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# Legal Update

A WRA Publication Exclusively for the Designated REALTOR®

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## Accessible Offices and Homes - A Guide to the ADA and Visitability

The Americans with Disabilities Act (ADA) is a federal civil rights law that was passed in 1990 in order to insure that businesses that provide goods and services to the public are accessible to people with disabilities. Along with such public establishments as stores, movie theaters and restaurants, real estate offices are required to comply with ADA accessibility requirements. The ADA also prohibits discrimination against persons with disabilities in terms of employment, government services, transportation and telecommunications. See *Legal Update 92.02* for further information about these categories.

The implications of the ADA in real estate can range from making a real estate brokerage office physically accessible to providing sign language interpreters for clients who are deaf. In addition, many fair housing advocates are now promoting the application of the basic provisions of physical barrier removal to single-family homes. This concept is typically referred to as "visitability." Although not required by law, the idea that all new homes should be constructed to provide access for persons with disabilities and elderly persons is gaining national support.

This *Legal Update* reviews the provisions of the ADA that apply to "public accommodations" -- businesses that offer goods and services to the public in locations where patrons visit. The concept of a public accommodations reviewed, followed by a discussion of the ADA requirements

for taking readily achievable measures to remove communication and architectural barriers. Included is a checklist for real estate offices to track ADA compliance. This issue explores special ADA provisions for rented real estate offices, model homes, apartments, timeshares, auxiliary aids and service animals. It also provides a section on Legal Hotline questions and answers pertaining to the ADA and a list of resources on the ADA and accessibility. The *Update* concludes with an overview of the concept of home visitability.

### ADA Overview

The ADA states that individuals with disabilities may not be denied the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations that a business provides. In other words, whatever type of good or service a business provides to its customers or clients must be accessible to all. Title III of ADA requires the removal of architectural and communication barriers that are structural in nature from

Along with such public establishments as stores, movie theaters and restaurants, real estate offices are required to comply with ADA accessibility requirements.

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existing facilities where removal can be accomplished without much difficulty or expense. It also requires that auxiliary aids and services must also be provided to ensure effective communication and thus maximize access to offered goods and services.

The terminology used in ADA is admittedly confusing at first. Title III does not speak in terms of businesses that serve the public. Instead, Title III refers to the persons or companies that own or operate these businesses. These entities are called "public accommodations." The locations where these businesses offer their goods and services to the public are called "places of public accommodation."

In more technical terms, a public accommodation is any private entity that owns, operates or leases a place of public accommodation. The ADA defines a place of public accommodation as a facility whose operations affect commerce and fall within at least one of the following 12 categories:

1. Places of lodging (e.g., inns, hotels, motels) (except for owner-occupied establishments renting fewer than six rooms);
2. Establishments serving food or drink (e.g., restaurants and bars);
3. Places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums);
4. Places of public gathering (e.g., auditoriums, convention centers, lecture halls);
5. Sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers);
6. Service establishments (e.g., laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair

services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals);

7. Public transportation terminals, depots, or stations (not including facilities relating to air transportation);
8. Places of public display or collection (e.g., museums, libraries, galleries);
9. Places of recreation (e.g., parks, zoos, amusement parks);
10. Places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools);
11. Social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); and
12. Places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

Places of public accommodation include a wide range of private profit and nonprofit businesses of all sizes. Private clubs and religious organizations, however, are exempt.

Real estate offices are classified as service establishments and may also fall under other categories such as places of education. The ADA generally does not cover private apartments and homes. However, if a place of public accommodation such as a real estate broker's office or day care center is located in a private residence, the portions of the house used for those purposes are subject to ADA requirements. Thus, all real estate offices are places of public accommodation and are covered by ADA.

Many building features that are common in older facilities, including narrow doors, steps or round door-

knobs on entrance doors, and crowded aisles, are barriers to access for people with disabilities. Removing barriers is often essential to ensure equal opportunity for people with disabilities. Because measures such as ramping a curb, widening an entrance door, installing visual alarms, or designating an accessible parking space can be simple and inexpensive in some cases and difficult and costly in others, the ADA regulations provide a flexible approach to compliance. This practical approach requires that barriers be removed in existing facilities only when it is readily achievable to do so. The ADA does not require existing buildings to meet its standards for newly constructed facilities.

## Removing Architectural and Communication Barriers

Public accommodations like real estate brokers must remove architectural and structural communication barriers in their existing facilities, if removal is readily achievable.

Architectural barriers are physical elements of a facility that impede access by people with disabilities. These barriers include more than obvious impediments such as steps, narrow doorways, and curbs that prevent access by people who use wheelchairs. In many businesses, conventional doorknobs and operating controls may impede access by people who have limited manual dexterity. Telephones, drinking fountains, mirrors and paper towel dispensers are often mounted at a height that makes them inaccessible to people using wheelchairs. Deep pile carpeting on floors and unpaved exterior ground surfaces are often a barrier to access for people who use wheelchairs or other mobility aids, such as crutches. Impediments caused by the location of temporary or movable structures, such as furniture, equipment, and display racks, are also considered architectural barriers.

Structural communication barriers are barriers that are an integral part of the

physical structure of a facility or business. Examples include conventional signage, which generally is inaccessible to people who have vision impairments, and audible alarm systems, which are inaccessible to people with hearing impairments. Structural communication barriers also include the use of physical partitions that hamper the passage of sound waves between employees and customers, and the absence of adequate sound buffers in noisy areas that would reduce the extraneous noise that interferes with communication with people who have limited hearing.

## Compliance Checklist for Real Estate Brokers and Other Public Accommodations

In developing an implementation plan for readily achievable barrier removal, a public accommodation should consult with local organizations representing persons with disabilities to solicit their suggestions for cost-effective means of making its buildings accessible. These organizations may provide useful guidance by identifying the most significant barriers to remove, and the most efficient means of removing them.

### 1. Office Audit

It is prudent for public accommodations, including real estate brokers, to conduct a self-evaluation of their facilities to identify existing barriers. A serious, good faith effort at self-assessment can benefit the business by identifying the most efficient means of providing access. It may also diminish the risk of ADA litigation because it documents the public accommodation's ADA compliance efforts. This process should include consulting disabled individuals or the organizations that represent them and establishing procedures to be used for annual reevaluations.

### 2. Obtain Bids

The next step is to consult with construction contractors and architects

to determine what physical modifications are possible. Bids should then be obtained to determine the costs of performing these modifications. Bids are crucial to determining what alterations are readily achievable.

### 3. Determine Priorities

The Department of Justice has established a recommended list of priorities for barrier removal in existing facilities, recognizing that businesses generally do not have sufficient resources to remove all existing barriers at one time. These priorities are not mandatory, and a public accommodation is free to exercise discretion in determining the most effective barrier removal measures and an appropriate timetable for completing those activities.

#### Getting in the Door

The first priority is enabling individuals with disabilities to enter the facility. Providing physical access to a facility from public sidewalks, public transportation or a parking lot improves business efficiency and the dignity of individuals with disabilities. For example, if ramps are installed and doors are widened, people who use wheelchairs will not have to be carried through the entrance by employees.

#### Access to Goods and Services

The second priority is providing access to those areas where goods and services are made available to the public. For example, in a store these areas may include the checkout lanes and the retail display areas.

#### Restrooms

The third priority is providing access to restrooms, if restrooms are provided for customers or clients.

#### Other barriers

The fourth priority is removing other physical barriers impeding equal enjoyment of the facility. For example, lowering public telephones and drinking fountains make them acces-

sible to persons using wheelchairs.

The obligation to remove barriers in existing facilities generally does not extend to areas of a facility that are used only by employees. However, it may be necessary to remove barriers in response to a request for a reasonable accommodation by a qualified employee, as required by Title I of the ADA. For more information, contact the Equal Employment Opportunity Commission (EEOC), which enforces Title I of the ADA. Employment questions can be directed to 800-669-4000 (voice), 800-669-6820 (TDD), or <http://www.eeoc.gov>.

#### 4. Readily Achievable Barrier Removal

Readily achievable barrier removal is the area of the ADA that receives the most attention and causes the greatest concerns for businesses. Public accommodations are required to remove barriers only when removal is “readily achievable.” Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense.

Factors to consider in determining if barrier removal is readily achievable include:

- The nature and cost of the action;
- The financial or other impact on the operation of the site or sites involved, such as the effect on expenses and resources and the legitimate safety requirements necessary for safe operation.
- The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;
- If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; and the number, type, and location of the parent corporation’s facilities; and

• If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

If the public accommodation is a facility that is owned or operated by a parent entity that conducts operations at many different sites, both the resources of the local facility and the parent entity must be considered to determine if removal of a particular barrier is readily achievable. The administrative and fiscal relationship between the local facility and the parent entity must also be considered in evaluating what resources are available for any particular act of barrier removal.

What barriers will be readily achievable to remove? There is no definitive answer to this question because determinations as to which barriers can be removed without much difficulty or expense must be made on a case-by-case basis. However, the ADA regulations contain a list of 21 examples of modifications that may be readily achievable:

1. Installing ramps;
2. Making curb cuts in sidewalks and entrances;
3. Repositioning shelves;
4. Rearranging tables, chairs, vending machines, display racks, and other furniture;
5. Repositioning telephones;
6. Adding raised markings on elevator control buttons;
7. Installing flashing alarm lights;
8. Widening doors;

9. Installing offset hinges to widen doorways;
10. Eliminating a turnstile or providing an alternative accessible path;
11. Installing accessible door hardware;
12. Installing grab bars in toilet stalls;
13. Rearranging toilet partitions to increase maneuvering space;
14. Insulating lavatory pipes under sinks to prevent burns;
15. Installing a raised toilet seat;
16. Installing a full-length bathroom mirror;
17. Repositioning the paper towel dispenser in a bathroom;
18. Creating designated accessible parking spaces;
19. Installing an accessible paper cup dispenser at an existing inaccessible water fountain;
20. Removing high pile, low density carpeting; or
21. Installing vehicle hand controls.

Businesses are often anxious over whether they will be required to retrofit existing buildings by adding elevators. A public accommodation generally is not required to remove a barrier to physical access posed by a flight of steps, if removal would require extensive ramping or an elevator. The readily achievable standard does not require barrier removal that requires extensive restructuring or burdensome expense. Thus, if it is not readily achievable to do, the ADA would not require a business to provide access to an area reachable only by a flight of stairs.

Another common question for businesses is whether a portable ramp can be used to provide access to the building. A portable ramp is acceptable, but only if the installation of a permanent ramp is not readily achievable. In order to promote safety, a

Public accommodations are required to remove barriers only when removal is “readily achievable.”

## Accessible Parking Spaces

When a business, government agency, or other entity covered by the ADA restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

### Accessible Parking Spaces for Cars

Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

### Van-Accessible Parking Spaces

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- A wider access aisle (96") to accommodate a wheelchair lift;
- Vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space; and
- An additional sign that identifies the parking spaces as "van accessible."

One of eight accessible parking spaces, but always at least one, must be van-accessible.

## Minimum Number of Accessible Parking Spaces

### ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

\*one out of every 8 accessible spaces \*\*7 out of every 8 accessible parking spaces

### Location

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3-foot wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is

provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

### Free Technical Assistance

Answers to technical and general questions about restriping parking lots or other ADA requirements are available by telephone on weekdays. You may also order the ADA Standards for Accessible Design and other ADA publications, including regulations for private businesses or State and local governments, at any time day or night. Information about ADA-related IRS tax credits and deductions is also available from the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TDD).


You may visit the Department's ADA Internet site at <http://www.usdoj.gov/crt/ada/adahom1.htm>.

portable ramp should have railings, a firm, stable, non-slip surface and the slope should not exceed one to twelve (one unit of rise for every twelve units horizontal distance). It should also be properly secured and staff should be trained in its safe use.

**Barrier Removal Standards**

Measures taken to remove barriers should follow the standards for alterations contained in the ADA Standards for Accessible Design. Copies of this document, which includes ADA Accessibility Guidelines for Buildings and Facilities in Appendix A, are available at <http://www.usdoj.gov/crt/ada/reg3a.html#Anchor-Appendix-52467>. They may also be available in your local library. Copies of the regulations also can be ordered from the ADA Information Line (1-800-514-0301 voice or 1-800-514-0383 TDD).

Deviations from the ADA standards are acceptable when full compliance with those requirements is not readily achievable. In such cases, barrier removal measures may be taken that do not fully comply with the ADA standards, as long as the measures do not pose a significant risk to the health or safety of individuals with disabilities or others.

 As a first step toward removing architectural barriers, the owner of a small shop decides to widen the shop's 26-inch wide front door. Because of space constraints, the shop owner can only widen the door to provide a 30-inch clear width, not the full 32-inch clearance required for alterations under the ADA standards. Full compliance with these standards is not readily achievable in this case. The 30-inch clear width will allow most people who use crutches or wheelchairs to get through the door and will not pose a significant risk to their health or safety.

**5. Implementation Plan**

If a public accommodation deter-

mines that its facilities have barriers that should be removed, but it is not readily achievable to immediately undertake all of the modifications, an implementation plan should be developed. A plan for achieving ADA barrier removal compliance over time, if appropriately designed and executed, can serve as evidence of a good faith effort to comply.

That the financial condition of a public accommodation presently prevents them from barrier removal activities does not mean that the business is relieved of all responsibility. It still must make its goods and services available through alternative methods, provided that they are readily achievable. Examples of alternative methods include having clerks retrieve merchandise located on inaccessible shelves, or delivering goods or services to the customers at curbside or in their homes. Of course, the obligation to remove barriers when readily achievable is a continuing one. Barrier removal that initially was not readily achievable may become so later because of changed circumstances.

**Real Estate Offices**

Real estate offices are places of public accommodation that must be operated in accordance with the full range of title III requirements, including reasonable modifications in policies, practices and procedures; provision of auxiliary aids; and removal of barriers in existing facilities.

Both a tenant who operates a place of public accommodation and the landlord that leases that space have responsibilities under the ADA. Management companies that operate a business facility also have responsibilities to the ADA. The ADA permits landlords, tenants and property managers to contractually allocate responsibility for ADA compliance. This may be done in a lease or management contract, but it is only effective between the parties, and both landlord and tenant remain fully

liable under the law for compliance with all provisions of the ADA relating to that place of public accommodation.

For example, the real estate office lease provision did not protect the landlord from ADA liability in Botosan v. Paul McNally Realty, 216 F.3d 827 (9th Cir. 2000). A federal appeals court recently considered whether a plaintiff could recover under the ADA from both a landlord and its tenant for failing to set aside parking spots for disabled individuals at a place of business.

In this case, Kornell Botosan (KB) is a person with paraplegia who requires the use of a wheelchair at all times. When KB attempted to visit the real estate office of Paul McNally Realty (broker), he was unable to find a parking spot designated for persons with disabilities. The broker rented its office space from a land trust (landlord). The lease assigned responsibility for regulatory compliance to the broker. Neither the landlord nor the broker had reserved any parking spots for persons with disabilities.

KB filed a lawsuit against both the broker and the landlord, claiming that they had violated the public accommodations provisions of Title III of ADA and California law. The lawsuit sought monetary damages, punitive damages, injunctive relief and attorney's fees. When the trial court held in favor of KB, the landlord and the broker appealed to the United States Court of Appeals for the Ninth Circuit, which affirmed the trial court.

The court considered the provision in

Both a tenant who operates a place of public accommodation and the landlord that leases that space have responsibilities under the ADA.

the lease that made the broker responsible for regulatory compliance. The landlord argued that this provision shielded it from a lawsuit for violations of the ADA. The court ruled that Title III of ADA specifically holds a landlord liable for noncompliance with Title III requirements, and therefore the lease provision did not remove the Landlord from this lawsuit. The Technical Assistance Manual developed by the state Department of Justice makes it clear that both a landlord and a tenant have full responsibility for ADA compliance, and that a provision in a lease will not insulate a landlord from lawsuits for ADA violations brought by third parties. However, the manual also made it clear that the landlord could seek indemnification from the broker for such violations.

🏠 If a real estate company has its office in leased premises, or if the company owns a building and rents out space to other businesses that qualify as places of public accommodation, the real estate company must make sure that ADA compliance is addressed in the lease and make sure that those provisions are enforced. Each party may want to have a mechanism to penalize the other party if he or she does not fulfill ADA obligations.

When a place of public accommodation is located in a home, the portions of the home used for the office are covered by ADA, even if those portions are also used for residential purposes. ADA coverage applies not only to the office area, but also includes an accessible route from the sidewalk, through the doorway, through the hallway leading to the office, and to other portions of the home, such as restrooms, that are used by clients and customers.

### Model Homes

The United States Department of Justice has stated that a model home is not subject to the provisions of the

ADA, so long as there is not a sales office contained in the model home. A model home does not fall under one of the 12 categories of places of public accommodation. If, however, the sales office for a residential housing development were located in a model home, the area used for the sales office would be considered a place of public accommodation. Also, if a model home is available simply for display (as opposed to representing a future development) and a fee is charged, then that home will also be subject to the requirements of the ADA as a place of public accommodation.

These principles have been upheld in the courts. For example, in Baltimore Neighborhoods, Inc., v. Rommel Builder, Inc., 40 F. Supp. 2d 700 (D. Md. 1999), the United States District Court for Maryland considered whether a condominium complex's owners, builders and developers had violated the ADA. Kevin Beverly (KB), a person with disabilities, sued for alleged violations of the ADA based upon the use of a model home as a sales office for the complex. KB alleged that the ADA had been violated because the sales office was not readily accessible and usable by persons with disabilities. The court rejected the argument that the ADA did not apply to model homes, finding that, while in general model homes are not subject to ADA rules for places of public accommodation, if a model home is used as a sales office, then it is a place of public accommodation within the meaning of the ADA.

Although model homes generally are not considered public accommodations, the Department of Justice encourages developers to voluntarily provide at least a minimal level of access to model homes for potential homebuyers with disabilities. For example, a developer could provide physical access via ramp or lift to the primary level of one of several model homes and make photographs of

other levels within the home as well as of other models available to the customer.

### Apartments

Although Title III does not apply to strictly residential facilities like apartment buildings or residential condominiums, it covers places of public accommodation located within residential facilities. Thus, areas within multifamily residential facilities that qualify as places of public accommodation—places that offer goods and services to the public—are covered by the ADA if use of the areas is not limited exclusively to owners, residents and their guests.

🏠 A private residential apartment complex includes a swimming pool for use by apartment tenants and their guests. The complex also sells pool “memberships” to the general public. The pool qualifies as a place of public accommodation.

🏠 A residential condominium association maintains a long-standing policy of restricting use of its party room to owners, residents and their guests. Consistent with that policy, it refuses to rent the room to local businesses and community organizations as a meeting place for educational seminars. The party room is not a place of public accommodation.

🏠 A private residential apartment complex contains a rental office. The rental office is a place of public accommodation.

### Timeshares

A vacation timeshare property can be a place of public accommodation. Whether a particular timeshare property is a place of public accommodation depends upon how much the timeshare operation resembles that of a hotel or other typical place of lodging. Among the factors to be considered are:

- Whether the timeshare offers short-term ownership interests (stays of

one week or less are considered short term);

- Whether the owner has full title;
- The degree of restrictions placed on the ownership (e.g., whether the timeshare owner has the right to occupy, alter, or exercise control over a particular unit over a period of time);
- The extent to which the operations resemble those of a hotel, motel, or inn (e.g., reservations, central registration, meals, laundry service).

### Providing Auxiliary Aids


A public accommodation like a real estate office is required to provide auxiliary aids and services that are necessary to ensure equal access to the goods, services, facilities, privileges or accommodations that it offers, unless an undue burden or a fundamental alteration would result. Auxiliary aids must be provided to individuals with disabilities who have physical or mental impairments, such as vision, hearing or speech impairments that substantially limit the ability to communicate.

Auxiliary aids and services include a wide range of services and devices that promote effective communication. Examples of auxiliary aids and services for individuals who are deaf or hard of hearing include qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays and exchange of written notes. Qualified readers, taped texts, audio recordings, Braille materials, large print materials, a magnifying glass, and assistance in locating items may aid individuals who are blind or who have vision impairments. Persons with speech impairments may need TDD's, computer terminals, speech

synthesizers or communication boards. It may be useful to provide something as simple as large pens for persons with physical impairments like arthritis or palsy. See *Legal Update* 01.03 for additional information about various useful communication techniques.

Some of these devices are expensive, require training or technical expertise, and are not readily available. Fortunately ADA does place limits on the obligation of public accommodations to provide auxiliary devices and services. A public accommodation is not required to provide any auxiliary aid or service that would fundamentally alter the nature of the goods or services offered or that would result in an undue burden.


However, the fact that providing a particular auxiliary aid or service would result in a fundamental alteration or undue burden does not necessarily relieve a public accommodation from its obligation to ensure effective communication. The public accommodation must still provide an alternative auxiliary aid or service that would not result in an undue burden or fundamental alteration but that would ensure effective communication to the maximum extent possible, if one is available.


 For example, it may be an undue burden for a small private historic house museum on a shoe-string budget to provide a sign language interpreter for a deaf individual wishing to participate in a tour. Providing a written script of the tour, however, would be an alternative that would be unlikely to result in an undue burden. For a REALTOR® in a similar situation, one partial alternative to engaging an interpreter to explain the residential listing contract and offer to purchase may be the explanation documents currently under development at the WRA which will ultimately be posted on the WRA Web site in Spanish and in English.

A fundamental alteration is a modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages or accommodations offered. An undue burden is defined as significant difficulty or expense.

The same criteria used to determine if barrier removal is readily achievable are used to determine whether an action would result in an undue burden (see page 4 of this issue).


The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the length and complexity of the communication involved.

 H, a person who is deaf, is shopping for film at a camera store. Exchanging written notes with the sales clerk would be adequate to ensure effective communication. This would also be true with respect to preliminary communications if H visited a real estate office - exchanging written notes may serve to determine what services H is seeking.

 H then stops at a new car showroom to look at the latest models. The car dealer would be able to communicate general information about the models available by providing brochures and exchanging notes by pen and notepad, or perhaps by means of taking turns at a computer terminal keyboard. If H becomes serious about making a purchase, the services of a qualified interpreter may be necessary because of the complicated nature of the communication involved in buying a car. This would also be true if H was in the real estate office and wanted to enter into an agency contract (listing contract or buyer agency) or was ready to negotiate an offer to purchase or some other real estate contract - qualified interpreters may be needed because of the complicated nature of real estate contracts and transactions. See *Legal Update*




01.03 for additional information about qualified interpreters.

 S, an individual who is blind, visits an electronics store to purchase a clock radio and wishes to inspect the merchandise information cards next to the floor models in order to decide which one to buy. Reading the model information to S should be adequate to ensure effective communication. Of course, if S is unreasonably demanding or is shopping when the store is extremely busy, it may be an undue burden to spend extended periods of time reading price and product information. It also may or may not be an undue burden for a REALTOR® to read and explain real estate contracts to S - agents must explain contracts to clients and customers who are not blind. It would certainly be confusing for S to try to take in all of that information in that manner. It may be best for the agent to ask S if she has an advisor or an attorney or to see what other arrangements can be made to best accommodate her.

Public accommodations should consult with persons with disabilities wherever possible to determine what type of auxiliary aid is needed to ensure effective communication. In many cases, more than one type of auxiliary aid or service may make effective communication possible. While consultation is strongly encouraged, the ultimate decision as to what measures to take to ensure effective communication rests in the hands of the public accommodation, provided that the method chosen results in effective communication.


For example, a patient who is deaf brings his own sign language interpreter for an office visit without prior consultation and bills the physician for the cost of the interpreter. The physician is not obligated to comply with the unilateral determination by the patient that an interpreter is necessary. The physician must be given

an opportunity to consult with the patient and make an independent assessment of what type of auxiliary aid, if any, is necessary to ensure effective communication. If the patient believes that the physician's decision will not lead to effective communication, then the patient may challenge that decision under Title III by initiating litigation or filing a complaint with the Department of Justice.

 Under the ADA and fair housing law, it may be illegal to refuse to provide an interpreter for a customer or client. If the problem is a financial one, it may be wise to ask the person, or any housing counselor or advisor assisting the person, if he or she has any source of funding for interpretation services. If no funding is available, it may be prudent to pay the additional expense and hire a qualified interpreter rather than risk possible legal action. See *Legal Update* 01.03 for additional information about qualified interpreters.

#### Modification of Policies and Procedures

A public accommodation must reasonably modify its policies, practices or procedures to avoid discrimination. If the public accommodation can demonstrate, however, that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages or accommodations it provides, it is not required to make the modification.

 A private health clinic, in collaboration with its local public safety officials, has developed an evacuation plan to be used in the event of fire or other emergency. The clinic occupies several floors of a multistory building. During an emergency, elevators, which are the normal means of exiting from the clinic, will be shut off. The health clinic is obligated to modify its evacuation procedures, if necessary, to provide alternative means

for clients with mobility impairments to be safely evacuated from the clinic without using the elevator. The clinic should also modify its plan to take into account the needs of its clients with visual, hearing and other disabilities.

#### Service Animals

A public accommodation must modify its policies to permit the use of a service animal by persons with disabilities unless doing so would result in a fundamental alteration or jeopardize the safe operation of the public accommodation. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed.

#### ***What is a service animal?***

The ADA defines a service animal as any guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. These animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government. Service animals are not pets. Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. "Seeing eye dogs" are one type of service animal used by some persons with visual disabilities. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities, such as:

- Alerting persons with hearing impairments to the presence of intruders or sounds.
- Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.
- Assisting persons with mobility impairments with balance.
- Providing minimal protection or rescue work.

**How can I tell if an animal is really a service animal and not just a pet?**

Some service animals wear special collars and harnesses. Some are licensed or certified and have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability. However, documentation of a medical condition or disability generally may not be required as a condition for providing service to a person accompanied by a service animal. Although a number of states have programs to certify service animals, you may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.

**What must I do when an individual with a service animal comes to my business?**

The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers.

**Am I responsible for the animal while the person with a disability is in my business?**

No, the care or supervision of a service animal is solely the responsibility of his or her owner. You are not required to provide care or food or a special location for the animal.

**What if a service animal barks or growls at other people, or otherwise acts out of control?**

You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other guests or customers may be excluded. You may not make assumptions, however, about how a

The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed.

particular animal is likely to behave based on past experience with other animals. Although a public accommodation may exclude any service animal that is out of control, it should give the individual with a disability who uses the service animal the option of continuing to enjoy its goods and services without having the service animal on the premises.

**Tax Benefits Cushion Barrier Removal Costs**

Two tax incentives are available to businesses to help cover the cost of removing accessibility barriers and making access improvements. The first is a tax credit that can be used for architectural adaptations, equipment acquisitions, and services such as sign language interpreters. This tax credit is subtracted from a taxpayer's tax liability after taxes have been calculated. The second is a tax deduction that can be used for architectural or transportation adaptations. This tax deduction is subtracted from total income, before taxes are computed, to establish taxable income.

**50% Tax Credit**

The tax credit under Section 44 of the Internal Revenue Code was created in 1990 specifically to help small businesses cover ADA-related accessibility expenditures. A business that for the previous tax year had either revenues of \$1,000,000 or less, or 30 or fewer full-time workers, is eligible. This credit can be used only for adaptations to existing facilities that are required to comply with the ADA, such as:

- Providing readers for customers or employees with visual disabilities
- Providing sign language interpreters
- Purchasing adaptive equipment
- Producing accessible formats of printed materials, such as Braille, large print, audio tape and computer diskette
- Removing architectural barriers in facilities or vehicles (for example, installing ramps, handrails, Braille signs, TDDs and videotext monitors; widening doorways; reconfiguring restrooms; and lowering telephones)
- Consulting service fees

The credit, however, cannot be used for the costs of new construction.

The amount of the tax credit is equal to 50 percent of the eligible access expenditures in a year, up to a maximum expenditure of \$10,250. There is no credit for the first \$250 of expenditures, therefore, the maximum tax credit is \$5,000.

**\$15,000 Tax Deduction**

The tax deduction, established under Section 190 of the Internal Revenue Code, is for a maximum of \$15,000 per year. A business of any size may use this deduction for the costs of removing architectural or transportation barriers. These renovations under Section 190 must comply with applicable accessibility standards.

Small businesses can use the tax credit and the tax deduction in combination if the expenditures incurred qualify under both Section 44 and Section 190. For example, a small business that spends \$20,000 for access adaptations may take a tax credit of \$5,000 (based on \$10,250 of expenditures), and a deduction of \$15,000. The deduction is equal to the difference between the total expenditures and the amount of the credit claimed.

**Example:** A small business can use both the tax credit and the tax deduction when it spends \$20,000 to widen three doors, install a ramp and improve restroom access.

\$20,000 cost of improvements  
- \$5,000 maximum credit

\$15,000 remaining for deduction

### Annual Incentives

The tax credit and tax deduction can be used annually. A business may not carry over expenses from one year to the next and claim a credit or deduction for the portion that exceeded the expenditure limit the previous year. However, if the amount of credit you are entitled to exceeds the amount of the taxes owed, the unused portion of the credit may be carried forward to the following year.

For further details and information, review the publications listed below, review the incentives with an accountant, or contact the IRS.

IRS Publication 334 - Tax Guide for Small Business: <http://ftp.fedworld.gov/pub/irs-pdf/p334.pdf>

IRS Publication 535 - Business Expenses: <http://ftp.fedworld.gov/pub/irs-pdf/p535.pdf>

IRS Publications and Forms can be requested at 800-829-3676 (voice) or 800-829-4059 (TDD). Tax questions can be asked at 800-829-1040 (voice) or 800-829-4059 (TDD), or visit <http://www.irs.streas.gov/prod/search/index.html>

### Enforcement

Through lawsuits and settlement agreements, the Department of Justice has achieved greater access for individuals with disabilities in hundreds of cases. The Department of Justice may file lawsuits in federal court to enforce the ADA, and courts may order compensatory damages and back pay to remedy discrimination if the Department of Justice prevails. Under general rules governing lawsuits brought by the Federal gov-

ernment, the Department of Justice may not sue a party unless negotiations to settle the dispute have failed. Under Title III of the ADA, the Department of Justice may also obtain civil penalties of up to \$50,000 for the first violation and \$100,000 for any subsequent violation.

### ADA Legal Hotline Questions & Answers

#### ***Is my office a place of public accommodation?***

It can be assumed that real estate offices and local board offices open to the public are considered places of public accommodation. Therefore, architectural barriers must be removed if the removal is "readily achievable." The definition of "readily achievable" is not black and white. Commentators on the ADA have suggested that the courts will understand that and look for evidence of a "good-faith effort" to comply with the ADA. Therefore, every organization owning, leasing or operating a place of public accommodation should examine its facility, determine what modifications are readily achievable and make those modifications. The examination, determination and modification should be carefully documented to demonstrate a good-faith effort to comply. Of course, any new construction or remodeling is subject to ADA construction standards.

#### ***Are "open houses" a place of public accommodation?***

The Legal Hotline staff contacted two attorneys who are considered to have expertise on ADA issues. Both attorneys stated that while an open house is open to the public, they did not think it was the intent of Congress to include a non-public building such as this within the definition of a place of public accommodation.

#### ***What ADA information should we pass on to our customers and clients?***

If a customer or client is anticipating

the purchase or lease of a place of public accommodation, commercial building or place of employment, the potential cost of ADA compliance should be considered. The ADA is a technical subject that licensees are not required to understand in detail. It will be competent practice to: (1) advise the customer or client that the ADA may be material to the transaction; (2) advise the customer or client to seek expert assistance, such as an architect experienced in the ADA; and (3) draft contingencies as necessary to insure the customer or client will be able to consider the ADA's impact prior to being bound to a contract, if the information was unavailable when drafting the contract.

#### ***Does the ADA affect the sale or rental of single-family homes?***

No. However, the Federal 1988 Fair Housing Amendments and Wis. Stat. § 101.22 prohibit discrimination in housing based on disability. In addition, the federal law requires certain new construction to meet accessibility standards and protects the rights of disabled people to make certain modifications to rental properties to insure accessibility.

#### ***A prospective buyer has informed a broker that he is in a wheelchair. The commercial property the buyer wants to see has very steep steps. Can the broker legally discuss this with the interested customer?***

The broker may describe the property to the buyer and ask buyer if there are any accommodations the buyer requires (e.g. local persons trained to assist persons in wheelchairs). If the buyer purchases the property, he will be subject to the ADA's requirements. The Department of Justice's ADA home page can be found at [http://www.usdoj.gov/crt/ada/ada\\_hom1.htm](http://www.usdoj.gov/crt/ada/ada_hom1.htm).

#### ***An agent is working with a customer who is deaf. The customer's mother told the agent that the ADA requires the agent to hire and pay for an***

***interpreter when writing the offer. Is this the agent's responsibility?***

Under the ADA, real estate licensees and other professionals have an obligation to effectively communicate with their clients and customers. The law states that effective communication includes furnishing appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities. The federal law states that unless a broker can communicate effectively and accurately with a client, there is a serious risk of not understanding the client's or customer's requirements and incorrectly advising, disclosing or negotiating. Sign language interpreters and written materials are examples of "auxiliary aids and services" that may be needed to provide effective services to a deaf client or customer. The more complex the communication (e.g., contract negotiations), the more likely an interpreter will be required. The cost of providing sign language interpreters for deaf clients is part of the cost of doing business; it is similar to the cost of a ramp, elevator, disabled parking place or other physical accessibility feature which may not be passed on to clients with disabilities.

Since family members and friends may not be able to provide impartial or confidential interpreting, even if they are skilled sign language users, the Department of Justice regulation defines a "qualified" interpreter as "an interpreter who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary."

However, there is an undue burden test. Factors to consider in determining whether a broker will experience an undue burden include the cost of the sign language interpreter, the overall financial resources of the business or practice, the number of employees, the effect of providing the aid or service on the resources and operation of the business, and the dif-

iculty of locating or providing the sign language interpreter. In most instances, the reasonable hourly fee of a sign language interpreter for occasional meetings with deaf clients or customers would not be considered an undue burden for a successful real estate business. If an interpreter is an "undue burden," all available means to serve the needs of the client or customer should be provided, e.g., extensive written materials, attorney review contingencies, additional time, etc.

***A broker is writing an offer for a couple who are both deaf. Because the broker was unsure if the couple understood the contract, the broker contacted the Association for the Deaf. The Association said that the law requires the broker to hire an interpreter. Is it the broker's responsibility to pay for an interpreter?***

Probably. To insure that everyone receives equal treatment and services, the ADA requires any person or company that provides services to the public to furnish auxiliary aids (i.e., qualified interpreters, assistive listening devices, etc.) to people with disabilities. Unless the providing of such services would result in significant difficulty or expense, the public service provider is required to pay for these services.

## **ADA Resources**

***Department of Justice — ADA Regulations and Technical Assistance Materials*** This outstanding site has links to almost every aspect of ADA information imaginable. Visit the site at <http://www.usdoj.gov/crt/ada/publicat.htm>

***ADA Guide for Small Businesses*** This is an excellent publication, complete with photographs and diagrams, that describes and illustrates the ADA compliance requirements for small businesses. It is at <http://www.usdoj.gov/crt/ada/smbusgd.pdf>

***ADA Accessibility Guidelines For Buildings And Facilities*** This docu-

ment states Standards for Accessible Design for places of public accommodation and commercial facilities. These standards are to be applied during the design, construction, and alteration of such buildings and facilities to the extent required by the ADA regulations. These standards may also be used for guidance by businesses engaged in barrier removal. These guidelines are available at <http://www.usdoj.gov/crt/ada/reg3a.html#Anchor-Appendix-52467>.

***ADA Questions & Answers*** Find the answers to commonly asked questions about the ADA at <http://www.usdoj.gov/crt/ada/qandaeng.htm>.

***ADA Regulations for Title III.*** The Department of Justice's regulations implementing Title III of the ADA, which prohibits discrimination on the basis of disability in places of public accommodation (businesses and non-profit agencies that serve the public) and commercial facilities (other businesses) can be found at <http://www.usdoj.gov/crt/ada/reg3a.html>.

***IBM Accessibility Center.*** This site has great information about different ways to make your computer technology and Web sites accessible to persons with disabilities. It is at <http://www-3.ibm.com/able/>.

The Department of Justice also operates a toll-free ADA Information Line at 800-514-0301 (voice) and 800-514-0383 (TDD).

## **Visitable Housing**

The ADA regulates features in existing buildings where goods and services are offered to the public, like real estate offices. The ADA also requires that new or renovated commercial buildings and the common areas of multifamily residential properties be accessible for persons with disabilities. The ADA does not apply to private homes, but there is a movement afoot to bring at least basic accessible features into the picture when new single-family homes are constructed.

The concept of visitability is that all new homes include enough accessible features in their design so that a disabled or elderly person using a wheelchair, walker, cane or other assistive mechanism can comfortably visit the home. VISIBLE homes, however, are not entirely accessible when measured by ADA or other accessibility standards.

Advocates have been pressing home-builders and state and local government to extend accessibility to single-family homes. Some municipalities are responding with building code changes or launching programs that require or encourage the inclusion of so-called "visible" features in new homes. In Illinois, for example, the state legislature granted builders up to \$5,000 of public funds for each home that incorporates visible features.

The two basic visibility features most often discussed are an entrance from the outside with no steps and wide doorways inside of the home. Wide doorways are particularly important for the bathrooms. Other basic visibility features are a bathroom on the main floor and reinforced bathroom walls that will permit future grab bar installation if grab bars are not initially installed.

### The Benefits of Visibility

Visible homes can welcome guests who use wheelchairs, walkers or other assistive mechanisms. Residents who become disabled are more likely to be able to remain in their existing homes, rather than having to move out or do extensive, expensive renovation. Visible features make it easier to bring in baby strollers, grocery carts, heavy furniture and other large objects.

Visibility features in a home allow family members and guests who use wheelchairs to confidently visit the home, knowing that they can get in the door and get into the bathroom independently, rather than suffering

the indignity of having somebody carry them. A person who must temporarily use a wheelchair or crutches may unhappily discover that he or she cannot get in or out of the house or bathroom without help in a home without basic visibility features.

The sale and re-sale of visible homes should be particularly attractive to older baby boomers who can be drawn to homes that welcome their aging parents and allow them to readily age in place, without having to move again. Visibility features cost little up front, unlike the higher after-the-fact cost of retrofitting a home by widening doors and adding ramps. Visibility features are easy to construct on most terrain and can be visually unnoticeable. On new construction, a zero-step entrance can usually be incorporated without a ramp by grading so that the sidewalk meets the porch.

### Visibility Features

The following construction guidelines make homes generally visible, not fully accessible. Because the guidelines are for private, single-family dwellings, no special access codes or additional regulations apply. The most essential features for basic access are an entrance with no steps and an accessible bathroom with a wide doorway. The materials in this section are based primarily on the concepts promoted by Concrete Change, an international effort to make all homes visible. See the Home Visibility Resources section of this *Update* for the contact information to this excellent organization, which has detailed information and specifications.

#### Entrance Without Steps

The most important visibility feature is an entrance into the home that involves no steps. The entrance may be a ramp, a sloping sidewalk, or a garage floor level that is with the house. Ideally, this entrance will be the front door or another entrance that the family and their guests usual-

ly use. However, the topography of the lot may dictate that the accessible entrance be at the back or side of the house or through the garage.

The entrance must have absolutely no steps. Even one small step poses a barrier. The slope must not be too steep; the ratio of length to height should be at least a foot long for every inch in height (1:12), and less steep than that when possible. However, a ramp or walkway can be proportionately shorter if the total rise is less than a foot because the danger of rolling or tipping out of control is much less on a short rise.

The height of the ground at the bottom of a ramp is very important in determining the length of a ramp. Often the terrain can be graded to raise the elevation of this area so that the length of the needed ramp can be shortened. The required length of an incline is much shorter if it starts on ground that is nearly the same elevation as the entrance. For example, a driveway can be sloped to provide some rise on a flat lot.

The area around the door should be smooth and level so that a person using a wheelchair has room to maneuver without tipping or falling when using the door. A ramp or sloping sidewalk should have rails or some other type of edging for the safety of a person using a wheelchair.

#### Bathrooms

All doors that must be passed through en route to the bathroom and the door to the bathroom itself should be at least 2 feet 8 inches wide. Doors that are 2 feet 10 inches or 3 feet wide are obviously much better. Special attention needs to be

The most essential features for basic access are an entrance with no steps and an accessible bathroom with a wide doorway.

paid to the bathroom door because this door is typically narrower on most house plans.

It is very helpful to have a large turning radius inside the bathroom. It is essential to have at least a 32-inch clear path to the toilet. A bathroom door can be hinged to swing out rather than in to provide more room.

In many floor plans, this can be accomplished without major alterations to the floor plan. In some cases, however, an unusually small bathroom on the floor plan may require that 3 or 4 inches be shifted from an adjoining room.

## Doors

Interior doors that are at least 2 feet 8 inches wide will allow a person using a wheelchair to pass through. Again, doors that are 2 feet 10 inches or 3 feet wide are obviously much better. A 3-foot wide door provides about 34 inches of clear passage space, depending on the thickness of the door that is hung. A 2 foot 10 inch door will allow about 32 inches of clear passage space while a 2 foot 8 inch door provides about 30 inches of clear passage. More door width is needed than the simple width of a wheelchair because doors cannot always be approached straight on - more room is needed to allow for turning the corner or compensating for any angled approach.

In most cases, a wider opening is simply cut into the wall, and the architect does not need to be called in to change the plans. The builder can adjust existing plans with too-narrow doors by manually drawing a minor adjustment to the doorways on the plans. Adding square footage should not be necessary to create wider doors.

In new construction, minor modifications in these areas can often change an inaccessible house into a visitable one. At the same time, many people with mobility limitations could occupy these houses with little or no modification.

## Home Modification

The concept of "home modification" is a variation of the visitability principle. Home modification is an adaptation to the living environment that is intended to increase ease of use, safety, security and independence.

Home modification is promoted as a way to promote independence for elderly persons and prevent accidents in the home. Many persons are living in older structures that are deteriorating to the point that they are hazardous and contribute to falls and injuries. It is estimated that nearly one-third of home accidents can be prevented by basic home modification and repair.

Modification to the home environment can be a key factor in increasing the ability of older persons to remain independent and injury-free in their homes and active in their communities. Home modifications can enhance comfort, increase safety, prevent injuries, and allow access to many activities and services. Removing barriers and safety hazards also helps relieve the stresses associated with the reduction in physical capabilities people experience as they age. Obviously, home modifications also serve to make homes more accessible for persons with disabilities.

Some desirable home modifications include:

- Lever door handles that operate easily with a push;
- Handrails on both sides of the staircases and outside steps;
- Ramps for accessible entry and exit;
- Walk-in showers;
- Grab bars in the shower, by the toilet and by the tub;
- Hand-held, flexible shower head;
- Lever-handed faucets that are easy to turn on and off;
- Sliding shelves and lazy Susan in corner cabinet;

- C or D ring handles on cabinet doors and drawers for easy gripping;

## Universal Design

Universal design is another variation of the concept of visitability. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The intent of universal design is to simplify life for everyone by making products, communications and buildings more usable by as many people as possible at little or no extra cost. Universal design benefits people of all ages and abilities.

Universal design is different than accessible design. Accessible design means products and buildings that are accessible and usable by people with disabilities. Universal design means products and buildings that are accessible and usable by everyone, including people with disabilities. Although these different definitions appear to be simply semantic, they actually have significant differences in meaning. Accessible design has a tendency to lead to separate facilities for people with disabilities. For example, an accessible design would include a ramp set off to the side of a stairway at an entrance or a wheelchair accessible toilet stall. Universal design, on the other hand, provides one solution that can accommodate people with disabilities as well as the rest of the population. Moreover, universal design means giving attention to the needs of older people as well as young, women as well as men, left handed persons as well as right handed persons. An entrance that is designed to be "universal" would not have stairs at all.

## Home Visitability Resources

**Concrete Change** - An international effort to make all homes visitable. For information on developments that already incorporate visitability,

contact Eleanor Smith at 404-378-7455  
600 Dancing Fox Road  
Decatur, GA 30032  
E-mail: ConcreteChange@mind-spring.com  
<http://concretechange.home.mind-spring.com>.

### **Center for Inclusive Design & Environmental Access**

School of Architecture and Planning  
University at Buffalo  
Buffalo, NY 14214-3087  
Phone: 716-829-3485 ext. 329  
Fax: 716-829-3861  
E-mail: [idea@ap.buffalo.edu](mailto:idea@ap.buffalo.edu)  
<http://design6.ap.buffalo.edu/~idea/>

**Universal Design** - The Center for Universal Design at North Carolina State University  
<http://www.design.ncsu.edu:8120/cud/>

### **Home Modification Information**

<http://www.homemods.org/brochure1.htm#hm>

### **The Access Board**

1331 F Street NW, Suite 1000  
Washington, DC 20004-1111  
Phone: (800) 872-2253 (voice) or (800) 993-2822 (TDD)  
Fax: (202) 272-5447 (fax)  
email: [info@access-board.gov](mailto:info@access-board.gov)  
<http://www.access-board.gov/indexes/accessindex.htm>

### **Uniform Federal Accessibility Standards (UFAS)**

This document sets standards for facility accessibility by persons with physical disabilities for federal and federally funded facilities. These standards are to be applied during the design, construction, and alteration of buildings and facilities to the extent required by the Architectural Barriers Act of 1968, as amended. The General Services Administration, the Department of Housing and Urban Development, the Department of Defense, and the United States Postal Service, under the authority of the Architectural Barriers Act of 1968, jointly developed these standards.

<http://www.access-board.gov/ufas/ufas-html/ufas.htm>

## **Conclusion**

REALTORS® should act to ensure that their offices are accessible by taking readily achievable barrier removable measures, providing appropriate auxiliary aids, and modifying policies and procedures to enhance access to their services. These steps are important for avoiding potential ADA liability and providing full and equal access for all clients and customers, regardless of any disabilities. Builders and developers should consider the concept of home visitability in their construction plans. Together these measures promote a fully accessible community that can be enjoyed by all citizens.

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