

## **North Texas Chapter Meeting Notes**

### **ADA Specialist Presentation**

Date: Wednesday, April 24, 2024

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\*This is a very general summary of notes. The full presentation can be viewed online. Contact the NorTex Chapter Directors for additional questions.

- There is no one in the government that enforces ADA - ONLY YOU CAN ENFORCE THE ADA
- The only way you can make changes is by suing (filing a federal lawsuit)
  - o The party being sued will be given a timeframe to make the changes to the violations
  - o Most cases are often settled within 6 months and then they are given
- There are three criteria you must meet the following requirements:
  1. The person has to have a disability and the violation has to be within the scope of the individual's disability
  2. The individual has to have been at the venue/location
  3. The individual has to have intention of returning to the venue
- All fees and expenses related to the filing of an ADA lawsuit are covered upfront by the defense attorney
  - o Covers investigation fees, retainers, travel, etc.
  - o Your time commitment will be minimal
  - o ADA Title 3 Provisions – these are what say the fees will be minimal
- Your weapon:
  - o Phone – take pictures and videos that show how the violation impacts you
  - o You don't need to have specific measurements, just show how it prevents you from accessing within reason

- ADA Standards for Design → Table of Contents → Go to the subsection you need information about (i.e. toilet and bathing rooms, drinking fountains, etc.)
  - Look at the pictures, don't read (the pictures make more sense)
  - One size does not fit all --> understand that the need is different for individuals, but there are some reasonable standards to consider
    - i.e. needs to stay within 52 inches, 40 inches above ground
    - Looks at the "average" disabled person so upper body mobility might not necessarily be covered
  - If you cannot enter a place, that counts as a place you can sue even if you have not been inside the venue
  - Building Blocks --> Reach Range – tells you about reach ranges for items such as soap dispensers, thermostats, etc.
  - Building Blocks --> Reach Range --> Parking Spaces
- You cannot sue someone that is already being sued
- Some states have separate ADA type laws (i.e. New York, New Jersey, etc.)
- Discrimination by Landlords/Property owners
  - They often do not make accommodations because of the associated costs
  - Often, they are willing to risk being sued because they can fix the issues within the allotted time
  - Those who have buildings built before 1990s are not held to the same standards as those who were built after (after ADA went into effect)
- Reasonable Accommodations in the Workplace – Title 2 of ADA
  - Employment lawyers are usually the ones that take care of these types of cases