



California's protection & advocacy system

Disability Discrimination Fact Sheet: Business and Other “Public Accommodations”

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Federal and State Disability Discrimination Laws

Title III of the Americans with Disabilities Act (ADA) prohibits disability-based discrimination by places of “public accommodation.” Public accommodations are private entities, such as businesses and nonprofit service providers that own, operate or lease facilities that are open to the public. These include restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities such as sports stadiums and fitness clubs.

Transportation services provided by private entities are also covered under Title III.

Title III prohibits the exclusion, segregation, and unequal treatment of people with disabilities in public accommodations. Discrimination includes the failure to provide reasonable modifications in policies and practices (also known as “reasonable accommodations”) to allow a person with a disability full access to the services and facilities of business. A sample letter to request a reasonable accommodation, and a sample support letter from a treating professional, are below. Title III also includes architectural standards for new and altered buildings, requirements for reasonable modifications to policies, practices, and procedures, requirements to remove barriers in existing buildings when it is readily achievable to do so, and other access requirements.

Public accommodations that receive federal funds are also covered by Section 504 of the Rehabilitation Act, which contains similar protections as the ADA.

California law provides similar protections to Title III and Section 504. The Unruh Civil Rights Act and the Disabled Persons Act prohibit disability-based discrimination by any business establishment. Government Code Section 11135 prohibits discrimination by businesses that receive state funds. Any violation of the ADA is also a violation of state law. However, in some circumstances, state law or other federal laws such as Section 504 may provide a higher level of protection than Title III.

Administrative Complaints

Title III of the ADA is enforced by the U.S. Department of Justice (DOJ). The California Unruh Act, Disabled Persons Act and Government Code Section 11135 is enforced by the California Department of Fair Employment and Housing (DFEH). You can find more information about protections against disability-based discrimination by public accommodations under Title III and state laws at the DOJ and DFEH websites:

- https://www.ada.gov/filing_complaint.htm
- http://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH_UnruhPamphlet.pdf
- <http://www.dfeh.ca.gov/resources/frequently-asked-questions/business-establishments-public-accommodations-faqs/>

If you believe that you have been discriminated against, you can file an administrative complaint with the DOJ under federal law, or with the DFEH under state law. DFEH complaints must be filed within one year of the discriminatory conduct. You can appeal a DFEH decision to the DFEH Director within 10 days of the decision. [See 2 C.C.R. Section 10033](#). Title III complaints can be filed with the DOJ at any time. However, it is best to file as soon as possible, because the passage of time can make discrimination more difficult to prove.

Contact information for the DOJ and the DFEH is below.

DOJ Complaints:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYAV
Washington, D.C. 20530

Online Filing: https://www.ada.gov/filing_complaint.htm

Phone: (800) 514-0301

TTY: (800) 514-0383

DFEH Complaints:

Online Filing: <https://www.dfeh.ca.gov/filing-a-complaint-online/>

Phone: (800) 884-1684

TTY: (800) 700-2320.

Mail: Call (800) 884-1684 and request the appropriate complaint form to print and return. Please allow additional time for mail and processing.

For some types of public accommodations, it may also be possible to file a complaint with a licensing authority or a different state or federal agency with jurisdiction over that type of business. For example, privacy complaints against private hospitals can be filed with the U.S. Department of Human Service's Office of Civil Rights.

Litigation

Violations of the laws discussed above may also be enforced through private lawsuits. Please be aware that statutes of limitations restrict the timeframe for filing litigation and that you could potentially lose claims if you do not act within the applicable statute of limitations. These deadlines can be as short as two years from the date of discrimination. If you are interested in pursuing litigation, you should consult with an attorney as soon as possible.

If you are seeking less than \$10,000 in money damages, another option is to file a discrimination case in Small Claims Court. The statutes of limitations discussed above will apply. You cannot use a lawyer if you go to small claims court. Here is a link to a Disability Rights California publication that explains the process of using Small Claims for discrimination cases: <http://www.disabilityrightscalifornia.org/pubs/520601.pdf>.

Sample Letter to Request a Reasonable Accommodation

[Date]

Dear [Business]:

I am writing to request reasonable accommodations for my disability/disabilities.

I [am/would like to be] a customer of [Business]. Because of my disability, I need the following accommodations: [list accommodations].

My [physician/psychiatrist/psychologist/therapist/social worker/occupational therapist /other individual (describe)] has deemed these accommodations necessary in light of my disability. Please see the attached letter from [doctor or professional's name].

Federal and state law require that businesses reasonably accommodate students and applicants who have disabilities. Please respond to this request by [date]. Feel free to contact me at [your phone number and/or e-mail address] if you have any questions. Thank you.

Sincerely,

[Your name]

[Your address]

Sample Support Letter

[Date]

Dear [Business]:

I am the [physician/psychiatrist/psychologist/therapist/social worker/occupational therapist] for [Name], and am familiar with his/her condition. [S/he] has a disability that causes certain functional limitations. These limitations include [list functional limitations that require the requested accommodation].

[The requested accommodation] is necessary for [Name] to [apply for/have equal access to the services and benefits of] [name of Business].

[Describe how the accommodation will assist or support the individual].

Thank you for providing this reasonable accommodation for [Name].

Sincerely,

[Name and Title]

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For legal assistance call 800-776-5746 or complete a [request for assistance form](#). For all other purposes call 916-504-5800 (Northern CA); 213-213-8000 (Southern CA).

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>