



California's protection & advocacy system

Disability Discrimination Fact Sheet: Business and Other “Public Accommodations”

November 2018, Pub. #F110.01

Federal and State Disability Discrimination Laws

State and federal law prohibits disability-based discrimination by businesses and other “places of public accommodation.” Title III of the federal Americans with Disabilities Act (ADA) (42 U.S.C. Sections 12181 – 12189) prohibits disability-based discrimination by all places of public accommodation. Section 504 of the Rehabilitation Act similarly prohibits disability-based discrimination in businesses that receive federal funds.

California’s Unruh Civil Rights Act (Civil Code Section 51) and Disabled Persons Act (Civil Code Sections 54 – 55.32) prohibit disability-based discrimination by any business establishment. Government Code Section 11135 prohibits discrimination by businesses that receive state funds. Any violation of the ADA is also a violation of state law. However, in some circumstances, state law or other federal laws such as Section 504 may provide a higher level of protection than Title III.

The ADA defines “places of public accommodation” as businesses and nonprofit service providers that own, operate, or lease facilities that are open to the public. These include restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities such as sports stadiums and fitness clubs. Private transportation services are also covered.

Discrimination is the exclusion, segregation, and unequal treatment of people with disabilities in public accommodations. This includes the failure to make changes in policies and practices (known as “reasonable modifications” or “reasonable accommodations”) to allow a person with a disability equal access to the services and facilities of a business. These changes are required if they do not fundamentally alter the nature of the business’ goods and services and do not impose an undue financial or administrative burden.

Discrimination also includes the failure to provide “auxiliary aids and services” if necessary to ensure effective communication for people with disabilities.

Examples of auxiliary aids and services include qualified sign language interpreters, real-time captioning, and qualified readers for people who are blind. They also include providing documents in accessible formats such as large print or Braille, documents compatible with screen-reading software, or audio recordings of printed information. Businesses are not required to provide auxiliary aids and services if it would fundamentally alter the nature of the goods or services they provide or impose an undue financial or administrative burden.

You can find more information about disability discrimination, reasonable modifications, and the right to effective communication here:

U.S. Department of Justice website:

- Information and Technical Assistance on the ADA: <https://www.ada.gov/ta-pubs-pg2.htm>
- Effective Communication fact sheet: <https://www.ada.gov/effective-comm.htm>

California Department of Fair Employment and Housing (DFEH) website:

- Business Establishments: <https://www.dfeh.ca.gov/business-establishments/>
- Business Establishments/Public Accommodations FAQs: www.dfeh.ca.gov/resources/frequently-asked-questions/business-establishments-public-accommodations-faqs/

A person with a disability may also face discrimination if a business is not physically accessible. The ADA and California law provide architectural standards for new and altered buildings, and require businesses to remove physical barriers in existing buildings when it is readily achievable to do so. You can find more information about architectural accessibility here:

- U.S. Access Board website: www.access-board.gov
- U.S. DOJ Small Business Primer:
<https://www.ada.gov/reg2010/smallbusiness/smallbusprimer2010.htm>
- California Division of the State Architect website:
<http://www.dgs.ca.gov/dsa/Programs/progAccess.aspx>
- California Commission on Disability Access website:
www.cdda.ca.gov

Obtaining Reasonable Modifications / Auxiliary Aids and Services

These are the steps to take to obtain a reasonable modification or auxiliary aid or service from a business:

1. Write a request for reasonable modifications / auxiliary aids and services. Your request should explain the following:
 - that you are a person with a disability (you do not need to disclose the name of your disability);
 - the ways in which your disability affects your ability to access or benefit from the business' goods or services;
 - the specific modifications / auxiliary aids and services you need; and
 - the date by which you expect a response.
2. Unless your disability and need for modifications / auxiliary aids and services are apparent, obtain a support letter from your doctor or other treating professional. This letter should explain why you need the requested modification because of your disability.

3. Send your written request and support letter, if applicable, to the business.

A sample letter requesting reasonable modifications / auxiliary aids and services and a sample support letter are at the end of this fact sheet.

Administrative Complaints

Title III of the ADA is enforced by the DOJ. The California Unruh Act, Disabled Persons Act and Government Code Section 11135 are enforced by the DFEH.

If you believe that you have been discriminated against, you can file an administrative complaint with the DOJ under federal law, or with the DFEH under state law. DFEH complaints must be filed within one year of the discriminatory conduct. You can appeal a DFEH decision to the DFEH Director within 10 days of the decision. [See 2 C.C.R. Section 10033.](#)

Title III complaints can be filed with the DOJ at any time. However, it is best to file as soon as possible, because the passage of time can make discrimination more difficult to prove. Contact information for the DOJ and the DFEH is below.

DOJ Complaints:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section – 1425 NYAV
Washington, D.C. 20530

Online Filing: https://www.ada.gov/filing_complaint.htm

Phone: (800) 514-0301
TTY: (800) 514-0383

DFEH Complaints:

Online Filing: <https://www.dfeh.ca.gov/filing-a-complaint-online/>

Phone: (800) 884-1684
TTY: (800) 700-2320

Mail: Call (800) 884-1684 and request the appropriate complaint form to print and return. Please allow additional time for mail and processing.

For some types of businesses, it may also be possible to file a complaint with a licensing authority or a different state or federal agency with

jurisdiction over that type of business. For example, privacy complaints against private hospitals can be filed with the U.S. Department of Human Service's Office of Civil Rights.

Litigation

Violations of the laws discussed above may also be enforced through private lawsuits. Please be aware that statutes of limitations restrict the timeframe for filing litigation and that you could potentially lose claims if you do not act within the applicable statute of limitations. These deadlines can be as short as two years from the date of discrimination. If you are interested in pursuing litigation, you should consult with an attorney as soon as possible.

If you are seeking less than \$10,000 in money damages, another option is to file a discrimination case in Small Claims Court. The statutes of limitations discussed above will apply. You cannot use a lawyer if you go to small claims court. Here is a link to a Disability Rights California publication that explains the process of using Small Claims for discrimination cases: <https://www.disabilityrightsca.org/publications/a-guide-to-small-claims-court-how-to-sue-if-a-business-or-landlord-discriminates>

Sample Letter to Request Reasonable Modifications / Auxiliary Aids and Services

[Date]

Dear [Business]:

I am writing to request [reasonable modifications / auxiliary aids or services] for my [disability / disabilities].

I [am / would like to be] a customer of [Business]. Because of my disability, I need the following: [list modifications / auxiliary aid or service].

My [physician / psychiatrist / psychologist / therapist / social worker / occupational therapist / other individual (describe)] has deemed these modifications necessary in light of my disability. Please see the attached letter from [doctor or professional's name].

Federal and state law require that businesses provide reasonable modifications / auxiliary aids or services for people who have disabilities. Please respond to this request by [date]. Feel free to contact me at [your phone number and / or e-mail address] if you have any questions. Thank you.

Sincerely,

[Your name]

[Your address]

Sample Support Letter

[Date]

Dear [Business]:

I am the [physician / psychiatrist / psychologist / therapist / social worker / occupational therapist] for [Name], and am familiar with [his / her] condition. [She / he] has a disability that causes certain functional limitations. These limitations include [list functional limitations that require the requested modification / auxiliary aid or service].

[The requested modification / auxiliary aid and service] is necessary for [Name] to [apply for / have equal access to the services and benefits of] [name of Business]. [Describe how the modification / auxiliary aids and services will assist or support the individual].

Thank you for providing this [reasonable modification / auxiliary aid and service] for [Name].

Sincerely,

[Name and Title]

Last Updated: October 31, 2018

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For legal assistance call 800-776-5746 or complete a [request for assistance form](#). For all other purposes call 916-504-5800 (Northern CA); 213-213-8000 (Southern CA).

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.