



Contents

- [Purpose](#)
- [Definitions](#)
- [What issues does the ADA cover?](#)
- [Tips for getting started](#)
- [What information do I need for my complaint?](#)
- [Where do I file an ADA complaint?](#)
- [What happens after I file my complaint?](#)
- [Does the ADA cover discrimination about housing?](#)
- [Does the ADA cover discrimination by an airline?](#)

- [Do Federal agencies have to comply with the ADA?](#)
- [Do websites have to comply with the ADA?](#)
- [ADA Booklet](#)
- [Sources](#)

Purpose

The Americans with Disabilities Act (ADA) is the civil rights law that forbids discrimination against people with disabilities in all areas of public life. The ADA says people with disabilities have the same rights as people without disabilities. They have the right to work and earn a living. They have the right to get services from state and local governments. They must have access to public transportation and accommodations, and to telecommunications services. The ADA works together with other disability rights laws.

When you file an ADA complaint, you are reporting an issue you believe breaks this law. This tip sheet tells you which complaints the ADA covers and which it does not cover. It also tells you how to file an ADA complaint.

Definitions

What is Discrimination? *Discrimination means treating someone with a disability different than someone without a disability. It can also mean refusing to provide accommodations to a person with a disability.*

What is a Disability? *A disability is when a person cannot do a major life*

activity because of a physical or mental impairment.

What is the EEOC? *The EEOC is the U.S. Equal Employment Opportunity Commission. It is the Federal agency that enforces civil rights laws against workplace discrimination.*

What are Public Accommodations? *Under the ADA, a “public accommodation” is a business that is open to the public. These businesses must make their goods and services available to all people, including those with disabilities.*

What issues does the ADA cover?

The ADA covers four issues: employment, state and local governments, public accommodations, and telecommunications. The ADA is divided into four smaller units called titles. Each title covers one of these four issues:

Title I – Employment:

The ADA prevents employers with 15 or more employees from discriminating against people with disabilities. This includes private employers, state and local governments, employment agencies, labor unions and religious entities. The ADA covers job applications, hiring, firing, pay, promotions, job training, and more.

Title II – State and Local Government Activities and Public Transportation:

The ADA protects qualified people with disabilities from discrimination based on disability in services, programs and activities of state and local governments under Title II. Title II also covers public transportation, including city buses and para-transit services, subways, and public rail transit, such as Amtrak. The ADA extends the protection of Section 504 of the Rehabilitation Act to all activities of state and local governments whether or not these entities receive Federal funding.

Title III – Public Accommodations:

The ADA forbids discrimination based on disability by businesses open to the public. The businesses fall into one of 12 categories:

1. Places of lodging (inns, hotels, motels; except for owner-occupied establishments renting fewer than six rooms)
2. Establishments serving food or drink (restaurants and bars)
3. Places of exhibition or entertainment (motion picture houses, theaters, concert halls, stadiums)
4. Places of public gathering (auditoriums, convention centers, lecture halls)
5. Sales or rental establishments (bakeries, grocery stores, hardware stores, shopping centers)
6. Service establishments (laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral

- parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals
7. Public transportation terminals, depots, or stations (not including facilities relating to air transportation), and private transportation open to the public
 8. Places of public display or collection (museums, libraries, galleries)
 9. Places of recreation (parks, zoos, amusement parks)
 10. Places of education (nursery schools; elementary, secondary, undergraduate, or postgraduate private schools)⁴
 11. Social service center establishments (day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies)
 12. Places of exercise or recreation (gymnasiums, health spas, bowling alleys, golf courses)

If a business does not fall into one of these categories, it is not covered by Title III. Churches and other places of worship are also exempted from Title III. Newly constructed or remodeled businesses must follow ADA Standards so that they are accessible. Commercial facilities such as factories, warehouses, or office buildings also must follow the ADA.

Many people incorrectly believe there is a “grandfather clause” that allows businesses in older buildings to be inaccessible. In fact, even those businesses are required to make “readily achievable” changes when they are necessary for people with disabilities to access the business.

The ADA covers the right of a people with disabilities to bring their service animals into most areas where the public is allowed. This includes government properties covered by Title II and public places covered by Title

III.

Title IV – Telecommunications Relay Services

Title IV requires telecommunications companies to establish interstate and intrastate relay services 24 hours a day, 7 days a week. These help callers with hearing and speech disabilities. They include TTYs/TDDs, and third-party communications assistants. The Federal Communications Commission (FCC) has set minimum standards for these services.

Updates to the Telecommunications Act of 1996 requires telecommunications equipment and services are accessible for people with disabilities. This includes telephones, cell phones, pagers, call-waiting and operator services.

Tips for getting started

Prepare well. Document everything:

- Put it all in writing.
- Keep a copy of all communications, including your complaint.
- Keep the original of other documents such as medical records for yourself.

Start in the right place. Take the right steps.

For example:

- If the issue is work-related, get in touch with your boss in writing.
- If you need more help, get in touch with your human resources (HR) department.

File on time:

- Under the ADA, you have 180 days from the incident to file a complaint.
- You may have up to 300 days to file with a state or local government agency. In Iowa, you may file with the [Iowa Civil Rights Commission](#) at 1-800-457-4416.

Get help filing your complaint:

- If you are not able to write, you can file your complaint by phone or videophone.
- Use the ADA Information Line at 1-800-514-0301 (voice) or 1-800-514-0383 (TTY) to schedule an appointment.
- It may take two weeks or more for Department of Justice staff to get back in touch to help you file.

What information do I need for my complaint?

You will need to send this information:

1. Your full name, address, the telephone numbers for daytime and evening.
2. If not you, the name of the person who was discriminated against.
3. The name and address of the business, organization or person that you believe has done the discrimination.
4. A brief description of the discrimination, the dates they occurred, and the names of those involved.
5. Other information to support your complaint, including copies of related documents.
6. Information about the best way to get in touch with you.
7. Special request for communications in a specific format (large print, Braille, electronic documents).
8. Special request for communications by video phone or TTY.

Where do I file an ADA complaint?

Where you file depends on your complaint. Be sure to file your complaint with the right agency.

Employment Complaint

If the issue is employment, file your complaint with [U.S. Equal Employment Opportunity Commission \(EEOC\)](#).

- Use the [EEOC Office List and Jurisdictional Map](#) to find your local EEOC office. For most of Iowa, it's the Milwaukee Area Office.
- For questions: 1-800-669-4000 (voice); 1-800-669-6820 (TTY)

State or Local Government or Public Accommodations Complaint

If the issue relates to state or local government, or to public accommodations, file your complaint with the Disability Rights Section of the U.S. Department of Justice (DOJ).

You can file an ADA complaint with the DOJ online, by mail or by fax.

- To file your complaint online on the ADA.gov website, use [this link](#).
- Or mail your complaint to:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - 1425 NYAV
Washington, DC 20530

Complaints sent using the U.S. Postal Service go through an extra

screening process. Delivery may take longer.

- Or fax your complaint to: 1-202-307-1197

Public Transportation Complaint

Complaints about public transportation should be directed to:

Office of Civil Rights

[Federal Transit Administration](#)

U.S. Department of Transportation

1200 New Jersey Avenue, SE

Room E 54-427

Washington, DC 20590

1-888-446-4511 (voice/relay)

Telecommunications Complaint

File telecommunications complaints with:

[Federal Communications Commission \(FCC\)](#)

445 12th Street, S.W.

Washington, D.C. 20554

(888) 225-5322 (Voice)

(888) 835-5322 (TTY)

What happens after I file my complaint?

The DOJ reviews every complaint it gets. But it cannot investigate all of them. Outcomes may include:

1. Getting in touch with you for additional information or documents
2. Sending your complaint for resolution through the ADA Mediation Program
3. Sending your complaint to the United States Attorney's Office for investigation
4. Sending your complaint to another Federal agency that handles the issues you have raised
5. Investigating your complaint
6. Considering your complaint for legal action by the DOJ

Be patient. It can take a long time to have a complaint resolved. It can take up to three months for the review. Call the ADA Information Line to check on the status of your complaint:

- 1-800-514-0301 (voice)
- 1-800-514-0383 (TTY)

The lawyer or investigator may or may not decide if the discrimination against you is an ADA violation. If others are also being discriminated against, this is a practice or pattern of discrimination. The DOJ may decide to file a lawsuit on behalf of the United States in Federal court. Or they may decide to settle the case outside of court.

You may receive relief for your complaint. Relief can mean getting your job back if you lost it, getting money to make up for lost wages or for hardship or distress. You may get money to pay for legal help. Relief can also mean stopping the pattern or practice of discrimination.

Does the ADA cover discrimination about housing?

No. The Fair Housing Act protects people from discrimination when they are renting, buying or getting financing for housing. If the issue is about housing file your complaint with Housing and Urban Development (HUD):

- File your housing complaint online with HUD using the [HUD Form 903 Online Complaint](#).

- Get in touch with the regional HUD office for Iowa:

Kansas City Regional Office
U.S. Department of Housing and Urban Development
Great Plains Office
400 State Avenue
Kansas City, KS 66101

- 1-800-743-5323

Does the ADA cover discrimination by an airline?

No. If the issue is about airlines, file your complaint with the U.S. Department of Transportation (DOT) Consumer Protection Division:

- Use the [U.S. DOT Aviation Consumer Protection Division Air Travel Complaint](#) form to file your complaint online.
- Or send a letter to the address below using [Form 382: Complaint Concerning Accessibility of Airline Service \(Passengers with Disabilities\)](#).

Aviation Consumer Protection Division
Attn: C-75-D
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, D.C. 20590

- 1-800-778-4838 Toll-free hotline (voice)
- 1-800-455-9880 Toll-free hotline (TTY)

Do Federal agencies have to comply with the ADA?

No. The ADA does not cover the rights of people with disabilities to

participate in Federal programs and services. Those are covered by Section 504 of the Rehabilitation Act of 1973. For example, the right of a person to bring their service animal into a building governed by the U.S. Department of Veteran's Affairs, such as a VA hospital, would be protected Section 504, not by the ADA.

Do websites have to comply with the ADA?

Some do. People with disabilities may file a complaint against businesses and agencies that do not make their websites accessible to them.

Under Title II, the ADA requires that websites of state and local government agencies must be accessible to people with disabilities. Accessible websites are designed to work with assistive technology (AT). Types of AT are screen readers, text enlargement software, and computer programs that help people control computers with their voices. Websites must describe images for people who are blind or have low vision. Online videos should include audio descriptions for them. Videos should have closed captions (subtitles) for people who are deaf or hard of hearing.

Title III of the ADA applies to private businesses or organizations that provide public accommodations. This requires them to have accessible websites. Enforcement actions for this have increased recently. Proposed amendments to ADA rule-making about this were due to be released in 2018. However, in July 2017, the Unified Agenda of Regulatory and Deregulatory Actions moved the DOJ's additional rule-making about the

application of the ADA to private business websites to an [ongoing “inactive actions” list](#) found on the Regulatory Information Service Center (RISC) website.

The ADA does not cover Federal government websites. Section 508 of the Rehabilitation Act of 1973 does. Section 508 requires Federal agencies to make electronic and information technology, including their websites, accessible to people with disabilities. Compliance with Section 508 mean websites must meet the standards established in the Web Content Accessibility Guidelines (WCAG 2.0 AA).

ADA Booklet

The [Americans with Disabilities Act \(ADA\) Booklet](#) answers questions about the three ADA titles. It also has links to resources to find more information and support.

Sources

- [What is the Americans with Disabilities Act \(ADA\)?](#), ADA National Network.
- [American with Disabilities Act, Title I \(Employment\)](#). S. Department of Justice Civil Right Division.
- [American with Disabilities Act, Title II \(State and Local Governments\)](#). S. Department of Justice Civil Right Division.
- [American with Disabilities Act, Title III \(Public Accommodations and](#)

- [Commercial Facilities](#)). S. Department of Justice Civil Right Division.
- [Frequently Asked Questions about Service Animals and the ADA](#).S. Department of Justice Civil Right Division, (2015).
- [Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities](#). S. Department of Education Office for Civil Rights, (2018).
- [Is Your Website ADA Compliant?](#) Donald Best and Amy O. Bruchs, (2016).

Disclaimer: This tip sheet is for information only. Iowa Compass makes regular updates to give current and accurate information. We cannot be held liable for any outdated or incorrect information.

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