



Businesses' Obligations Under the ADA



Businesses providing goods or services to the public are considered “places of public accommodation.” This includes stores, restaurants, bars, service establishments, theaters, hotels, recreational facilities, private museums, schools, medical offices, shopping malls, and other businesses. This designation applies regardless of the size of the business or the age of the building. Businesses covered by the American’s with Disabilities Act (ADA) are required to do the following:

Provide accessible parking spaces for cars and vans:

- One of every six parking spaces must be van accessible.
- Small Businesses with limited parking (four (4) or fewer parking spaces) must have at least one accessible parking space.
- Accessible parking spaces must have an access aisle.

Provide accessible entrances:

- Remove any barriers that make it impossible or overly difficult for people using mobility aids to enter a business.
- If a main entrance is not accessible, an alternate entrance can be used if a sign is placed at inaccessible entrance notifying patrons of existence of accessible entrance.

Provide effective communication:

- Find practical solutions for communicating effectively with customers or that person’s parent, spouse or companion who may have vision, hearing, speech, or other communication-related disabilities.
- Provide appropriate auxiliary aids or services, depending on the complexity, length, or content of what needs to be communicated. For Example: exchanging notes with a customer looking for book in bookstore (simple) vs. providing interpreter for a customer discussing mortgage application at bank (complex).

Make reasonable modifications:

- Provide “reasonable modifications” to usual business practices, policies, and procedures when serving people with disabilities (e.g. modifying clothing store’s policy of permitting only one person at a time in a dressing room for a person with a disability who needs assistance trying on clothes).
 - ***Unless*** the modification would be a “fundamental alteration”—meaning a change in the essential nature of the business—only then is the modification not required (e.g. a clothing store would not be required to provide dressing services to a person with a disability if that service is not provided to other customers).
- Provide various types of assistance to help a person with a disability access the business’s goods and services unless the assistance would jeopardize the safe operation of the business.

Allow service animals:

- Allow service animals in the business, even if there is a “no pets/animals” policy.
- The ADA’s definition of “service animal” is limited to a dog (and in some cases, a miniature horse) that is individually trained to do work or perform tasks directly related to the person’s disability (“comfort,” “therapy,” and “emotional support” animals do not meet this definition—for more information, see our fact sheet on Service v. Assistance Animals, [Link](#)). Colorado law follows the ADA.
 - Under the ADA a business can only ask two specific questions: (1) “Is the animal required because of your disability?” and (2) “What task does it perform?”



Allow wheelchairs and other power-driven mobility devices:

- Allow individuals who use wheelchairs and other mobility devices into places where other customers can go.
- Allow a person with a disability entry into the business with **any** mobility device powered by batteries, fuel, or other engines, whether or not they are designed primarily for use by individuals with mobility disabilities, **unless** the business can demonstrate the device cannot be accommodated because of legitimate (not speculative) safety concerns (e.g. Segways that may be too large/fast in certain areas).

Make the environment accessible:

- The business must provide access to goods and services. A business must also provide access to miscellaneous amenities offered to the public, such as a drinking fountains, and must make sure there is access from public sidewalks, parking areas, and public transportation.
- Remove architectural barriers in existing facilities when it is “readily achievable” to do so (“readily achievable” means “easily accomplishable without much difficulty or expense”). “Readily achievable” is based on the size and resources of the business.

Provide accessible routes:

- Provide at least three-foot wide paths for people with disabilities to enter and move through the business (routes must not be blocked by items or clutter).
- Temporary blockages due to maintenance and repair are allowed, but only for a reasonable period of time (staff should help customers retrieve merchandise/provide other aid as necessary).
- Remove barriers to shelves, service counters, and check-out aisles **unless** removing such barriers would result in a significant loss of selling space.

Alterations:

- Make all alterations, to the maximum extent feasible, accessible.
- Alterations include: remodeling, renovating, rehabilitating, reconstructing, changing or rearranging structural parts or elements, or making other changes that could affect the usability of the facility.
- If a business was built or altered in compliance with the 1991 Standards, it does not need to make further modifications to those elements. If a business chooses to alter elements that were in compliance with the 1991 Standards, it then must meet the 2010 Standards (See ADA 2010 Requirements, [Link](#)).

Examples of Available Places to File Complaints for the Public:

- Department of Justice (DOJ): https://www.ada.gov/filing_complaint.htm
- Colorado Civil Rights Division (CCRD): <https://www.colorado.gov/pacific/dora/civil-rights>

***** DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. *****

**Information summarized from the Small Business Primer on ADA.gov.*

For more detailed information on these topics please go to:

<https://www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm>