

Table of Contents

CHAPTER 1. INTRODUCTION

- § 1:1 Historical overview
- § 1:2 ADA's relationship to other statutes
- § 1:3 —The Rehabilitation Act of 1973
- § 1:4 —Individuals with Disabilities Education Act
- § 1:5 —Title VII of the Civil Rights Act of 1964
- § 1:6 —Architectural Barriers Act
- § 1:7 —Workforce Investment Act

CHAPTER 2. WHAT THE ACT REQUIRES

- § 2:1 Overview of the ADA
- § 2:2 —Overview of Title I—Employment
- § 2:3 —Overview of Title II—Public entities
- § 2:4 —Overview of Title IV—Telecommunications
- § 2:5 —Overview of Title V—Miscellaneous provisions
- § 2:6 Interpreting the ADA

CHAPTER 3. GENERAL REQUIREMENTS

- § 3:1 Introduction
- § 3:2 Individuals protected by the ADA
- § 3:3 Integration and equal participation
- § 3:4 Discrimination based on association
- § 3:5 Retaliation or coercion
- § 3:6 Accessible features
- § 3:7 Eligibility criteria
- § 3:8 Modification of policies, practices, or procedures
- § 3:9 —The extent of modifications
- § 3:10 —Individualized inquiries
- § 3:11 Specific requirements for compliance
- § 3:12 —Specialization by public accommodations
- § 3:13 —Service animals
- § 3:14 —Check-out aisles
- § 3:15 —Mobility devices
- § 3:16 —Special accessible goods and services
- § 3:17 —Medical Diagnostic Equipment
- § 3:18 —Insurance
- § 3:19 Proving discrimination
- § 3:20 —Prima facie case
- § 3:21 —Burdens of proof
- § 3:22 —Constructive denial of request for accommodation

PUBLIC ACCOMMODATIONS UNDER THE ADA

§ 3:23 —Hostile learning environment and harassment claims

CHAPTER 4. WHAT CONSTITUTES A DISABILITY

- § 4:1 Conditions or characteristics constituting a disability
- § 4:2 —Effect of corrective measures
- § 4:3 —Physical or mental impairment
- § 4:4 —Major life activities
- § 4:5 —Substantial limitation of a major life activity
- § 4:6 —Duration of the impairment
- § 4:7 —Record of impairment
- § 4:8 —Regarded as having a disability
- § 4:9 Specific conditions and impairments
- § 4:10 Conditions or characteristics excluded from definition of impairment
- § 4:11 —Current illegal use of drugs
- § 4:12 —Sexual orientation, sexual disorders and social disorders

CHAPTER 5. ENTITIES COVERED BY TITLE III

- § 5:1 Public accommodations
- § 5:2 —Place of public accommodation
- § 5:3 —Operators of places of public accommodations
- § 5:4 Commercial facilities
- § 5:5 Educational institutions
- § 5:6 —Educational accommodation
- § 5:7 —Examination and courses
- § 5:8 Educational Institutions—Dormitories
- § 5:9 Introduction
- § 5:10 Private clubs
- § 5:11 Religious organizations
- § 5:12 Small businesses

CHAPTER 6. BARRIER REMOVAL

- § 6:1 Barriers must be removed when their removal is readily achievable
- § 6:2 What is “readily achievable” in barrier removal
- § 6:3 Priorities for removing barriers
- § 6:4 Alternatives to barrier removal
- § 6:5 Architectural barriers
- § 6:6 Communications barriers

TABLE OF CONTENTS

§ 6:7 Allocating responsibility between landlord and tenant

CHAPTER 7. NEW CONSTRUCTION AND ALTERATIONS IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES

- § 7:1 Introduction
- § 7:2 New construction—General standards for new construction
 - Lines of sight
 - Additions and alterations to existing construction
 - Accessibility must be provided unless it is structurally impracticable
 - Equivalent facilitation
- § 7:7 Alterations—General standards for alterations
- § 7:8 —Accessibility must be provided to the maximum extent feasible
- § 7:9 —Historic buildings
- § 7:10 —Path of travel
- § 7:11 Elevators
- § 7:12 —Shopping centers and malls
- § 7:13 —Professional offices of health-care providers

CHAPTER 8. AUXILIARY AIDS AND SERVICES

- § 8:1 Obligation to provide auxiliary aids and services
- § 8:2 Forms of auxiliary aids and services
- § 8:3 When auxiliary aids need not be provided
- § 8:4 —Fundamental alteration and undue burden
- § 8:5 —Direct threat
- § 8:6 Effectiveness of auxiliary aids

CHAPTER 9. EXCEPTIONS TO APPLICATION OF TITLE III

- § 9:1 Introduction
- § 9:2 Direct threat determined on an individualized basis
- § 9:3 Obligation to accommodate unless such accommodation would fundamentally alter the institution

CHAPTER 10. FEDERAL CERTIFICATIONS

- § 10:1 In general

CHAPTER 11. TAX CONSIDERATIONS

- § 11:1 Credit for expenditures

PUBLIC ACCOMMODATIONS UNDER THE ADA

§ 11:2 Tax deductions

CHAPTER 12. ENFORCEMENT AND LITIGATION PROCEDURES

- § 12:1 Introduction
- § 12:2 Private rights of action
- § 12:3 —Prospective action
- § 12:4 —Remedy for existing violation of Title III
- § 12:5 Enforcement by the Attorney General
- § 12:6 Limitation of actions
- § 12:7 Effective date
- § 12:8 Immunity of governmental entities
- § 12:9 Attorneys fees
- § 12:10 Alternative dispute resolution
- § 12:11 Vexatious litigants

APPENDICES

- Appendix A. A Hypothetical Application of Title III to an Office Building Containing Public Accommodations and Commercial Facilities
- Appendix B. Americans with Disabilities Act of 1990
- Appendix C. 2010 ADA Standards for Accessible Design
- Appendix D. Uniform Federal Accessibility Standards
- Appendix E. State by State Survey of Laws Relating to Public Accommodation of Disabled Persons
- Appendix F. Potential Information Resources

Table of Laws and Rules

Table of Cases

Index