

FACT SHEET 1

Who Has Obligations Under Title III?



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Commercial Facilities

A **commercial facility** is a privately owned, non-residential facility involved in commercial activity, such as a factory, warehouse, corporate office building, or other facility in which employment may occur.

Commercial facilities must comply fully only with the **new construction** and **alterations** regulations of Title III, including the scoping and technical specifications of the ADA Accessibility Guidelines (ADAAG), the accessibility standard for facilities under Title III jurisdiction. **Existing commercial facilities** are *not* required to comply with the Title III regulations covering nondiscrimination in policies, practices and procedures, effective communication, and barrier removal.

Places of Public Accommodation

A place of **public accommodation** is a private establishment (for-profit or nonprofit) that fits one of twelve categories specified by the Department of Justice in the ADA regulations. Hotels, restaurants, theaters, museums, retail stores, private schools, banks, doctors' offices, and health clubs are all places of public accommodation. (A complete list of the twelve categories and examples of each appear on the next page.)

Under Title III of the ADA, any private entity that owns, leases, leases to, or operates an existing public accommodation has four specific requirements:

1. **Remove barriers** to make their goods and services available to and usable by people with disabilities, to the extent that it is **readily achievable** to do so in other words,

to the extent that needed changes can be accomplished without much difficulty or expense.

2. Provide **auxiliary aids and services** so that people with sensory or cognitive disabilities have access to effective means of communication, unless doing so would fundamentally alter the operation or result in undue burdens.
3. Modify any **policies, practices, or procedures** that may be discriminatory or have a discriminatory effect, unless doing so would fundamentally alter the nature of the goods, services, facilities, or accommodations.
4. Ensure that there are no unnecessary **eligibility criteria** that tend to screen out or segregate individuals with disabilities or limit their full and equal enjoyment of the place of public accommodation.

Effective Dates

Title III requirements for **existing facilities and alterations** became effective on January 26, 1992. (However, lawsuits cannot be brought against businesses with twenty-five or fewer employees and annual gross receipts of \$1,000,000 or less until July 26, 1992. Lawsuits cannot be brought against businesses with ten or fewer employees and gross receipts of \$500,000 or less until January 26, 1993.) The requirements for **new construction** generally apply to places of public accommodation and commercial facilities first occupied after January 26, 1993.

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| Type of Establishment | Examples (list is not exhaustive) |
|---|---|
| 1. Place of lodging | Hotel, inn, motel (except if less than six rooms and the residence of the owner) |
| 2. Establishment serving food or drink | Restaurant, bar |
| 3. Place of exhibition or entertainment | Theater, cinema, concert hall, stadium |
| 4. Place of public gathering | Auditorium, convention center, lecture hall |
| 5. Sales or rental establishment | Bakery, grocery store, clothing store, shopping mall, video rental store |
| 6. Service establishment | Bank, lawyer's office, gas station, funeral parlor, laundromat, dry cleaner, barber shop, beauty shop, insurance office, hospital, travel service, pharmacy, office of health care provider |
| 7. Station used for specified public transportation | Depot, bus station, terminal |
| 8. Place for public display or collection | Museum, library, gallery |
| 9. Place of recreation | Park, zoo, amusement park |
| 10. Place of education | Preschool, nursery, elementary, secondary, undergraduate or post-graduate private school |
| 11. Social service establishment | Shelter, hospital, day care center, independent living center, food bank, senior citizen center, adoption agency |
| 12. Place of exercise and recreation | Gymnasium, health club, bowling alley, golf course |