



March 21, 2011

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LEAVES & ACCOMMODATIONS ALERT

New Regulations on ADA Standards for Accessible Design and Nondiscrimination

On March 15, 2011 final regulations revising the Americans with Disabilities Act's Title III regulations came into effect. Compliance with the 2010 Standards for Accessible Design is required by March 15, 2012.

The regulations apply to the activities of places of public accommodation, including restaurants, private schools, stores, restaurants, shopping malls, libraries, museums, sporting arenas, movie theaters, doctors' and dentists' offices, and hotels, among others.

Both landlords of buildings that house places of public accommodation and their tenants fall into the definition of "public accommodations." The amended regulations contain many new provisions and expand prior ones on general nondiscrimination policies, including the use of service animals, wheelchairs, power-driven mobility devices, the sale of tickets for wheelchair-accessible seating at sports and performance venues, reserving and guaranteeing accessible rooms at hotels, providing interpreter services through video conferencing, and the effect of the new regulations on existing facilities.

Compliance for all new nondiscrimination provisions is required by March 15, 2011, except that compliance with the hotel reservation provisions is required by March 15, 2012.

Businesses that provide goods or services to the public fall within the ADA definition of "public accommodations," and are required to modify their business policies and procedures when necessary to serve customers with disabilities, and take steps to communicate effectively with such customers.

The regulations require the use of auxiliary aids and services for individuals with disabilities, unless taking those steps would fundamentally alter the nature of the goods, services, facilities or accommodations being offered or result in an undue burden.

It is important for businesses in various industries, including restaurants, retailers, hotels, and entertainment to establish policies and procedures to comply with these regulations.

If you have any questions or comments, or would like additional information regarding these matters, please contact any of the attorneys listed below, all members of our Leaves & Accommodations Practice Team:

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