75th ANNIVERSARY
PVA
Paralyzed Veterans of America
EST. 1946

ADA Enforcement at the State and Local Levels

July 22, 2021

Webinar Process

- Today's webinar will be recorded and available for viewing on PVA.org.
- Closed Captioning is available. Click the CC button in the meeting controls bar at the bottom of your screen to turn it on.
- If you have a question, please type it into the Q&A box.

Introductions and Agenda

- Introductions
- State and local ADA enforcement
  - Carleen Crespo, ADA Mid-Atlantic Center
- PVA's ADA advocacy – national, state, local
  - Susan Prokop, National Advocacy Director
  - Lee Page, Senior Associate Advocacy Director
  - Anne Robinson, National Director, PVA Texas Chapter
  - Tom Wheaton, PVA National Treasurer
- Resources
- Q&A

Mid-Atlantic ADA Center

Where Do I File a Complaint?

A Quick Review of ADA Enforcement Options

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ADA Enforcement - Agenda

- Title II: State and Local Governments
- Title III: Public Accommodations and Commercial Facilities (Private Businesses)
- Title IV: Telecommunications
- Federal Agencies
- Other Options

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Title II: Coverage

- All programs, services, and activities of **state and local government agencies**, also called “public entities”

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Title II: Grievance Procedure

- All public entities with 50 or more employees must have an ADA grievance procedure available

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ADA Complaint “Point Person”

- The Title II or ADA Coordinator is responsible for coordinating the efforts of the government entity to comply with Title II and investigating any complaints that the entity has violated Title II.
- How to locate them?

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Title II: Federal Complaints

- **180 calendar days to file**
- Public Transportation
  - Federal Transit Administration (FTA) (transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta),
    U.S. Department of Transportation (DOT)
    888-446-4511

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Title II: Federal Complaints (continued)

- All other covered entities, including *private* transportation providers
  - U.S. Department of Justice (ADA.gov/filing_complaint.htm)
    Information line:
    800-514-0301 (voice)
    800-514-0383 (TTY)

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Title III: Coverage

- Title III covers private businesses
  - **Public accommodations**
    - 12 types of private businesses that serve the general public
    - Private businesses that offer courses and tests
  - **Commercial facilities**

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Title III: Federal Complaints

- U.S. Department of Justice (DOJ) (ADA.gov/filing_complaint.htm)

- **No specific deadline to file**

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Title II Title III: Private Lawsuits

- Individuals and groups may file private lawsuits
  - Filing grievances or administrative complaints with federal agencies is *not* required

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State and Local Laws

- State and local governments may also have civil rights laws that protect the rights of individuals with disabilities interacting with agencies, businesses, schools, etc.

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Title IV: Coverage

- Providers of telephone voice transmission services must provide functionally equivalent relay services for people with hearing and/or speech disabilities

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Title IV: Federal Complaints

- Points of Contact by state (fcc.gov/general/trs-points-contact-complaints)
- Federal Communications Commission (FCC)
  Disability Rights Office (fcc.gov/DRO)
  Videophone 844-432-2275
  Voice phone 1-888-225-5322
  TTY 1-888-835-5322
  E-mail (DRO@FCC.gov)

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Federal Agencies

- Rehabilitation Act of 1973
- To file a complaint, contact the appropriate agency under which the program or service is housed; look for an office of Diversity, Civil Rights, etc. (all have different names)

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Other Support Options

- Disability advocacy organizations, local or national
- State or local office of Aging and Disability

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National, Chapter & Individual Advocacy

Tom Wheaton • 10 Apr

Access for everyone! Hi Golden neighbors. I often think about access throughout our city and today I feel compelled to post (1st time ever) about three businesses that have gone out of their way to ensure access is maximized...even in our town where space is more of a premium...so why not start with my favorite subject...food. First up is Bonfire Burritos. They took a structure and carefully thought out ramping, handicapped parking with adequate striped aisle (I have a van with a side ramp) outside seating area and created an inviting vibe. Second is Cafe 13. Talk about intentionally going above and beyond! When they renovated all areas became more opened up inside and an improved restroom. I can place myself just about anywhere and feel like I'm NOT in someone's way. They placed a subtle concrete ramp in their courtyard and the patio is actually stationary small rock even though it looks like loose gravel. A third example is the newly opened Golden Mill. Oh my! The owners interacted with my wife over a year ago and an exclusive tour was set up to get a sneak peak before their soft opening. We brought an extra wheelchair. Susan got in it and did the tour with me at my level. She pushed up ramps, took the elevator and lift. I wished I had such access in Breckenridge in the early 1990s after a day of monoskiing. How cool that business owners found unique ways to preserve historical structures and welcome not just the disabled community but mommies/daddies with double strollers, and anyone with unique needs. So three have now earned the coveted "Tom & Angela Access Seal of Approval." But there's more. After decades of putting on pounds and what probably equates to a COVID-40, I need to hit (push my manual wheelchair) the Clear Creek trail which has been extremely accessible for quite some time...and continues to call my name! Blessings to everyone, Tom

Resources

- ADA Centers – Regional Map - https://adata.org/find-your-region
- Mid-Atlantic ADA Center Guidance, training, and materials on the ADA - 800-949-4232 (DE, DC, MD, PA, VA, WV), 301-217-0124, ADAinfo.org
- Accessible lodging fact sheet - https://adata.org/factsheet/accessible-lodging
- Ticketing fact sheet - https://adata.org/factsheet/ticketing
- Parking fact sheet - https://adata.org/factsheet/parking

Resources

- National Disability Rights Network – www.ndrn.org – NDRN is the organization for the federally mandated Protection and Advocacy (P&A) Systems and Client Assistance Programs (CAP). There is a P&A/CAP agency in every state and U.S. territory as well as one serving the Native American population in the four corners region. Collectively, the P&A/CAP network is the largest provider of legally based advocacy services to people with disabilities in the United States.
- PVA – pva.org
  - Honor the Spot: pva.org/get-involved/honor-the-spot
  - ADA Resources: pva.org/ada

Questions

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