

Using Tax Credits to Fund ALS



A Tax Credit or Deduction Can Help to Pay for Listen Auditory Assistance Products

Did you know?

When used to accommodate ADA guidelines, Listen products can be partially paid for in the US with a tax credit (up to \$5,000 for small businesses) and/or a tax deduction (up to \$15,000 for any size business). In certain instances, the tax savings can cover a significant portion of your purchase.

Examples of facilities that must comply with ADA Guidelines

- Restaurants
- Hotels
- Theaters
- Convention Centers
- Stadiums
- Arenas
- Retail Stores
- Shopping Centers
- Hospitals
- Museums
- Libraries
- Parks
- Zoos
- Amusement Parks
- Private Schools
- Day Care Centers
- Health Spas
- Bowling Alleys

Regarding ADA and the Benefits of Listen Products...

The American with Disabilities Act (ADA) requires public facilities to provide assistive listening devices for hard of hearing people.

Public facilities are required to provide enough listening devices for 4% of seating capacity.

Listen's 72 MHz and 216 MHz assistive listening devices meet ADA conformance guidelines.

Listen's 216 MHz systems can be used for multiple applications, adding value to your purchase! For example, in addition to assistance for the hard of hearing, the same system can be used for language interpretation and tour group communications.

Listen products are 100% compatible with existing FM assistive listening systems — use Listen receivers to expand a system and, in many cases, improve its sound quality. Upgrades and new systems both can qualify for tax breaks!

When used to accommodate ADA guidelines, Listen products can be partially paid for with a tax credit (up to \$5,000 for small businesses) and/or a tax deduction (up to \$15,000 for any size business). In certain instances, the tax savings can cover a significant portion of your purchase.

Take advantage of Listen's no-obligation demo program!

**Call +1.800.330.0891 or email
demo@listentech.com for more information**

For additional copies of these guidelines or for more information regarding ADA compliance, please visit Listen's website at www.ListenTech.com or contact Listen's offices at the phone numbers listed below.

ADA tax credits and deductions are applicable for U.S. companies only. Please consult with your tax advisor.

In the United States, the Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. It is summarized by: "No person shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation." The ADA prohibits discrimination on the basis of disability in employment, programs and services provided by state and local government, goods and services provided by private companies, and in commercial facilities.

This Act includes provisions to accommodate hard of hearing people, including incorporating Assistive Listening Systems in new building construction, in alterations or renovations to buildings and facilities of private companies providing goods or services to the public. It also requires that State and local governments provide access for the hard of hearing in programs offered to the public.

Types of Public Facilities that must Comply with ADA Requirements

Places of public accommodation that must comply with ADA requirements include restaurants, hotels, theaters, convention centers, retail stores, shopping centers, dry cleaners, Laundromats, pharmacies, doctors' offices, hospitals, museums, libraries, parks, zoos, amusement parks, private schools, day care centers, health spas, and bowling alleys.

Commercial facilities are required to comply with ADA. They include office buildings, factories and warehouses whose operations affect commerce.

Religious organizations (including places of worship), residential housing, and private clubs do not need to comply. However many places of worship voluntarily offer assistance for hard of hearing people.

What is an Assistive Listening Device?

Under the mandate of the Americans with Disabilities Act, to make public facilities accessible to persons with disabilities, thousands of public meeting areas have been and are being equipped with Assistive Listening Devices (ALD).

These installations are being designed to help hard of hearing people to better understand speech, music, and other sounds during a movie, performance, lecture, meeting or worship service.

Like a hearing aid, an assistive listening device makes sounds louder. Typically a hearing aid makes all sounds in the environment louder. An assistive listening device can increase the loudness of a desired sound (a radio or television, a public speaker, an actor or actress, someone talking in a noisy place) without increasing the loudness of the background noise.

People with all degrees and types of hearing loss-even people with normal hearing-can benefit from assistive listening devices. Some ALD are used with a hearing aid. Some can be used without a hearing aid.

2010 Notice of Changes in the ADA Standards for Accessible Design

In 2010 the Department of Justice's revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 were published in the Federal Register on September 15, 2010.

To review the complete scope and technical requirements for new construction and alterations resulting from the adoption of revised 2010 Standards in the final rules for Title II (28 CFR part 35) and Title III (28 CFR part 36) go to http://www.ada.gov/2010ADASTandards_index.htm.

2010 Changes To Assistive Listening Systems

Compliance Date for Title II

If the start date for construction is on or after March 15, 2012, all newly constructed or altered State and local government facilities must comply with the 2010 Standards.

Before that date, the 1991 Standards (without the elevator exemption), the UFAS, or the 2010 Standards may be used for projects when the start of construction commences on or after September 15, 2010.

Appendix to 35.151 (c)

Compliance Date for New Construction or Alterations	Applicable Standard
Before September 15, 2010	1991 Standards or UFAS
On or after September 15, 2010 and before March 15, 2012	1991 Standards, UFAS, or 2010 Standards
On or after March 15, 2012	2010 Standards

219 Assistive Listening Systems

703.7.2.2.216.10 **Assistive Listening Systems.** Each assembly area required by 219 to provide assistive listening systems shall provide signs informing patrons of the availability of the assistive listening system. Assistive listening signs shall comply with 703.5 and shall include the International Symbol of Access for Hearing Loss complying with 703.7.2.4.

EXCEPTION: Where ticket offices or windows are provided, signs shall not be required at each assembly area provided that signs are displayed at each ticket office or window informing patrons of the availability of assistive listening systems. **(Such as the Listen Technologies Corporation LA-304 ADA Signage Kit)**



Assistive Listening System (ALS). An amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency, infrared, or direct-wired equipment.

219.1 General. Assistive listening systems[i] shall be provided in accordance with 219 and shall comply with 706.

219.2 Required Systems. In each assembly area[ii] where audible communication is integral to the use of the space[iii], an assistive listening system shall be provided.

Assembly Area. A building or facility, or portion thereof, used for the purpose of entertainment, educational or civic gatherings, or similar purposes. For the purposes of these requirements, assembly areas include, but are not limited to, classrooms, lecture halls, courtrooms, public meeting rooms, public hearing rooms, legislative chambers, motion picture houses, auditoria, theaters, playhouses, dinner theaters, concert halls, centers for the performing arts, amphitheaters, arenas, stadiums, grandstands, or convention centers.

706.3 Receiver Hearing-Aid Compatibility. Receivers required to be hearing-aid compatible shall interface with telecoils in hearing aids through the provision of neckloops. **(Such as the Listen Technologies Corporation LA-166 with any FM system or IR system that has a headset output jack)**

Advisory 706.3 Receiver Hearing-Aid Compatibility. Neckloops and headsets that can be worn as neckloops are compatible with hearing aids. Receivers that are not compatible include earbuds, which may require removal of hearing aids, earphones, and headsets that must be worn over the ear, which can create disruptive interference in the transmission and can be uncomfortable for people with hearing aids.

New (2010 ADA)

219.1 General. Assistive listening systems shall be provided in accordance with 219 and shall comply with 706.

219.2 Required Systems. In each assembly area where audible communication is integral to the use of the space, an assistive listening system shall be provided.

EXCEPTION: Other than in courtrooms, assistive listening systems shall not be required where audio amplification is not provided.

219.3 Receivers. Receivers complying with 706.2 shall be provided for assistive listening systems in each assembly area in accordance with Table 219.3. Twenty-five percent minimum of receivers provided, but no fewer than two, shall be hearing-aid compatible in accordance with 706.3.

Assistive Listening System (ALS). An amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency, infrared, or direct-wired equipment.

(Such as the Listen Technologies Corporation LS-03 Performance FM System or LS-85 Performance IR System)

Assembly Area. A building or facility, or portion thereof, used for the purpose of entertainment, educational or civic gatherings, or similar purposes. For the purposes of these requirements, *assembly areas* include, but are not limited to, classrooms, lecture halls, courtrooms, public meeting rooms, public hearing rooms, legislative chambers, motion picture houses, auditoria, theaters, playhouses, dinner theaters, concert halls, centers for the performing arts, amphitheaters, arenas, stadiums, grandstands, or convention centers.

Table 219.3 Receivers for Assistive Listening Systems

Capacity of Seating in Assembly Area	Minimum Number of Required Receivers Contact Listen for customized quote to accommodate area www.listentech.com	Minimum Number of Required Receivers Required to be Hearing Aid Compatible (Using Listen LA-166)
50 or less	2	2
51 to 200	2, plus 1 per 25 seats over 50 seats *	2
201 to 500	2, plus 1 per 25 seats over 50 seats *	1 per 4 receivers*
501 to 1,000	20, plus 1 per 33 seats over 500 seats *	1 per 4 receivers*
1,001 to 2,000	35, plus 1 per 50 seats over 1,000 seats *	1 per 4 receivers*
2,001 and over	55, plus 1 per 100 seats over 2,000 seats *	1 per 4 receivers*

***Or fraction thereof**

Disabled Access Credit

▶ Attach to your tax return.

Name(s) shown on return	Identifying number	
1 Total eligible access expenditures (see instructions)	1	
2 Minimum amount	2	\$ 250 00
3 Subtract line 2 from line 1. If zero or less, enter -0-	3	
4 Maximum amount	4	\$10,000 00
5 Enter the smaller of line 3 or line 4	5	
6 Multiply line 5 by 50% (.50)	6	
7 Disabled access credit from partnerships and S corporations	7	
8 Add lines 6 and 7, but do not enter more than \$5,000. Partnerships and S corporations, report this amount on Schedule K; all others, report this amount on the applicable line of Form 3800 (e.g., line 1g of the 2006 Form 3800)	8	

General Instructions

Section references are to the Internal Revenue Code.

What's New

- The tax liability limit is no longer figured on this form; instead, it must be figured on Form 3800, General Business Credit.
- Taxpayers that are not partnerships or S corporations, and whose only source of this credit is from those pass-through entities, are not required to complete or file this form. Instead, they can report this credit directly on line 1g of Form 3800.
- The IRS will revise this December 2006 version of the form only when necessary. Continue to use this version for tax years beginning after 2005 until a new revision is issued.

Purpose of Form

Eligible small businesses use Form 8826 to claim the disabled access credit. This credit is part of the general business credit.

Definitions

Eligible Small Business

For purposes of the credit, an eligible small business is any business or person that:

- Had gross receipts for the preceding tax year that did not

exceed \$1 million or had no more than 30 full-time employees during the preceding tax year and

- Elects (by filing Form 8826) to claim the disabled access credit for the tax year.

For purposes of the definition:

- Gross receipts are reduced by returns and allowances made during the tax year,
- An employee is considered full time if employed at least 30 hours per week for 20 or more calendar weeks in the tax year, and
- All members of the same controlled group and all persons under common control generally are considered to be one person—see section 44(d)(2).

Eligible Access Expenditures

For purposes of the credit, these expenditures are amounts paid or incurred by the eligible small business **to comply with applicable requirements** under the Americans With Disabilities Act of 1990 (Public Law 101-336) as in effect on November 5, 1990.

Eligible access expenditures include amounts paid or incurred:

1. To remove barriers that prevent a business from being accessible to or usable by individuals with disabilities;

2. To provide qualified interpreters or other methods of making audio materials available to hearing-impaired individuals;

3. To provide qualified readers, taped texts, and other methods of making visual materials available to individuals with visual impairments; or

4. To acquire or modify equipment or devices for individuals with disabilities.

The expenditures must be reasonable and necessary to accomplish the above purposes.

Eligible expenditures do not include expenditures in 1 above that are paid or incurred in connection with any facility first placed in service after November 5, 1990.

Eligible access expenditures must meet those standards issued by the Secretary of the Treasury as agreed to by the Architectural and Transportation Barriers Compliance Board and set forth in regulations. See section 44(c) for other details.

Disability. For an individual, this means:

- A physical or mental impairment that substantially limits one or more major life activities,
- A record of such an impairment, or
- Being regarded as having such an impairment.

Member of Controlled Group or Business Under Common Control

For purposes of figuring the credit, all members of a controlled group of corporations (as defined in section 52(a)) and all members of a group of businesses under common control (as defined in section 52(b)), are treated as a single taxpayer. As a member, compute your credit based on your proportionate share of eligible access expenditures giving rise to the group's disabled access credit. Enter your share of the credit on line 6. Attach a statement showing how your share of the credit was figured, and write "See attached" next to the entry space for line 6.

Specific Instructions**Line 1**

Enter total eligible access expenditures paid or incurred during the tax year. See *Eligible Access Expenditures* on page 1.

Line 6

Denial of double benefit. To the extent of the credit shown on line 6, the eligible access expenditures may not be claimed as a deduction in figuring taxable income, capitalized, or used in figuring any other credit.

Paperwork Reduction Act Notice.

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated burden for individual taxpayers filing this form is approved under OMB control number 1545-0074 and is included in the estimates shown in the instructions for their individual income tax return. The estimated burden for all other taxpayers who file this form is shown below.

Recordkeeping . . . 1 hr., 54 min.

Learning about the law or the form24 min.

Preparing and sending the form to the IRS26 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. See the instructions for the tax return with which this form is filed.