



Public Accommodations: Access to Businesses and Other Private Entities

Everyone has the right to go into and use private businesses that are open to the public. This includes people with disabilities. The Americans with Disabilities Act (ADA) and the Colorado Anti-Discrimination Act (CADA) says businesses must do things to help make sure people with disabilities can get the same products and services as people without disabilities.

Frequently Asked Questions

▶ What is a public accommodation?

A public accommodation is any place that is open to the public. It can be owned by a public or private organization. When a place is open to the public, it must do things to help make sure people with disabilities have equal access. Examples of public accommodations are restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers.

▶ What do these places have to do under the ADA?

These types of places must follow rules under the ADA to make sure people with disabilities can get their products and services. These rules include:

- When requested by a person with a disability, make changes to their rules or policies that make the building or services accessible for people with disabilities.
- Remove things that make it hard for a person with a disability to get into the business. If they can't change the main entrance so people can get into the building, they need to make another entrance accessible.
- Make sure people with disabilities can get around the business. They might need to move or take down displays that make it hard to get around the space.
- Allow service animals.
- Allow wheelchairs and powered chairs or scooters that allow people with disabilities to get around more easily.

- Work with people who have disabilities that affect talking, hearing, and understanding to communicate with the person with a disability. For example, writing notes for someone who is deaf.
- If they have a parking lot, it must have parking spaces designated for people with disabilities, including van accessible parking spots.

➤ Do places always have to follow these rules under the ADA?

Yes, most of the time. But sometimes, if a change will be too expensive or will really change what the business generally does, a business does not need to follow these rules.

➤ Do new buildings have to be built to follow the ADA?

Yes. Anything built since 1991 that will be open to the public must be built to follow the rules the ADA set for buildings.

➤ Do old buildings have to be fixed to follow the ADA?

Older buildings do not need to be rebuilt to follow the ADA, but the owner must still make them accessible if they can by removing things that prevent people with disabilities from entering or using them. They do not have to if this would be very expensive or is not possible. If a building cannot be fixed, the business must do other things to let people with disabilities get the products and/or services. This can include:

- Meeting with the person at a place they can get to.
- Delivering to a person's home.
- Having staff get things from high shelves.
- Moving activities to a different place.

If a business does any of the above things, it cannot charge people with disabilities more.

➤ If someone else owns the building that the store is in, who is responsible for making sure the building follows ADA rules?

Both the owner of the building and the owner of the store have to make sure the ADA rules are followed.

➤ What can I do if a business is not following the ADA?

You can also file a complaint with the Department of Justice (DOJ) or Colorado Civil Rights Division (CCRD). They both accept public accommodation complaints. You do not need an attorney to file a complaint.

You can file a complaint online with the Department of Justice here: [Step 1: Contact - Contact the Civil Rights Division | Department of Justice](#).

You may also file a complaint with the Colorado Civil Rights Division directly. See [Home | Colorado Civil Rights Division](#) for more information. The Colorado Civil Rights Division has a 60-day deadline to file a complaint against a business.

For more information please see: [ADA Update: A Primer for Small Business | ADA.gov](#)

Disability Justice distributes this material for informational purposes only. It does not constitute legal advice or establish a lawyer-client relationship. For further assistance, contact the phone numbers or internet sites referred to in this publication or seek the counsel of an attorney.

www.DisabilityJustice.com