



## Public Entities and the ADA

Public Entities includes any state or local government and its departments, agencies, or other instrumentalities. Some examples are public libraries, state universities, the DMV, or state-run hospitals. All activities, services, and programs of public entities are covered, such as town meetings, courts hearings, and legislative hearings. Public entities have an obligation to make sure that the services and programs are accessible and grant equal opportunity for people with disabilities to participate. The following are examples of ways they are required to ensure that accessibility and equal opportunity:

### **Provide accessible parking spaces for cars and vans:**

- One of every six parking spaces must be van accessible.
- Entities with limited parking (four (4) or fewer parking spaces) must have at least one accessible parking space.
- Accessible parking spaces must have an access aisle.

### **Provide accessible entrances:**

- Remove any barriers that make it impossible or overly difficult for people using mobility aids to enter a building or facility.
- If a main entrance is not accessible, an alternate entrance can be used if a sign is placed at inaccessible entrance notifying the public of existence of accessible entrance.

### **Provide effective communication:**

- Find practical solutions for communicating effectively with an individual who may have vision, hearing, speech, or other communication-related disabilities.
- Provide appropriate auxiliary aids or services, depending on the complexity, length, or content of what needs to be communicated. For Example: exchanging notes with a person parking in a public parking lot (simple) vs. providing interpreter for town hall meetings (complex).

### **Make reasonable modifications:**

- Provide “reasonable modifications” to usual practices, policies, and procedures when serving people with disabilities (e.g. an entity that does not allow food to be brought into building may need to allow a person with diabetes to bring in food).
  - ***Unless*** the modification would be a “fundamental alteration”—meaning a change in the essential nature of the business—only then is the modification not required (e.g. a hot lunch program that serves lunch would not have to assist a person with a disability in eating the food served unless they offer that service).
- Provide various types of assistance to help a person with a disability access the entity’s services unless the assistance would jeopardize the safe operation of the entity.

### **Allow service animals:**

- Allow service animals in the building or public entity, even if there is a “no pets/animals” policy.
- The ADA’s definition of “service animal” is limited to a dog (and in some cases, a miniature horse) that is individually trained to do work or perform tasks directly related to the person’s disability (“comfort,” “therapy,” and “emotional support” animals do not meet this definition—for more information, see our fact sheet on Service v. Assistance Animals, [Link](#)). Colorado law follows the ADA.

- Under the ADA a business can only ask two specific questions: (1) “Is the animal required because of your disability?” and (2) “What task does it perform?”

**Allow wheelchairs and other power-driven mobility devices:**

- Allow individuals who use wheelchairs and other mobility devices into places where other members of the public can go.
- Allow a person with a disability entry into the building with **any** mobility device powered by batteries, fuel, or other engines, whether or not they are designed primarily for use by individuals with mobility disabilities, **unless** the entity can demonstrate the device cannot be accommodated because of legitimate (not speculative) safety concerns (e.g. Segways that may be too large/fast in certain areas).

**Make the environment accessible:**

- A public entity must ensure its services and programs are accessible. A public entity must also provide access to miscellaneous amenities offered to the public, such as a drinking fountains, and must make sure there is access from public sidewalks, parking areas, and public transportation.
- Structural changes are not required where less expensive changes are feasible, however if they are not feasible for making the entity’s services and programs accessible, then the entity must make structural changes.

**Provide accessible routes:**

- Provide at least three-feet wide paths for people with disabilities to enter and move through the building or facility (routes must not be blocked by items or clutter).
- Temporary blockages due to maintenance and repair are allowed, but only for a reasonable period of time (staff should help individuals to access the service or program as necessary).
- Remove barriers to shelves, service counters, and check-out aisles.

**Provide administrative procedures for grievances:**

- Public entities that employ at least 50 people must appoint an ADA Coordinator to coordinate ADA compliance and to serve as the point of contact for people with disabilities to request auxiliary aids, reasonable modifications etc. The entity must make the contact information for the coordinator accessible.
- If they employ more than 50 people, then public entities must also have an established grievance procedure that they post where the public can see it.
- All public entities must conduct self-evaluation to ensure they are meeting their requirements under the ADA.

**Examples of Available Places to File Complaints for the Public:**

- Department of Justice (DOJ): [https://www.ada.gov/filing\\_complaint.htm](https://www.ada.gov/filing_complaint.htm)
- Colorado Civil Rights Division (CCRD): <https://www.colorado.gov/pacific/dora/civil-rights>

**\*\*\* DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. \*\*\***

*\*Information summarized from the A Primer for State and Local Governments Title II primer on ADA.gov.*

*For more detailed information on these topics please go to:*

<https://www.ada.gov/regs2010/titleII 2010/title ii primer.html>