pro seniors
Advocacy. Empowerment. Justice.

Rights of Americans With Disabilities

What Is The Americans With Disabilities Act (ADA)?

The Americans with Disabilities Act (ADA) of 1990 is a federal law designed to make sure that people with disabilities have an equal opportunity to employment, public accommodations, transportation, state and local government services and telecommunications.

Who Is Protected By The Americans With Disabilities Act?

The ADA protects individuals with disabilities. The Act defines a disability as a physical or mental impairment that substantially limits one or more of your major life activities, such as caring for yourself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working. If you have a physical or mental impairment that can be corrected by medication or other measures, you may still have an impairment that substantially limits a major life activity.

The ADA also protects you if you are no longer disabled but have records that show you were previously disabled.

Additionally, the ADA protects people who are not disabled but are associated with a disabled person. For example, if your husband has Alzheimer's disease, your employer cannot discriminate against you if he or she thinks that you will be absent from work frequently because you have to care for him.

What Types Of Discrimination Are Prohibited By The ADA?

No qualified individual with a disability may be excluded from participating in or be denied the benefits of the services, programs or activities of an entity providing public services.

The ADA prohibits discrimination by employers with at least 15 employees, public entities and any entity providing public accommodations. Before the ADA Act was passed, discrimination against persons with disabilities or handicaps was prohibited by the Rehabilitation Act of 1973 for entities receiving federal funding, and by the Fair Housing Act of 1968. The ADA extends these prohibitions against discrimination to a wide range of private entities.

What Changes Must Be Made In Public Accommodations Under The ADA?

Public accommodations such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools and daycare centers cannot discriminate against you if you are disabled. Private clubs and religious organizations are exempt.

Reasonable changes in policies, practices and procedures must be made to avoid discrimination. A public accommodation may not impose eligibility criteria that screens out, or tends to screen out, individuals with disabilities. Auxiliary aides and services must be provided to individuals with vision or hearing impairments or other disabilities, unless an undue burden would result.

A public accommodation must remove architectural barriers in existing facilities where it is relatively easy to make the change. If it is more difficult to make such a change, the public accommodation must still make reasonable accommodations to make their services accessible to the disabled. Examples include providing curb service or home delivery, retrieving merchandise from inaccessible shelves or racks or relocating activities to accessible locations.

What Changes Must Be Made By Employers Under The ADA?

If you are qualified for a job, an employer cannot discriminate against you simply because you have a disability. It is against the law for an employer to discriminate against a disabled person during job application procedures, hiring, advancement, discharge, employee compensation, job training and other terms, conditions and privileges of employment.

Discrimination includes failing to make reasonable accommodations for the physical or mental limitations of an otherwise qualified individual with a disability. Examples include making existing facilities readily accessible to and usable by individuals with disabilities, restructuring work schedules, and acquiring or modifying necessary equipment or devices. Employers can argue that some accommodations might impose an undue hardship and would, therefore, not be reasonable. For example, they might argue that they couldn't afford to make the changes or that the number of people employed there didn't justify such a change.

How Do I Enforce My Rights Under The ADA?

If you are discriminated against because you are disabled, or you have reasonable grounds for believing this is the case, you can bring a civil action for preventive relief, including an application for an injunction, restraining order or other order. When you do this, the court may grant an order declaring the action to be discriminatory, may order the action to stop and may cover reasonable attorney fees, litigation expenses and costs.

To make a complaint, you must do so within 180 days from the alleged discrimination unless the time for filing is extended by the designated agency for good cause shown.

The U.S. Equal Employment Opportunity Commission, 1-800-669-4000, enforces the employment provisions of the ADA. Numerous other federal agencies are responsible for receiving complaints against public entities, depending on the types of services or programs concerned.

A complaint may be filed with the U.S. Department of Justice (USDOJ), 1-800-514-0301, for referral to the appropriate federal agency. See also USDOJ's ADA home page, for a vast array of ADA information, including links to other federal agencies with ADA enforcement responsibilities.

What Other Federal Laws Protect The Disabled?

Section 504 of the Rehabilitation Act of 1973 protects against discrimination based on disability in entities receiving federal funds. This includes nursing homes and other health care providers who receive Medicare and Medicaid dollars.

The Fair Housing Act protects against discrimination in the sale or rental of a dwelling. The seller cannot discriminate against anyone based on a disability. The Act also guards against discrimination

based on disability in housing for rental property containing four or more units. Like the ADA, religious organizations and private clubs offering housing are exempt.

If you are disabled, the owner of the property must be willing to let you make, at your own expense, reasonable modifications to allow you to fully enjoy the premises. Like the ADA, the FHA requires the individual to be "otherwise qualified" and meet the requirements of tenancy separate and apart from the individual's disability. There are other federal laws that address particular programs and that, as part of those programs, prohibit discrimination in general.

What Ohio Laws Protect The Disabled?

The Ohio Handicap Anti-Discrimination law protects disabled individuals from discrimination based on disability in employment, places of public accommodation, housing, credit, and higher education. A charge of discrimination may be filed with the Ohio Civil Right Commission, 1-888-278-7101.

"Places of accommodation" refers to inns, restaurants, barbershops, public transportation, theaters, stores, amusement facilities and any other place of accommodation available to the public. "Housing" includes rentals and sales. If you think your rights have been violated, you can contact the Ohio Civil Rights Commission or file a civil action in court for damages, injunctive relief and attorney fees.

Pro Seniors helps older Ohioans solve legal and long-term care problems and fight Medicare fraud. Our Legal Helpline provides free legal information and advice for Ohio residents aged 60 and older.

This fact sheet provides general information, not legal advice. The law is complex and changes frequently. Before you apply this information to a particular situation, call Pro Seniors' free Legal Helpline or consult an attorney in elder law.

©2025 Pro Seniors, Inc. All Rights Reserved.
PRO SENIORS® is a registered trademark of Pro Seniors, Inc
Form #LFS004d

©2022 Pro Seniors, Inc. All Rights Reserved.