



Accessibility TipSheet

The Impact of the 2010 Revised Regulations of the Americans with Disabilities Act on Hold and Release Policies for Wheelchair-Accessible Seating

From the Access Office

As of September 15, 2010, the U.S. Department of Justice has added new language regarding ticketing to the regulations for the Americans with Disabilities Act (ADA) Title II (State and Local Government) and Title III (Places of Public Accommodation).

The new ticketing regulations are comprised of eight sections and section five specifically regulates the hold and release of wheelchair-accessible locations. Venues should review existing policies and procedures for managing accessible locations in light of the new regulations to ensure compliance.

For more information or to read the Regulations, visit www.ada.gov.

Conditions under which wheelchair accessible locations may be released

Accessible seating, which includes the wheelchair locations and companion seats as specified in the ADA Design Standards (1991 or 2010), may be released for sale to the general, non-disabled public under three specific conditions:

- 1) the venue is sold out;
- 2) a designated seating area is sold out, at which point the accessible seats in that area may be released; or
- 3) a designated price range is sold out, at which point the accessible seats in that price range may be released.

Under 1 above, there is an exclusion for stadiums and large arenas which allows a venue to be "sold out" even when there are still seats available in luxury and club boxes and suites.

Under 2 above, venues are prohibited from manipulating designation of areas or steering patrons into specific areas in order to be able to release the wheelchair-accessible seats. Use general industry practice and think about the seating sections based upon clearly and physically defined areas.

What does it mean to be “sold out”?

The U.S. Department of Justice does not define “sold out” in the 2010 Regulations and leaves it to the individual venues to make that determination.

Many organizations already have an internal measure or definition to determine when an event is sold out. In order to ensure proper management of the accessible seats, venues should put their definition of “sold out” in writing and promulgate it as a part of the box office policies.

What should I consider when writing a release policy?

At what point is a performance considered sold out?

As a trigger for the release of accessible seats, the definition of sold out must be consistent and concrete, not arbitrary or capricious. Does your venue consider a show sold out when 95% of the seats are sold? When only single tickets are left? When every seat available for sale is sold?

Does your organization hold seats such as manager, house, VIP, or company holds? If yes, how do those holds fit into your definition of sold out? Do you ever release holds for general sale?

If your venue does hold seats and the venue reasonably anticipates the release of those holds for sale at some point in the future, the venue must, per the regulations, hold back a percentage of accessible seats proportional to the seating that might be released.

What are the designated seating areas in your venue?

Use industry practice (such as orchestra, box tier, balcony, etc.) and physical features to clearly define sections. Use common sense; the regulations prohibit the manipulation of seating areas in order to create conditions favorable to releasing accessible locations.

A Note about Subscriptions

If wheelchair-accessible locations are released for general sale and then sold as a part of a subscription or series to patrons without disabilities, the venue must have procedures in place to prevent the automatic reassignment of those seats to a subscriber without a disability in future seasons.

Examples of Hold and Release Policies

Sample one

All wheelchair-accessible locations and the adjacent companion seat will be held for purchase exclusively by patrons who have a member of their party who is a wheelchair or scooter user, or who has a mobility disability or whose disability requires the use of the features of the accessible location, until the last non-wheelchair accessible location/seat is sold. At that time, all wheelchair locations and adjacent companion seats are released for sale on a first-come, first-served basis to patrons with and without disabilities.

Sample two

Designated wheelchair-accessible seating locations are released for sale at full price to the general public when all other seats available for sale in the theater have been sold and all departmental or company holds have been released.

Sample three

The Box Office will monitor the sale of all tickets daily during regular business hours, and shall, when any of the following three conditions occur*:

- Release all wheelchair accessible seats and companion seats in the venue when all the tickets (excluding singles) in the venue have been sold;
- Release all wheelchair accessible seats and companion seats in a specific designated area when all the tickets (excluding singles) in that designated section have been sold (designated sections will be front orchestra, rear orchestra, boxes, first tier, second tier);
- Release all wheelchair accessible seats and companion seats in a specific price type when all the tickets (excluding singles) in that price type have been sold.

* If any VIP holds remain, the Box Office shall hold a comparable percentage of the remaining wheelchair-accessible locations until such time as the VIP holds are released.

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CONTACT US

202-416-8727 (voice)

202-416-8728 (TTY)

access@kennedy-center.org