

What does it mean to be “ADA Compliant”?

The Americans with Disabilities Act (ADA) will be celebrating its 20th anniversary on July 26, 2010. In those 20 years, there has not been a wide and general understanding of what “ADA compliant” really means. Non-profit, 501(c)(3) organizations must comply with Title III of the ADA. As funders of arts and cultural entities, you can play a pivotal role in helping organizations understand basic facts about the ADA and ways to welcome people with disabilities.

Myths versus Facts

Myth # 1: *“No one enforces the ADA so we don’t have to pay attention to it.”*

Fact: The ADA is a complaint-driven law; anyone with a disability (or someone on their behalf) who feels they have been discriminated against can file a complaint against a facility with the U.S. Department of Justice or directly in Federal Court. There are both financial and remedial penalties when a violation is determined. Defending against a complaint is also costly.

Myth # 2: *“My building was built before the ADA, so it was ‘grandfathered’ in.”*

Fact: The ADA has no "grandfathering" provisions. The Act required that, as of January 26, 1992, existing facilities were to begin the process of "readily-achievable barrier removal." The barrier removal process should be ongoing.

Myth # 3: *“All of our renovations and new construction projects have been ADA compliant - my architects told me they know all about the ADA.”*

Fact: Many design professionals struggle with the Americans with Disabilities Act Accessibility Guidelines (ADAAGs) because they are not written as a "building code." The ADAAGs are a *minimum* standard of requirements that support a civil rights law.

Myth # 4: *“My local/city code enforcement officer/division approved the plans and gave us a building permit, so we’re compliant.”*

Fact: The ADA is a federal law, and municipal code enforcement offices cannot approve plans under federal guidelines. Many jurisdictions use the IBC (International Building Code), and the American National Standards Institute (ANSI) codes. However, compliance with these building codes does not ensure that the plans meet the requirements of the ADAAG.

Tips for Funders

- Encourage grantees to offer programs, services and facilities that are accessible and welcoming to people with disabilities. Require compliance, but provide some funding to support these efforts. Suggest that grantees commission an accessibility audit when making changes to facilities or programs. At the blueprint/planning stage, an audit is inexpensive and will often produce easily implementable solutions for creating a welcoming environment for all patrons, including those with disabilities. Many simple things (the positioning of a waste receptacle, design of an information booth, font size on a brochure) are simple to address up front but expensive to retrofit later. A new accessible exhibit will be frustrating if there are barriers to getting into the facility or to the exhibit.
- ADA compliance is not “all or nothing” – it is a process. Encourage organizations to publicize the “accessible features” they provide. Advance information for individuals with disabilities enables them to make informed choices on where and how to spend their money.
- By encouraging your grantees to market their accessible features, you will help them with audience development, diversity and improving their bottom line. It’s the law; it’s the right thing to do; and it’s the smart thing to do.

This information provided as a courtesy of Accessibility Development Associates, Inc. (ADA, Inc.). For further information about ADA, Inc.’s services, contact Joan Stein @ 412-471-4156, jwstein@adaconsults.com or visit their website at www.adaconsults.com