



General Self-Help Resource Guide

Access to Rental Cars, Other Vehicles,
and Lodging Accommodations to Assist
Individuals with Disabilities Under the
ADA and ADA Amendments Act of 2008

*Sponsored by the Department of Education/Division of Vocational
Rehabilitation and the State of Florida*

This self-help resource guide is not a substitute for legal advice

July
2012

FAAST, Inc.
Florida Alliance for Assistive Services and Technology
3333 West Pensacola Street · Building 100, Suite 140 · Tallahassee, Florida 32304-2800
Voice (850) 487-3278 · Toll-Free 1-888-788-9216
TDD: (877) 506-2723 Fax: (850) 575-4216
www.faast.org

FAAST, Inc. offers this general self-help resource guide to provide assistive service information and resources to help individuals with disabilities access assistive services and technology. This resource guide provides information on services related to the access of rental cars, other vehicles, and lodging accommodations under the Americans with Disabilities Act and ADA Amendments Act of 2008 and other applicable regulations.

As with many other FAAST self-help resource guides, this guide contains hyperlinks to an array of helpful reference materials and is available on the FAAST website at www.faast.org/resources/library.

Table of Contents

Introduction	1
A Public Accommodation Under Title III of the ADA includes Rental Cars and Other Transportation Systems	1
U.S. Department of Justice (DOJ) Settlement Agreements with Rental Car Companies	2
Avis, Inc. Rental Car.....	2
Dollar Rent-A-Car	3
Budget Rent-A-Car	3
Alamo Rent-A-Car / National Car Rental.....	4
Alphabetical index of ADA settlement agreements and court documents	4
Failure to Make Reasonable Accommodations Under the ADA	5
Helpful Resource Information for Rental Car Services	6
Alamo Rent A Car	6
Hertz Rental Car	6
Budget Car Rental	7
Dollar Rental Car	8
Enterprise Rental Car	8
National Rental Car	9
Avis Rent A Car	9
Thrifty Rental Car	10
Accessible Vans of America.....	10
Wheelers Accessible Vans.....	10
Other sources for finding accessible transportation services/links to national and regional databases and guides for finding accessible transportation services.....	11
Accessible Parking Permits in Florida	11
Applying for an Accessible Parking Permit.....	11
Accessible Parking Requirements	11
Accessible Lodging for Individuals with Disabilities Required Under the ADA	11
Common ADA Problems at Lodging Facilities	11
Accessible Units, Sleeping Rooms, and Suites	12
FAAST, Inc. ADA Site Survey Instrument.....	13
ADA Amendments Act of 2008 Applies to Entities including Places of Lodging.....	14
U.S. DOJ settlement agreements concerning accessible lodging accommodations	15
How to File an ADA Complaint	15
How to file an ADA complaint with Disability Rights Florida	15

Introduction

This self-help resource guide provides general information on assistive services available to access rental car services, other vehicles and lodging in regard to the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008 (ADAAA). You will discover that it is reasonable under the ADA to request auxiliary aids and services such as hand controls in rental cars as well as a reasonable timeframe to have access to a rental vehicle with hand controls; access to accessible airport shuttles when available to the general public in the airport; access to rent a vehicle for individuals with blindness when accompanied by a licensed driver; the acceptance of state issued identification cards for identification if required to make a payment; rental car access for qualified service animals; as well as accessible lodging; and more.

As Title III of the ADA applies to public accommodations and services operated by private entities such as rental car services and lodging, this self-help resource information is designed to provide a tool for individuals with disabilities to obtain reasonable public accommodations within commercial facilities under Title III of the ADA. This guide has been hyperlinked to provide easy access to informative websites; frequently asked questions (FAQs); factsheets; federal and state laws, regulations, and rules; and other relevant resources.

To find a subject or resource that may be of the most assistance to you, please refer to the Table of Contents that includes a detailed list of topics and subjects, along with page numbers.

A Public Accommodation Under Title III of the ADA includes Rental Cars and Other Transportation Systems

The Americans with Disabilities Act (ADA), Public Law 336 of the 101st Congress, enacted July 26, 1990, prohibits discrimination and ensures equal opportunity for persons with disabilities in public and private accommodations and helps guarantee individuals with disabilities the right of equal access.

Amendments to the Americans with Disabilities Act (ADA) signed into law on September 25, 2008, taking effect January 1, 2009, clarify and reiterate who is covered by this law's civil rights protections. The ADA Amendments Act of 2008 revises the definition of "disability" to more broadly encompass impairments that substantially limit a major life activity.

Title III of the ADA includes rental car and other transportation services and a complete copy of the [ADA](#) is available as well as the text of the [2008 amendments](#). To review a [fact sheet on the final regulations](#) implementing the ADAAA, go to: http://www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm.

Transportation provided by public accommodations pursuant to §306 of the ADA and found at [28 C.F.R. §36.310\(a\)\(1\)](#) states "A public accommodation that provides transportation services, but that is not primarily engaged in the business of transporting people, is subject to the general and specific provisions in subparts B, C, and D of this part for its transportation operations, except as provided in this section."

In order to be a place of public accommodation under Title III of the ADA, a facility must be operated by a private entity and the operations must affect commerce. Public accommodations under Title III of the ADA are defined in [§301\(7\)](#). Rental car establishments are covered under the heading “other sales or rental establishments.” [42 U.S.C. §12181\(7\)\(E\)](#).

U.S. Department of Justice (DOJ) Settlement Agreements with Rental Car Companies

Below are a few examples of settlement agreements between rental car companies and the DOJ that include but are not limited to:

Avis, Inc. Rental Car

DEPARTMENT OF JUSTICE REACHES AGREEMENT WITH AVIS TO ENSURE COMPLIANCE WITH THE ADA

Avis has agreed to provide their best efforts to provide hand controlled vehicles available in the size, category, and with the specific number of doors requested by individuals with disabilities. Avis will not impose an additional charge for such a vehicle and will have trained mechanics who can install the hand controls or make arrangements to have them installed. If a requested vehicle is not available with hand controls, the individual with a disability will receive at no charge an upgrade to a larger vehicle equipped with hand controls. Avis agreed to not require more than 24 hours advance notice for all locations that stay open until 11 p.m. or later regarding the need for a vehicle with hand controls. All other locations will not require more than 48 hours advance notice, and Avis agrees to do their best to accommodate a request that is received with less notice.

The locations listed below will not require more than 8 hours advance notice provided the request is received between 8 a.m. and 2 p.m. Monday through Friday:

- a. JFK Airport
- b. LGA Airport
- c. Newark International Airport
- d. Boston Logan Airport
- e. Washington National Airport
- f. Dulles International Airport
- g. Baltimore/Washington International Airport
- h. Atlanta Hartsfield Airport
- i. San Francisco International Airport
- j. San Jose International Airport
- k. Seattle-Tacoma International Airport
- l. Phoenix Sky Harbor Airport
- m. Orlando International Airport
- n. Tampa International Airport
- o. Miami International Airport
- p. Palm Beach International Airport
- q. O'Hare International Airport

- r. Detroit Metro Airport
- s. Houston Intercontinental Airport
- t. Stapleton International Airport

Detailed information on [this settlement agreement](http://www.justice.gov/crt/foia/readingroom/frequent_requests/ada_settlements/nj/nj2.txt) can be found at http://www.justice.gov/crt/foia/readingroom/frequent_requests/ada_settlements/nj/nj2.txt.

AVIS RENT A CAR TO IMPROVE ACCESS TO AIRPORT SHUTTLE SYSTEMS FOR PEOPLE WITH DISABILITIES, UNDER JUSTICE DEPARTMENT AGREEMENT

Every AVIS airport facility that runs a shuttle service that uses vehicles with a capacity of over 16 passengers (including driver) is required to be accessible to individuals with disabilities including individuals using wheelchairs. In addition, Avis must come into compliance within 60 days of acquiring any new facility. Avis is not required to have a shuttle, which uses a lift-equipped vehicle because of impracticability at Miami International Airport. However, at Detroit Airport where Avis picks up their passengers as a courtesy, they must have a van equipped with a wheelchair lift or an accessible shuttle vehicle.

Further information can be found at <http://www.usdoj.gov/crt/foia/setavis.htm>.

The U.S. Department of Justice [press release](http://www.usdoj.gov/opa/pr/1999/May/221cr.htm) on same can be found at <http://www.usdoj.gov/opa/pr/1999/May/221cr.htm>.

Dollar Rent-A-Car

DOLLAR RENT A CAR TO ALLOW PERSONS WITH DISABILITIES TO RENT CARS UNDER JUSTICE DEPARTMENT AGREEMENT

Dollar Rent-A-Car has changed their policy and procedures to allow an individual with blindness to be able to rent a car when accompanied by a licensed driver. Dollar will no longer require that an individual present both a driver's license and a credit card bearing the same name. Dollar may however, require some form of photo identification. Dollar may also require the individual with blindness to sign the rental contract and is required to have some method through audio, 800 number, or oral explanation to ensure that the terms of the rental contract are effectively communicated. Only persons holding a valid driver's license may drive the vehicle leased under the rental contract. [Further information](http://www.usdoj.gov/crt/foia/az3.txt) can be found at <http://www.usdoj.gov/crt/foia/az3.txt>.

The U.S. Department of Justice [press release](http://www.usdoj.gov/opa/pr/Pre_96/January95/6.txt.html) on same can be found at http://www.usdoj.gov/opa/pr/Pre_96/January95/6.txt.html.

Budget Rent-A-Car

SERVICE ANIMALS

Budget Rent-A-Car must allow persons with disabilities the "use of their service animal including, guide dogs, signal dogs, or other animals individually trained to do work or perform tasks for the benefit of an individual with a disability. Budget shall not require people with disabilities to provide any type of identification or certification of an animal as having been trained as a service animal. Budget shall not

require persons with disabilities to be separated from their service animals at any time.” One example in this particular case related an airport shuttle bus driver who refused to allow three individuals with blindness accompanied by guide dogs to board the shuttle bus unless the dogs were restrained in kennels. Detailed information on this [settlement agreement](#) can be found at: <http://www.usdoj.gov/crt/foia/va5.txt>

INDIVIDUALS WITH VISUAL AND/OR MENTAL HEALTH DISABILITIES WHO RENT VEHICLES:

Budget will not require that the method of payment and the driver’s license belong to the same person. The agreement stipulates that all persons who wish to rent must have the capacity to enter into a contract. Budget may require that an authorized driver present a valid driver’s license and meet the qualification requirements imposed by Budget on all authorized drivers in the course of business. Budget cannot inquire into the nature or severity of a disability, but can require some valid form of photo identification. Budget will waive any additional driver charges. [Further detail](#) regarding this settlement agreement can be found at <http://www.usdoj.gov/crt/foia/va5.txt>.

[Alamo Rent-A-Car / National Car Rental](#)

JUSTICE DEPARTMENT ANNOUNCES SETTLEMENT WITH CAR RENTAL COMPANIES TO ASSURE ACCESSIBLE TRANSPORTATION AT AIRPORTS

Alamo and National agreed to have one accessible shuttle bus at each airport location (excluding six airport locations owned by licensees) to ferry passengers between the airport terminal and the rental lots. All future shuttle buses purchased carrying 17 or more passengers must be accessible to individuals with disabilities. Also, Alamo and National have adopted policies and procedures to provide equivalent curbside pickup and drop-off services when no shuttle bus is available. [Further detail](#) regarding this settlement agreement can be found at: http://www.usdoj.gov/opa/pr/2003/October/03_crt_563.htm.

[Alphabetical index of ADA settlement agreements and court documents](#)

For your easy reference, to review any of the U.S. Department of Justice (DOJ) ADA [settlement agreements and court documents](#), go to: http://www.justice.gov/crt/foia/readingroom/frequent_requests/ada_settlements/index_alph.php.

Click [here](#) to review over 1,500 U.S. DOJ rental car settlement agreements; or go to: <http://searchjustice.usdoj.gov> which will take you to the U.S. DOJ Search Engine. Enter ‘rental car’ as your search term.

Failure to Make Reasonable Accommodations Under the ADA

Title III of the ADA ([42 U.S.C. § 12182 \(b\)\(2\)\(A\)](#)) – *Prohibition of Discrimination by Public Accommodations* states:

For purposes of subsection (a) of this section, discrimination includes

(i) the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered;

(ii) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;

(iii) a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden;

(iv) a failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift), where such removal is readily achievable; and

(v) where an entity can demonstrate that the removal of a barrier under clause (iv) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

Helpful Resource Information for Rental Car Services

Many major car rental agencies can provide autos with hand controls, provided that reasonable advance notice is given by the renter. Left-foot accelerator extensions may also be available and depending on individual state regulations steering wheel spinner knobs may be available.

It is advisable to contact your preferred rental car agency directly to request a reasonable accommodation, such as hand controls well in advance of a trip. For a [list of rental car companies](#), go to: [http://dir.yahoo.com/Business and Economy/Shopping and Services/Automotive/Rentals](http://dir.yahoo.com/Business_and_Economy/Shopping_and_Services/Automotive/Rentals).

[Yahoo! Directory of Adaptive Technology Vehicles \(Van rentals and sales\)](#)

[http://dir.yahoo.com/Business and Economy/Shopping and Services/Travel and Transportation/Disabilities/Adaptive Technology Vehicles](http://dir.yahoo.com/Business_and_Economy/Shopping_and_Services/Travel_and_Transportation/Disabilities/Adaptive_Technology_Vehicles)

Alamo Rent A Car

Alamo will maintain a dedicated 24-hour toll-free number (800) 651-1223 for their customers with disabilities, including customers with mobility impairments, such as wheelchair users. In order to reserve a vehicle and/or to discuss options for traveling between airport terminals and off-site Alamo rental car lots, a customer should call the designated toll-free number to speak to an agent who is trained and experienced in providing options for customers with special travel needs.

Hand control-equipped vehicles are available for rental at all Alamo USA and Canada locations for handicapped customers. These vehicles must be requested in advance through Alamo's Reservation Services Desk at 800-651-1223 or 561-912-2710.

Toll Free Number 1-800-651-1223

TTY 800-522-9292

Website: www.alamo.com

Hertz Rental Car

“At Hertz, we want to make your rental experience as easy and convenient as possible. A full range of special services are available to both the Hertz customer and any member of the traveling party with physical disabilities. The [basic services we offer are detailed here](#). If you need additional information or assistance, please ask a Hertz representative.”

Hertz provides helpful information regarding:

- *Hand controls*
- *Spinner Knobs*
- *Accessible Parking*
- *Easy Access Bus*
- *Hertz Reservation System*
- *Toll-Free Reservation Numbers*

- *Telephone Service for the Hearing Impaired*
- *Drivers for People with Visual or Physical Disabilities*

Hertz Toll Free Reservations Line

1-800-654-3131 (Reservations in North America)

1-800-654-3001 (International Reservations)

Hertz #1 Club Gold

1-800-227-4653

Customer Service

1-888-777-6095

Hearing Impaired/TYY Devices:

1-800-654-2280

Website: www.hertz.com

For more information, go to:

http://www.hertz.com/rentacar/productservice/index.jsp?targetPage=PhysicallyChallengedUS.jsp&leftNavUserSelection=globNav_3_5_1&selectedRegion=United%20State

Budget Car Rental

Drivers for a renter with disabilities must have a valid driver's license, be at least 25 years of age, meet driver qualifications in effect at time of rental, and accompany the disabled renter to the Budget location at time of rental. At no extra charge, the driver will be authorized to operate the rental vehicle for the renter with disabilities. The renter with disabilities must present an acceptable method of payment, and meet credit qualifications in effect at time of rental. For hand controls and other assistive devices for use by individuals with physical challenges, call the Budget Special Needs department, toll-free from the U.S., at 888-221-1203. If you are not in the U.S., please find the appropriate Budget phone number for calling within other countries. Budget cannot provide hand controls on every make or model of vehicle, and cannot confirm a reservation for a particular make or model of vehicle on any rental.

Budget Car Rental Toll Free Reservation Lines

1-800-527-0700 (US Reservations)

1-800-268-8900 (Canadian Reservations)

1-800-472-3325 (reservations outside the US or Canada)

Budget Customer Service

1-800-214-6094

Budget RapidRez and Fastbreak

1-800-314-3932

Hearing Impaired/TYY Devices:

1-800-826-5510

Budget Moving Truck Rental reservations in the US

1-800-283-4382

Budget Truck Rental customer service

1-800-283-4382

Website: www.budget.com

Dollar Rental Car

Dollar has rental cars designed to meet the needs of physically challenged drivers. Cars are available at most locations with a 24-hour notice. Drivers requiring driving aids to operate a vehicle, please call 800-800-3665. There is no additional charge for an additional authorized driver for non-driving disabled renters.

Dollar Toll Free Reservation Line

1-800-800-3665 (US & Canada Reservations)

1-800-800-6000 (International Reservations)

Customer Service

1-800-800-5252

Dollar Express Member

(reservations) 1-866-776-6667

Customer Support

1-866-776-6667

Hearing Impaired/TYY Devices:

Email: InternetHelpDesk@dollar.com

Website: www.dollar.com

Enterprise Rental Car

Enterprise Rent-A-Car provides specialized options for their customers with disabilities. Mobility devices such as left hand controls with spinner knobs and left foot accelerators are available at no additional charge. Enterprise requires a two business day notice to reserve a car with mobility devices. For more information or to make a reservation call the National Reservation Center at (800) 325-8007.

Enterprise Toll Free Reservations Line

1-800-261-7331

Website: www.enterprise.com

National Rental Car

National maintains a dedicated 24-hour toll-free number (888) 273-5262 for their customers with disabilities, including customers with mobility impairments, such as wheelchair users. In order to reserve a vehicle and/or to discuss options for traveling between airport terminals and off-site National rental car lots, a customer should call the designated toll-free number to speak to an agent who is trained and experienced in providing options for customers with special travel needs. Hand control-equipped vehicles are available for rental at all National Car Rental locations in the US and Canada. These cars must be requested in advance by calling 888-273-5262

National Car Rental Toll Free Reservations Line

1-877-222-9058

Customer Service

1-800-468-3334

Hearing Impaired/TYY Devices

1-800-328-6323

Website: www.nationalcar.com

Avis Rent A Car

Through the Avis Cares® Program, they provide a full range of products and services for our drivers or passengers with disabilities including cars with hand controls.

*Avis & Scootaround Rental Program - Scootaround and Avis provides electric mobility scooters and wheelchairs for use while traveling in many US cities. Scooters and wheelchairs can be disassembled for trunk storage for business or vacation travel. Contact Toll-Free hotline at 1-888-441-7575. <http://www.scootaround.com/avis/avisrentalform.htm>.

Toll Free Number 800-331-1212

TTY 800-331-2323

Website: www.avis.com

Thrifty Rental Car

1-800-THRIFTY (847-4389) (US or Canadian Reservations)

1-918-669-2168 (Reservations outside North America)

Hearing Impaired/TYY Devices:

Email: Internethelpdesk@thrifty.com

Website: www.thrifty.com

Accessible Vans of America

Our organization is a group of independent wheelchair van dealers who are all committed to improving the accessible transportation options for people requiring adaptive equipment for mobility. All of our wheelchair rental vans are regularly inspected to ensure that you receive an accessible vehicle rental that is reliable and comfortable.

Toll-Free Number 888-282-8267

Fax 610-296-7203

Email: Rental101request@accessiblevans.com

Website: www.accessiblevans.com

Wheelers Accessible Vans

Nationwide accessible van rental serving over 120 cities and 35 major airports across the U.S. including Hawaii. For nearest location go to www.wheelersvanrentals.com/locations.htm.

There are several companies that rent vans with wheelchair lifts at major cities. A number of these companies are listed at www.mossresourcenet.org/vans.htm.

Reservations 800-456-1371

Voice 623-776-8830

Email: info@wheelersvanrentals.com

Website: www.wheelersvanrentals.com

Other sources for finding accessible transportation services/links to national and regional databases and guides for finding accessible transportation services

- <http://www.projectaction.org/ResourcesPublications/FindingAccessibleTransportation.aspx>
- <http://www.access-able.com/>

Accessible Parking Permits in Florida

§320.0848, F.S. Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.— For more information you should review [§320.0848, Florida Statutes](#).

Applying for an Accessible Parking Permit

For more information, go to: <http://www.dmv.org/fl-florida/disabled-drivers.php>

Starting October 1, 2012, the [Florida Department of Highway Safety and Motor Vehicles](#) will implement a new law that requires blue permanent disabled parking permit holders to submit a recent certificate of disability when renewing their permit. Blue disabled parking permits must be renewed every four years as usual, but now holders must present certificates of disability signed within 12 months of the renewal request. For more information, go to: [New Law Requires Proof of Disability to Renew Disabled Parking Permits](#).

Accessible Parking Requirements

For more information on accessibility requirements for accessible parking see *Form B-Parking Spaces (Scoping)* and *Form C-Accessible Parking Spaces* within a FAAST ADA Site Survey Instrument found at: <http://www.faast.org/sites/default/files/FAAST%20ADA%20Site%20Survey.pdf>.

Accessible Lodging for Individuals with Disabilities Required Under the ADA

Common ADA Problems at Lodging Facilities

Hotels, motels, inns, and other places of lodging designed and constructed after January 26, 1993, must comply with the Americans with Disabilities Act (ADA). To comply with the ADA and to make it possible for persons with disabilities to use lodging facilities like everyone else, lodging facilities must meet specific requirements set out in U.S. Department of Justice (DOJ) regulations, [28 C.F.R. Part 36](#). These regulations include detailed architectural requirements known as the ADA Standards for Accessible Design (ADA Standards), [28 C.F.R. Part 36, Appendix A](#). The ADA Standards are designed to make lodging facilities usable by persons with a wide variety of disabilities, including persons who are blind or who have low vision, persons who are deaf or hard of hearing, persons with mobility impairments who use

wheelchairs, canes, crutches, or walkers, and persons with other disabilities or with combinations of disabilities.

The U.S. DOJ is the government agency responsible for enforcing the ADA at lodging facilities. As part of ADA enforcement efforts, the U.S. DOJ has conducted numerous on-site investigations of hotels, motels, inns, and other places of lodging. During these investigations, the U.S. DOJ has observed certain common ADA problems at newly constructed lodging facilities. The U.S. DOJ describes those problems so that owners, franchisors, architects, and building contractors can avoid these common ADA mistakes and comply with the law when designing and constructing new facilities. For more information, go to: <http://www.ada.gov/comhotel.htm>. This document is not intended to be comprehensive or exhaustive. Any failure to comply with the ADA Standards violates the ADA.

For additional information about the design and construction requirements of the ADA, contact the U.S. Department of Justice ADA Toll-Free Information Line. This free service provides answers to general and technical questions about ADA requirements and is a source for free ADA materials including the [ADA Standards for Accessible Design](#), "[5 Steps to Make New Lodging Facilities Comply with the ADA](#)," and "[ADA Checklist for Newly Constructed Lodging Facilities](#)," and "[Common ADA Errors and Omissions in New Construction and Alterations](#)." You may reach the ADA Information Line at: 800-514-0301 (voice) or 800-514-0383 (TTY). ADA information is also available on the Department's ADA Home Page at www.ada.gov.

Accessible Units, Sleeping Rooms, and Suites

Transient lodging includes facilities or portions thereof used for sleeping accommodations, when not classed as a medical care facility.

9.1.2 Accessible Units, Sleeping Rooms, and Suites: Accessible sleeping rooms or suites that comply with the requirements of [9.2](#) (Requirements for Accessible Units, Sleeping Rooms, and Suites) shall be provided in conformance with the table below. In addition, in hotels, of 50 or more sleeping rooms or suites, additional accessible sleeping rooms or suites that include a roll-in shower shall also be provided in conformance with the table below. Such accommodations shall comply with the requirements of [9.2](#), [4.21](#), and [Figure 57\(a\)](#) or [\(b\)](#).

Number of Rooms	Accessible Rooms	Rooms with Roll-in Showers
1 to 25	1	
26 to 50	2	
51 to 75	3	1
76 to 100	4	1
101 to 150	5	2
151 to 200	6	2
201 to 300	7	3
301 to 400	8	4

401 to 500	9	4 plus 1 for each additional 100 over 400
501 to 1000	2% of total	
1001 and over	20 plus 1 for each 100 over 1000	

9.1.3 Sleeping Accommodations for Persons with Hearing Impairments. In addition to those accessible sleeping rooms and suites required by [9.1.2](#), sleeping rooms and suites that comply with [9.3](#) (Visual Alarms, Notification Devices, and Telephones) shall be provided in conformance with the following table:

Number of Elements	Accessible Elements
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

For more information, go to: <http://www.access-board.gov/adaag/html/adaag.htm#tran>.

FAAST, Inc. ADA Site Survey Instrument

For your convenient reference, FAAST, Inc. offers a user-friendly [ADA site survey instrument/building accessibility evaluation survey](#) with hyperlinks to the applicable Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Florida Accessibility Code for Building Construction references within 28 easy to use forms that are specific to various public use areas and elements of facilities covering accessible parking, paths of travel, entrances and exits, ramps, elevators, signage (large print/braille), service counters, restrooms, meeting rooms, and much more.

For ADA compliance purposes, any facility where construction commenced after January 26, 1992, is considered ‘post-ADA.’ Post-ADA facilities must comply with the ADA Standards for Accessible Design (ADA Standards) and be readily accessible to and usable by persons with disabilities. Facilities built before January 26, 1992, are referred to as ‘pre-ADA’ facilities. A public entity must ensure that individuals with disabilities are not excluded from services, programs, and activities because existing buildings are inaccessible. For more information on ADA requirements regarding renovations, additions, and much more, go to: <http://www.faast.org/sites/default/files/FAAST%20ADA%20Site%20Survey.pdf>.

ADA Amendments Act of 2008 Applies to Entities including Places of Lodging

The ADAAA was signed into law on September 25, 2008, taking effect January 1, 2009.

Reservations Made by Places of Lodging: The ADA Amendments Act of 2008 regulations establishes requirements for reservations made by places of lodging, including procedures that will allow individuals with disabilities to make reservations for accessible guest rooms during the same hours and in the same manner as other guests, and requirements that will require places of lodging to identify and describe accessible features of a guest room, to hold back the accessible guest rooms for people with disabilities until all other guest rooms of that type have been rented, and to ensure that a reserved accessible guest room is removed from all reservations systems so that it is not inadvertently released to someone other than the person who reserved the accessible room. The [final rule](#) limits the obligations of third-party reservation operators that do not themselves own and operate places of lodging. In addition, to allow the hospitality industry appropriate time to change reservation systems, the final rule gives places of lodging 18 months from the publication date, September 15, 2010, to come into compliance with these requirements. On or after March 15, 2012, reservations staff (of a hotel or a third party) are required to identify accessible features in guest rooms (e.g. guest room door widths and availability of roll-in showers) and other hotel amenities in sufficient detail so that an individual with a disability can make an independent assessment whether the hotel meets his or her accessibility needs. For more information, go to: http://www.ada.gov/revised_effective_dates-2010.htm.

Timeshares, Condominium Hotels, and Other Places of Lodging: The rule provides that timeshare and condominium properties that operate like hotels are subject to title III. The rule also provides guidance about the factors that must be present for a facility that is not an inn, motel, or hotel to qualify as a place of lodging. The final rule limits obligations for units that are not owned or substantially controlled by a public accommodation that operates a place of lodging. Such units are not subject to reservation requirements relating to the "holding back" of accessible units nor are they subject to the rule's barrier removal and alterations requirements if the physical features of the guest room interiors are controlled by their individual owners rather than by a third party operator. For more information, go to: http://www.ada.gov/regs2010/factsheets/title3_factsheet.html.

New ADA Regulations Regarding the Accessibility of Swimming Pools: Facilities with existing swimming pools are to comply with the Americans with Disabilities Act (ADA) Standards for Accessible Design by January 31, 2013.

- [Updated Document -- ADA Requirements: Accessible Pools -Means of Entry and Exit \(HTML\) | \(PDF\)](#) (Updated May 24, 2012)
- Amendment of Title II and Title III Regulations: [Extension of Compliance Date for Existing Pools](#) (New May 21, 2012)
- [Questions and Answers: Accessibility Requirements for Existing Swimming Pools at Hotels and Other Public Accommodations \(HTML\) | \(PDF\)](#) (New May 24, 2012)

U.S. DOJ settlement agreements concerning accessible lodging accommodations

Click [here](#) to review over 300 U.S. DOJ settlement agreements concerning equal access to lodging accommodations; or go to: <http://searchjustice.usdoj.gov> which will take you to the U.S. DOJ Search Engine. Enter 'settlement agreements lodging' as your search term.

How to File an ADA Complaint

For detailed information on the ADA or to file an ADA complaint against a rental car company or other public or private entities responsible for providing equal access and public accommodations, you may want to contact the U.S. DOJ at:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - NYA
Washington, D.C. 20530
1-800-514-0301
1-800-514-0383 (TTY)
www.ada.gov

Also for your general information for any ADA issue in relation to *public transit*, you can call the [Federal Transit Administration Office of Civil Rights Americans with Disabilities Act \(ADA\) Assistance](#) Line toll-free at 1-888-446-4511 and you can view their website at www.fta.dot.gov/ada.

How to file an ADA complaint with Disability Rights Florida

Disability Rights Florida, like all other states and protectorates of the United States, house federal formula grant programs known as protection and advocacy (P&A) programs. The P&As are federally funded disability civil rights programs with federal mandates to investigate, advocate, and represent individuals and classes of individuals with disabilities rights. They have an intake process to request their services and they will refer you to their FIRST Team who will ask basic intake information. You should prepare the who, what, when, and where of your ADA complaint and you will want to be persistent in your request of a thorough investigation and representation. Request that they forward release forms as soon as possible that you can then sign and send back to them as quickly as possible to help start an investigation process.

Disability Rights Florida
850-488-9071
1-800-342-0823
www.disabilityrightsflorida.org

July 2012

Legal Review by Gordon B. Scott, Esq.

This self-help resource guide is not a substitute for legal advice