



# Department of Justice

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## **U.S. Attorney's Office Reminds Communities Regarding the Americans with Disabilities Act and Outdoor Dining Areas**

**LEXINGTON, Ky.** — As part of continuing COVID-19 pandemic mitigation strategies, many cities and other local municipalities have allowed restaurants to create or expand outdoor dining spaces, onto streets, sidewalks, and parking lots. To ensure that such new dining spaces are accessible and do not impair the ability of those with disabilities to move in and around these areas, the U.S. Attorney's Office for the Eastern District of Kentucky announced that it is sending the attached Letter to remind communities and restaurants of the requirements of the Americans with Disabilities Act (ADA).

The Letter explains that, under the ADA, restaurants must ensure that all dining areas (both indoor and outdoor) are accessible. It also reminds municipalities, who often must approve the use or expansion of outdoor dining, that these areas must not obstruct the accessible path of travel on sidewalks. Similarly, outdoor dining spaces should not reduce the availability of accessible parking spaces, in streets and parking lots.

“The use of new or enhanced outdoor seating is a valuable tool to assist COVID-19 mitigation and promote business,” said Carlton S. Shier, IV, United States Attorney for the Eastern District of Kentucky. “However, when considering these changes, it is important for restaurants to remember the requirements of the ADA and to ensure that any outdoor dining spaces are accessible to people with disabilities, and do not diminish the accessibility of surrounding areas, including sidewalks and availability of accessible parking spaces.”

The Letter includes a link to the Department of Justice’s website, ADA.gov, which provides information and technical assistance on the ADA’s requirements for public accommodations, such as restaurants, as well as state and local governments.

The U.S. Attorney’s Office for the Eastern District of Kentucky is responsible for enforcing a variety of federal statutes that prohibit discrimination, including the ADA. Members of the public with information relating to ADA compliance or other potential civil rights violations may submit a complaint through the Department’s civil rights portal at <https://civilrights.justice.gov/> or by contacting the United States Attorney’s Office at (859) 233-2661.

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