

# Americans with Disabilities Act

## What municipalities need to know

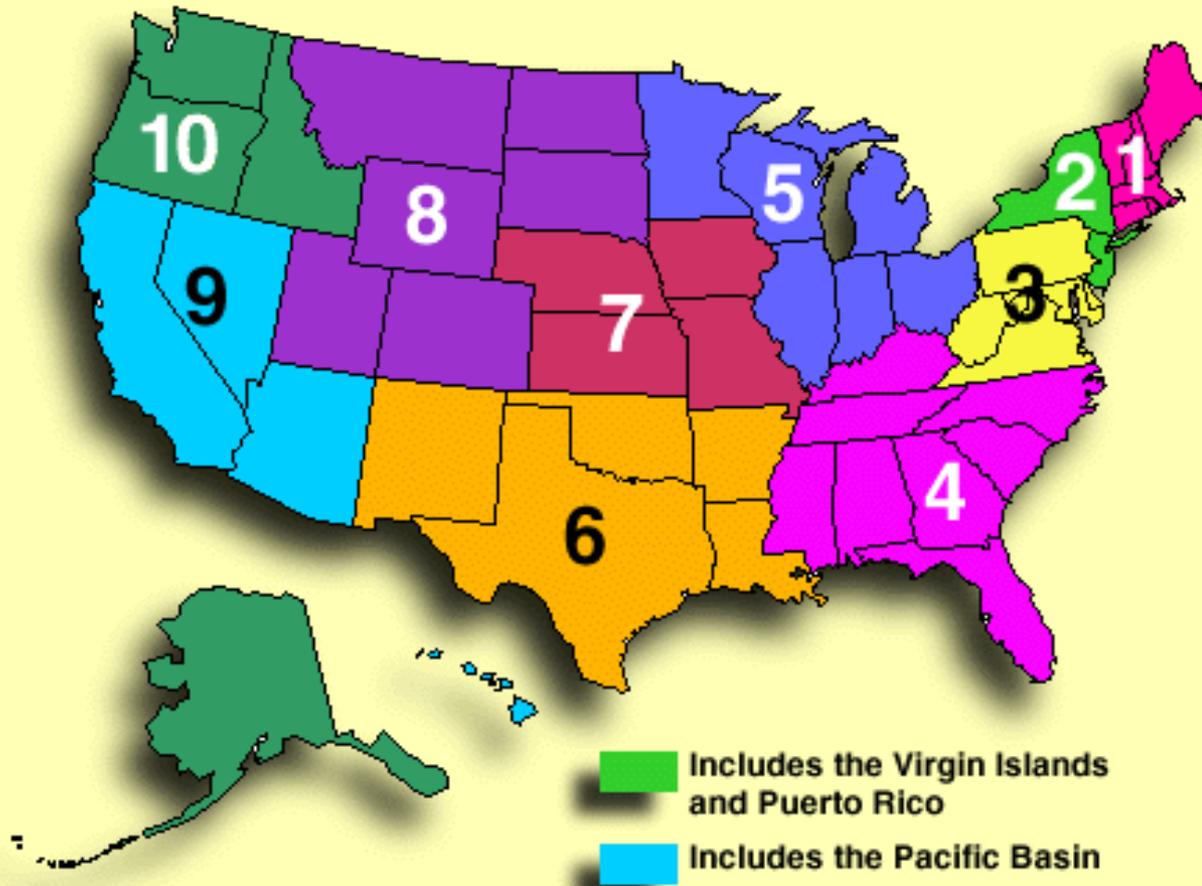
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ADA Connecticut State  
Conference  
October 22, 2014

# New England ADA Center is one of ten ADA Centers

Funded by the National Institute on Disability and Rehabilitation Research



1-800-949-4232

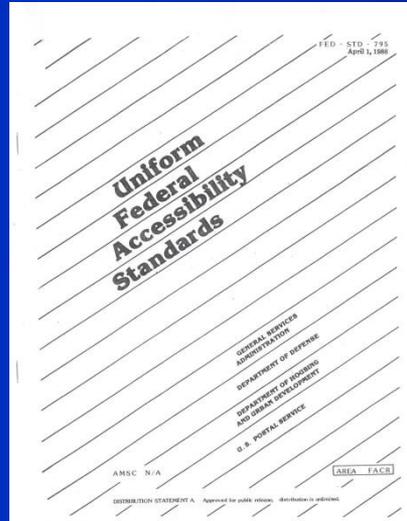
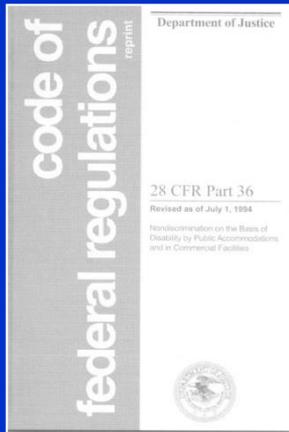
# What Is ADACC?

- Non-profit established in 1992 to promote voluntary compliance with the ADA;
- The official affiliate of the New England ADA Center;
- Operates on a voluntary basis;
- Is membership organization that provides training and technical assistance benefits.

# Agenda

- Facility and program accessibility
- Ensuring effective communication
- Who is protected under the laws
- General nondiscrimination requirements
- Quiz

# New Construction Alterations

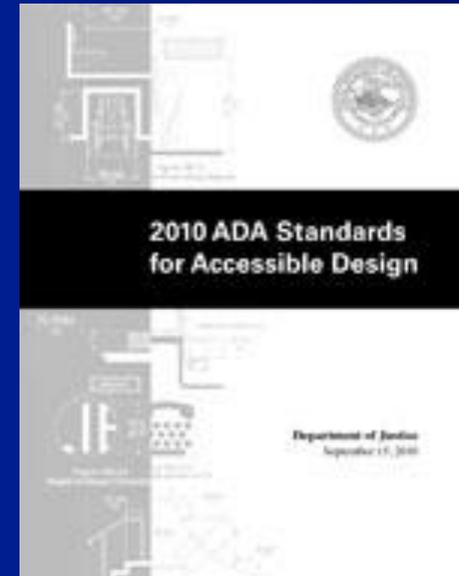


**1/26/92 - 3/14/12**

**1991 ADA Standards**

**or**

**Uniform Federal  
Accessibility Standard**



**On or after**

**3/15/12**

**2010 Standards**

# **Safe Harbor**

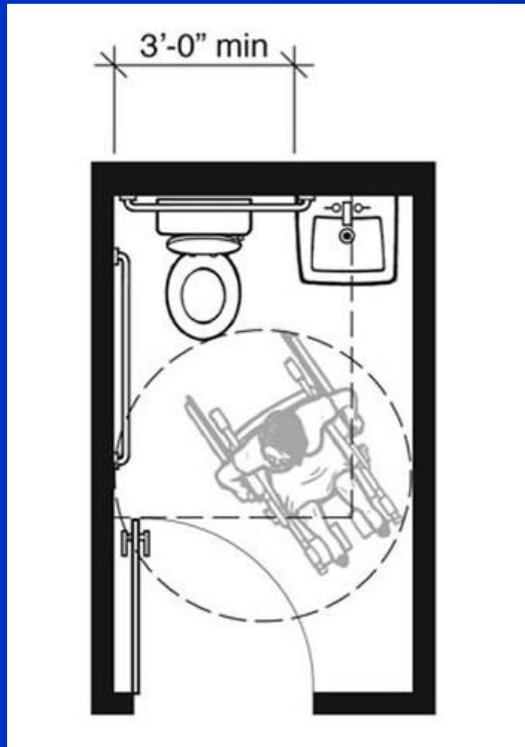
**Facilities built before 3/15/2012 that are in compliance with the 1991 Standards or UFAS do not need to retrofit to 2010**

**Example:**

**School built in 1994 has the 1991 single user toilet room design - does not need to retrofit**

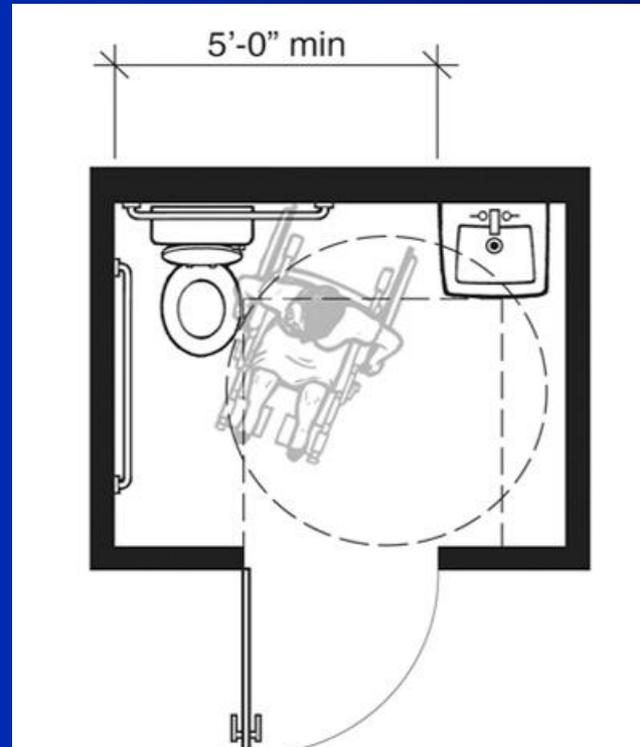
**EXCEPT..... RECREATION FACILITIES**

# Accessible Restrooms



1991

ADA Standards



2010

ADA Standards

# Recreation Facilities NEW 2010 ADA Standards

pools, playgrounds, routes to ball  
fields, boating, fishing...

*ADA Standards for Accessible Design  
Sections 235-243*

# Program Accessibility

Ensure that each program, service and activity, when viewed in its entirety, is accessible to people with disabilities.

*28 CFR Part 35 Subpart D*

# Play Areas



Accessible route to each type of ground level play component

# Play Areas Accessible Route

Stable  
Firm  
Slip-resistant



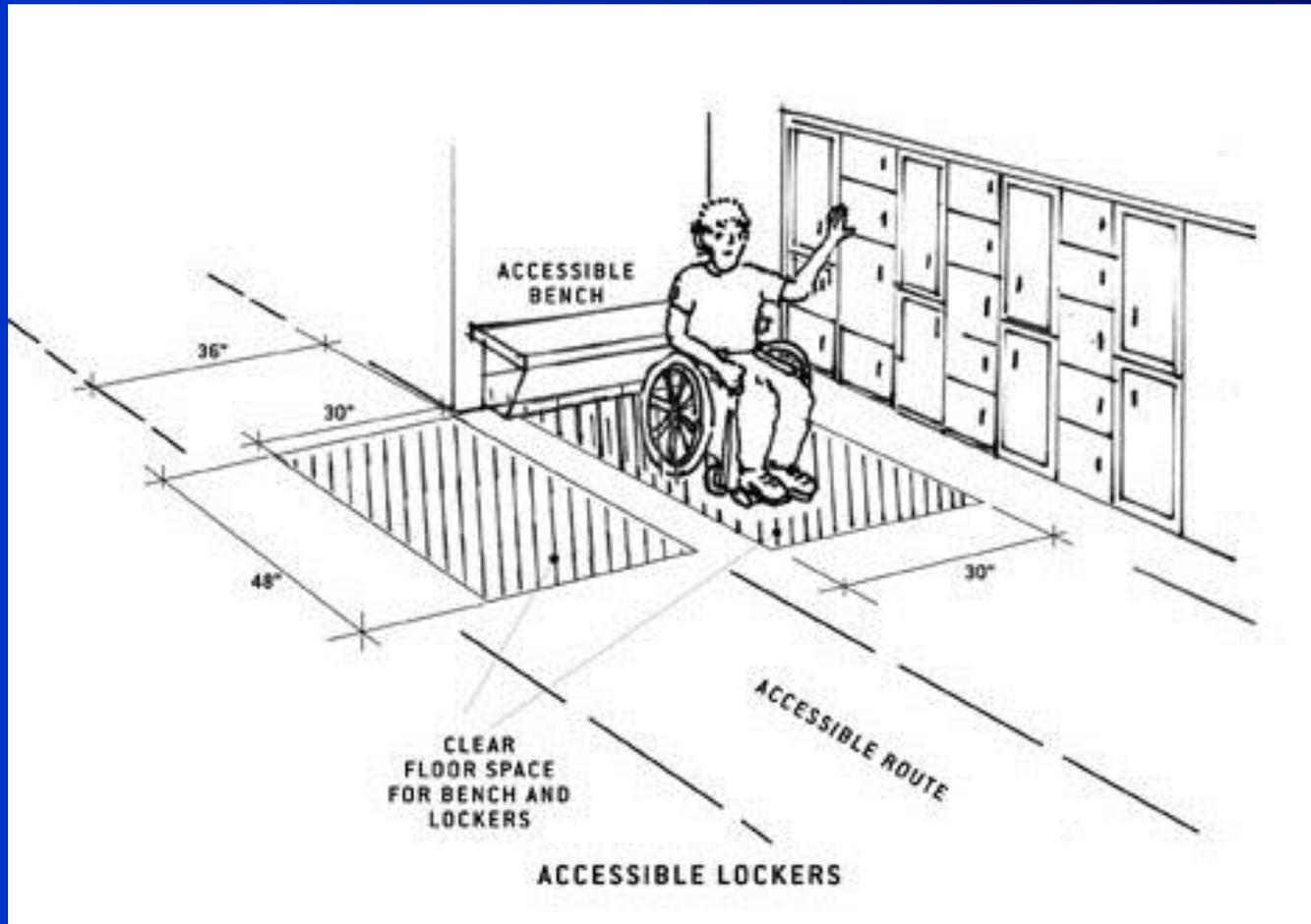
# Play Areas



Transfer  
platforms to get to  
upper level play  
components

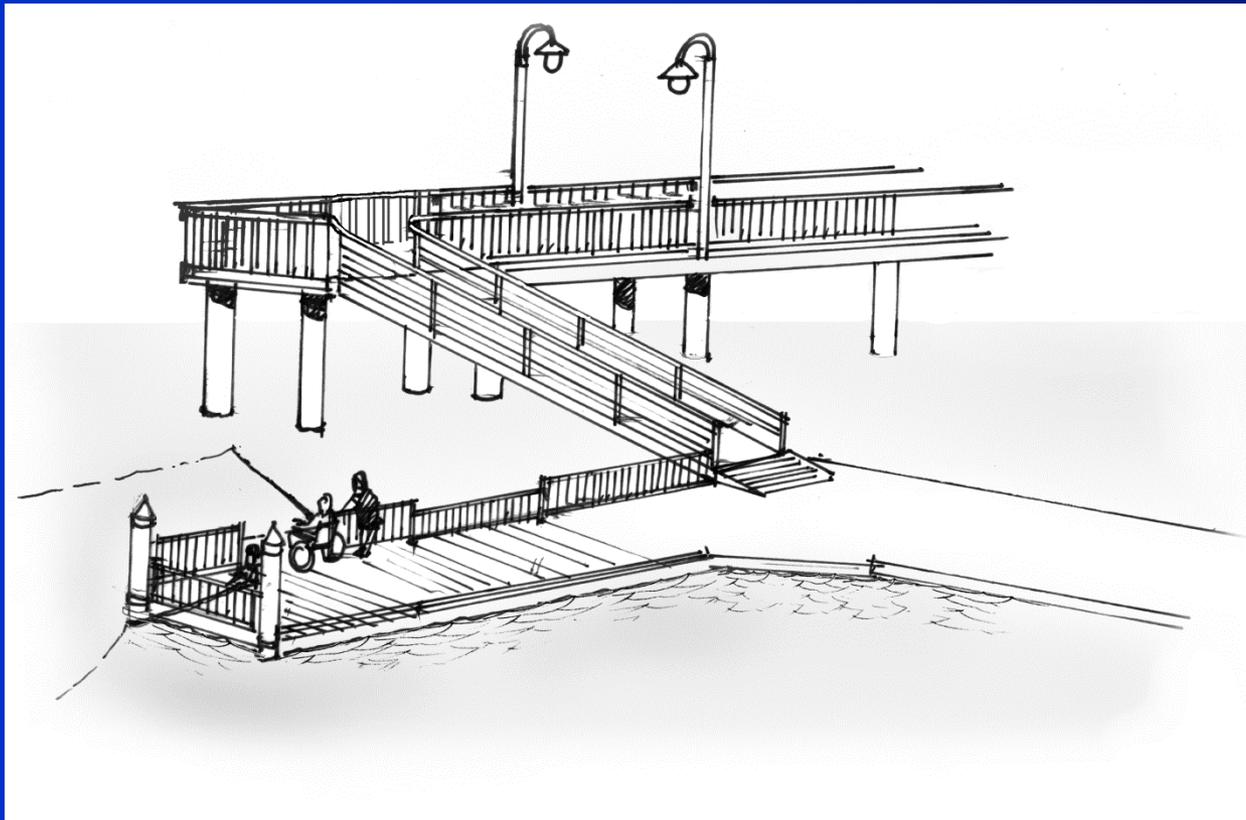


# Gym and Other Sporting Facilities



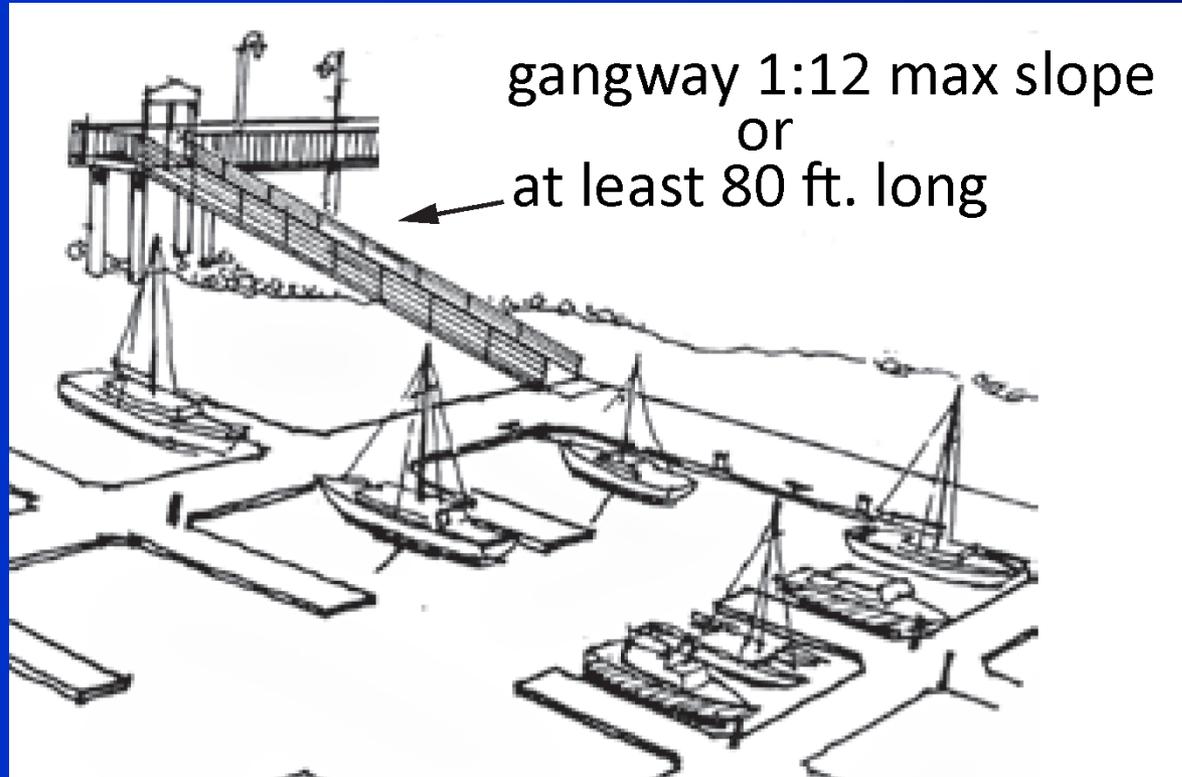
*from U.S. Access Board Guides*

# Fishing Piers and Platforms



*from U.S. Access Board Guides*

# Recreational Boating Areas



# Accessible Route to Ball Fields

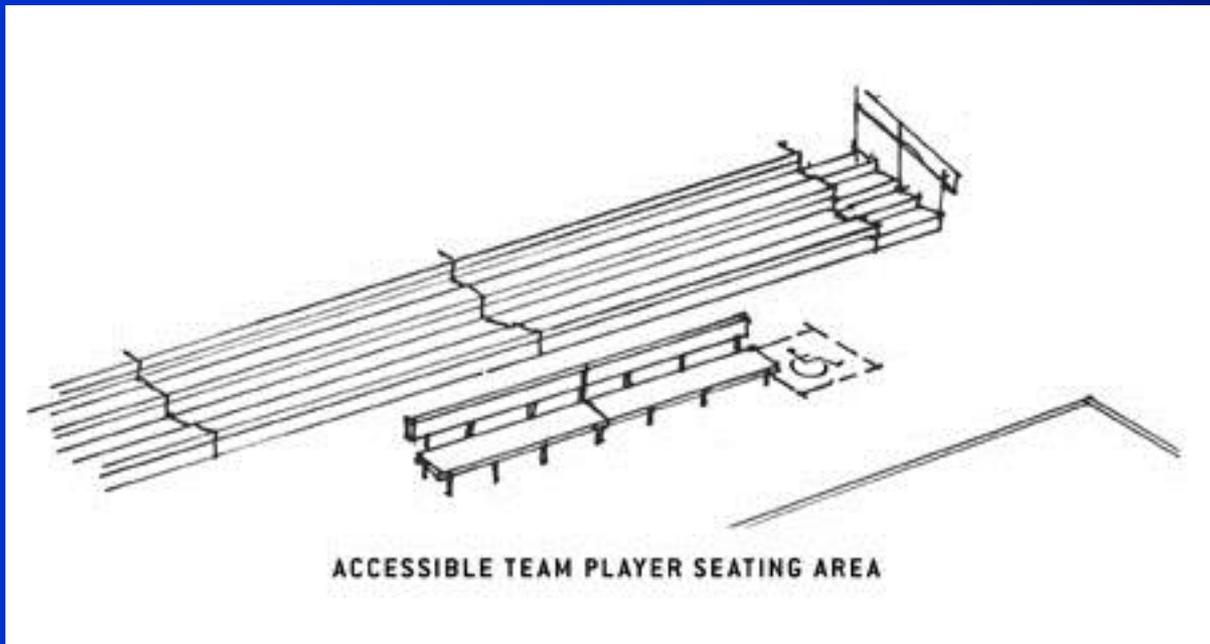


Stable  
Firm  
Slip-resistant



NEW

# Sporting Facilities



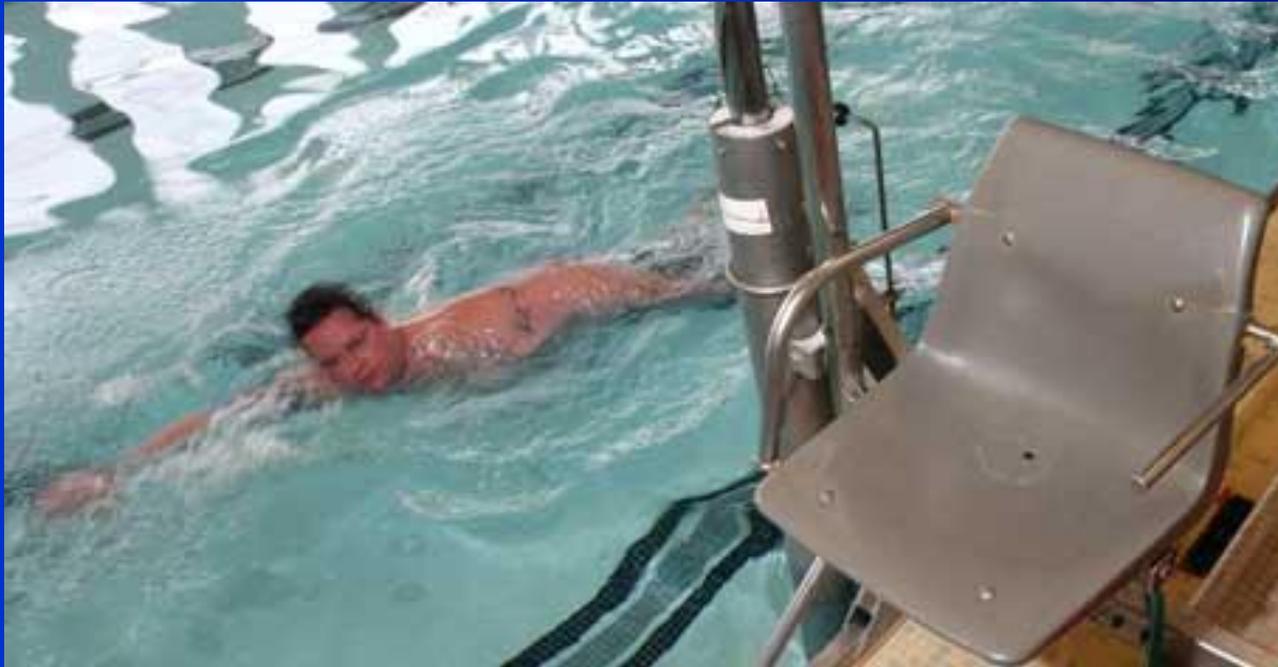
*from U.S. Access Board Guides*

# Swimming Pools Sloped Entry



*from U.S. Access Board Guides*

# Swimming Pools Lift



Capable of  
unassisted  
operation from  
the deck and  
water

# Self Evaluation and Transition Plan

Way back in the 20<sup>th</sup> century

## 1. Self-evaluation

## 2. Transition Plan

- What needs to be done
- Target date
- Who is responsible for doing it



# ADA Checklist for Existing Facilities

Based on the 2010 ADA Standards for Accessible Design



Produced by  
**Institute for Human Centered Design**  
[www.HumanCenteredDesign.org](http://www.HumanCenteredDesign.org)

[www.ADAchecklist.org](http://www.ADAchecklist.org)  
2011



**ADA National Network**  
[www.ADAa.org](http://www.ADAa.org)

Questions on the ADA 800-949-4232 voice/tty  
Questions on checklist 617-695-0085 voice/tty  
[ADAinfo@NewEnglandADA.org](mailto:ADAinfo@NewEnglandADA.org)

[www.adachecklist.org](http://www.adachecklist.org)

# ADA Checklist for Existing Facilities

The Americans with Disabilities Act (ADA) requires state and local governments, businesses, and non-profit organizations to provide goods, services, and programs to people with disabilities on an equal basis with the rest of the public.

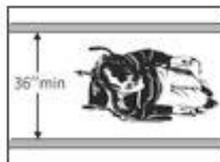
 **Checklist**  **Recreational Checklists**

Some people think that only new construction and alterations need to be accessible and that older facilities are “grandfathered,” but that’s not true. Because the ADA is a civil rights law and not a building code, older facilities are often required to be accessible to ensure that people with disabilities have an equal opportunity to participate.

**Home**

**Checklist**

- **How to Use this Checklist**
- What is Program Accessibility?
- What is Readily Achievable Barrier Removal?
- Priorities for Accessible Facilities
- 2010 ADA Standards for



### Priority 1: Approach & Entrance

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[Word Non-Fillable Form](#)

[PDF Non-Fillable Form](#)

[Plain Text \(To download, right-click this link and select Save Link As...\)](#)



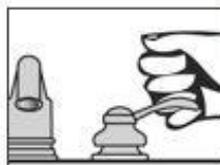
### Priority 2: Access to Goods & Services

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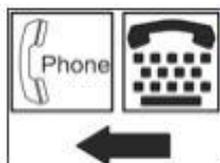
### Priority 3: Toilet Rooms

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### Priority 4: Additional Access - Drinking Fountains, Public Telephones & Fire Alarms

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[Word Non-Fillable Form](#)

[PDF Non-Fillable Form](#)



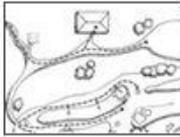
## Fishing Facilities

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## Golf Facilities

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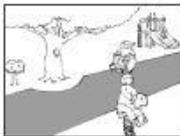
## Miniature Golf Facilities

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## Play Areas

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## Recreational Boating Facilities

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## Swimming Pools, Wading Pools & Spas

[Word Fillable Form](#)

# Self Evaluation and Transition Plan

Highly Recommended

1. Self-evaluation

2. Transition Plan

- What needs to be done
- Target date
- Who is responsible for doing it

# Buildings built before access requirements (pre 1992) “Existing” Facilities



How much accessibility is required?

# Program Accessibility

Ensure that each program, service and activity, when viewed in its entirety, is accessible to people with disabilities.

*28 CFR Part 35 Subpart D*

# Program Accessibility

Evaluate facilities.

Provide enough access to ensure participation.

Does not have to look like new construction.

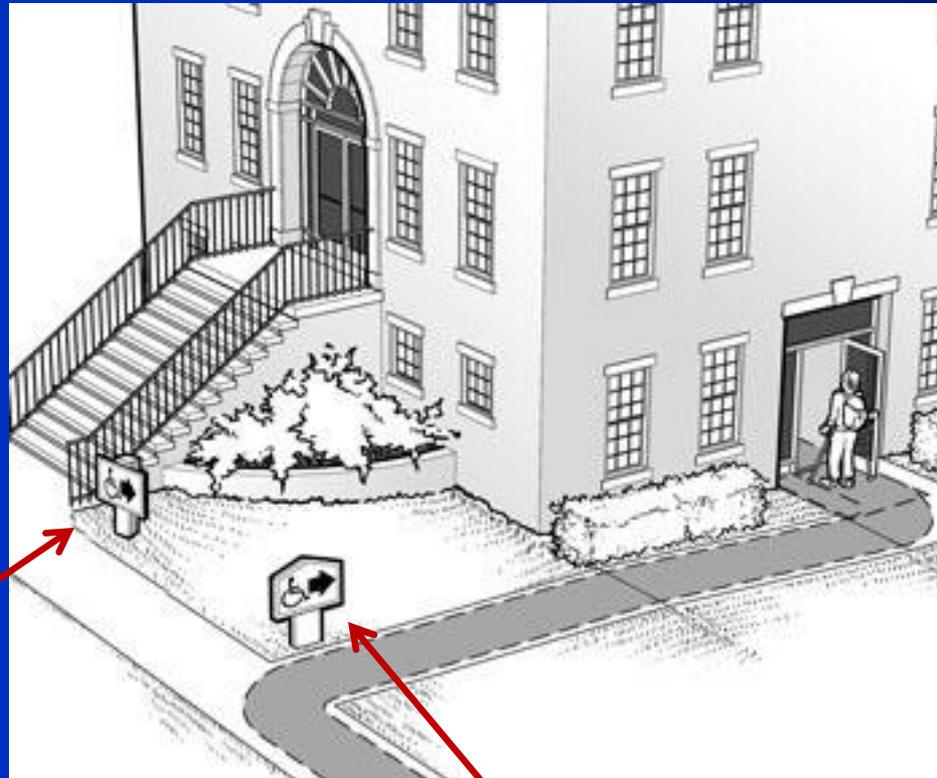
Include people with disabilities in the process and decision making.

# Accessibility Review

## Accessible Routes



# If Main Entrance Can't be Accessible



Put sign at inaccessible entrances.

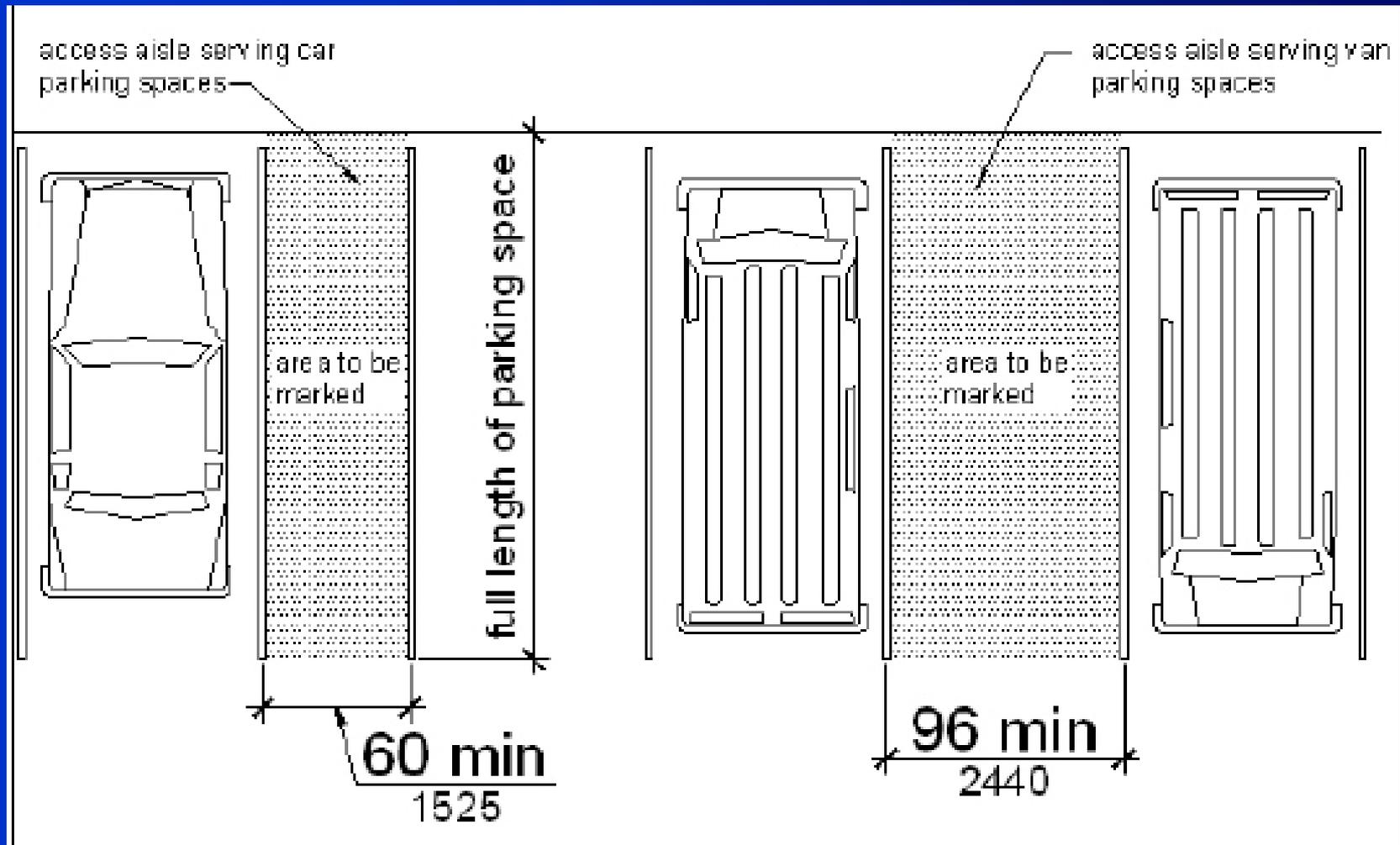


*Sign: "Ring Bell for Handicapped Entrance"*

Accessible door unlocked same hours as main entrance.

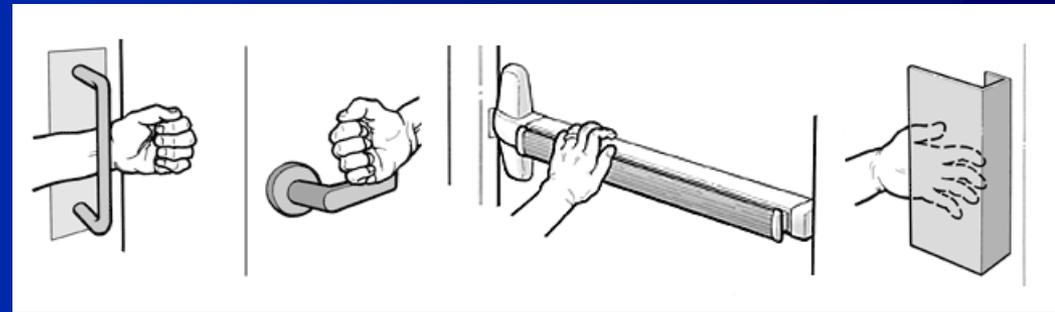
Security issues?

# Parking



**EXCEPT CONNECTICUT:** Each vehicle has its own access aisle – no sharing.

# Accessible Hardware



# Counter or table at 36 inches, or clipboard for filling out forms



# Signs at Permanent Rooms

Braille, Contrasting Colors, Raised Characters



# Tactile Sign Placement



# Toilet Rooms



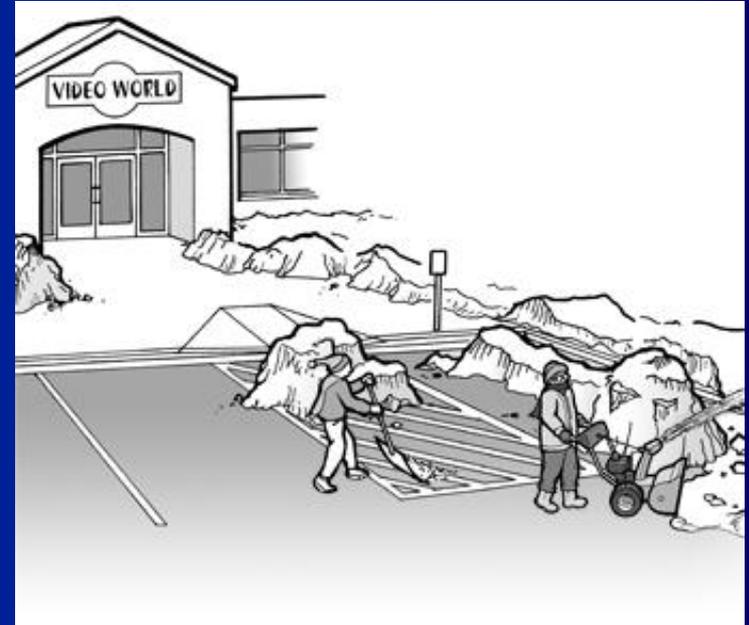
CONNECTICUT: Grab bars – back, side, fold-down

# Visual and Audible Alarms Consider Locations



© 2004 JOHN GARCIA

# Maintenance of Accessible Features



28 § 35.133

**Leaving Facilities  
moving on to  
Effective Communication**

# Communication

Communication with people with disabilities must be as effective as communication with others

28 CFR 35.60

# Communication with Everyone

ADA requires communication with everyone,  
not just “primary” communicator

- Medical: deaf spouse of hearing patient
- Court: not just parties; also jurors, spectators
- Anyone who would be able or eligible to communicate or participate in the activity

# Sec. 35.160 Communication

- (a)(1) A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others...

# Sec. 35.160, Continued

- (b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.

# Effective Communication

People who :

- are blind or visually impaired
- are deaf or hard of hearing
- or
- have a speech disability



# **Auxiliary Aids and Services**

**Provide “auxiliary aids and services”**

**If necessary to ensure effective  
communication**

**28 CFR 35.60**

# Assistive Listening Devices

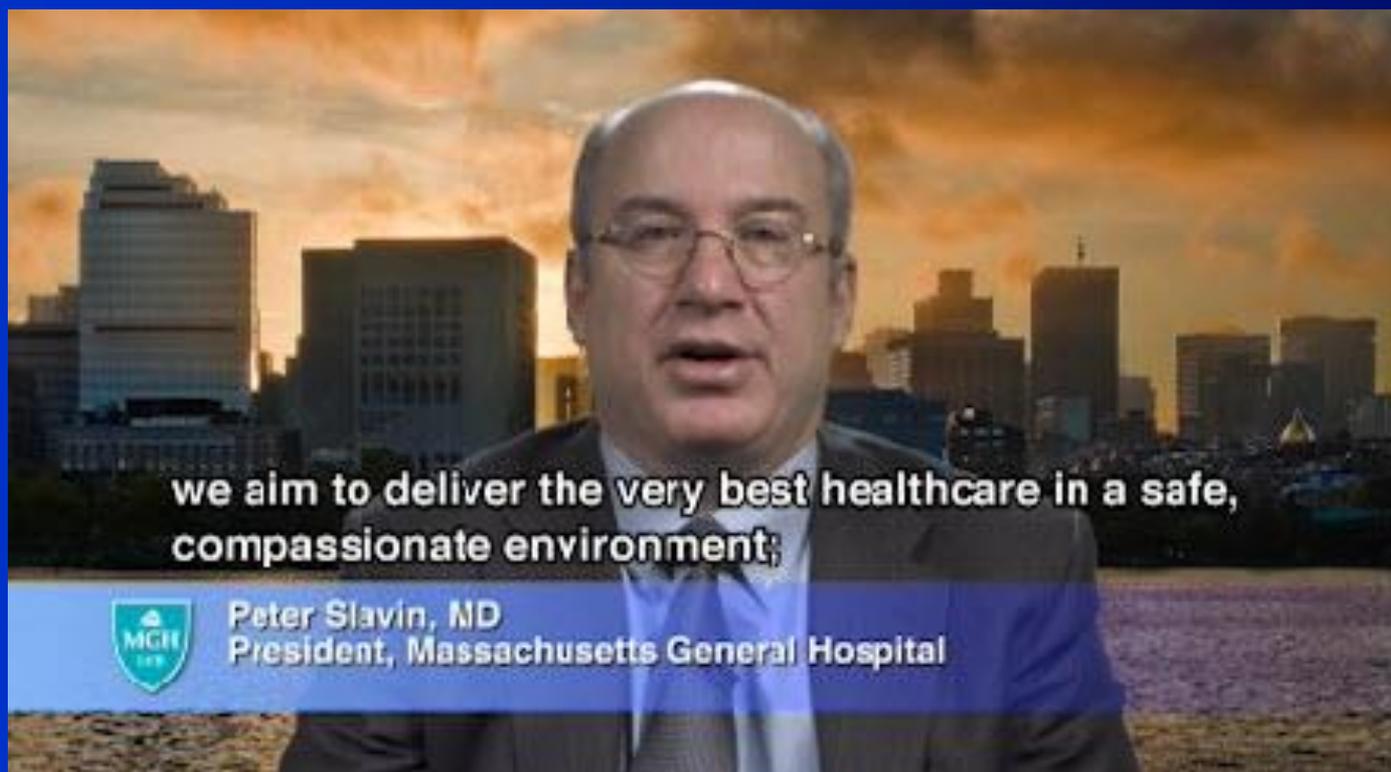
## Amplify Sound for an Individual



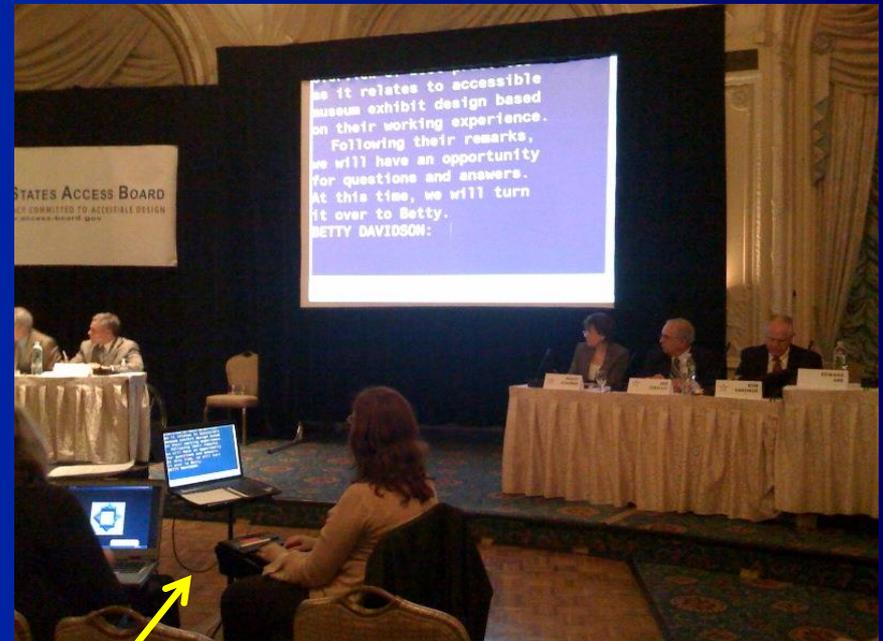
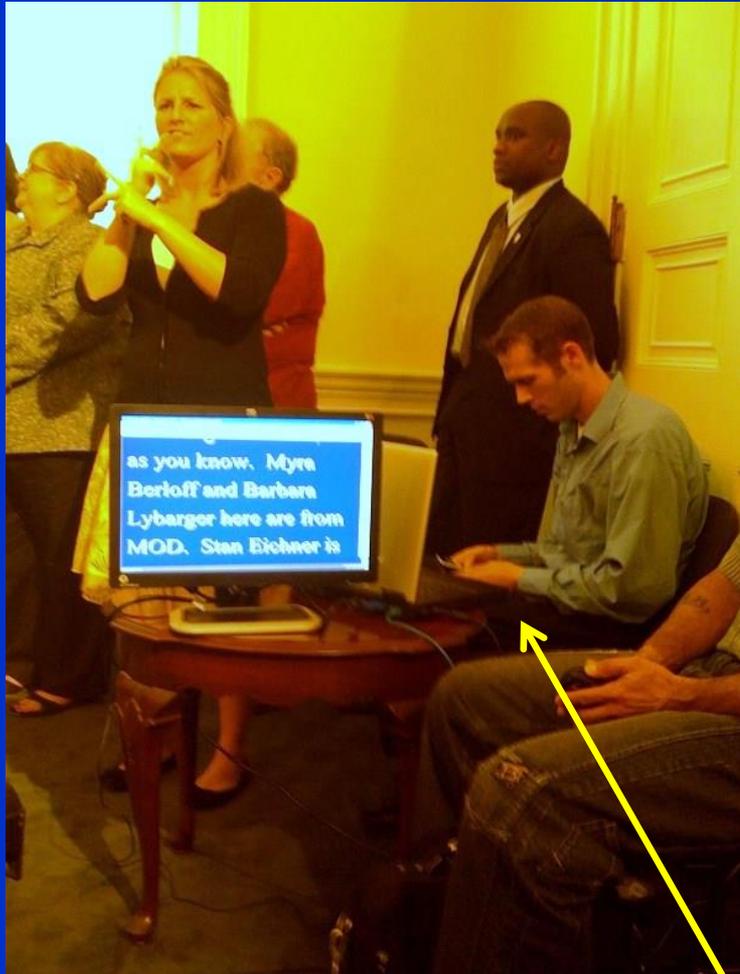
# At Science Center Note the Sign (Required)



# Closed or open captioning on videos, etc.



# Computer Aided Real-time Transcription CART



CART Reporters

The police are told that a man who is deaf witnessed a robbery. They want to interview the man.

The man's 16 year old daughter hears and is fluent in sign language.

ADA regulations suggest a family member is the most appropriate person to provide sign language interpretation in this situation.

True or False?

# **Sign Language Interpreters Must be Qualified**

“Able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.”

# Sign Language Interpreters NEW

Do not rely on an adult or child accompanying an individual with a disability to interpret except:

- Emergency involving an imminent threat to the safety or welfare of an individual or the public

# New! Companions

- Covered entities must communicate effectively with companions with disabilities, as appropriate.
- Companion defined as “family member, friend, or associate of an individual seeking access to a service, program or activity of a public entity, who along with such individual is an appropriate person with whom the public entity should communicate.”

When communicating with someone who is deaf and there's a sign language interpreter or companion is interpreting: Face and speak to the person who is deaf (not the interpreter.)

You

Interpreter

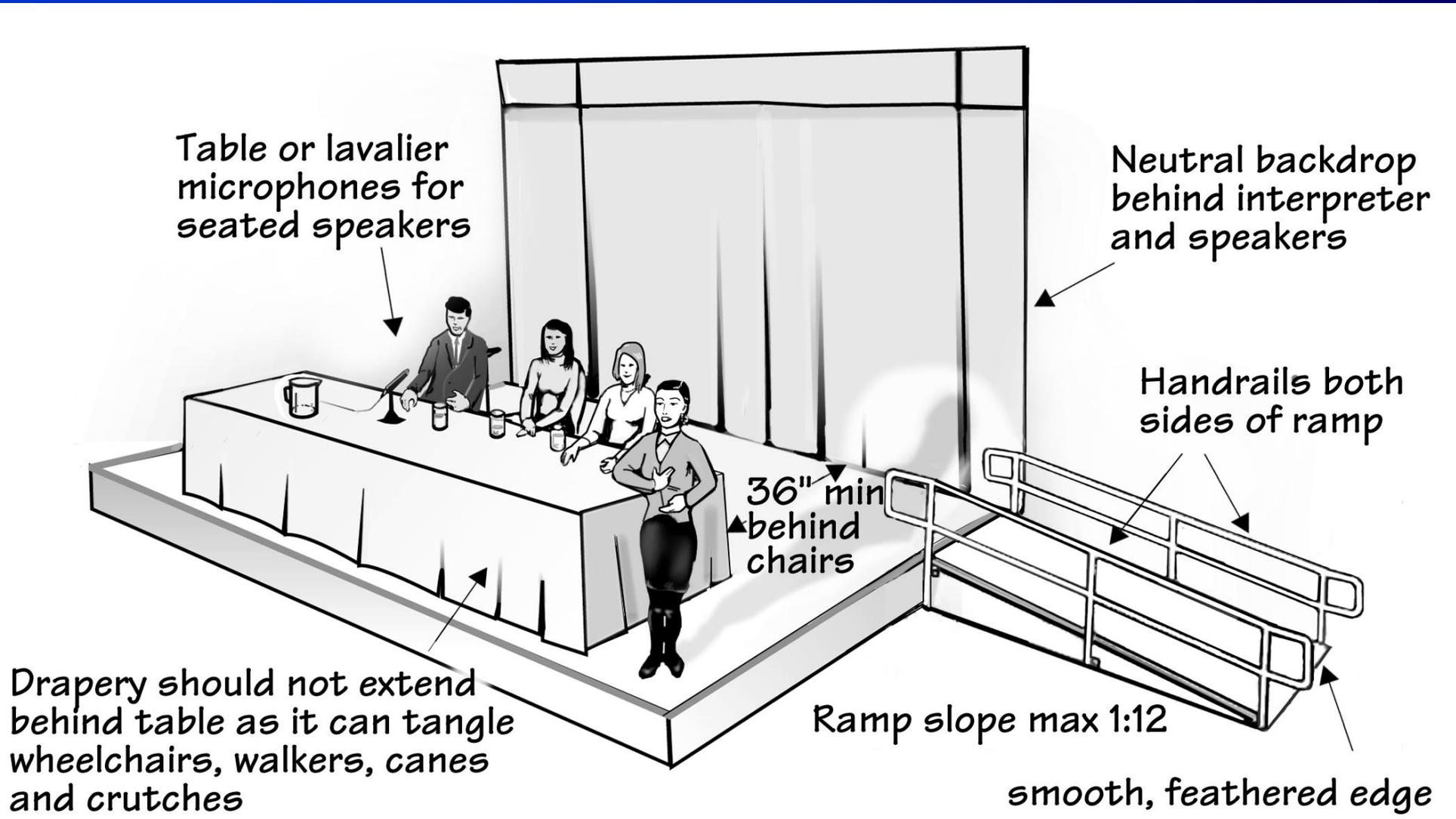
Person who is deaf



# Ensuring effective communication in a group



Woman in brown shirt is deaf, interpreter is standing



## Speakers platform with interpreter

# Video Remote Interpreting NEW

## One on One

Interpreter is anywhere in world,  
signing to deaf woman, listening  
and speaking to  
hearing/speaking man

Man hears  
doesn't  
sign



Woman is  
deaf and  
signs

Need:

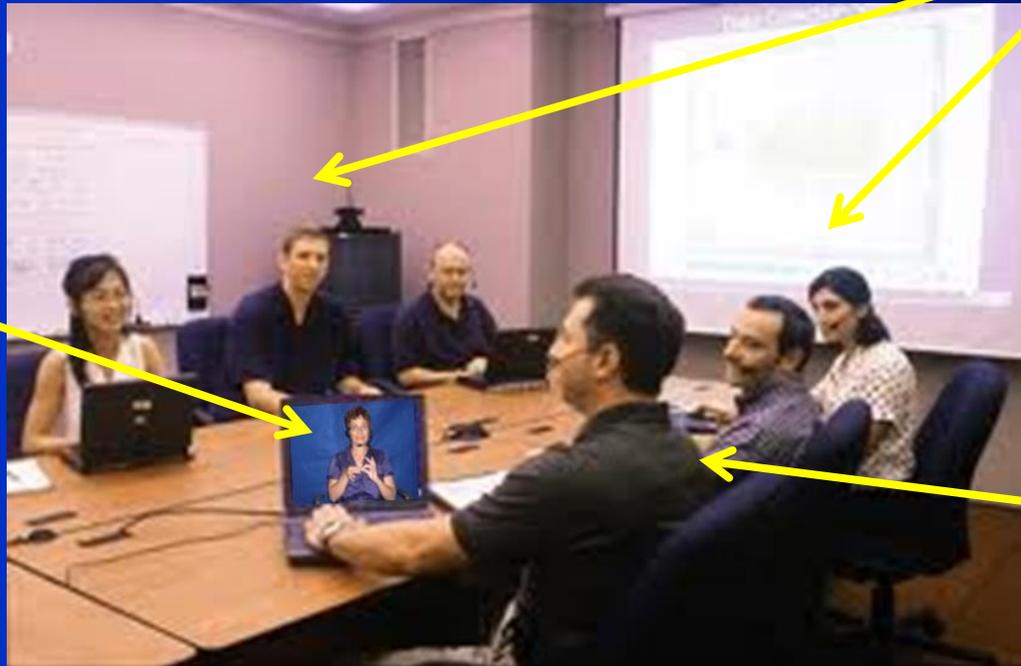
Computer and video cam

Microphone/speakers or telephone

Good internet connection

# Video Remote Interpreting NEW Group

Interpreter



Speaking people who don't sign

Man is deaf and signs

Need:

Computer (laptop, Ipad) and video cam

Microphone/speakers or telephone

Good internet connection

# New! Auto Attendant Systems

- These include automated voice mail, interactive voice response systems.
- If provided, must ensure effective communication in real time with individuals using auxiliary aids and services (TTYs, TRS).
- LOL!

# New! Public Address Systems

- Section 810.7 requires that where public address systems convey audible information to the public, the same or equivalent information shall be provided in a visual format.
- Includes public transportation, and emergency announcements

# New! Fire and Smoke Detectors

- Section 809.5 requires that all smoke and fire detectors newly installed or upgraded have visible strobes and interconnectivity;
- This includes appliance alarms

# New! Assembly Areas

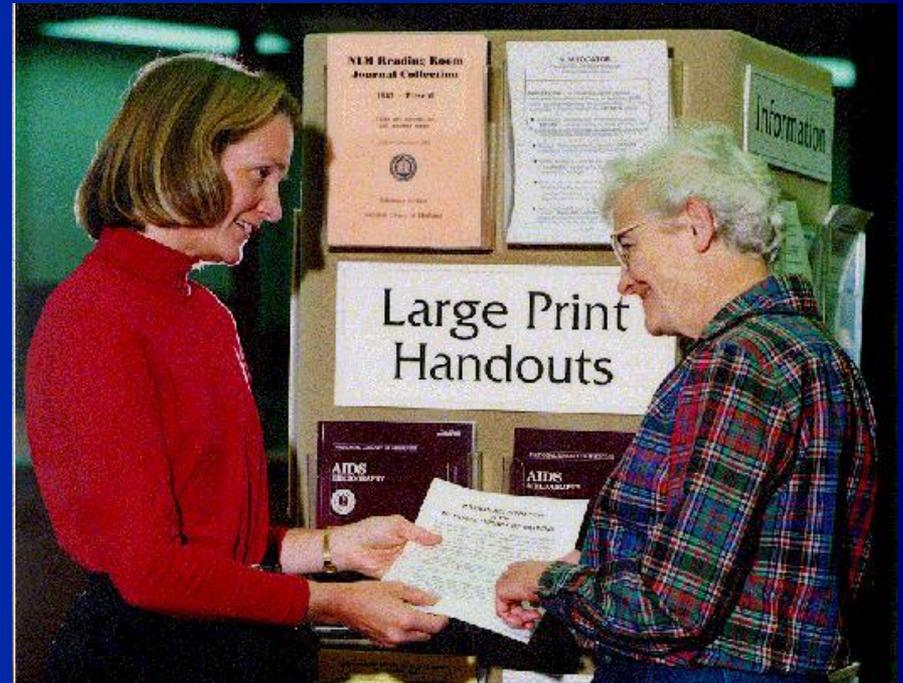
- **219.2 Required Systems.** In each assembly area where audible communication is integral to the use of the space, an assistive listening system shall be provided.
- **EXCEPTION:** Other than in courtrooms, assistive listening systems shall not be required where audio amplification is not provided.

**Auxiliary Aids and Services for  
People Who are Blind  
or  
Have Low Vision**

# Provide material in Large Print

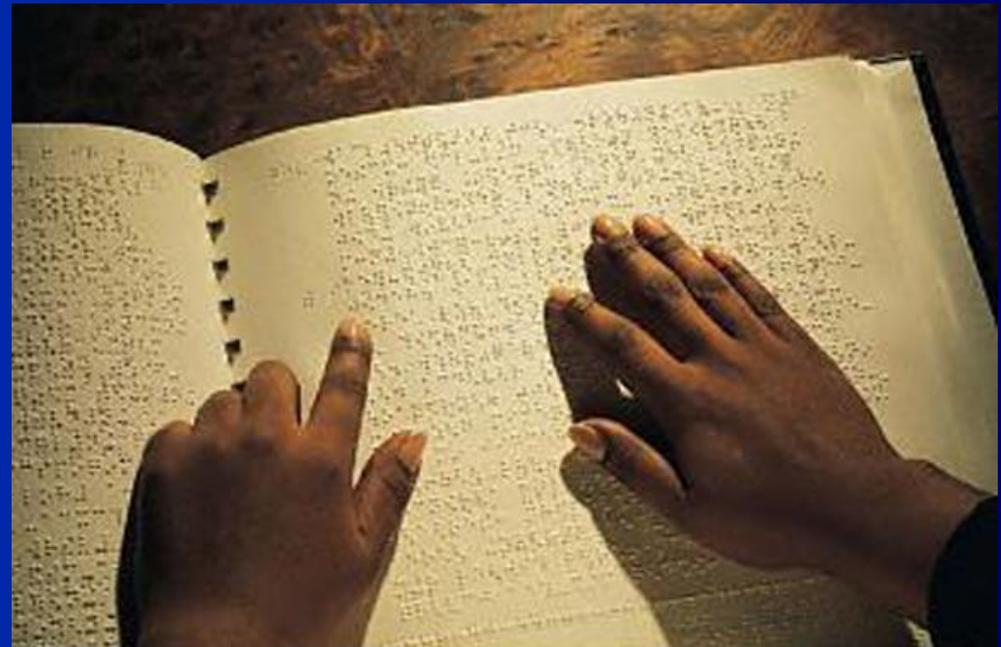
**Large  
Print**

If individual makes request, provide in whatever size the person needs



For general use provide in 18 point font

# Provide material in Braille



# Many people who are blind use screen reading technology



With audio input



With refreshable Braille

**Provide print material, thumb drive  
or email it**



# Audio



# Title II: Primary consideration

- In determining what type of auxiliary aid and service is necessary, a public entity ***shall give primary consideration*** to the requests of the individual with disabilities.
- Both entity and PWD have obligation to engage in **interactive process** to find reasonable accommodation that works

**When providing an auxiliary aid or service, the town is required to provide what the person wants no matter how much it costs.**

**True or False?**

# Undue Burden

Provide unless it would be an undue financial and administrative burden

Undue burden means “significant difficulty or expense”

# Undue Burden

The decision needs to be made by the head of the public entity or his/her designee.

Written statement of the reasons for reaching that conclusion.

# **Leaving Effective Communication**

**moving on to**

# **General Nondiscrimination Requirements**

# General Nondiscrimination

A man who is blind and uses a service animal goes to the city museum alone for a lecture.

The security guard won't let him in because the guard is concerned that the man will walk into the art work.

Has the city violated the ADA?



# General Nondiscrimination Requirements



Ensure an equal opportunity to participate in the most integrated setting appropriate.

# General Nondiscrimination Requirements

When necessary to ensure equal opportunity “**reasonable modifications**” must be made to policies, practices, procedures

## Reasonable Modification of Policies, Practices and Procedures?

Mr. G takes medication due to a disability. The medication causes his mouth to be dry and feel cottony (a common side effect of some medications).

The high school is putting on a play. The school has a policy: No food or beverages in the auditorium.

Mr. G asks to be able to bring juice into the auditorium.

- What is the school's obligation?

## Reasonable Modification of Policies, Practices and Procedures?

Mr. F emails you. He wants to participate in a library program.

He has multiple chemical sensitivity and request that the meeting be in a building that has used only unscented cleaning products in the past week and where no one is wearing perfume, cologne and other scents.

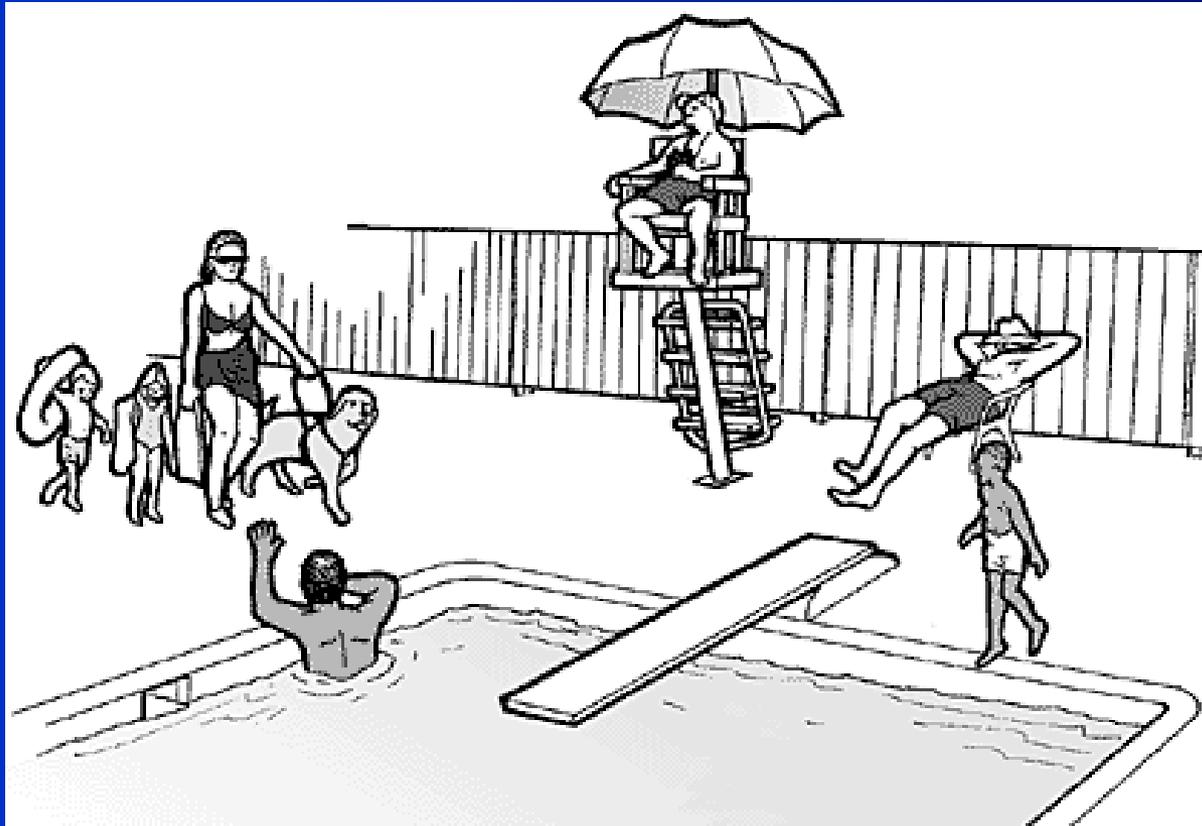
What do you do to address his request?

## Reasonable Modification of Policies, Practices and Procedures?

- A senior center is planning a field trip to the Museum of Fine Arts, including lunch.
- Mr. Z emails the center that he has severe multiple sclerosis. He requests a staff or volunteer to assist with feeding and toileting.
- Does the ADA require the organization to provide personal services and devices?

# Service Animals

For people who are blind or have low vision



Assisting with navigation and other tasks

# ADA Service Animal

- Any dog individually trained to do work or provide tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability



# Service Animals For People with Mobility Disabilities



Providing physical support,  
balance, pulling wheelchair



Retrieving items –  
medicine, phone

# Service Animals

## For People who are Deaf or Hard of Hearing



Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.  
Non-violent protection.

# Service Animals For People who Have Epilepsy



Alerting person before  
a seizure or assisting  
a person during a  
seizure



# Service Animals

Other examples of work or tasks in ADA regulations

- Alerting people to the presence of allergens
- Helping people with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors

# Not considered work or tasks

- The crime deterrent effects of animal's presence
- The provision of
  - emotional support
  - well-being
  - comfort
  - companionship



# ADA Service Animals

## What can you ask the person?

1. Is this a service animal required because of a disability?
2. What work or task has the animal been trained to provide?

# Service Animals

Must be under control of owner at all times



# ADA : Miniature Horses



You can restrict where they are allowed to go.

# Quiz

1. All municipal buildings that are open to the public must meet the requirements for new construction as specified in the ADA Standards for Accessible Design.

**NO** *Buildings built before the ADA went into effect must provide enough access to ensure program accessibility. They do not need to meet new construction standards.*

2. The ADA is a broad civil rights law that applies to a wide range of people with disabilities, not just to people who are blind, deaf or have mobility impairments.

**YES**

3. When the Department of Justice added standards for recreation areas, such as playgrounds and swimming pools, they said that the old ones have “safe harbor” status and don’t have to be made accessible.

**NO** *No safe harbor for recreation facilities. Those facilities need to be assessed and enough access provided to assure program accessibility*

4. If a citizen who is hard of hearing requests an assistive listening device to participate in Town Meeting the town must provide the device.

**YES** – *Municipalities must ensure that communication is equally effective and provide the device (unless it would result in undue burden).*

. 5. Under the ADA a dog, monkey or pot-bellied pig that's individually trained could be a service animal for a person with a disability.

**NO** - *Under the ADA the definition of service animal only includes dogs.*

6. Municipalities' ADA obligations are in title II of the ADA.

**YES**

# Resources

New England ADA Center

800-949-4232

[www.NewEnglandADA.org](http://www.NewEnglandADA.org)

ADA Coalition of CT (ADACC)

860-297-4383

[www.adacc.net](http://www.adacc.net)

Department of Justice

800-514-0301

[www.ada.gov](http://www.ada.gov)

# Resources

[www.adachecklist.org](http://www.adachecklist.org)

Job Accommodation Network

1-800-526-7234

[www.AskJan.org](http://www.AskJan.org)

**End of Slides**

**Questions/Discussion??**