

## ***Advocacy Recommends that the Department of Justice Consider Alternatives to Minimize the Costs of Movie Accessibility Rules***

On November 24, the Office of Advocacy (Advocacy) filed a comment letter with the Department of Justice regarding its proposed rule entitled, *Nondiscrimination on the Basis of Disability by Public Accommodations—Movie Theaters; Movie Captioning and Audio Description*. A complete copy of Advocacy's letter to DOJ may be accessed at: <http://www.sba.gov/advocacy/>.

- 98 percent of movie theater firms are small businesses, and these firms manage 53 percent of movie theater establishments. Movie theaters can provide accessibility accommodations through personal captioning devices such as closed captioning text for individuals who are deaf or hard of hearing or audio description for individuals who are blind or have low vision.
- In August 2014, the Department released a proposed rule that would require movie theaters with digital screens to purchase hardware and individual closed captioning devices for approximately two percent of all screens. Additionally, these entities must also purchase at least one individual audio description listening device per screen; single screen theaters must have two devices. These entities have six months to comply with this rule.
- For movie theaters with analog screens, the Department is seeking comment on whether it should adopt a four-year compliance date to comply with this rule, or should defer rulemaking on analog screens until a later date.
- Small businesses are concerned that the compliance costs of this rule are greater than estimated in the Department's Initial Regulatory Flexibility Analysis, and will have a significant economic impact on small theater owners that have just completed a costly conversion to digital cinema. Small businesses believe that the device requirements set by the Department far exceed the demand in their theaters, and that the timeline of six months to purchase and install this equipment is too short.
- Small theater owners recommend alternatives such as setting a lower ratio of required devices, creating a deferral for a subset of small theaters, and providing a longer compliance time for small businesses. Advocacy recommends that the Department adopt these regulatory alternatives that provide flexibility to small theater owners while providing sufficient access to movie theaters for the disabled community.

For more information, visit Advocacy's Web page at <http://www.sba.gov/advocacy>, or contact Assistant Chief Counsel Janis Reyes by email at [Janis.Reyes@sba.gov](mailto:Janis.Reyes@sba.gov) or by phone at 202-205-6533.