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# Just the Facts on the ADA

Adapted from *Myths and Facts about the Americans with Disabilities Act*, U.S. Department of Justice (DOJ)

DISCLAIMER: This fact sheet provides informal guidance to assist you in understanding the ADA and does not constitute a legal interpretation of the statute. For more information, visit DOJ's ADA Homepage at [www.ada.gov](http://www.ada.gov)

## MYTH

Businesses must spend a lot of money to make existing facilities accessible under the Americans with Disabilities Act (ADA) of 1990.

## FACT

The ADA takes a common sense approach to implementation. The law recognizes that sweeping changes take time and altering existing structures costs more than ensuring accessibility in new construction.

Public accommodations (e.g. **health care facilities**, stores, banks, hotels, restaurants) **must remove** architectural **barriers** in existing facilities when "readily achievable" (i.e., accomplished "without much difficulty or expense").

**Inexpensive, basic measures** toward accessibility include:

- ~ Installing a ramp in addition to, or to replace, step(s)
- ~ Mounting restroom grab bar(s)
- ~ Lowering paper towel and soap dispensers
- ~ Wrapping exposed metal pipes
- ~ Rearranging furniture
- ~ Installing offset hinges to widen a doorway
- ~ Painting new lines to create accessible parking

## MYTH

The ADA requires businesses to remove barriers overnight.

## FACT

Businesses must do what is readily achievable at that time. However, businesses should evaluate facilities and **develop a long-term plan for barrier removal** that is commensurate with resources.

## MYTH

The government doesn't offer any help in paying for accessibility.

## FACT

The federal government offers **tax incentives and credits** to help offset the cost of ADA compliance.





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**MYTH** DOJ sues first and asks questions later.

**FACT** DOJ's primary enforcement goal focuses on increasing voluntary compliance through technical assistance and negotiation. Under existing rules, the Department cannot file a lawsuit before first trying to settle the dispute through negotiations. While most complaints settle, DOJ takes legal action when noncompliance persists.

**MYTH** Many ADA cases involve frivolous issues. Everyone claims to be covered under the ADA. People with "bad backs" and "emotional problems" misuse the law.

**FACT** The definition of "disability" contains various conditions that must be applied on a case-by-case basis. DOJ reports the overwhelming majority of complaints have merit – a focus on the fundamental right to have access to goods and services that are basic to people's lives. Individuals with cognitive and/or psychiatric disabilities often face judgment based on stereotypes and fears rather than abilities. DOJ ensures that trivial complaints do not make it through the system.

**MYTH** The ADA forces business and government to hire unqualified people.

**FACT** An employee with a disability must meet all job requirements and perform the essential functions of the position (with or without reasonable accommodation). An unqualified applicant/employee with a disability cannot claim employment discrimination under the ADA. The law does not require employers to provide accommodations that would result in undue hardship.

**MYTH** Accommodating workers with disabilities costs too much.

**FACT** Most often, appropriate reasonable accommodations can be made without difficulty and at little or no cost. Prior to ADA implementation, Sears commissioned a study to review 436 reasonable accommodations provided by the company between 1978 and 1992. Results of the study revealed:

- 69% cost nothing
- 28% cost less than \$1,000
- only 3% cost more than \$1,000

Also, some individuals with disabilities may qualify for assistive technology, equipment, and/or training through private and/or government resources.)

