

**State of New Jersey
Department of Law & Public Safety
NJ Division on Civil Rights**



**Interim Report to the NJ Commission on Civil Rights on
Accessibility of Shopping Mall Entrances in New Jersey**

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June 14, 2005



State of New Jersey

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June 14, 2005

Honorable Olga Vazquez-Clough, Chairwoman
New Jersey Commission on Civil Rights
140 East Front Street, 6th Floor
Trenton, New Jersey 08625

Re: Interim Report on Accessibility of Shopping Mall Entrances in New Jersey

Dear Chairwoman Vazquez-Clough:

In late 2004, the Division on Civil Rights commenced a state-wide assessment of the accessibility of New Jersey's largest shopping malls to persons with mobility impairments. Specifically, the Division's new Disabilities and Public Accommodations Unit set out to determine the extent to which our malls had general mall entrances equipped with power-assisted doors, which could either be opened by use of a motion sensor or by pushing a button.

The purpose of this initiative is to ensure that shoppers in the State who have mobility impairments and require the use of wheelchairs, canes, walkers, crutches, or are otherwise too weak to open the heavy doors, can enter the malls without assistance.

Enclosed herein is an interim report of our findings concerning inspections of twenty eight (28) shopping malls throughout the State of New Jersey. This report was written with the major assistance and work of Chief of the Shopping Mall Accessibility Initiative, **Stuart Sherman**, Legal Specialist **Benn Meistrich, Esq.**, and Deputy Attorney General **James Michael**. We also wish to thank the New Jersey Division of Disability Services for their collaboration in this critical venture. Their leadership combined with the collaboration of many partners and other Division staff, have already successfully generated successful responses from many mall owners, resulting in considerably greater access today for persons with mobility impairments.

Thank you for your continued support of this important initiative, and our efforts to make places of public accommodation in New Jersey accessible to all of our residents and visitors, regardless of an individual's disability.

Very truly yours,

J. Frank Vespa-Papaleo
Director, NJ Division on Civil Rights

CC: New Jersey Commission on Civil Rights
Attorney General Peter C. Harvey
Division of Disability Services Director William Ditto
Division of Disability Services Deputy Director Javier Robles, Esq.



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CIVIL RIGHTS

In late 2004, the New Jersey Division on Civil Rights, in collaboration with the Division of Disability Services, commenced a special enforcement initiative. Spearheaded by the state's first-ever *Disabilities and Public Accommodations Investigative Unit*¹, within the Division on Civil Rights, this special initiative was undertaken to ensure that the State's large shopping malls are accessible to individuals with mobility impairments. According to the International Council of Shopping Centers, in 2003 approximately 5.6 million people visit New Jersey's shopping centers monthly and the state's shopping malls receive more than 67 million shoppers annually. Because New Jersey's malls are a popular shopping destination, making shopping malls more accessible to persons with mobility impairments can only increase the number of visitors to the malls.

The shopping mall accessibility initiative focused on ensuring that such individuals, particularly those who rely on wheelchairs and other mobility aids, would be able to "get in the door" of these establishments by use of an automatic or power-assisted door². As a result of the success of the initiative, commitments have been received from mall owners that will result in each of the State's large shopping malls providing access to its facilities by way of an automatic or power-assisted door. This report will outline the goals of the initiative, the results of the agency's inspections and the commitments received from mall owners in response to the inspections.

¹Special thanks to Assistant Director of Enforcement Gary LoCassio, Chiefs of Enforcement Stuart Sherman and James Sincaglia, Legal Specialist Benn Meistrich, Esq., Manager of the Disabilities/PA Unit Doris Taylor, Assistant Cori Poff, Acting Section Chief of the Division of Law's Civil Rights Section Deputy Attorney General Charles Cohen, and Deputy Attorneys General James Michael and Donna Arons, for their especially tireless work on this special initiative. Also, special thanks are in order for the New Jersey Division of Disability Services, William Ditto, Director and Javier Robles, Esq., Deputy Director.

²According to reports provided to the Division from 1990, there are more than 250,000 New Jerseyans with mobility limitations. This amount does not take into account the many out-of-state shoppers with mobility impairments who visit the State's shopping malls, nor does it account for any increase in the number of State residents with mobility limitations in the last fourteen years. Therefore, by 2005 there are likely many more than 250,000 New Jerseyans with mobility impairments.

A. The Goal of the Initiative - “Getting in the Door”

While individuals with disabilities face many hurdles in trying to patronize places of public accommodation (sufficient barrier-free parking, accessible restrooms, appropriate wheelchair ramps, etc.), this initiative attempted to focus on one specific aspect of access -- getting in the door. Gaining access to a facility for a person using a wheelchair or other mobility aid can be extremely difficult, if not impossible, without some form of powered door opening device. While such devices are not at this time explicitly required by the ADA Accessibility Guidelines or the State’s Barrier-Free Subcode, the New Jersey Division on Civil Rights believes that the New Jersey Law Against Discrimination (N.J.S.A. 10:12-5, et. seq.) and the Division’s regulations on disability discrimination (N.J.A.C. 13:13) require installation of such devices as a reasonable accommodation that would not impose an undue hardship on most larger places of public accommodation.

The initiative focused on the State’s enclosed regional shopping malls to test whether these facilities were providing access by way of powered door openers. The Division’s Bureau of Enforcement identified twenty-eight (28) of the State’s largest facilities, and over a month period, sent investigative staff to review the accessibility of each facility’s main mall entrances. The inspectors focused on the main entrances to the mall, as opposed to entrances at the malls’ anchor stores, since many of the malls have different hours of operations than the anchor stores, including extended hours for “walking clubs” and other events. Each of the malls’ main entrances were reviewed to determine whether the doors at that entrance were equipped with a powered door opening device and, if not, whether there was signage directing patrons to an accessible entrance with powered doors.

B. The Results of the Investigation

Of the twenty-eight (28) malls examined, fifteen (15) were found to have sufficient access by way of automatic or power-assisted doors. These were as follows:

- Jersey Gardens Mall, *Elizabeth*
- Hamilton Mall, *Mays Landing*
- Freehold Raceway Mall, *Freehold*
- Monmouth Mall, *Eatontown*
- Deptford Mall, *Deptford*
- Paramus Park Shopping Center, *Paramus*
- Garden State Plaza, *Paramus*
- Fashion Center, *Paramus*
- Bergen Mall, *Paramus*
- MarketFair, *Princeton*
- Quakerbridge Mall, *Lawrenceville*
- Bridgewater Commons, *Bridgewater*
- Ocean County Mall, *Toms River*
- Mall at Short Hills, *Short Hills*
- Brunswick Square Mall, *North Brunswick*

Seven (7) additional malls were found to have at least one entrance equipped with an automatic or power-assisted door, but had other issues related to accessibility of their entrance doors.

These malls were:

- Moorestown Mall, *Moorestown*
- Echelon Mall, *Voorhees*
- Phillipsburg Mall, *Phillipsburg*
- Livingston Mall, *Livingston*
- Rockaway Town Square, *Rockaway*
- Woodbridge Center, *Woodbridge*
- Willowbrook Mall, *Wayne*

The deficiencies at these seven (7) malls involved the lack of signage at inaccessible entrances directing patrons to entrances that were accessible or the existence of automatic door opening devices that required maintenance.

Finally, six (6) of the 28 malls surveyed were found to be lacking any automatic or power-assisted doors at any of their mall entrances. These malls were as follows:

- Burlington Center, *Burlington*
- Shore Mall, *Egg Harbor Township*
- Newport Center Mall, *Jersey City*
- Menlo Park Mall, *Edison*
- Cumberland Mall, *Vineland*
- Cherry Hill Mall, *Cherry Hill*

Upon subsequent review, it was determined that the Cherry Hill Mall did have a power-assisted door at the mall, but the door was located in an isolated location in the rear of the mall and without any directional signage alerting patrons to the location of the door. The owners of these six malls were contacted and advised of the agency's concerns in order that the accessibility problems would be addressed. These malls have successfully committed to addressing the Division's concerns.

C. Commitments Obtained to Increase Accessibility

Written commitments have been obtained from the owners of each of the six malls that lacked automatic or power-assisted doors at their main entrances. The following is an outline of what each mall owner has done or has committed to do:

Burlington Center: Jager Management, owner of the Burlington Center, has already installed an automatic door opener at one of its mall entrances, and has added signage at other locations directing shoppers to that automatic door. It has also adjusted the pull force of its other doors to make them easier to open and has modified its mall directories located both in the mall and on its website to identify the accessible entrance. Jager Management has plans to re-stripe its parking lot this summer, when it will add additional van accessible parking spaces at the entrance equipped with the automatic door opener.

Shore Mall: Shore Mall Associates, L.P. has awarded a contract to install automatic door openers at four of the five entrances to the Shore Mall. The fifth entrance will be equipped with such features as part of a renovation next year.

Menlo Park Mall: Simon Property Group will install three automatic door openers, interspersed at entrances throughout the Menlo Park Mall, as well as on each level of the mall. Simon is currently obtaining bids for the work, which is scheduled to be completed by the end of this year.

Newport Center Mall: Simon, which also owns the Newport Center Mall, will install an automatic door opener at the Newport Center Mall within sixty (60) days. Simon will also add power door openers as part of an ongoing renovation of the Newport Center Mall, with all of the mall entrances having powered door openers by the end of 2006.

Cherry Hill Mall: Pennsylvania Real Estate Investment Trust (PREIT) is installing two additional automatic door openers at the Cherry Hill Mall (for a total of three) as well as appropriate directional signage at all mall entrances that do not have automatic door openers. PREIT will also revise its mall maps, including those on its website, to reflect the accessible entrances. PREIT expects all of the work to be completed by June 30, 2005.

Cumberland Mall: PREIT is installing two automatic door openers at the Cumberland Mall as well as appropriate directional signage at all mall entrances that do not have automatic door openers. PREIT will also revise its mall maps, including those on its website, to reflect the accessible entrances. PREIT expects all of the work to be completed by June 30, 2005.

In addition to the work being done at the Cherry Hill and Cumberland Malls, PREIT is installing appropriate signage at all mall entrances that do not have automatic door openers at the Phillipsburg, Moorestown and Echelon Malls, directing patrons to entrances with such doors.

It is important to note the importance of advertising to shoppers where the new power-assisted doors are located, in mall maps, websites, and pamphlets that might be circulated in the ordinary course of the mall's operations, so that individuals who specifically need to access the power-assisted doors will know, before arriving at the mall, where to park and enter. However, at malls where power-assisted malls will be installed at each public entrance to the mall area, there is no need because of the barrier-free entrances.

D. Conclusion

Counting the commitments received as part of this initiative, every one of the twenty-eight (28) malls reviewed is or soon will be accessible by way of an automatic door opener. This not only helps to make these malls accessible to shoppers who use mobility aids, but also to millions of parents with strollers and seniors with weak arm strength. More access means a more enjoyable shopping experience for the consumer, and more sales for retailers and mall operators.

As part of the second phase of the initiative, the Division will seek to focus on the malls that have powered doors but are not appropriately making them available to shoppers, thereby reducing their potential sales of merchandise. Phase two will help to ensure that those malls that have powered door openers address the outstanding signage and maintenance issues that were uncovered during the Division's investigation. Following the second stage of this initiative, the Division will issue a final report, to include investigation results as well as recommendations,

including amending the Barrier-Free Subcode to require powered doors in large commercial establishments such as malls, convention centers, hotels, and large government buildings.

It is our intention that within the next twelve months, New Jersey's large shopping malls will become among the most accessible in the nation. That bodes well for our consumers and our businesses, and the more than 67 million shoppers that visit New Jersey's shopping malls annually. Improved accessibility through the use of automatic or power-assisted doors gives everyone in New Jersey a way of "getting in the door."