



U.S. Department of Justice

United States Attorney's Office
Eastern District of Michigan

Susan K. DeClercq
Assistant United States Attorney

211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Telephone: (313) 226-9100
Facsimile: (313) 226-3271
E-Mail: susan.declercq@usdoj.gov

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Re: Americans with Disabilities Act Obligations for Outdoor Dining Areas

Dear Municipal Colleague:

We are aware that in response to COVID-19 pandemic restrictions, 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 Michigan 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.

Please contact us on the U.S. Attorney's Office Civil Rights Hotline, (313) 226-9151, if you have any questions or concerns. We hope that the warmer weather allows all diners in the Eastern District of Michigan to safely enjoy good food and friends at their favorite local restaurants.

Very truly yours,

SAIMA S. MOHSIN
Acting United States Attorney

A handwritten signature in blue ink, appearing to read "Susan DeClercQ". The signature is fluid and cursive, with a long horizontal stroke at the end.

SUSAN K. DeCLERCQ
Assistant U.S. Attorney
Civil Rights Unit, Chief