

# ADA & LODGING

*Accommodating Guests with Disabilities*

*Marian Vessels, Director  
Mid-Atlantic ADA Center*



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## Today's agenda

- New regulations:
  - Effective dates
  - Reservation systems
  - Other Power-Driven Mobility Devices (OPDMDs)
  - Service animals
  - Standards for accessible facilities



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## New ADA regulations

- Effective dates:
  - Generally: March 15, 2011
  - Reservation practices : March 15, 2012
  - Facility standards: March 15, 2012
    - Extension related to *existing* swimming pools:  
January 31, 2013



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## REASONABLE MODIFICATIONS

Policies, Practices, Procedures



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## Reasonable modifications

- Facilitate equal opportunities
- Not required to “fundamentally alter” the nature of goods or services
- May not impose surcharges



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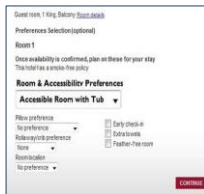
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## Reservation practices: 1

1. Individuals with disabilities must be able to make reservations for accessible rooms in the same ways and during the same times as others
  - Telephone
  - In person
  - Third party (reservation service, travel agency, etc.)



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### Reservation practices: 2

2. Hotels must identify and describe accessible features of the hotel and the guest rooms in enough detail that an individual with a disability can independently determine whether the facility will meet his/her needs



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### Reservation practices: 3

3. Hold back accessible guest rooms until all other rooms of that type have been rented



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### Reservation practices: 4

4. Reserve accessible guest rooms and *remove* them from the reservation system



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## Reservation practices: 5

- 5. Guarantee and hold the *specific* rooms reserved by individuals with disabilities, regardless of whether specific rooms are held for others



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## Third party reservation services

- Hotels need to make accessible rooms available to at least some of the third party services they use, and must provide to third party services information about the hotels' accessible features
- If the hotel makes accessible rooms and information about accessible features available, but the third party fails to provide the rooms or information to customers appropriately, the hotel will not be held responsible



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## Mobility devices

- Traditional wheelchairs (manually operated or power-driven), including "scooters," and other manually operated mobility devices (canes, walkers, etc.) must be permitted in any pedestrian area
- "Other power-driven mobility devices" (OPDMDs) may need to be permitted



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## OPDMD

### • Other power-driven mobility device

- Powered by batteries, fuel, or other engines (*not* a traditional powered wheelchair or scooter)
- *May or may not be* designed primarily for individuals with mobility disabilities, but is used by them for personal locomotion
  - EXAMPLES: Golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT



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## OPDMDs: when and where?

### • Consider

- Type, size, weight, dimensions, and speed of device
- Facility's volume of pedestrian traffic (may vary at different times of day, week, month, or year)
- Facility's design and characteristics (*e.g.*, indoor vs. outdoor settings, size, availability of storage for the device, if needed)
- Legitimate safety requirements
- Potential for substantial risk of serious harm to the immediate environment or natural or cultural resources



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## What can you ask OPDMD users?

- May NOT ask the nature or extent of disability, but may ask for "credible assurance" that device is needed because of disability
  - State-issued disability parking permit or other state-issued proof of disability
  - "Verbal representation, not contradicted by observable fact"



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## Service animals

- New definition
  - Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability



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## What do service animals do?

- Work or tasks related to a person's disability, *for example*
  - Alert individuals who are deaf or hard of hearing to sounds
  - Provide non-violent protection or rescue work
  - Provide support and assistance with balance or stability
  - Help individuals with psychiatric or neurological disabilities by preventing or interrupting impulsive or destructive behaviors
  - Assist individuals who are blind or have low vision with navigation
  - Pull a wheelchair, retrieve items, etc.



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## What can you ask?

- Two questions can be asked *when the answers are not obvious*:
  - Is this animal needed because of a disability?
  - What work or tasks has the animal been trained to do?
- Proof or documentation may *not* be required for either:
  - The individual's disability
  - The animal's training



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## What can you expect?

- A service animal must be housebroken and under control
- A service animal must have a harness, leash, or tether *unless ...*
  - The individual, because of disability, is unable to use a leash, or
  - A leash would interfere with the animal's work



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## Miniature horses

- Species other than dogs, wild or domestic, trained or untrained, are not service animals under the ADA, *but ...*
- Reasonable policy modifications must be made to allow an individual with a disability to use a *miniature horse* that has been individually trained to perform work or tasks related to the individual's disability



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## Miniature horses: when and where?

- Consider
  - Type size, weight of miniature horse and whether the facility can accommodate these features
  - Whether individual has sufficient control
  - Whether miniature horse is housebroken
  - Whether legitimate safety requirements that are necessary for safe operation will be compromised



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## Care and supervision

- A business is not responsible for care or supervision of a service animal or miniature horse



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## What about state or local laws?

- Businesses must comply with all applicable laws
  - If a provision of state/local law is better for people with disabilities, it will override an ADA provision
  - If an ADA provision is better for people with disabilities, it will override a state/local law provision



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## Examples of other requests to consider

- Beds with open frame, or at a height suitable for transfer from wheelchair
- Refrigeration for medications
- Refrain from using scented products (e.g. air fresheners) in individual's room during stay



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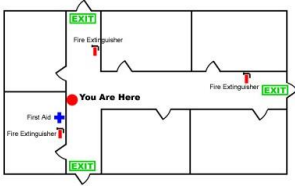
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Last but not least....

- Emergency planning and evacuation
  - Consider the needs of guests and employees with disabilities



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## 2010 ADA STANDARDS

Buildings and Facilities



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## New facility standards

- New Construction
- Alterations
  - Maximum extent feasible
- Barrier Removal
  - Safe Harbor
    - Only applies to existing spaces/elements that **comply with 1991 standards**
    - New alterations standards apply if such existing spaces/elements are **altered**



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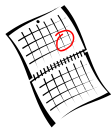
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## Barrier removal

- Remove structural barriers when “readily achievable”
  - “... easily accomplishable and able to be carried out without much difficulty or expense.”
- On-going obligation



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## New in the 2010 Standards

- Kitchens and kitchenettes
- Clothes washers and dryers
- Vending machines, change machines
- Swimming pools
- Saunas and steam rooms
- Exercise machines
- Others ...



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### Revised in the 2010 Standards

- Parking
- Toilet rooms
- Signage
- Reach range
- Others ...

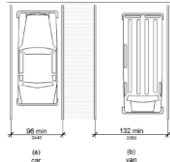


Figure 502.2 Vehicle Parking Spaces



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### Emergency alarms

- Where emergency alarm systems are provided, both audible and visual signals must be *permanently installed*
  - New construction
  - When existing alarm system upgraded or replaced, or new system installed



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### Accessible Guest Rooms

*How many?*



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Table 224.2 Guest Rooms with Mobility Features

Total Number of Guest Rooms Provided in Facility	Number of Access. Rooms without Roll-In Showers	Number of Access. Rooms with Roll-In Showers	Total Number Required Access. Rooms
1 – 25	1	0	1
26 – 50	2	0	2
51 – 75	3	1	4
76 – 100	4	1	5
101 – 150	5	2	7
151 – 200	6	2	8
201 – 300	7	3	10
301 – 400	8	4	12
401 – 500	9	4	13
501 – 1000	2 percent of total	1 percent of total	3 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000	10, plus 1 for each 100, or fraction thereof, over 1000	30, plus 2 for each 100, or fraction thereof, over 1000

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Table 224.4 Guest Rooms with Communication Features

Total Number of Guest Rooms Provided in Facility	Minimum Number of Required Guest Rooms with Communication Features
1 – 25	2
26 – 50	4
51 – 75	7
76 – 100	9
101 – 150	12
151 – 200	14
201 – 300	17
301 – 400	20
401 – 500	22
501 – 1000	5 percent of total
1001 and over	50, plus 3 for each 100 over 1000

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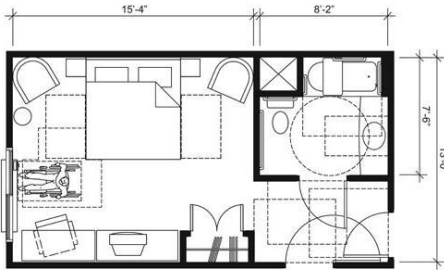
## Accessible features: which rooms?

- At least one of the mobility-accessible guest rooms shall also be equipped for communication accessibility, *but*
- Not more than 10% of mobility-accessible guest rooms shall be used to satisfy the requirement for communication-accessible rooms



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### New features, new designs



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### Cool pools, hot news

- Compliance date to begin applying 2010 Standards to newly constructed or altered pools: **March 15, 2012**
- Compliance date to begin using 2010 Standards to evaluate access to existing pools: **January 31, 2013**



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### Swimming pools, wading pools, and spas

MEANS OF POOL ACCESS					
POOL TYPE	SLOPED ENTRY	LIFT	TRANSFER WALL	TRANSFER SYSTEM	STAIRS
Small swimming (under 300 linear feet of pool wall); only 1 means required AS LONG AS it is ...	✓	✓			
Large swimming (300 or more linear feet of pool wall); 2 means required	✓*	✓*	✓	✓	✓
User access limited to one area (wave action, leisure river, etc.)	✓	✓		✓	
Wading	✓				
Spa		✓	✓	✓	

\*Primary means must be sloped entry or lift; secondary means can be any permitted type.

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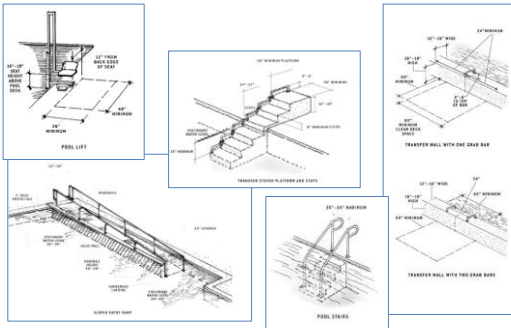
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### Pool access



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### “Fixed” vs. portable pool lifts

- Standards apply to elements that are built-in or “fixed” (elements attached to a building or facility); lifts at existing pools must be fixed where readily achievable
- Lifts may be detached/stored when the pool is closed to the public (for example, pool is closed for the winter)



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### Safety concerns

- “Pool lifts have been commercially available for over 20 years. While the Board recognizes that inappropriate use of pool lifts may result in accident or injury, the Board is not aware of any incidents of injury or accidents involving pool lifts. The Board is also not aware of any evidence that shows that pool lifts are any less safe than other components of a pool facility, such as other means of pool entry, when they are used inappropriately.”

– U.S. Access Board, 2002



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## RESOURCES

Agencies, Publications, and More



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## Tax incentives



- Tax credit for small businesses (30 or fewer employees OR \$1 million or less revenue)
  - Up to \$5,000 to offset costs of removing structural barriers in existing buildings, producing accessible materials (large print, Braille, etc.), and other measures
- Tax deduction for businesses of any size
  - Up to \$15,000 for removing barriers in buildings or vehicles



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## U.S. Department of Justice



1-800-514-0301 Voice

1-800-514-0383 TTY

[www.ada.gov](http://www.ada.gov)



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## CHLA

- California Hotel and Lodging Association
  - **We Welcome Service Animals**
    - Materials and staff training videos (English and Spanish)



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## AHLA

- American Hotel and Lodging Association Educational Institute
  - <http://www.ahlei.org/>



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## Upcoming learning opportunity!

- **Web Accessibility in the Hospitality Industry**
  - Webinar presented by SSB BART Group
    - Thursday, October 25th 2:00 p.m. Eastern / 11:00 a.m. Pacific
    - <https://www.ssbbartgroup.com/webinarregistration.php?id=0>



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# ADA National Network



1-800-949-4232 Voice/TTY

[www.adahospitality.org](http://www.adahospitality.org)



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