

Background on the Americans with Disabilities Act (ADA)

This landmark legislation was passed and signed into law in the United States in 1990. The ADA provided for comprehensive protections and new rights for people with disabilities. Closely modeled after the Civil Rights Act, the ADA is the most encompassing disability rights legislation in American history. The ADA's objectives are to establish "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination."

The ADA mandates that:

- Local, state, and federal governments and their services, as well as courts, must be fully accessible.
- Employers with more than 15 employees must make "reasonable accommodations" for workers with disabilities and must not discriminate against otherwise qualified workers with disabilities.
- All public establishments such as places of business, health care facilities, and housing (including rental housing) cannot discriminate against people based on disability.
- Spaces used by the general public are required to have architectural "reasonable modifications" made, such as ramps, restrooms, and elevators, to ensure access for disabled members of the public.
- Modifications in public transportation must be made, including buses, trains, and airports. Para-transit services must be established when public transportation is not 100% accessible. Parking spaces must be reserved for people with mobility disabilities.
- All states are required to establish relay services for Deaf people and those who are hard of hearing. Relay systems use interpreters and operators to allow people with hearing loss to use specialized telecommunications equipment to communicate with people who use telephones.
- Closed-captioning capability must be built into all new televisions.
- Service animals must be allowed into all public spaces as "medical equipment." Restrictions on access to animals (such as pets) do not apply for housing, businesses, or medical settings except where to do so would cause a significant risk

of injury, like entrance to an operating room or burn unit.

This list is not all-inclusive, but presents some of the many provisions of the ADA and court decisions coming out of individual ADA cases.

The Law and Exemptions for Religious Organizations

Religious organizations are exempt from coverage under Title III of the ADA: “Religious organizations and entities controlled by religious organizations have no obligations under the ADA. Even when a religious organization carries out activities that would otherwise make it a public accommodation, the religious organization is exempt from ADA coverage. Thus, if a church itself operates ... a private school, or a diocesan school system, the operations of the ... school or schools would not be subject to the ADA.”

However:

1. Non-religious organizations that lease space from religious organizations are not exempt under Title III of the ADA.
 2. Religious organizations that employ more than 15 people are covered as employers under Title I of the ADA. So, a religious organization may need to make modifications to a religious building to accommodate an employee with a disability even though they do not have to modify the building to accommodate other members of the public.
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