10. Places of education

11. Social service establishments

12. Places of exercise or recreation

Commercial facilities are usually defined as nonresidential facilities used by private entities with commercial operations, such as office buildings, warehouses, and factories.

The following discussion is intended to provide the reader with a general overview of the major ADA requirements and suggestions for avoiding common pitfalls associated with ADA compliance. This section is not intended to provide a comprehensive review of all ADA requirements. The act should be examined whenever a question of compliance arises.

Architectural Barriers

Architectural barriers are physical objects that obstruct a disabled individual's access to, or use of, a facility. An example would be a narrow doorway as the only entrance to a room. To the extent that it is readily achievable, the law requires the removal of all architectural barriers in existing facilities. If it is determined that barrier removal is not readily achievable, there is still a requirement for the public accommodation to make its services, facilities, or privileges available to the disabled in a way that is readily achievable.

The term "readily achievable" means "easily accomplishable and able to be carried out without much difficulty or expense." Because there are no predetermined formulas, the issue of whether a removal is readily achievable is to be determined on a case-by-case basis. However, the following five factors are to be considered in determining whether a change is readily achievable:

1. The nature and cost of the required action

2. The overall financial resources available at the site, the number of employees at the site, safety requirements, and the impact of the proposed action on the operation of the site

3. The geographic separation and the administrative or fiscal relationship between the site and parent entity

4. If applicable, the overall financial resources of the parent entity including the number of employees and the number, type, and location of its facilities

5. If applicable, the type of business of the parent entity

Some examples of types of alternatives are providing a "talking directory" in building lobbies, valet parking for the disabled, providing home delivery, and relocating activities to accessible locations. A person with a disability cannot be charged for the costs of providing alternative approaches.

Title III recommends that barrier removal take place in the following order of priority:

I. The highest priority affords physical access from parking lots, public transportation, and sidewalks. This includes installing ramps, accessible parking spaces, and widening doors.

II. Access to areas where goods and services are available to the public. This includes the installation of ramps, providing Braille signage, and adjusting display racks and cases.

III. Access to rest rooms, which includes the installation of full-length mirrors and wide toilets.

IV. Assume other measures necessary in order to remove other barriers.

Removal of a barrier will be mandated by the courts in all cases where discrimination has been proven. However, if the Justice Department has reasonable cause to believe that a practice or pattern of discrimination exists, it can file a civil suit which can result in ordering barrier removal together with a fine. The best way to avoid such lawsuits is by making good-faith efforts to comply with the ADA before problems arise. Additionally, it is advisable to keep a list of existing barriers that are not removed, together with the specific reasons for not removing them, and to seek the advice of local organizations as to the needs of the disabled persons they represent.

The development of a plan to remove barriers to the disabled could be sufficient to prove such a good-faith effort. In fact, the Justice Department recommends this course in addition to consulting with local organizations representing the disabled. While the "good-faith standard" requires positive