

## ***Public Accommodations - Title III***

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Title III of the Americans with Disabilities Act (ADA) guarantees people with disabilities the "full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation." Public accommodations are private entities open to the public such as restaurants, hotels, theaters, professional offices, pharmacies, retail stores, museums, libraries, parks, schools, day care centers, etc.

People with disabilities must be given an equal opportunity to obtain the same results as non-disabled people. It does not necessarily require those with disabilities to achieve the identical result or level of achievement as non-disabled persons.

In ensuring that individuals with disabilities have the opportunity to make use of the goods or services provided by a public accommodation or in a commercial facility, the covered entity has to remove barriers from an old building if this is readily achievable, and make reasonable modifications to its policies and procedures.

There are three kinds of entities exempt from Title III: religious entities; state and local governments because they are covered by Title II of the ADA; and private membership clubs which are exempt under Title VII of the Civil Rights Act of 1964. Although these entities are not covered under normal circumstances they may become subject to the ADA if they lease space to hold public events.

The U.S. Justice Department Regulations provides the following guidance to Title III:

- People with disabilities must be served by or admitted to public accommodations.
- If the policies, practices or procedures of an establishment have the effect of excluding people with disabilities, reasonable modifications to those policies, practices or procedures must be made unless they would fundamentally alter the nature of the business.
- A person cannot be denied services or goods of an establishment because he or she has an association or a relationship with a person with a disability.
- Auxiliary aids and services must be provided to enable persons with disabilities to use and enjoy the goods or services of an establishment as long as the provision of the auxiliary aids does not pose an undue burden or is not disruptive to business.
- Eligibility criteria must not screen out people with disabilities, unless the

- criteria are necessary.
- Examinations and courses for professional or educational applications, testing, licensing, credentialing or certification purposes must be accessible to individuals with disabilities.
  - Public accommodations are not required to provide services to persons who pose direct threats to the safety or health of others, and are not prohibited from discriminating against people who currently use illegal drugs.
  - Exclusions from insurance coverage based on legitimate safety concerns and classifications are permitted.
  - Barriers to accessibility in existing buildings must be removed if removal is readily achievable.
  - If a building is inaccessible to people with disabilities and removal of the barriers is not readily achievable, alternative methods must be used to serve those with disabilities if such methods would not impose an undue burden.
  - New buildings must be constructed so they are accessible to and usable by people with disabilities. Under this section public accommodations must use the ADA Accessibility Guidelines (ADAAG) unless local or state regulations are more stringent.
  - In buildings undergoing renovations, the renovated areas, and under some circumstances, the path of travel, and certain related facilities must be made accessible.
  - Privately operated transportation entities are prohibited from denying people with disabilities their services.

For more information on Title III of the ADA please visit  
<http://www.usdoj.gov/crt/ada/adahom1.htm>.