



Advocating for  
disability civil rights  
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DISABILITY RIGHTS EDUCATION & DEFENSE FUND

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## DREDF eNews

Dear Friends,

This eNews is devoted to the U.S. Department of Justice proposed changes to the Americans with Disabilities Act (ADA) regulations. You will find links on the DREDF website to information about the proposed regulations and model comments. The proposed changes are lengthy, so we suggest that you respond to those that most concern you or your constituents. [Model comments are posted on the DREDF website.](#)

### Department of Justice Proposes Vast Changes in ADA Regulations

**Your comments are needed by August 18, 2008.**

The Department of Justice recently issued major proposed revisions to its regulations implementing Titles II and III of the Americans with Disabilities Act (ADA).

Some of DOJ's changes are excellent, and urgently needed. It is important that the disability community laud these improvements in order to support DOJ against industry attack. Good proposals include adoption of the new 2004 ADAAG, stronger hotel reservation and ticketing provisions, recognition of psychiatric service animals, additional companion seating in theaters and stadiums, and stronger provisions for effective communication for people with hearing, visual, and speech disabilities.

However, there are also many changes that would radically reduce the rights of people with disabilities. For example, DOJ proposes:

- A significant weakening of the readily achievable barrier removal requirement for public accommodations
- A significant reduction of elements required to be accessible in state and local government facilities
- An exemption for all existing facilities from the new recreation and playground rules
- and many others.

DOJ must receive a flood of comments from the disability community in favor of a strong, comprehensive ADA. Comments must defend the principle of individual, case-by-case assessment, which DOJ is largely abandoning in favor of many blanket reductions. We must remind DOJ that the ADA is already carefully crafted to take the needs of covered entities into account, and that reductions to our civil rights would be a devastating blow to our daily lives.

[Extensive draft comments](#), by topic, are available on the DREDF website to help you write your comments. The topics are also listed below. The website provides information about how to file your comments, as well as tips on commenting and a link to the proposed regulations.

### TOPICS IN THE DOJ PROPOSALS:

## In This Issue

Information on U.S. Dept.  
of Justice Proposed ADA  
Regulations

## Resources

[Model Comments on the  
ADA](#)

[DOJ Proposed Regulations](#)

[DOJ ADA Home Page](#)

[DREDF ADA Webpage](#)

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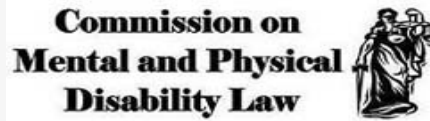
- Safe Harbor
  - One-percent (1%) safe harbor for barrier removal in existing facilities for qualified small businesses
  - "Reasonable number but at least one" in program access under Title II"
  - Exemption for facilities that allegedly comply with the 1991 ADAAG
  - Path of travel
  
- Definition of "existing facility"
- Comments on the Regulatory Impact Analysis
- Title II Complaint Process
- Communications; auxiliary aids and services
- Service animals
- Hotel reservations policies
- Seating and ticketing in assembly areas
- Medical care facilities
- Wheelchairs and other power-driven mobility devices
- Prisons, jails and the Prison Litigation Reform Act
- Social service agencies, residential facilities, transient lodging, and dormitories
- Recreation Facilities and Play Areas
  - Recreation facilities and Play areas (General Comments)
  - Saunas and steam rooms
  - Swimming pools
  - Exercise equipment
  - Team player and seating areas
  - Areas of sport activity
  - Boating and fishing
  - Golf
  - Miniature Golf
  - Topics not addressed
  
- Questions concerning specific 2004 ADAAG Standards
  - General comments
  - Side reach
  - Water closet clearances in single-user toilet rooms with in-swinging doors
  - Elevators
  - Stairs
  - Accessible routes to stages
  - Accessible attorney areas and witness stands
  - Assistive listening system
  - Accessible routes to golf tees and greens
  
- Work Areas
- Maintenance of accessible features
- ATMs
- Examinations and courses
- Triggering Date

**The deadline for comments is August 18, 2008.**  
**To see model comments, visit [http://www.dredf.org/DOJ\\_NPRM](http://www.dredf.org/DOJ_NPRM)**

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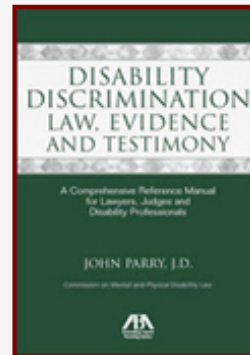
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