Just the Facts on the ADA

Adapted from Myths and Facts about the Americans with Disabilities Act, U.S. Department of Justice (DOJ)

DISCLAIMER: This fact sheet provides informal guidance to assist you in understanding the ADA and does not constitute a legal interpretation of the statute. For more information, visit DOJ’s ADA Homepage at www.ada.gov

Myth
Businesses must spend a lot of money to make existing facilities accessible under the Americans with Disabilities Act (ADA) of 1990.

Fact
The ADA takes a common sense approach to implementation. The law recognizes that sweeping changes take time and altering existing structures costs more than ensuring accessibility in new construction.

Public accommodations (e.g. health care facilities, stores, banks, hotels, restaurants) must remove architectural barriers in existing facilities when “readily achievable” (i.e., accomplished “without much difficulty or expense”).

Inexpensive, basic measures toward accessibility include:
- Installing a ramp in addition to, or to replace, step(s)
- Mounting restroom grab bar(s)
- Lowering paper towel and soap dispensers
- Wrapping exposed metal pipes
- Rearranging furniture
- Installing offset hinges to widen a doorway
- Painting new lines to create accessible parking

Myth
The ADA requires businesses to remove barriers overnight.

Fact
Businesses must do what is readily achievable at that time. However, businesses should evaluate facilities and develop a long-term plan for barrier removal that is commensurate with resources.

Myth
The government doesn’t offer any help in paying for accessibility.

Fact
The federal government offers tax incentives and credits to help offset the cost of ADA compliance.
**Myth**  DOJ sues first and asks questions later.

**Fact**  
**DOJ’s primary enforcement goal focuses on increasing voluntary compliance** through technical assistance and negotiation. Under existing rules, the Department cannot file a lawsuit before first trying to settle the dispute through negotiations. While most complaints settle, DOJ takes legal action when noncompliance persists.

**Myth**  Many ADA cases involve frivolous issues. Everyone claims to be covered under the ADA. People with “bad backs” and “emotional problems” misuse the law.

**Fact**  
The **definition of “disability” contains various conditions** that must be applied on a case-by-case basis. DOJ reports the overwhelming **majority of complaints have merit** - a focus on the fundamental right to have access to goods and services that are basic to people’s lives. Individuals with cognitive and/or psychiatric disabilities often face judgment based on stereotypes and fears rather than abilities. DOJ ensures that trivial complaints do not make it through the system.

**Myth**  The ADA forces business and government to hire unqualified people.

**Fact**  
**An employee with a disability must meet all job requirements** and perform the essential functions of the position (with or without reasonable accommodation). An unqualified applicant/employee with a disability cannot claim employment discrimination under the ADA. The law does not require employers to provide accommodations that would result in undue hardship.

**Myth**  Accommodating workers with disabilities costs too much.

**Fact**  
Most often, **appropriate reasonable accommodations can be made without difficulty and at little or no cost**. Prior to ADA implementation, Sears commissioned a study to review 436 reasonable accommodations provided by the company between 1978 and 1992. Results of the study revealed:

- 69% cost nothing
- 28% cost less than $1,000
- only 3% cost more than $1,000

Also, some individuals with disabilities may qualify for assistive technology, equipment, and/or training through private and/or government resources.)