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## WHAT IS A PUBLIC ACCOMMODATION?

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A public accommodation is a business that serves the public and whose operations affect commerce. Places of public accommodation include restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers. Such places are typically owned, operated, or leased by private companies.

Private clubs and religious organizations are exempt from the Americans with Disabilities Act's (ADA) Title III requirements for public accommodations.

## WHAT DOES THE LAW SAY ABOUT DISCRIMINATION IN PUBLIC ACCOMMODATIONS?

Under Title III of the ADA, no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation. Additionally, a public accommodation shall not deny goods and services to an individual because of the known disability of someone with whom the individual is associated, and it must provide its services in the most integrated setting appropriate and make reasonable modifications to policies and procedures to ensure equal opportunity. Public accommodations must also remove architectural barriers in existing facilities where readily achievable (such as widening doorways and installing ramps), and furnish auxiliary aids and services when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.

A public accommodation is not required to provide personal devices (such as wheelchairs), individually prescribed devices (such as prescription eyeglasses or hearing aids), or services of a personal nature including assistance in eating, toileting, or dressing.

## WHAT SHOULD I DO IF I'VE BEEN DISCRIMINATED AGAINST BY A PUBLIC ACCOMMODATION ON THE BASIS OF MY DISABILITY?

If you believe you or another person has been discriminated against by a public accommodation, you have several options. You can file an ADA complaint with the Department of Justice (DOJ). You can also file a complaint with the New York Division of Human Rights, or with the New York State Attorney General, who is authorized to bring lawsuits in cases of general public importance or where a "pattern or practice" of discrimination is alleged. Finally, you may file a private lawsuit. You do not have to file a complaint with the DOJ or any other federal or state agencies before filing in court.

## HOW DO I FILE AN ADA COMPLAINT WITH THE DEPARTMENT OF JUSTICE?

You may file a DOJ complaint by email, fax, or letter. All new complaints are subject to processing and review, which may take up to three months.

## WHAT INFORMATION SHOULD MY DOJ COMPLAINT INCLUDE?

You should provide the following:

1. Your full name, address, the telephone numbers where the DOJ can reach you during the day and evening, and the name of the party discriminated against (if known);
2. The name and address of the business, organization, institution, or person that you believe has committed the discrimination;
3. A brief description of the acts of discrimination, the dates they occurred, and the names of individuals involved;
4. Other information you believe is necessary to support your complaint, including copies (not originals) of relevant documents; and
5. Information about how to communicate with you effectively. Please let the DOJ know if you want written communications in a specific format (e.g., large print, Braille, electronic documents) or require communications by video phone or TTY.

You can use the ADA complaint form at <http://www.ada.gov/t2cmpfrm.htm> to guide you in providing the requested information. However, you are not required to use the form.

## HOW DO I FILE A DOJ COMPLAINT BY MAIL?

Send your complaint to:

U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section – 1425 NYAV  
Washington, D.C. 20530

Include all of the information listed above. Please note that letters and packages sent to the DOJ by U.S. Mail are delayed for security screening.

## HOW DO I FILE A DOJ COMPLAINT BY FAX?

Fax your complaint to (202) 307-1197. Include all of the information listed above.

## HOW DO I FILE A DOJ COMPLAINT BY E-MAIL?

Include all of the information listed above, either in the body of the email or in an attachment. Attach relevant documents to your email. Send your complaint to [ada.complaint@usdoj.gov](mailto:ada.complaint@usdoj.gov). You will receive an automatic reply confirming receipt of your complaint. Please keep a copy of your complaint and the reply email for your records. If you do not receive an automatic reply e-mail, contact the DOJ by voice: 800-514-0301 or TTY: 800-514-0383.

## WHAT IF I CAN'T PREPARE MY OWN DOJ COMPLAINT BECAUSE OF MY DISABILITY?

If you are unable to submit a written complaint by mail, fax, or email because of your disability, the DOJ can assist you by scribing your complaint over the phone or, for individuals who communicate by American Sign Language, via videophone. Contact the DOJ's ADA Information Line by voice: 800-514-0301 or TTY: 800-514-0383 to schedule an appointment.

For more information about filing a complaint with the DOJ, visit:

[http://www.ada.gov/filing\\_complaint.htm](http://www.ada.gov/filing_complaint.htm).

## HOW DO I FILE A COMPLAINT WITH THE NEW YORK STATE DIVISION OF HUMAN RIGHTS?

You can download a complaint form on the Division's website: <http://www.dhr.ny.gov/how-file-complaint>. Once completed, signed and notarized, you can mail the complaint form to

the nearest regional office of the Division of Human Rights. There is no filing fee. You may retain private counsel, but it is not necessary.

If you are unable to access the complaint form via the links on the Division's website, please call the Division at 1-888-392-3644 and it will mail the form to you. If you are blind or visually impaired, contact John Herrion, Director of Disability Rights, at 718-741-8332 or [jherrion@dhr.ny.gov](mailto:jherrion@dhr.ny.gov) to receive the form in Braille in English or Spanish.

## HOW DO I FILE A COMPLAINT WITH THE NEW YORK STATE ATTORNEY GENERAL?

You may file a complaint with the New York State Attorney General by mail or by fax. Use the complaint form available at <http://www.ag.ny.gov>.

To file by mail, send a completed complaint form to:

State of New York  
Office of the Attorney General  
Civil Rights Office  
120 Broadway, 23rd Floor  
New York, NY 10271-0332

To file by fax: 212-416-8074

You may also call the Civil Rights Bureau at 212-416-8250 or email [Civil.Rights@ag.ny.gov](mailto:Civil.Rights@ag.ny.gov).

More information is available at <http://www.ag.ny.gov/bureau/civil-rights>.

## HOW DO I FILE A PRIVATE LAWSUIT?

You can bring a private suit based on a violation of Title III of the ADA to obtain injunctive relief. This may include an order to alter facilities to ensure accessibility, the provision of an auxiliary aid or service, or the modification of a policy. You can apply to the court for an attorney to represent you; however it is in the court's discretion whether to grant your request. For a referral to a private attorney, contact the New York State Bar Association's Lawyer Referral Service at 518-487-5709, or toll free at 800-342-3661. You can also locate a bar association in the county where you live by visiting:

<http://apps.americanbar.org/legalservices/lris/directory/main.cfm?id=NY>.

Additionally, if the Attorney General decides to bring a civil action stemming from the discrimination you experienced, he or she may request that the court award you monetary damages.

**Depending on the facts of your situation, Disability Rights New York may be able to assist you with your issue. Please call Toll free: 1-800-993-8982, Voice: 518-432-7861, or TTY: 518-512-3448 if you think you need our assistance.**

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## DISABILITY RIGHTS NEW YORK CONTACT INFORMATION

Albany:

725 Broadway, Suite 450  
Albany, New York 12207  
Fax: 518-427-6561

Brooklyn:

25 Chapel Street, Suite 1005  
Brooklyn, New York 11201  
Fax: 718-797-1161

Rochester:

44 Exchange Blvd., Suite 110  
Rochester, New York 14614  
Fax: 585-348-9823

*Mail@DRNY.org • www.DRNY.org*

*Toll free: 1-800-993-8982 • Voice: 518-432-7861 • TTY: 518-512-3448*

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DISCLAIMER:

THIS INFORMATION SHEET IS INTENDED TO GIVE BASIC INFORMATION ABOUT ADA TITLE III PUBLIC ACCOMMODATIONS. DISABILITY RIGHTS NEW YORK ACCEPTS NO LIABILITY FOR THE CONTENT OF THIS DOCUMENT, OR FOR THE CONSEQUENCES OF ANY ACTIONS TAKEN ON THE BASIS OF THE INFORMATION PROVIDED. FOR MORE INFORMATION ON ADA TITLE III PUBLIC ACCOMMODATIONS, SEE THE ADA WEBSITE AT ADA.GOV/QANDAENG.HTM.

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