

# Understanding Your ADA Liability

March 22, 2012

# **Title II Entities (State and Local Gov't)**



**Program Access (camps, classes, trails, playgrounds, etc.)**

**Physical Accessibility (camps, classes, trails, playgrounds, etc.)**

# Title III Entities (Private facilities open to the public)

Prohibits discrimination based on disability by private entities in places of public accommodation

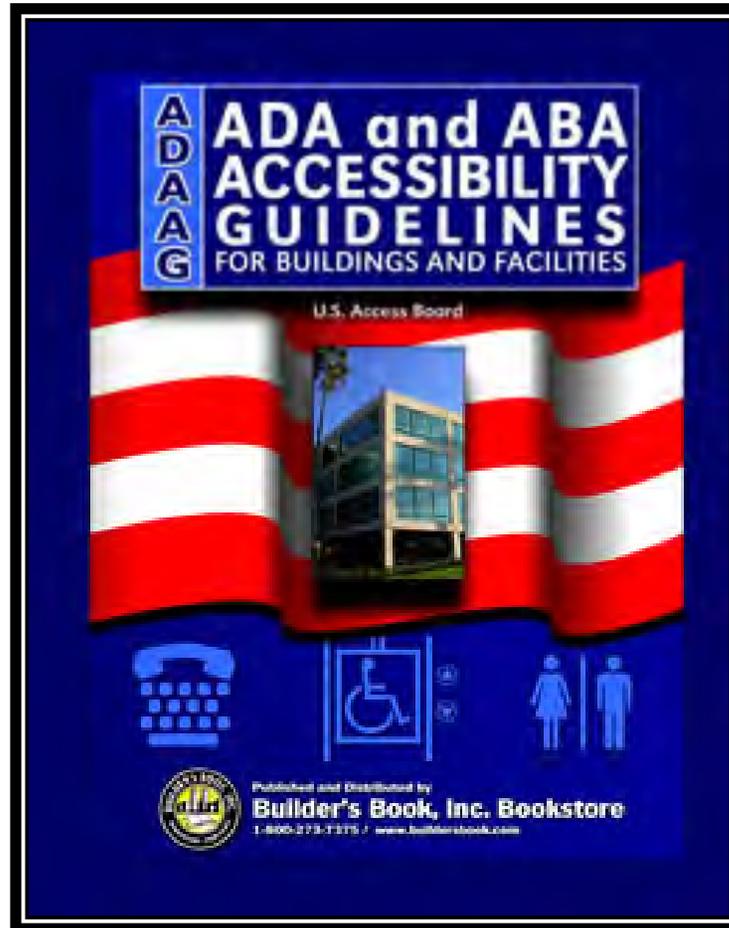
**Shopping centers**

**Restaurants**

**Movie theatres**



# All Follow ADAAG



# When you build or renovate



**You** must do **Something**

# Dispose with that old school mentality



"It's only a guideline and  
not a requirement"

**Things to you probably want to avoid ...**

**Negative publicity and/or  
a potential lawsuit...**



# “Tips” for Minimizing:

**\*Start with the mindset of *how do we make this work for everybody***  
**= UD**

**\*Use your ADA resources to achieve clarity:**

- **US Access Board Accessibility Specialists:**

1331 F Street, NW, Suite 1000

Washington, DC 20004-1111

Phone (voice): (202) 272-0080 toll free: (800) 872-2253

Phone (TTY): (202) 272-0082 toll free: (800) 993-2822

Fax: (202) 272-0081

E-mail: [info@access-board.gov](mailto:info@access-board.gov)

- **DBTAC: Mid-Atlantic ADA Center**

401 North Washington Street, Suite 450, Rockville, MD 20850

**Toll Free:** 800-949-4232 V/TTY (DC, DE, MD, PA, VA, WV) - **Local:** 301-217-0124



# More “Tips” for Minimizing:

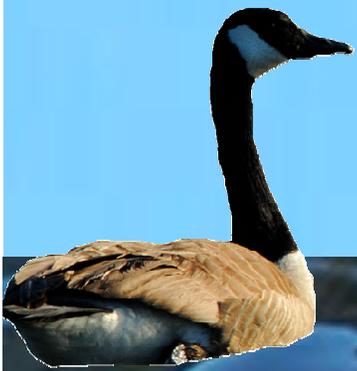
- \*Always use the “guidelines” as your best practice for achieving minimum accessibility in lieu of standards**
  - \*Always document (CY\_) = why you did what you did!**
  - \*QA: Ensure your contractor is accountable to and for ensuring those standards and guidelines are met**
  - \*Capture those expectations - standards and guidelines -in your building documents**
  - \*Develop a Transition Plan**
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# **And Still More “Tips” for Minimizing:**

**\*Maintenance Caution: when selecting a surface material such as stone dust or blue stone, consider whether or not you’ll be able to maintain it - otherwise it could develop into an ADA liability. EWF, engineered wood fiber, holds the same risk as a frequent surface material used in playgrounds.**

# Train your “Peeps”









Questions or  
Thoughts?

# Ox Hill Battlefield Park

