



ADA Wheelchair Accessibility: Know Your Rights

What People with Disabilities, Their Families, and Caregivers Should Know

The Right to Come and Go Like Everyone Else

Imagine accompanying your husband to a restaurant, only to discover that three steps separate the sidewalk from the entrance. Your husband uses a wheelchair, and there is no ramp in sight. Other customers walk inside without a second thought, but the two of you are left wondering whether you can even enter the building.

For millions of Americans with mobility disabilities, situations like this are more than occasional inconveniences. They can interfere with shopping, dining, traveling, attending public events, and conducting the ordinary business of daily life. They can also place an unnecessary burden on spouses, family members, and caregivers who assist them.

The Americans with Disabilities Act (ADA), enacted in 1990, was designed to help eliminate discrimination against people with disabilities. Among its provisions are accessibility requirements for businesses and other facilities open to the public.

The fundamental principle is simple: People with disabilities have the right to enjoy the same goods, services, and opportunities available to everyone else.

Understanding those rights can make an important difference when an inaccessible building, uncooperative business, or architectural obstacle stands in your way.

Where Are Wheelchairs Allowed?

Under Title III of the ADA, businesses classified as public accommodations generally must allow people who use wheelchairs to enter areas where customers and other members of the public are permitted.

That includes retail stores, restaurants, hotels, theaters, medical offices, and many other privately operated facilities serving the public.

A restaurant cannot simply declare that wheelchair users must remain in a designated corner because accommodating them elsewhere would be inconvenient. Similarly, a store cannot prohibit customers from using wheelchairs in its shopping aisles while allowing other customers to enter those areas.

The ADA also protects the use of walkers, canes, crutches, and other manually powered mobility aids. Different rules apply to certain powered mobility devices, such as scooters and Segways, but ordinary wheelchairs are generally permitted wherever customers may go.

However, the right to use a wheelchair does not guarantee that every older building has already been made fully accessible. The ADA establishes different requirements depending on a facility's age, construction history, and the feasibility of removing existing barriers.

For wheelchair users and their caregivers, knowing that distinction is important when deciding whether a business has failed to meet its legal obligations.

When a Single Step Becomes a Barrier

A small step at a store entrance may seem insignificant to someone who walks without difficulty. For a wheelchair user, however, that same step can make entering the building impossible without assistance.

Other common accessibility barriers include narrow doorways, steep ramps, heavy doors, obstructed aisles, inaccessible restrooms, and service counters that cannot be reached comfortably from a wheelchair.

The ADA requires businesses operating in existing facilities to remove architectural barriers when removal is *readily achievable*. This means the work can be accomplished without much difficulty or expense, taking into account the business's resources and the circumstances involved.

For example, installing a small entrance ramp may be relatively simple for one store but require substantial structural changes at another.

If removing a barrier is not readily achievable, the business may still have an obligation to provide its services through an alternative method, when doing so is readily achievable. A shop might, for example, offer curbside service when an entrance cannot reasonably be modified.

Such arrangements may provide access to goods and services, but they are not necessarily equivalent to the independence of entering a business and making purchases like any other customer.

If you encounter an inaccessible entrance, it is reasonable to ask whether an accessible entrance or another accommodation is available.

Finding an Accessible Entrance

Suppose you arrive at a shopping center and discover that the entrance nearest your parking space has stairs. Does the ADA require every entrance to be accessible?

Not necessarily.

The accessibility standards establish requirements for the number and location of accessible entrances, but they do not always require every entrance to accommodate wheelchairs.

A business may satisfy the applicable standards by providing accessible entrances at specified locations. When an entrance is inaccessible, the ADA Standards may require signs directing visitors to an accessible entrance. Accessible entrances must also be identified where the standards require it.

For wheelchair users, these signs can eliminate considerable frustration. Without them, a person may have to travel around an entire building searching for a usable entrance.

An accessible entrance should connect to an accessible route that allows customers to reach the goods and services offered inside.

A business should not expect wheelchair users to be carried up steps or subjected to unsafe arrangements simply because a proper accessible route has not been provided.

What About Older Buildings?

Many wheelchair users and caregivers wonder whether older buildings are exempt from accessibility requirements.

The answer is generally no, although the rules for existing buildings differ from those governing new construction.

The original ADA accessibility standards were adopted in 1991. Revised standards were issued in 2010 and became generally applicable to new construction and alterations on March 15, 2012.

These newer standards addressed a variety of accessibility issues and established updated technical requirements.

However, the regulations include a provision known as *safe harbor*. Under this rule, certain existing building elements that complied with the 1991 Standards do not have to be modified solely because the corresponding requirements changed in 2010.

This protection applies to qualifying elements, not automatically to an entire building. It does not excuse barriers that violated earlier requirements, and it does not generally apply to elements that the 1991 Standards did not specifically address.

For someone using a wheelchair, the practical lesson is that an older building's accessibility obligations depend on several factors. A business cannot simply claim that the ADA does not apply because its building was constructed decades ago.

Enjoying Recreation Without Unnecessary Barriers

Accessibility is not limited to shopping and dining. People with mobility disabilities also have the right to participate in recreational activities, subject to the applicable ADA requirements.

The 2010 ADA Standards introduced specific accessibility provisions for many recreational facilities that were not addressed in detail by the original 1991 Standards.

These include swimming pools, spas, playgrounds, exercise facilities, bowling alleys, miniature golf courses, amusement rides, fishing piers, recreational boating facilities, and certain other recreational areas.

For example, qualifying swimming pools may be required to provide an accessible means of entering the water, such as a pool lift or sloped entry. Exercise facilities may need accessible routes and adequate space around equipment so that wheelchair users can approach and use it.

The precise requirements vary by facility, and existing recreational facilities may be subject to different obligations from newly constructed ones.

For families and caregivers, these provisions are particularly important. Recreation is not a luxury reserved for people without disabilities. It contributes to physical health, emotional well-being, family relationships, and participation in community life.

The Caregiver's Role in Protecting Accessibility Rights

Family members and caregivers frequently become advocates when someone with a disability encounters an inaccessible facility.

A spouse may be the first to notice that a restaurant has no accessible entrance. An adult child may discover that a parent's medical office has an inaccessible restroom. A caregiver may find that a wheelchair cannot pass through a narrow doorway or reach a service counter.

In these situations, it helps to approach the problem calmly and explain the specific obstacle to the business owner or manager. Sometimes the difficulty can be resolved by locating another entrance, removing a temporary obstruction, or arranging a reasonable alternative.

When the problem involves a permanent architectural barrier, the solution may be more complicated.

Caregivers can assist by documenting the obstacle, asking about available accommodations, and helping the person with a disability obtain information about applicable accessibility requirements.

Nevertheless, whenever possible, the person with the disability should remain at the center of decisions affecting their access and independence. A caregiver's most valuable role is often to support that person's wishes rather than automatically speaking or deciding on their behalf.

What Should You Do When Your Rights Are Denied?

If you believe a business has violated your accessibility rights, several practical steps may help.

First, identify the problem. Determine whether the obstacle involves an inaccessible entrance, an unusable restroom, a blocked aisle, discriminatory treatment, or another accessibility concern.

Second, speak with management. Explain the difficulty and ask whether an accessible route or accommodation is available. Some problems result from oversight and can be corrected quickly.

Third, document the circumstances. Record the business's name, location, date of the incident, and nature of the barrier. Photographs may be useful when they can be taken safely and lawfully.

Fourth, seek authoritative guidance. The U.S. Department of Justice provides information about ADA requirements, including the responsibilities of businesses and the rights of people with disabilities.

Finally, consider filing a complaint. If the issue remains unresolved, you may submit an ADA complaint to the Department of Justice. Depending on the circumstances, other enforcement or legal remedies may also be available.

Not every inaccessible feature automatically establishes an ADA violation. Determining whether a particular business has violated the law may require examining its construction history, applicable standards, and obligations concerning existing barriers.

Independence, Dignity, and the Freedom to Participate

For someone who uses a wheelchair, accessibility means much more than ramps, doorways, parking spaces, and building codes. It means being able to visit a favorite restaurant, shop for groceries, attend a grandchild's school program, or enjoy an afternoon at the swimming pool without encountering unnecessary obstacles.

For spouses, relatives, and caregivers, accessible facilities can also reduce the physical demands and emotional strain associated with assisting someone who has limited mobility.

The ADA does not promise that every building will be perfectly accessible or that every obstacle

can be eliminated immediately. It does, however, establish enforceable protections intended to prevent disability from becoming a reason for exclusion.

Accessibility is ultimately about something most Americans take for granted: the freedom to go where we want to go, participate in community life, and conduct our everyday affairs with independence and dignity.

That is a right worth understanding—and protecting.

Where to Find Help

The U.S. Department of Justice maintains official information about accessibility requirements, disability rights, and procedures for filing complaints.

- **ADA Information:** www.ada.gov
- **Filing an ADA Complaint:** www.ada.gov/file-a-complaint
- **ADA Information Line:** 800-514-0301

This article provides general educational information about federal accessibility requirements and is not a substitute for individualized legal advice.