

Americans with Disabilities Act (ADA) versus California Building Code (CBC) Accessibility Requirements

Disabled access requirements are often referred to, and understood as, “ADA.” The 1990 Americans with Disabilities Act (ADA) is a federal law, regulated and enforced by several different federal agencies. See the overview below for more information on the 1990 ADA. The local authority has no jurisdiction over federal ADA law.

The disabled access requirements specified within California Building Code (CBC) Chapters 11A and 11B are state laws enforced by the local authority. Approval of a building permit by the City of Sacramento **does not** signify that the applicant has complied with the federal Americans with Disabilities Act of 1990.

Overview of the requirements of the federal Americans with Disabilities Act of 1990

The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination against people with disabilities in all areas of public life. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into five titles that relate to different areas of public life.

Title I – Employment

- Applies to employers with 15 or more employees.
- Designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities.
- Requires employers to provide reasonable accommodations to qualified applicants or employees.
- Defines disability, establishes guidelines for the reasonable accommodation process, addresses medical examinations and inquiries, and defines “direct threat” when there is risk of substantial harm to the health or safety of the individual employee with a disability or others.
- Regulated and enforced by the U.S. Equal Employment Opportunity Commission.
<http://www.eeoc.gov/laws/types/disability.cfm>

Title II – Public Services: State and Local Government

- Prohibits discrimination based on disability by “public entities,” which are programs, services and activities operated by state and local governments.
- Requires public entities to make their programs, services and activities accessible to individuals with disabilities.

- Outlines requirements for self-evaluation and planning; making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; identifying architectural barriers; and communicating effectively with people with hearing, vision and speech disabilities.
- Regulated and enforced by the U.S. Department of Justice. <http://www.ada.gov>

Title III – Public Accommodations and Services Operated by Private Entities

- Prohibits places of public accommodation from discriminating against individuals with disabilities. Public accommodations include privately-owned, leased or operated facilities like hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, movie theaters, and so on.
- Sets the minimum standards for accessibility for alterations and new construction of commercial facilities and privately owned public accommodations. It also requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense.
- Directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities.
- Requires that businesses take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities.
- Regulated and enforced by the U.S. Department of Justice. <http://www.ada.gov>

Title IV – Telecommunications

- Requires telephone and internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allows individuals with hearing and speech disabilities to communicate over the telephone.
- Requires closed captioning of federally funded public service announcements.
- Regulated by the Federal Communications Commission. <http://www.fcc.gov>

Title V – Miscellaneous Provisions

- Contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees.
- Provides a list of certain conditions that are not to be considered as disabilities.