



## Americans with Disabilities Act Title II and Title III Revised Regulations Fact Sheet Series

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### Fact Sheet #1

# Overview of Revised Title II and Title III Regulations



The Department of Justice (DOJ) has amended its regulations implementing Title II and Title III of the Americans with Disabilities Act (ADA), which apply to public/state and local government entities and private businesses/places of public accommodation, respectively. These revised regulations took effect on March 15, 2011, with some exceptions. Fact Sheets in this series are available on each of these topics.

### Summary of Changes

#### Fact Sheet #2 - Effective Communication

- Companions with disabilities must be provided with effective communication.
- Video Remote Interpreting (VRI) services are now considered an auxiliary aid that may be used to provide effective communication.
- A covered entity shall not rely on an adult or minor child accompanying an individual with a disability to provide interpreting services except in an emergency or if the individual who is deaf wants the accompanying adult to interpret if appropriate.
- A qualified reader is an individual who is able to read effectively, accurately and impartially using any specialized vocabulary.

#### Fact Sheet #3 - Examinations and Courses

- If an entity requires documentation of disability before granting an accommodation request, then the documentation requirement needs to be reasonable and limited to the need for the modification, accommodation, or auxiliary aid or service requested.
- Prior modifications received in similar situations should be granted considerable weight
- A covered entity must respond in a timely manner to requests for modifications.

#### Fact Sheet #4 - Places of Lodging

- Effective March 15, 2012, these regulations will impact the definition of place of lodging, reservation processes, information provided through reservation systems regarding accessible features, holding accessible guest rooms, third party reservation providers and scoping for accessible guest rooms.

### **Fact Sheet #5 - Service Animals**

- Service Animal is now defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability.
- Other animals, whether wild or domestic, do not qualify as service animals.
- Reasonable modifications in policies must also be made to allow individuals with disabilities to use miniature horses, with some restrictions, if they have been individually trained to do work or perform tasks for individuals with disabilities.

### **Fact Sheet #6 - Ticketing**

- Guidance is now provided on the sale of tickets for accessible seating, information covered entities must provide about accessible seating, ticket prices, options for purchasing multiple tickets, hold and release of tickets for accessible seating, ticket transfer, the secondary ticket market, and prevention of fraud.

### **Fact Sheet #7 - Wheelchairs and Other Power-Driven Mobility Devices (OPDMDs)**

- Wheelchairs must be permitted in all areas open to pedestrian use.
- OPDMDs- any mobility device powered by batteries, fuel or other engines, used by individuals with disabilities as their mobility device of choice, whether designed primarily for use by individuals with disabilities or not (such as the Segway® PT), must be permitted unless the covered entity can demonstrate that such use would fundamentally alter its business/operations, create a direct threat, or create a safety hazard.

### **Fact Sheet #8 - Detention and Correctional Facilities**

- Qualified inmates or detainees with disabilities shall not be excluded from participation in, or be denied the benefits of, the services, programs or activities of a public entity in the most integrated setting appropriate.
- Requires three percent of newly constructed or altered cells to be accessible.

### **Fact Sheet #9 – Overview of the 2010 ADA Standards for Accessible Design**

- DOJ has adopted revised ADA design standards On March 15, 2012, compliance with the 2010 Standards will be required for new construction and alterations. In the period between September 15, 2010 and March 15, 2012, covered entities may choose between the 1991 Standards or the 2010 Standards. *Note: Title II entities can also choose the Uniform Federal Accessibility Standards (UFAS).*
- “Safe Harbor”: facilities that were built or altered in compliance with 1991 Standards or the UFAS do not have to be brought into compliance with 2010 Standards unless the facility undergoes an alteration on or after March 15, 2012. The safe harbor provisions do not apply to those elements in existing facilities that are subject to supplemental requirements (i.e., elements for which there are neither technical nor scoping specifications in the 1991 Standards).

**Call your Regional ADA Center at 1.800.949.4232 for more information on the new Title II and Title III regulations and to get other Fact Sheets in our nine part series!**

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