

THE AMERICANS WITH DISABILITIES ACT: A SUMMARY OF PROVISIONS IMPACTING BUILDING MANAGEMENT, DESIGN AND CONSTRUCTION

I. INTRODUCTION

Title III of the Americans with Disabilities Act.

“No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation. 42 U.S.C. § 12182 (a).”

The Act further defines discrimination as the failure of public accommodations and commercial facilities to design and construct facilities that are readily accessible to and usable by individuals with disabilities. 42 U.S.C. § 12183(a).

General Requirements

Generally, the physical accessibility provisions of the ADA require the removal of “architectural barriers” at existing places of public accommodation, when such barrier removal is “readily achievable.” 42 U.S.C. § 12182(b)(2)(iv). New buildings and alterations of existing public accommodations and commercial facilities must be designed and constructed to meet demanding accessibility requirements, unless such compliance is “structurally impracticable.” 42 U.S.C. § 12183(a).

Department of Justice Regulations and Related Publications

The Justice Department’s *Standards for Accessible Design*, 28 C.F.R. Pt. 36, App. A. 28 C.F.R. Pt. 36, App. A

The Justice Department’s “*Americans with Disabilities Act Title III Technical Assistance Manual*”

II. DISABILITY DEFINED

An individual with a disability is someone who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. 42 U.S.C. § 12101.

III. BUILDINGS AND FACILITIES REGULATED BY THE ADA

Title III of the ADA applies to privately owned, leased or operated “public accommodations” and “commercial facilities.”

Public Accommodations. The ADA defines a “place of public accommodation” as a facility, operated by a private entity, whose operations affect commerce and which falls within at least one of twelve specific categories. 42 U.S.C. § 12181(7).

