

FACT SHEET 1

Who Has Obligations Under Title III?



Fact Sheets in this series:

Fact Sheet 1. Who Has Obligations Under Title III?

- Fact Sheet 2. Providing Effective Communication
- Fact Sheet 3. Communicating with People with Disabilities
- Fact Sheet 4. Tax Incentives for Improving Accessibility
- Fact Sheet 5. Alternatives to Barrier Removal
- Fact Sheet 6. Resources for More Information

*To obtain additional copies of any **fact sheet** in this series, contact your Disability and Business Technical Assistance Center. To be automatically connected to your regional center, call 1-800-949-4ADA. This **fact sheet** may be copied as many times as desired by the Disability and Business Technical Assistance Centers for distribution to small businesses but may not be reproduced in whole or in part and sold by any other entity without written permission from the authors.*

© 1992

Adaptive Environments Center, Inc.

Developed under a grant from the National Institute on Disability and Rehabilitation Research (grant #H133D10122).

Adaptive Environments Center, Inc. and Barrier Free Environments, Inc. are authorized by the National Institute on Disability and Rehabilitation Research (NIDRR) to develop information and materials on the Americans with Disabilities Act (ADA). However, you should be aware that NIDRR is not responsible for enforcement of the ADA. The information presented here is intended solely as informal guidance, and is neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.

FACT SHEET 1

Who Has Obligations Under Title III?

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.

FACTSHEET 1
Who Has Obligations Under Title III?

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