

The Americans with Disabilities Act (ADA)

What is the ADA and why should I care?

- The Americans with Disabilities Act, otherwise known as the ADA is not a building code enforced by local building officials. It is, rather, civil rights legislation enforced by the Federal Government. The Act, in effect as of January 1992, prohibits discrimination based on disability and requires places of public accommodation and commercial facilities to be designed, constructed, and/or altered to be in compliance with the accessibility standards established by the Act.
- Enforcement of the Act usually stems from a complaint made by a patron who has found limitations in the access to a public place.
- Examples of such accommodations include installing ramps, establishing specific places for wheelchair-bound patrons to be seated, widening doors, installing accessible door hardware, installing grab bars at toilet fixtures, and moving things to be reachable more easily by those confined to wheelchairs, to name just a few.
- All this said, churches and other religious entities are specifically exempted from the Title III, Section 36.102 (e) public accommodations provisions of the Act. The Act offers a blanket exemption for public accommodation for religious organizations or entities controlled by religious organizations.
- This exemption remains in effect if the organization is not involved in a new construction project. If the church or other exempted organizations are changing the existing or adding on to the building, many building codes have adopted significant provisions of the ADA as part of the code and in these cases the exemption, associated with any new work, goes away. Any new construction, whether inside or outside the building, must meet the current code requirements and in this case, the barrier-free aspects of the code will also be enforced by the local building official.
- It is also important to remember that the church's exemption does not carry through to a non-religious organization that is using the building for its own needs. An example of this may be leasing a part of the church building to a non-religious day care, charter school, or AA group.

So, if we're exempt, why worry about it?

- While churches are exempt from complying with the public accommodation provisions of the ADA, many individuals, close to the disabled community, encourage compliance anyway.
- As the 'Body of Christ' we are called to be welcoming to all, including those who have more problems with access than the rest of us. Even if we don't have any members who have physical disabilities, we should always plan for the visitor.
- As outlined in the July 5, 2016 issue of "Church Law and Tax," Elizabeth Jackson writes, in her article entitled "Churches and the Americans with Disabilities Act" (see the link below), there are "a lot of reasons" for exempt organizations to comply with the ADA, says Jennifer Laszlo Mizrahi, President and CEO of RespectAbility, a nonprofit dedicated to improving the lives of people living with disabilities. Mizrahi says:

I'm a firm believer that there's an equal spark of God in every human being and that every soul is equal and to discriminate against people with disabilities is to deny somebody's soul, to deny somebody's faith, to worth and value as they connect to God and spirituality and their faith community.

Mizrahi points out that inclusion of individuals with disabilities has a positive impact upon the church: "The second thing is that faith communities are much stronger and better when they are welcoming and respectful of all people." There are practical reasons for churches complying with the ADA, too. By doing so, churches can provide an inclusive environment for a large group of people.

- "One out of every five American has a disability and most disabilities – most people with disabilities – you can't see their disability," Mizrahi explains. "It is a massive loss for churches if they don't have people with disabilities in their congregation." It's not just these one-in-five Americans who are affected when churches do not comply with ADA guidelines. Churches should also consider that failing to provide accommodation to individuals with disabilities also affects the families of those individuals. According to Mizrahi, more than half (52%) of Americans have a loved one with a disability. For families with a loved one with a disability, a church's lack of inclusion of individuals with disabilities could be a deterrent, Mizrahi says. "Nobody wants to be a part of a congregation that doesn't welcome one of their family members," Mizrahi states. "It definitely hurts church attendance quite significantly if they don't make an effort on inclusion of people with disabilities."
- The concern that providing accommodation to individuals with disabilities will pose a large financial cost to the church should not deter churches from providing

accommodation. As Mizrahi points out, providing accommodation does not always pose a large financial expense.

- For churches, voluntary compliance with the ADA should not be seen as a burden but viewed as an opportunity to reach out to individuals with disabilities and enrich their experiences within their faith communities.

Recommended Course of Action

- Churches can look to the ADA to understand how they would need to provide adequate accommodations for individuals with disabilities if they wanted to comply with the ADA standards despite doing so being optional for churches.
- Request a visit from your nearest AAC Architectural Advisor to seek his advice on how your church can best move forward with phasing in alterations which will remove barriers and improve access to all parts of your facility.
- If you're building an addition or remodeling, it's very important to be in communication with your Architect, letting them know that you want to be ADA compliant even if local and state regulations do not mandate it.

Related Links

- https://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm
- <https://www.churchlawandtax.com/blog/2016/july/churches-and-americans-with-disabilities-act.html>
- <https://www.respectability.org/>

Churches can learn more about the ADA and (non-mandated) compliance by visiting the government website [ADA.gov](https://www.ada.gov). RespectAbility has [a webpage](#) dedicated to helping faith communities be inclusive of people with disabilities. Elizabeth Jackson is the editorial intern for the Church Law & Tax Team.

Contact LCEF to find an Architectural Advisory Committee member near you for additional information.



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