

# Title III of the ADA: Overview of Architectural Requirements

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# Disclaimer\*

These slides provide an overview of the architectural provisions of Title III of the ADA. They are not meant to be a full recitation of the law – that would take way more slides than either of us have patience for. For homework, here are links to:

- the [statute](#);
- the Department of Justice [regulations](#); and
- the [1991](#) and [2010](#) DOJ Standards for Accessible Design
- the DOJ's [Title III Technical Assistance Manual](#).

\* I'm a lawyer; what did you expect?

# Title III prohibits disability discrimination by “public accommodations”

- Restaurants, theaters, stores, professional offices. ([Full list.](#))
- Under the law, landlords and tenants both responsible.
- Requirements apply to
  - Physical premises
  - Communication
  - Policies

# Buildings

- Built after 1/26/93: must comply with DOJ Standards for Accessible Design.
- Built before 1/26/93 but altered since: [alterations](#) must comply.
- Built before 1/26/93 but not altered: must remove barriers where “readily achievable.”

# New Buildings

Must comply with the DOJ Standards.

The Standards were revised in 2010.

Here's how to know [which Standards apply](#):

Built	Must comply with
After 3/15/12	<u><a href="#">2010 Standards</a></u>
Between 9/15/10 and 3/15/12	<u><a href="#">1991</a></u> or <u><a href="#">2010 Standards</a></u>
1/26/93 to 9/15/10	<u><a href="#">1991 Standards</a></u> unless relevant <u><a href="#">2010 Standard</a></u> is lower

# Alterations

- The altered area must comply with the Standards “to the maximum extent feasible.”
- If an [area of primary function](#) is altered, then the path of travel and amenities that serve that area must be brought into compliance if less than 20% of the total cost.

# Area of Primary Function

- Primary functions are the major activities for which the facility is intended.
- Examples include:
  - the lobby of a bank;
  - the dining area of a cafeteria;
  - the meeting rooms in a conference center.
- Does not include alterations to windows, hardware, controls, electrical outlets, and signage.

# Barrier Removal

- In buildings built before January 26, 1993, barriers must be removed where it is “readily achievable” to do so.
- Readily achievable considers:
  - The cost of barrier removal; and
  - The resources of the public accommodation.

# Maintenance of Access

- Once the building is in compliance, the ADA requires that it be maintained that way.
- Exception for “isolated or temporary interruptions in service or access due to maintenance or repairs.”

# Common Title III Myths

- **No building** is “grandfathered in.”
- Approval by a building department **does not constitute** compliance with ADA.
- It’s not OK to carry a person in lieu of a ramp.
- There is no “good faith” defense: access is mandatory.

