

There are a number of resources available to assist business owners to understand their general obligations for accessibility:

- The United States Justice Department's homepage for the Americans with Disabilities Act can be found at: **WWW.ADA.GOV**.

This site includes resources on accessibility design, and compliance assistance for small businesses.

- Independent Living Centers ("ILCs") across New York that will conduct an assessment of your operations for you, for a fee. For information on this service and/or for recommendations of ILCs in your local area that provide this service, please contact the New York Association on Independent Living ("NYAIL"), the umbrella organization for ILCs across the State. NYAIL can be reached at 518-465-4650 (Voice) and <http://www.ilny.org/index.asp>.
- For information regarding compliance with the disability provisions of New York State's Human Rights Law, you can contact the New York State Division of Human Rights's Director of Disability Rights at 718-741-8400.

The New York Legislature and the Governor have set a broad standard of accessibility in New York State. By working together, we will ensure that this standard is met in a way that responds to the rights of New Yorkers with disabilities, and, at the same time, enhances business opportunity, operations, and services in the State of New York.

### **SOME EXAMPLES:**

An example of modifying a rule, practice or procedure: If a store has a special accessible entrance that remains locked during business hours, the store will need to change its policy and unlock the door when the store is open. If security is a demonstrated problem, an accessible call box or buzzer (identified by a sign and mounted in an accessible location and height) should be installed to enable people with disabilities to call staff to unlock the door.

Examples of architectural barrier removal include:

- removing a step or steps at a primary entrance and installing a ramp, or
- widening of doorways or check out aisles, or
- lowering service counters to make them accessible to a wheelchair user.

An example of removing a communication barrier: The installation of teletypewriter telephone service for persons with hearing impairments (TTY). A TTY is a special device that lets people with speech and hearing impairments use the telephone to communicate, by allowing them to type messages back and forth instead of talking and listening.

A common example of an auxiliary aid: A person with a sight impairment should be offered written materials in an alternative format, such as Braille or in a larger font.

### **TAX BREAKS FOR MAKING FACILITIES ACCESSIBLE**

The Internal Revenue Code includes provisions for tax credits and deductions for businesses that spend money to make their facilities accessible to persons with disabilities. Improving accessibility is not only the law in New York State, but can also improve the "bottom line" through tax incentives, and increasing your customer base to include persons with disabilities.



**Division of  
Human Rights**

# **OBLIGATIONS OF BUSINESS OWNERS AND OPERATORS**

## of Places of Public Accommodation

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## **Obligations of Business Owners and Operators of Places of Public Accommodation**

The New York State Human Rights Law prohibits places of public accommodation from discriminating against persons with disabilities.

The Human Rights Law defines a disability as:

“a physical, mental or medical impairment prevents the exercise of a normal bodily function or is demonstrable by medically accepted diagnostic techniques, or

a record of such an impairment, or

a condition regarded by others as such an impairment.”

“Places of public accommodation” in New York State include: hotels, restaurants, retail stores, health clinics, hospitals, amusement and recreation parks, and movie theatres.

## **Prohibited Discriminatory Conduct**

Places of public accommodation cannot deny goods or services to individuals on account of disability.

## **Reasonable Modifications of Policies or Procedures**

Places of public accommodation are required to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to make the public accommodation accessible to a person with a disability.

Places of public accommodation are not required to make modifications of policies, practices, or procedures when such modification would fundamentally alter the nature of its business, or facility.

The burden of proving that the requested modification would fundamentally alter the nature of the business or facility is on the owner or operator of the public accommodation.

## **Requirement to Provide Auxiliary Aids**

Places of public accommodation must take steps to ensure that no individual with a disability is excluded or denied services because of the absence of auxiliary aids or services.

“Auxiliary aids” may include:

- qualified sign language interpreters for persons with hearing impairments; or
- written materials in Braille or large font for persons with seeing impairments; or
- other aids suitable to the circumstances.

Places of public accommodation are not required to provide auxiliary aids if such provision would fundamentally alter the nature of its business or facility, or result in an “undue burden.”

The burden of proving that the requested modification would fundamentally alter the nature of one’s business, or result in an “undue burden” is on the owner or operator of the public accommodation.

## **Undue Burden**

An “undue burden” means significant difficulty or expense. In determining whether an action would result in an “undue burden”, the nature and cost of the requested modification is balanced against the resources of the place of public accommodation.

## **Removal of Architectural Barriers**

Places of public accommodation must remove architectural barriers, and communication barriers that are structural in nature, in existing facilities where such removal is “readily achievable.” The law defines “readily achievable” as easily accomplishable and able to be carried out without much difficulty or expense, and sets out factors to be considered including cost, financial resources and type of public accommodation involved.

Barrier removal is an ongoing obligation and places of public accommodation are expected to remove barriers in the future as resources become available.

If barrier removal is not readily achievable, a place of public accommodation must make its goods and services available to people with disabilities through alternative methods. This may mean providing goods or services at an alternative location that is accessible, or ensuring that staff are trained to accommodate requests from persons with disabilities to ensure equal access to goods and services.