

**► WHAT IS DISCRIMINATION AGAINST INDIVIDUALS WITH MOBILITY IMPAIRMENTS?**

Federal, state and local law protect individuals with mobility impairments from discrimination in places of public accommodation or government programs and services. The law protects against two kinds of discrimination: intentional exclusion and the failure to make reasonable changes to buildings or policies. Intentional exclusion is when a place tells a person that he or she is not welcome because of his or her mobility impairment. The other kind of discrimination is when a place won't make reasonable changes to a building or policy to make sure that a person with a mobility impairment has equal access to its goods or services.

**► WHO IS A PERSON WITH A MOBILITY IMPAIRMENT?**

Generally, if you have trouble walking or cannot walk at all you will be considered someone with a mobility impairment. Some specific types of disabilities which may result in a mobility impairment include quadriplegia, a spinal cord injury, multiple sclerosis or cerebral palsy. Note that the law may protect you from discrimination even if you are only "regarded as" having or have a "prior record" of a mobility impairment.



**► WHAT PLACES & SERVICES ARE COVERED BY THE LAW?**

Under the law, city, state and federal governments must provide equal access to their programs and services. Places of "public accommodation" are also required to grant equal access to their facilities and programs. A "public accommodation" is a place open to the public, where people go for goods or services. This category is quite broad and includes almost all places of business in New York City. Some private clubs and places run by religious entities may not be considered places of public accommodation.

**EXAMPLES OF PUBLIC ACCOMMODATIONS:** Restaurants, stores, hotels, auditoriums, doctor offices, hospitals, private schools, daycare centers

**EXAMPLES OF GOVERNMENT PROGRAMS & SERVICES:** Government agency offices, public transportation, voting sites

**► WHAT DO THE LAWS REQUIRE?**

Generally, the laws require that public accommodations and governments make *reasonable* changes to their buildings and policies in order to provide access to people with mobility impairments. What is "reasonable" under the law may depend on how much it will cost to make the changes, whether the changes make the building or service unsafe, and whether the changes "fundamentally alter" the service or good. When deciding whether a proposed change is unsafe, actual risks must be considered rather than stereotypes or generalizations. There are two main categories of changes:

- **BARRIER REMOVAL:** Owners of public accommodations and the government may have to remove physical barriers to their facilities when it is "readily achievable," meaning it can be done easily. Whether an entity must remove barriers may depend in some cases on when the building was built or renovated (for example, if built after 1992, barrier removal may be required even if expensive). Barrier removal will also depend on whether the changes are physically possible.



**EXAMPLES OF BARRIER REMOVAL:**  
Ramps, sidewalk curb cuts, lowering store counters, rearranging furniture, widening doors, grab bars in bathrooms, moving a public hearing to a lower floor

**If barrier removal is not possible,** then the public accommodation must find another way for you to access its services. For example, a grocery store may need to get merchandise from inaccessible shelves or the post office may need to provide home pick-up of packages.



- **POLICY MODIFICATION:** In addition to making changes to the physical space, places of public accommodation and the government are also required to make changes to their policies or practices to make sure that people with mobility impairments have equal access.

**EXAMPLE OF POLICY MODIFICATION:** A store permitting an aide to assist an individual who uses a wheelchair in a dressing room, even if the store’s policy is to allow just one person in the dressing room at a time.

► **HOW DO I ENFORCE MY RIGHTS?**

You can first try to resolve the problem by speaking directly with people at the business or government office. If that does not work, and if you feel you have been discriminated against on the basis of your mobility impairment, there are generally two ways to make a formal complaint: (1) file an administrative complaint or (2) file a lawsuit in court. Typically, administrative complaints take less time than lawsuits. Note that the law protects you from retaliation, too; in other words, the place you are complaining about cannot do anything to “get back” at you just because you complained.

**1. ADMINISTRATIVE COMPLAINT**

Several administrative agencies accept complaints related to disability discrimination: the New York City Commission on Human Rights, the New York State Division of Human Rights, the United States Department of Justice, and the Offices of Civil Rights at various federal agencies. Below is a brief overview of each agency’s process. Please contact the agencies directly for more information. Note that in most situations you cannot file more than one complaint about the same matter.

<p><b><u>NYC Commission on Human Rights (NYCCHR) &amp; NY State Division of Human Rights (NYSDHR)</u></b> investigate complaints filed under the City and State Human Rights Laws.</p>	<p> → <b>Time Limit:</b> You have one (1) year from the date of the discrimination to file a complaint.</p> <p> → <b>Process/Outcome:</b> The agency will investigate the claim. If there is evidence of discrimination, the agency may issue a written order telling the facility to stop discriminating against you. The agency may also tell the facility to remove barriers or provide some other reasonable solution. You might also receive money if the agency finds that you suffered emotional or other harm.</p>
<p><b><u>Office of Civil Rights (OCR)</u></b> 7 major federal agencies handle discrimination complaints against the government through an Office of Civil Rights. Each agency, such as the Department of Transportation, handles a specific category of complaints.</p>	<p> → <b>Time Limit:</b> Generally, you must file the complaint within 180 days from when the discrimination happened. Each agency has its own process and time limit, so you should check the agency’s website or contact its office to learn how and when to file.</p> <p> → <b>Process/Outcome:</b> The agency will investigate your claim. If it finds that discrimination did occur, then it may try to negotiate to settle the matter. Depending on the agency, a variety of other methods might be used to enforce the law.</p>
<p><b><u>The United States Department of Justice (DOJ)</u></b> investigates complaints against local governments or private facilities filed under the Americans with Disabilities Act.</p>	<p> → <b>Time Limit:</b> Complaints against the government must be filed within 180 days from when the discrimination happened. There is no time limit for complaints against private facilities.</p> <p> → <b>Process/Outcome:</b> DOJ will investigate your claim, but may not take action on an individual matter. Generally, the DOJ focuses on whether your claim raises a pattern of discrimination or important public issue. If the DOJ does take action, it may try to negotiate a settlement or bring a lawsuit.</p>

## 2. LAWSUIT IN COURT

You may also file a lawsuit against the government or a private facility in state or federal court.



→ **Time Limit:** Under each law you have up to three (3) years after being discriminated against to file your lawsuit.



→ **Outcomes:** Each of these laws permits a court to issue an order requiring barriers to be removed or requiring reasonable alternatives. However, only the City and State Human Rights Laws allow for money awards based on emotional harm.



### ► HOW CAN I GET MORE INFORMATION AND RESOURCES?

**New York Lawyers for the Public Interest**  
**151 West 30<sup>th</sup> Street, 11<sup>th</sup> Floor**  
**New York, NY 10001**  
**Phone: (212) 244-4664**  
**TTY: (212) 244-3692**  
**[www.nympi.org](http://www.nympi.org)**



<p><b>NYC Commission on Human Rights</b>                  100 Gold Street, Suite 4600                  New York, NY 10038                  Voice: (212) 306-7450                  TTY: (212) 306-7686  <b><a href="http://www.nyc.gov/cchr">www.nyc.gov/cchr</a></b></p>	<p><b>NY State Division of Human Rights</b>                  Headquarters                  One Fordham Plaza, 4<sup>th</sup> Floor                  Bronx, NY 10458                  Voice: (718) 741-8400                  TTY: (718) 741-8300  <b><a href="http://www.dhr.ny-gov">www.dhr.ny-gov</a></b></p>	<p><b>U.S. Department of Justice</b>                  Civil Rights Division                  950 Pennsylvania Avenue, N.W.                  Office of the Assistant Attorney General, Main                  Washington, D.C. 20530                  Voice (202) 514-4609                  TTY (202) 514-0716  <b><a href="http://www.ada.gov">www.ada.gov</a></b></p>
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### OFFICES OF CIVIL RIGHTS: PHONE NUMBERS AND WEBSITES

<p><b>U.S. Department of Transportation (DOT)</b>  <b>Federal Transit Administration (FTA)</b></p>	<p>New York Regional FTA Office: <u>Voice:</u> (212) 668-2170  <u>Federal Relay Service TTY:</u> (800) 877-8339  <a href="http://www.fta.dot.gov/civilrights/civil_rights_2360.html">http://www.fta.dot.gov/civilrights/civil_rights_2360.html</a></p>
<p><b>U.S. Department of Education (DOE)</b></p>	<p><u>Voice:</u> (800) 421-3481     <u>TDD:</u> (877) 521-2172  <a href="http://www2.ed.gov/about/offices/list/ocr/index.html">http://www2.ed.gov/about/offices/list/ocr/index.html</a></p>
<p><b>U.S. Department of Health and Human Services (HSS)</b></p>	<p><u>Voice:</u> (877) 368-1019     <u>TDD:</u> (800) 537-7697  <a href="http://www.hhs.gov/ocr/index.html">http://www.hhs.gov/ocr/index.html</a></p>
<p><b>U.S. Department of Labor (DOL)</b></p>	<p><u>Voice:</u> (202) 693-6500     <u>TTY:</u> (202) 693-6516  <a href="http://www.dol.gov/oasam/programs/crc">http://www.dol.gov/oasam/programs/crc</a></p>
<p><b>U.S. Department of Housing and Urban Development (HUD)</b></p>	<p><u>Voice:</u> (800) 669-9777     <u>TDD:</u> (800) 927-9275  <a href="http://www.hud.gov/offices/ftheo/FHLaws/index.cfm">http://www.hud.gov/offices/ftheo/FHLaws/index.cfm</a></p>
<p><b>U.S. Department of the Interior (DOI)</b>                  [This agency covers parks &amp; recreation]</p>	<p><u>Voice:</u> (202) 208-5693     <u>TDD:</u> (202) 208-5998  <a href="http://www.doi.gov/diversity/civil_rights.html">http://www.doi.gov/diversity/civil_rights.html</a></p>
<p><b>U.S. Department of Agriculture (USDA)</b></p>	<p><u>Voice:</u> (866) 632-9992     <u>TTY:</u> (202) 401-0216  <a href="http://www.ascr.usda.gov">http://www.ascr.usda.gov</a></p>

DUE TO THE GENERAL NATURE OF THE INFORMATION PRESENTED,  
 THIS FACT SHEET SHOULD NOT BE REGARDED AS LEGAL ADVICE.