.1.3(18), 4.32, 5.1; 2010 Standards §§ 226.1, 902.</p> <p>c. Are the accessible special seating locations distributed or dispersed throughout the facility? <i>See</i> 1991 Standards § 5.1; 2010 Standards § 226.2.</p> <p>d. Is there an accessible route to all accessible special seating locations in this area? <i>See</i> 1991 Standards §§ 4.1.3(1), 4.3; 2010 Standards § 206.2.4 and Chapter 4.</p> <p>e. Do all accessible special seating locations have adequate clear floor space, knee clearance, and sufficient height? <i>See</i> 1991 Standards §§ 4.32, 5.2, 5.4; 2010 Standards §§ 226.1, 902.</p> <p>If NO, indicate how many special seating locations have adequate clear floor space, knee clearance, and sufficient height:</p>		
		YES NO	

26	Private Dining Rooms		
	a. Total number of seating locations in private dining rooms:		
	b. How many of the seating locations in private dining rooms are accessible to people using wheelchairs? See 1991 Standards § 4.1.3(18); 2010 Standards § 226.1.		
		YES	NO
	c. Is there an accessible route to all of the private dining rooms? See 1991 Standards §§ 4.1.3(1), 4.3, 5.4; 2010 Standards § 206.2.4 and Chapter 4.		
	d. Is there an accessible route to all accessible seating locations in private dining rooms? See 1991 Standards §§ 4.1.3(1), 4.3, 5.4; 2010 Standards § 206.2.4 and Chapter 4.		
	e. Do all of these seating locations in private dining rooms have adequate clear floor space, knee clearance, and sufficient height? See 1991 Standards §§ 4.32, 5.2, 5.4; 2010 Standards §§ 226.1, 902.		
If NO, indicate how many seating locations in private dining rooms have adequate clear floor space, knee space, and sufficient height:			
27	Outdoor or Patio Dining Area		
	a. Total number of seating locations in outdoor or patio dining area:		
	b. Total number of tables in outdoor or patio dining areas:		
	c. How many of the seating locations at outdoor or patio dining area tables are accessible to people using wheelchairs? See 1991 Standards § 4.1.3(18); 2010 Standards §§ 226.1, 902.		
		YES	NO
	d. Is there an accessible route to the accessible outdoor or patio dining area tables? See 1991 Standards §§ 4.1.3(1), 4.3, 5.4; 2010 Standards § 206.2.4 and Chapter 4.		
	e. Do all of these accessible seating locations at outdoor or patio dining area tables have adequate clear floor space, knee clearance, and sufficient height? See 1991 Standards §§ 4.32, 5.4; 2010 Standards §§ 226.1, 902.		
If NO, indicate how many seating locations at outdoor or patio dining area tables have adequate clear floor space, knee clearance, and sufficient height:			

Restrooms

		YES	NO
28	Is there an accessible route from each accessible seating location to the restrooms? <i>See</i> 1991 Standards §§ 4.1.3(1), 4.3; 2010 Standards § 206.2.4 and Chapter 4.		
29	a. Does the men's restroom have an accessible door? <i>See</i> 1991 Standards §§ 4.1.3(7), 4.1.3(11), 4.22.2, 4.13; 2010 Standards §§ 206.5, 404.		
	b. If the restaurant has multi-user toilet rooms, total number of toilet stalls or compartments and urinals in the men's restroom:		
	c. Number of accessible toilet stalls or compartments in the men's restroom. <i>See</i> 1991 Standards §§ 4.1.3(11), 4.22.4, 4.17; 2010 Standards §§ 213.3.1, 604.		
	d. Is an unobstructed 60-inch diameter or t-shaped turning space provided within the men's toilet room to allow an individual in a wheelchair to make a 180 degree turn? <i>See</i> 1991 Standards §§ 4.1.3(11), 4.22.3, 4.2.3, Fig. 3; 2010 Standards §§ 213.2, 603.2.1, 304.3.		
	e. If the men's toilet room contains toilet stalls, is at least one 60-inch wide standard accessible toilet stall provided? <i>See</i> 1991 Standards §§ 4.1.3(11), 4.22.4, 4.17.3, Fig. 30(a); 2010 Standards §§ 213.2, 213.3.1, 604.8.1.		
	f. Are rear and side grab bars provided at the men's accessible toilet? <i>See</i> 1991 Standards §§ 4.1.3(11), 4.22.4, 4.16.4, Fig. 29, 4.17.6, Figs. 30(c), (d); 2010 Standards §§ 213.2, 213.3.2, 604.5.		
	g. If the restaurant has a single user men's toilet room, does it include the accessible features listed above at (a), (d), (e), and (f)? <i>See</i> 1991 Standards §§ 4.1.3(11), 4.22; 2010 Standards §§ 213, 603.		

30		YES NO	
31		YES NO	
<p>If the multi-user toilet rooms are not accessible, does the restaurant have a single, unisex restroom that is accessible to people with mobility impairments, including people using a wheelchair? <i>See</i> 1991 Standards §§ 4.1.6(3)(e)(i), 4.22; 2010 Standards §§ 213, 603.</p>			

Miscellaneous

		YES	NO
32	Does the restaurant have an audible fire alarm system?		
	If Yes, does the restaurant also have visual fire alarms located in all dining areas, bars, waiting areas, hallways, toilet rooms and any other area available for public and common use? <i>See</i> 1991 Standards §§ 4.1.3(14), 4.28.2-3; 2010 Standards §§ 215, 702.		
33	Does the restaurant have any auxiliary retail areas (e.g., gift shop or bakery)?		
	If Yes, does that auxiliary retail area have an accessible counter? <i>See</i> 1991 Standards §§ 7.1-7.2; 2010 Standards §§ 227.3, 904.4.		
	Is there an accessible route to the auxiliary retail area from within the restaurant? <i>See</i> 1991 Standards §§ 4.1.3(1), 4.3; 2010 Standards § 206.2.4 and Chapter 4.		
	Is there an accessible route to the auxiliary retail area from the the street? <i>See</i> 1991 Standards §§ 4.1.3(1), 4.3; 2010 Standards § 206.2.4 and Chapter 4.		
34	Does the restaurant have a coat check?		
	If Yes, is there an accessible route from the main entrance to the coat check and from the coat check to accessible dining tables? <i>See</i> 1991 Standards §§ 4.1.3(1), 4.3; 2010 Standards § 206.2.4 and Chapter 4.		
35	Does the restaurant have any food services lines?		
	a. If Yes, is an accessible route provided through the food service line? <i>See</i> 1991 Standards § 5.5, Fig. 53; 2010 Standards §§ 227.5, 904.4, 403.		
	b. If Yes, is the service counter accessible? <i>See</i> 1991 Standards § 7.2(1); 2010 Standards §§ 227.5, 904.4.		
	c. Is the tray slide accessible? <i>See</i> 1991 Standards § 5.5, Fig. 53; 2010 Standards §§ 227.4, 904.4, 904.5.2.		
36	Does the restaurant have any self-service tableware or condiment areas?		
	If Yes, are self-service shelves and dispensing devices for tableware, dishware, condiments, food and beverages installed within required reach ranges? <i>See</i> 1991 Standards §§ 5.6, 4.2.5, Fig. 5, 4.2.6 Fig. 6; 2010 Standards §§ 227.4, 904.5.1, 308.		

VI. POLICIES, PRACTICES, AND PROCEDURES

The ADA generally obligates public accommodations to make reasonable modifications in their policies, practices, and procedures when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities. 28 C.F.R. § 36.302. Set forth below are a series of questions about the written policies of the restaurant. For Questions 37 through 53, type or print an "X" in the appropriate box.

General Policies and Procedures

		YES	NO
37	Does the restaurant have any written employee manuals?		
38	Does the restaurant have any written policies, practices, or procedures concerning the provision of services to guests with disabilities? <i>If your answer to this question is "YES," attach a copy of the restaurant's written policy to this form and answer questions "39" through "53" below. If your answer to this question is "NO," proceed to Part VII.</i>		
39	Does the restaurant's written policy specify that persons with disabilities, including persons with hearing impairments, may make reservations in the same way and on the same terms that other persons can make reservations? <i>See 28 C.F.R. § 36.302.</i>		
40	Does the restaurant's written policy specify that employees responsible for taking reservations are to have ready access to information about the restaurant's accessibility features for answering questions? <i>See 28 C.F.R. § 36.302.</i>		
41	Does the restaurant's written policy specify that accessible features inside and outside the restaurant must be maintained in good working order? <i>See 28 C.F.R. § 36.211.</i>		
42	Does the restaurant's written policy specify that parking spaces may be reserved for individuals with disabilities or, in the alternative, does it offer valet parking? <i>See 1991 Standards § 4.1.2(e); 2010 Standards § 209.4; 28 C.F.R. § 36.305.</i>		
43	Does the restaurant's written policy specify that its employees will receive basic training on how to accommodate persons with disabilities (e.g., overview of the restaurant's accessibility features, dealing with service animals, etc.)? <i>See 28 C.F.R. § 36.302(a).</i>		
44	Does the restaurant's written policy specify that restaurant staff is to be trained to offer assistance, upon request, to persons with disabilities who may need assistance in using restaurant services? <i>See 28 C.F.R. § 36.302(a).</i>		
45	Does the restaurant's written policy specify that restaurant staff is to be made available to move tables, and provide and adjust accessible features of the facility when features require installation or adjustment to ensure accessibility? <i>See 28 C.F.R. § 36.302(a).</i>		
46	Does the restaurant's written policy specify that restaurant menus, and all other printed materials provided for use by patrons, also be available in alternate formats so that blind persons and persons with low vision can read them?		

	(Alternate formats include Braille, large print, and audio recordings). <i>See</i> 28 C.F.R. § 36.303(b).		
47	Does the restaurant's written policy require that provide dietary information (either on its menus or elsewhere) for patrons with diabetes or those with food allergies? <i>See</i> 28 C.F.R. § 36.302.		
48	Does the restaurant's written policy specify that, upon request, special foods will be provided to meet a patron's dietary needs? <i>See</i> 28 C.F.R. § 36.307.		
49	Does the restaurant offer entertainment (e.g., live music, dance) as part of dining experience? Is the area in which this entertainment takes place equally accessible to persons with disabilities? <i>See</i> 28 C.F.R. § 36.304.		
50	If restaurant offers kitchen tours or any other behind-the-scenes experiences, are these offers equally open to people with disabilities, including people who use wheelchairs for mobility? <i>See</i> 28 C.F.R. § 36.304.		

Service Animals

51	Does the restaurant's written policy specify that persons with disabilities may use service animals, without imposing any extra charges or conditions, in all public areas of the facility, including restrooms? <i>See</i> 28 C.F.R. § 36.302(c).		
52	Does the restaurant's written policy specify that the restaurant's employees shall receive training on the proper manner for determining whether an animal qualifies as a service animal? <i>See</i> 28 C.F.R. § 36.302(c)(6).		
53	Does the restaurant's written policy specify that in instances where the restaurant properly excludes a service animal, it will provide alternate methods for serving the individual with a disability (e.g., a carry-out option)? <i>See</i> 28 C.F.R. § 36.302(c)(2).		

VII. IMMINENT REMEDIAL PLANS

If the owner or operator of the restaurant intends to establish written policies or modify any of its existing policies within the next six (6) months, or has plans to remove architectural barriers to access or otherwise bring elements of the restaurant into compliance with the Standards within the next three (3) years, please briefly describe those intentions or plans below. In your answer to this question, if you answered "No" to Question 38 or any of Questions 39 through 53, state in the space provided whether the owner or operator of the restaurant intends to establish or modify its written policies within the next six months such that the owner or operator would be in a position to answer "Yes" to any or all of these questions.

VIII. PRIOR COMPLAINTS OF DISABILITY DISCRIMINATION

For each and every written complaint regarding the restaurant received since January 26, 1992 (whether in the form of a letter, email, lawsuit, or other formal or informal allegation) from a guest or any other person or organization alleging that the hotel or any of its facilities was not accessible to persons with disabilities, state the name of the complainant and briefly describe the nature of the allegation, and the resolution, if any. Attach to this form copies of all such complaints and any documents reflecting the resolution of any such complaint.

IX. CONTACT INFORMATION

Provide the name, address, telephone number, and facsimile number of a person in your organization whom we may contact for purposes of this compliance review. If you are represented by an attorney in this matter, please provide the name, address, telephone number, and facsimile number of your attorney.

Name

Address (Line 1)

Address (Line 2)

City, State

Zip

Phone

Fax

X. VERIFICATION

The verification below should be signed by an authorized representative of one of the entities identified in response to Questions 1 and 2 above.

I verify that the foregoing information and the information provided on the attached schedules is true and correct to the best of my knowledge, information, and belief.

Name (print)

Signature

Date

Title / Corporate Affiliation
