

The Americans with Disabilities Act

The Americans with Disabilities Act, or The ADA, is a federal law that was enacted by the U.S. Congress in 1990. It was signed into on July 26, 1990 and later amended with changes effective January 1, 2009. The ADA is a wide-ranging civil rights law that prohibits discrimination based on having a disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964 which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. Disability is defined by The ADA defines a disability as "a physical or mental impairment that substantially limits a major life activity." Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. The determination of whether any particular condition is considered a disability is made on a case by case basis. The ADA was created as a civil rights law protection for people with disabilities that would be permanent, would not be able to be reversed or weakened, and would prohibit all discrimination. It was also intended so that Americans with disabilities would be kept in the mainstream in terms of public policy changes, healthcare law and policy changes, and civil rights protections and public law changes for Americans with physical, mental and cognitive disabilities. It was intended to be a flexible set of laws that could only be strengthened, not weakened, by future case law.

Title I: Employment



The ADA states that a covered entity shall not discriminate against a qualified individual with a disability. Discrimination may include, among other things, limiting or classifying a job applicant or employee in an adverse way, denying employment opportunities to people who truly qualify, or not making reasonable accommodations to the known physical or mental limitations of disabled employees, not advancing employees with disabilities in the business, and/or not providing needed accommodations in training materials or policies, and the provision of qualified readers or interpreters.

Title II: Public Entities & Transportation



Title II prohibits disability discrimination by all public entities at the local (i.e. school district, municipal, city, county) and state level. These regulations cover access to all programs and services offered by the entity. Title II applies to public transportation provided by public entities through regulations by the U.S. Dept. of Transportation, which includes the National Railroad Passenger Corp., along with all other commuter authorities. This section requires the provision of paratransit services by public entities that provide fixed route services. Title II also applies to all state and local public housing, housing assistance, and housing referrals. The Officer of Fair Housing and Equal Opportunity is charged with enforcing this provision.



New Jersey Self-Advocacy Project

A program of The Arc of New Jersey since 1983

Promoting Advocacy and Independence for People
with Intellectual and Developmental Disabilities

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Title III: Public Accommodations & Commercial Facilities



Under Title III, no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation. "Public accommodations" include most places of lodging (such as inns and hotels), recreation, transportation, education, and dining, along with stores, care providers, and places of public displays, among other things. Under Title III of the ADA, all "new construction" (construction, modification or alterations) after the effective date of the ADA (approximately July 1992) must be fully compliant with the Americans With Disabilities Act Accessibility Guidelines (ADAAG). Title III also has application to existing facilities. One of the definitions of "discrimination" under Title III of the ADA is a "failure to remove" architectural barriers in existing facilities, which means that even facilities that have not been modified or altered in any way after the ADA was passed still have obligations. The standard is whether "removing barriers" (typically defined as bringing a condition into compliance with the ADAAG) is "readily achievable," defined as "easily accomplished without much difficulty or expense." There are exceptions to this title; many private clubs and religious organizations may not be bound by Title III. With regard to historic properties, those facilities must still comply with the provisions of Title III of the ADA to the "maximum extent feasible" but if following the usual standards would "threaten to destroy the historic significance of a feature of the building" then alternative standards may be used.

Title IV: Telecommunications



Title IV of the ADA requires that all telecommunications companies in the U.S. take steps to ensure functionally equivalent services for consumers with disabilities, notably those who are deaf or hard of hearing and those with speech impairments. When Title IV took effect in the early 1990s, it led to installation of public Teletypewriter (TTY) machines and other TDDs (Telecommunications Device for the Deaf). Title IV also led to the creation, in all 50 States and the District of Columbia, of what were then called dual-party relay services and now are known as Telecommunications Relay Services (TRS), such as STS Relay. Today, many TRS-mediated calls are made over the Internet by consumers who use broadband connections. Some are Video Relay Service (VRS) calls, while others are text calls. In 2006, according to the Federal Communications Commission (FCC), VRS calls averaged two million minutes a month!

Title V: Miscellaneous Provisions

Title V includes an anti retaliation or coercion provision. It states that people who exercise their rights under the ADA, or assist others in exercising their rights, are protected from retaliation. The prohibition against retaliation or coercion applies broadly to any individual or entity that seeks to prevent an individual from exercising his or her rights or to retaliate against him or her for having exercised those rights.



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