Just the Basics on ADA Accessibility

Janet Grumer, Partner
Davis Wright Tremaine LLP
janetgrumer@dwt.com
(213) 633-6866
A Brief History

- 1990: Congress passes Title III of the ADA
- 1991: Department of Justice issued ADA Standards for Accessible Design
- 2010: Department of Justice updates the ADA Standards for Accessible Design
Obligations for Compliance

- After the ADA passed, existing businesses had an affirmative obligation to make readily achievable changes to comply with the 1991 standards.
- As of March 15, 2012, businesses in compliance with the 1991 requirements need not do more.
- After March 15, 2012, businesses must comply with the new 2010 standards where the regulations were not included in the 1991 standards.
**Existing Facilities:** Businesses open to the public have an affirmative obligation to:

- Make readily achievable changes to comply with new regulations
- Make reasonable accommodations if required changes are not readily achievable

**New Facilities:** Businesses open to public must:

- Comply with new regulations
- Unless undue burden – structurally infeasible
What is “readily achievable”?

- Readily achievable means “easily accomplishable and able to be carried out without much difficulty or expense.”
- But measured by
  - Nature and cost of modification
  - Overall financial resources
  - Parent company resources
  - Impact on the site
  - Legitimate safety concerns
  - Geographic separateness
Avoiding Litigation

- Comply with regulations to the extent possible
- Plan for accessibility for new projects
- Provide reasonable accommodations where full compliance is not readily achievable
More on Avoidance

- Train staff to go the extra mile
- Appoint an accessibility manager
- Respond to demands for accessibility
Resources

2010 ADA Standards for Accessible Design

2010 Guidance on ADA Standards for Accessible Design:
Questions?

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