

## ADA Compliance Workshop – March 15, 2016

**THE LAW-** The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation.

ADA Lawsuits are brought on because a claimant is stating that you have discriminated against them, and the lawsuit is the vehicle that is being used to bring you into compliance with the ADA Law. In these lawsuits if you are found guilty you will be required to pay the Attorney's fees for the claimants Attorney. Therefore in many cases the Claimant's Attorney is in no hurry to settle the cases and instead will drag this lawsuit on for as long as possible to increase their attorney's fees. Therefore the following defense strategies are recommended.

### Defense strategies

- Fix then Fight
- Get out of the lawsuit quickly
- Immediate compliance of the items in the lawsuit
- Minimize repair time
- Re-inspect your store to ensure compliance
- Moot the case – Show that you have fixed all the items
- Get the case dismissed
- Do not mediate without the claimant being present
- Place a handicap sign at your front door that says: We are happy to provide assistance... this is just a first line of defense for your store



Many of the items that are usually cited in these lawsuit can be repaired fairly quickly and without spending too much time and money such as: lowering items so that people in wheelchairs can reach them, items such as soap dispensers, bars, toilet seat covers, ticket dispenser, the hook behind bathroom door, the credit card terminal, etc..

Places of public accommodation (your stores) must remove architectural barriers that impede the access for people in wheelchairs but it must be "Readily Achievable". In other words, if it is something inexpensive and easy to fix, it MUST get fixed to comply with the ADA law. If it is something larger and more expensive like removing a beam, moving a wall, creating a completely new bathroom etc.. then these items may not be READILY ACHIEVABLE due to the cost for your stores to get this done.

- In bathrooms there should be a clear space 30 inches by 48 inches for wheelchair access
- 48 inches is the maximum height limit for a person in a wheelchair to be able to access something (all the items in the bathroom should be at this level)
- 34 inches for the credit card terminal at your checkout

- 36 inches for the grab bar inside the bathroom stall
- Door maneuvering space should be at least 18 inches
- Bathroom signage should be no higher than 48 inches
- Use levers for door knobs instead of round knobs

### **Handicap Parking Spaces**

A claimant can sue both the tenant & the landlord regarding handicap parking spaces  
 For every 25 parking spaces there should be one handicap space  
 After 100 parking spaces in your lot, the amounts go up

### **Service animals**

There are only two questions you can ask when a person enters with a “service animal”

1. Is this animal required because of a disability?
2. What work or task has the animal been trained to perform?

Note: You cannot ask for documentation to show that the animal is a service animal

The only two reasons you can ask to remove the dog from your store are:

1. The dog is out of control
2. The dog is not house trained/broken

After the dog is asked to leave you MUST re-invite the owner to return into the store

### **IMPORTANT TAKE-AWAY**

***It is less expensive to fix ADA Compliance items NOW then to pay an Attorney to defend your case, or settle your case, and in addition, possibly have to pay for the claimant’s attorney’s fees as well if the Judge rules in favor of the claimant.***

### **Web Resources:**

[Www.ada.gov](http://www.ada.gov)

[Www.access-board.gov](http://www.access-board.gov)

[Www.floridabuilding.org](http://www.floridabuilding.org)

### **Presenters:**

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