

# Americans with Disabilities Act

## Title III: Public Accommodations Overview

Title III bars disability discrimination in public accommodations: businesses and nonprofits open to the public. The ADA defines public accommodations categorically, meaning it identifies twelve basic types of covered private entities including sales or rental establishments, places of public gathering, and service establishments. 42 U.S.C. § 12181(7). Title III prohibits discrimination on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation. 42 U.S.C. § 12182(a). Title III also requires disability access in educational and professional courses and testing.

As in other parts of the ADA, discrimination under Title III includes disparate treatment, disparate impact, and the denial of reasonable modifications. Similar to Title II, public accommodations generally must serve people with disabilities in integrated settings and ensure effective communication. However, while Title II requires a public entity to defer to some extent to a disabled person's preferred communication aid, Title III requires public accommodations to consult with the disabled person to determine the appropriate communication approach.

When it comes to architectural barriers, both Title II and Title III require new construction to meet accessibility standards. Title III uniquely requires covered entities to improve physical accessibility in facilities built before the ADA when doing so is readily achievable, meaning easily accomplishable and not excessively expensive. 42 U.S.C. § 12181(9).

The Department of Justice primarily enforces Title III. Claimants may file a complaint with the Department of Justice or proceed directly to court. Monetary damages are generally unavailable under Title III except in lawsuits brought by the Department of Justice. Aside from attorney fees, successful litigants are entitled to injunctive relief requiring corrective actions.