

Americans with Disabilities Act

Enacted in 1990 and signed by President H.W. Bush, the ADA prohibits discriminations against individuals with disabilities and has three sections:

Title I addresses discrimination in employment.

Title II addresses discrimination in state and local government functions and operations.

Title III addresses discrimination in public accommodations.

Under the ADA an individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities, or
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

Title III requires:

- Facilities that are accessible to persons with disabilities,
- Reasonable modifications to policies, practices, and procedures,
- Provision of auxiliary aids and services at no additional charge, including those necessary to ensure effective communication with individuals with disabilities; and
- Maintenance of accessible features.

Relief available under Title III includes:

- Private Action: Injunctive relief, attorney's fees, costs.
- Department of Justice Action: Injunctive relief, civil penalties, damages for aggrieved persons.

Many states and localities have adopted laws similar to the ADA with additional relief available, including statutory damages in some jurisdictions.

ADA Title III Website Accessibility

Public accommodations and commercial enterprises “must provide auxiliary aids and services to ensure equal access to their goods and services and to ensure effective communication.”

Common auxiliary aids and services for the blind:

- Qualified readers,
- Documents in alternate formats,

Smart and Sensitive?

- Accessible websites and other electronic and information technology.

Is your “smart” building also sensitive?

The Fair Housing Act prohibits discrimination in the providing of housing. Within the Fair Housing Act there are seven protected basis upon which a claim can be made:

1. Race
2. Color
3. Religion
4. Sex
5. National origin
6. Handicap
7. Familial Status.

Recent litigation has examined the interplay between the Fair Housing Act and technology.

In the case of Ibragimov v. Le Frak Organization Sulaymon Ibragimov and Murod Takhalov are suing the LeFrak Organization alleging discrimination based on religion.

In 2015 the Rego Park complex in LeFrak City in Queens completed a massive renovation project. The renovations included installing new lobby doors that are operated with the use of an electronic key fob. The key fob is also used to activate lights in the stairwell. The suit explains “Halakha, the Jewish law, prohibits Jews from breaking or creating an electric circuit on the Sabbath, and during certain days of observance such as Yom Kippur, Rosh Hashana, and Passover.” Using the electronic key fob would be construed as a violation of this law.

Do you agree with the allegation that this renovation resulted in discrimination? _____
