



Five Steps To Make New Lodging Facilities Comply With The ADA

Owners, franchisors, architects, and building contractors who participate in the design and construction of newly constructed hotels, motels, inns, and other places of lodging have a role in ensuring that these facilities comply with the Americans with Disabilities Act (“ADA”). Preventing ADA mistakes is much less expensive if the mistakes are found during the design process or early in the construction process. But fixing ADA mistakes may be costly when they are not discovered until after the facility has been built. Owners and franchisors frequently ask the Justice Department, “What can I do to avoid costly ADA mistakes in my new lodging facility?” This publication was written to answer that question. Following are five steps owners and franchisors can take to avoid ADA problems.

STEP 1: OBTAIN COPIES OF THE ADA REQUIREMENTS AND GIVE THEM TO YOUR ARCHITECT AND BUILDING CONTRACTOR.

To ensure that persons with disabilities can use lodging facilities like everyone else, all newly constructed lodging facilities must comply with building requirements called the ADA Standards for Accessible Design (the “ADA Standards”). While architects and building contractors generally know the requirements of state building and fire codes, they may not be familiar with the ADA’s civil rights requirements, which are often different. So, the first step owners and franchisors should take to avoid ADA mistakes is to make sure that all parties that participate in the design and construction process -- architects, building contractors, and franchisors’ design and construction staff -- have a copy of the ADA Standards and other helpful publications that explain those requirements. To obtain free copies of the ADA Standards and other helpful publications issued by the Justice Department, call the ADA Information Line at (800) 514-0301 (voice), (800) 514-0383 (TTY).

STEP 2: TELL YOUR ARCHITECT AND BUILDING CONTRACTOR THAT YOU EXPECT YOUR NEW FACILITY TO COMPLY WITH THE ADA.

Standard design and building contracts typically require compliance with federal laws, so most architects and building contractors should know that lodging facilities must comply with the ADA. Nevertheless, owners and franchisors of new lodging facilities should put all parties that participate in the design and construction process, including architects, interior designers, building contractors, and franchise design and construction staff, on notice that new lodging facilities must comply with all ADA requirements.

Emphasize with your architect, your designer, your building contractor, and franchise design and construction staff that ADA compliance is a top priority. You may want to include specific terms in design and building contracts that require strict ADA compliance. In addition, you should require your architect to provide written confirmation that building plans and construction drawings comply with ADA requirements and, once the facility is constructed, reconfirm that the lodging facility meets all ADA requirements. You should also include terms in design and building contracts that require your architect and building contractor to fix and pay the costs of fixing all ADA mistakes discovered during and after construction. Whatever you do, make sure your architect and building contractor know that you expect full ADA compliance.

STEP 3: MAKE SURE THE BUILDING PLANS DO NOT CONTAIN COMMON ADA MISTAKES.

Often, ADA mistakes at lodging facilities can be traced back to construction documents, such as site and building plans. Thus, a careful review of these documents can prevent most ADA mistakes. While local officials review these documents to make sure that state and local building and fire code requirements are met, they are not authorized to enforce federal laws like the ADA, and, consequently, do not review building plans for ADA mistakes.¹ One way owners and franchisors can avoid ADA mistakes is by having building plans reviewed by someone with ADA expertise before construction starts. Another, less costly, option is to check the building plans to make sure they do not contain any of the most common ADA mistakes. To help owners, franchisors, architects, and building contractors avoid the most common ADA mistakes at lodging facilities, the Justice Department has prepared a publication called “Common ADA Problems at Newly Constructed Lodging Facilities.” Owners should contact their architect, their franchisor’s design and construction staff, or their building contractor **before construction starts** and ask them to confirm that the building plans do not contain these common ADA mistakes. If any of these problems do appear in the building plans, owners should have their architects correct the plans so they comply with ADA requirements before construction starts.

STEP 4: MAKE SURE THAT THE FACILITY IS BEING BUILT ACCORDING TO THE ADA REQUIREMENTS AS SHOWN IN THE BUILDING PLANS.

While most ADA mistakes occur in the building design, many occur during the construction process. ADA mistakes that occur during construction can often be avoided if an architect or an ADA consultant visits the construction site or monitors progress to make sure the building is being constructed according to the plans.

¹ Some state and local building codes have been certified by the Department of Justice as consistent with the ADA’s requirements.

STEP 5: INSPECT THE FACILITY AT THE COMPLETION OF CONSTRUCTION TO IDENTIFY ADA MISTAKES AND HAVE THEM FIXED.

While it is better to prevent ADA mistakes before they occur, it is also important for owners and franchisors to inspect new lodging facilities after construction to make sure they comply with ADA requirements. The Justice Department is responsible for enforcing the ADA, and ADA enforcement at newly constructed hotels, motels, inns and other places of lodging is one of the Department's top priorities. In addition, private individuals may file complaints about inaccessible facilities with the Department, or they may file their own lawsuits in federal court alleging ADA violations at facilities. The Department will be conducting many on-site inspections and compliance reviews of newly constructed lodging facilities. When ADA problems are identified, the Justice Department will take whatever legal action is needed to enforce the ADA, including requiring renovations needed to bring the facility into compliance with the ADA and imposing civil penalties. Noncompliance with ADA requirements cannot and will not be tolerated.

To assist owners and franchisors in identifying ADA mistakes at newly constructed lodging facilities, the Justice Department has prepared a self-help publication called "ADA Checklist for Newly Constructed Lodging Facilities." By using the survey document, which uses plain, nontechnical language and a simple "yes/no" format that can be completed by persons who are not architects or contractors, owners and franchisors can identify and fix ADA problems now, before a complaint is filed or the Justice Department begins an investigation of your new lodging facility.

For additional information about the ADA and its requirements, contact the Department of Justice ADA 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. 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 on the World Wide Web at (<http://www.usdoj.gov/crt/ada/adahom1.htm>).

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