

On July 26, 1990, President George Bush signed the Americans with Disabilities Act (ADA S.933) into law. The ADA is a comprehensive bill designed to end discrimination against persons with handicaps and to provide full accessibility for persons with handicaps, **including communication handicaps such as hearing impairment.** Reasonable accommodations of the ADA involve making existing facilities accessible to the disabled. This includes making an acquisition or modification of equipment or devices, including amplifiers, assistive devices, or hearing aids. The following is a summary of relevant ADA requirements and guidelines that are specific to the hearing impaired.

FACILITIES REQUIRED TO PROVIDE ACCESS:

Virtually all privately-owned businesses that provide goods and services to consumers, clients, or visitors. Categories include:

- Inns, hotels, or similar places of lodging
- Restaurants, bars, or other establishments servicing food or drink
- Motion picture houses, theaters, concert halls, stadiums, or other places of exhibition or entertainment
- Auditoriums, convention centers, or lecture halls
- Bakeries, grocery stores, clothing stores, hardware stores, shopping centers, or other similar retail sales establishments
- Laundromats, dry cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, office of an accountant or lawyer, pharmacy, insurance offices, professional offices of health care providers, hospitals, or other similar service establishments
- Terminals used for public transportation
- Museums, libraries, galleries, or other similar place of public display or collection
- Parks, zoos
- Nursery, elementary, secondary, undergraduate, or postgraduate private schools
- Day care centers, senior citizen centers, homeless shelters, food banks, adoption programs, or other similar social service centers
- Gymnasiums, health spas, bowling alleys, golf courses, or other similar place of exercise or recreation
- Theme parks, sports facilities and stadiums, fraternal lodges and organizations, convention centers, recreational facilities, state and national parks

PUBLIC ACCOMMODATIONS:

ADA Requirements: "No person shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation."

DISCRIMINATION INCLUDES:

Failure to provide auxiliary aids and services unless the entity can demonstrate that such a provision would fundamentally alter the nature of the program or cause undue hardship.

Failure to remove architectural and communication barriers in existing facilities unless the entity can demonstrate that the change is not readily achievable. No exemptions have been made for small business.

EMPLOYMENT:

Discrimination in employment includes: "not making reasonable accommodations to the known limitations of a qualified person with a disability, unless the employer can demonstrate that the accommodation would impose an undue hardship, entails significant difficulty or expense (which depends on the overall size of the business), nature and cost of the accommodation, number and type of facilities, and budget size."

Note: Undue hardship will be difficult to prove for hearing assistance equipment, because of its modest cost.

EXCLUSIONS:

- Entities operated by Federal, State, or Local Governments. These are covered by the Rehabilitation Act, with provisions similar to ADA.
- Private clubs and other facilities not open to the public.
- Religious organizations or entities.
- Residential accommodations, such as apartments or small, owner-resided inns.



When was this law in effect?

July, 1992 for employers with 25 or more employees.

July, 1994 for employers with 15 or more employees.

How is the ADA enforced?

Currently, the Equal Employment Opportunity Commission (EEOC) has enforcement responsibility and can bring civil lawsuits against employers.

What are the penalties?

- Civil penalties up to \$50,000 for the first violation and \$100,000 of subsequent violations.
- Court injunctions requiring accessibility.
- Monetary damages to victims of discrimination.

ASSISTIVE LISTENING SYSTEMS AND COMPLIANCE WITH THE ADA:

The Architectural and Transportation Barriers Compliance Board (ATBCB) states that FM, infrared and induction loop assistive listening systems are acceptable for meeting the requirements of the Americans with Disabilities Act (ADA).

- For new construction, places of public access must have 4% of the seating accessible to the hearing impaired.
- In existing facilities seating more than 50 people, 4% of the seats must be accessible.
- For existing facilities seating less than 50 people, 4% of seats but not less than 2 seats must be accessible to the hearing impaired.
- For existing facilities being renovated, full accessibility is not required if the cost of making it accessible exceeds 20% of the cost of the renovation.
- The ADA has set up a 50% tax credit for compliance expenses from \$250-\$10,500 for small businesses with yearly gross sales under \$1 million or under 30 employees.