

ADA Big Bell helps ring up sales with disabled

By Milford Prewitt

Those "drive-by-lawsuit" lawyers who have been known to make a killing when they sue restaurateurs for alleged violations of the Americans with Disabilities Act may have met their match.

Restaurant operators have begun adopting a new, low-cost technique that requires no extensive renovation of their buildings yet provides virtually 100-percent access to their dining rooms for the physically disabled.

Beyond the "feel good" attributes of handicap-barrier removal, at least one restaurateur has said that technique has been a major sales generator, allowing him to tap the dining-out dollars of America's largest minority group.

What the operators are installing is a \$400 kit, made up of a specialized doorbell and a portable ramp, which allows guests in wheelchairs or motorized chairs to negotiate stairs or tall steps to enter a restaurant.

However, experts say it is unclear whether the bell-and-ramp solution complies fully with provisions of the far-reaching ADA law, which Congress passed more than a decade ago.

Nonetheless, the kit, marketed as the "ADA Big Bell," is being promoted by Inclusion Solutions, a 6-month-old, for-profit company in Chicago that was founded by Patrick Hughes. Hughes pre-

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Customer Bob Ness uses the Big Bell, a new system that also includes a portable ramp that is set up to enable people in wheelchairs to access stairs or tall steps at restaurants.



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viously was the founder of Natural Ties, a nonprofit organization dedicated to fostering community relationships on behalf of the disabled.

Hughes said about 20 restaurants nationwide have purchased the kit, and most of them say the Big Bell is boosting sales while also reducing the potential that fee-seeking lawyers might try to extract from their restaurants in out-of-court ADA lawsuit settlements, which have been estimated to average \$7,000.

In using the ADA Big Bell, a wheelchair-bound person pushes a large, blue doorbell on the exterior of the building, alerting the staff that a disabled guest needs to enter. Staffers then can place the light metal ramp, which is either collapsible or fixed in one size, over the steps temporarily.

One operator who said the ADA Big Bell had boosted his business in catering to the physically disabled is Hecky Powell, owner of Hecky's Barbecue in Evanston, Ill.

A state agency that regulates handicap access told Powell that it was getting complaints from a group home for disabled people — many of them wheelchair-bound Vietnam War combat veterans — who could not negotiate the 5-inch step to enter his 20-year-old restaurant.

Under rules of the ADA, businesses opened before 1993 must make a reasonable expenditure to

eliminate barriers to the disabled. Any business opened to the public after 1993 has to be constructed without barriers to the disabled.

Through a chance meeting, Powell met a relative of Hughes' and learned about the ADA Big Bell project and became one of the first restaurateurs in the nation to install it.

"I thought I'd have to spend serious dollars to install a new door and reconfigure the front, but the Big Bell is a great thing," Powell asserted. "Before, if someone in a wheelchair showed up, we actually had to lift them up into the store."

"Now they ring the bell, and we go out with the ramp and they let themselves in. It was a reasonable solution, and it was immediate and it has improved my sales."

Since installing the Big Bell more than six months ago, Powell has become an advocate for the kit and often speaks to industry groups and others for free about how the installation boosted his business.

Hughes said that long before he hit on the idea of the Big Bell, he once went to lunch with a female friend whose only mobility was by means of a mouth-operated motorized chair. She told him that there were at least 20 businesses in town, many of them restaurants, that she could not enter unless the establishment had wheelchair access or a power door. And even with a power door, she often had to press it with her head to enter.



To use the ADA Big Bell, a wheelchair-bound person pushes a large, blue doorbell on the exterior of the building, alerting the staff that a disabled guest needs to enter.

industry of lawyers who sue restaurants for ADA infractions.

"That kind of device is a great alternative to an expensive remodel," Grover said. "It doesn't quite meet the standard under ADA as new construction, and some could call it a stop-gap measure, but anything that allows more people into our restaurants and complies with the law we welcome."

According to Grover, "Even before ADA passed, operators everywhere invested billions in handicap access without being sued or having the law demand it because we recognize that folks with disabilities are good customers. That may not be a 100-percent solution, but you can't deny that it improves access."

Still, Grover did not offer an opinion about whether handicap ped persons' advocacy groups or ADA enforcement officials might yet raise legal challenges to businesses that use the Big Bell system, on potential grounds that its doorbell requirement and ramp-setup delays could pose undue inequities for handicapped customers.

The NRA in recent months has been consulting with the Justice Department about the ethics of

ADA-based lawsuits against restaurants. Government officials have given the association a sympathetic ear, Grover said.

"I don't think when they passed the ADA that lawyers were supposed to get rich by taking advantage of people with disabilities," he observed. "The ADA is being used to make money for lawyers and nothing for the disabled."

"Basically, this is a form of extortion and has little to do with handicap access."

Grover said the association is looking forward to the convening of the 108th Congress next year, when Rep. Mark Foley, R-Fla., is expected to reintroduce a bill that would give operators 90 days to cure an ADA violation once a lawyer has served notice. Grover said the bill would allow owners who normally would spend money on legal fees to allocate money instead to barrier-removal efforts.

According to the 2000 Census, people with physical disabilities are the biggest minority group in the nation, more than twice as large as the black or Hispanic populations, the two dominant ethnic or racial minority groups. Moreover, the physically disabled span all income groups, ages, races, lifestyles and religions.

Of the 284 million Americans counted in the 2000 Census, about 77 million of them over the age of 5 were disabled physically. By contrast, there were 36.4 million blacks and 32.8 million Hispanics.