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ADA and Places of Public Accommodation

A public accommodation is a private entity that owns, operates, leases, or leases to, a place of public accommodation. Places of public accommodation include a wide range of entities, such as restaurants, hotels, theaters, doctor's offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers. Private clubs and religious organizations are typically exempt from the ADA's title III requirements for public accommodations.

The ADA places the legal obligation to remove barriers or provide auxiliary aids and services on both the landlord and the tenant. The landlord and the tenant may decide by lease who will actually make the changes and provide the aids and services, but both remain legally responsible.

The ADA is not a building code, it's a federal civil rights legislation and the local CEO is usually not equipped to aid in the design of the accommodations nor are they charged with enforcement of the standards. In Maine, the State Fire Marshal's Office (207) 626-3880, is one of the lead players in the ADA. They're a great source of ADA information as many projects require a Barrier Free (handicapped access) permit from them as part of a project review. Other sources of information are the Maine Bureau of Rehabilitation Services (207) 623-6799 and Alpha One (800) 640-7200.

How accessible to make the subject building is a decision the owner and/or new tenant need to make.