

By Kim Doyle

Complying with the ADA, or the Americans with Disabilities Act, is important for every house of worship to consider. But what are the rules and how will you fund such an endeavor?

Signed into law in 1990, the ADA prohibits discrimination by requiring accessibility to a variety of public and private buildings. The ADA has requirements for new construction, alterations, or renovations to buildings and facilities and for improving access to existing facilities of private companies providing goods or services to the public. 1 While the ADA prohibits discrimination, it is the ADA Accessibility Guidelines (ADAAG) developed by the U.S. Architectural and Transportation Barriers Compliance Board (or The Access Board) that defines specifics, placing requirements on elevations, storage, access, visual recall, graphics and others as they relate to the disabled.

It is left to the Department of Justice (DOJ) to enforce the law, which it does so under five categories. The three largest are Title I – Employment practices by units of state and local government, Title II – Programs, services and activities of state and local government and Title III – Public accommodations and commercial facilities.

Compliance for Houses of Worship

But under what category must a house of worship be compliant? Is it a public accommodation or a commercial facility? Contrary to popular belief, houses of worship and religious entities controlled by them are exempt from coverage under Title III which prohibits discrimination on the basis of disability within public accommodations including theaters, concert halls, stadiums and others. Rather, compliance specific to houses of worship falls under the employment obligations of Title I, and only if the church employs 15 or more people. This exemption is also extended to a religious entity carrying out activities that would otherwise make it a public accommodation including a day care center, a nursing home, a private school or a diocesan school system. 2

If a church rents or leases space to an outside group, such as a local community group or even an independent day care center, the rules of Title III in fact do apply to the activities to the group, unless of course the space is donated to the group. While exempt from complying as a public accommodation, a church with 15 or more employees must meet numerous employer obligations.

Translation?

Regardless of which ADA Title houses of worship must adhere to, the technical requirements of reaching compliance are complicated, not to mention costly. But the good news is there are resources out there that may help. Some quick research on the web uncovered a few sites that offer ways of curbing the costs of impending compliance accommodations. (See resources below)

Another suggestion when building a new house of worship or updating an existing one, enlist a professional open to differing ideas regarding ADA compliance. In reality, the ADA is very broad and can be interpreted many ways. Unlike stadiums for example, where the requirements can be painstakingly detailed, churches themselves do not have hard and fast rules. Why? According to R. Bob Adams, senior consultant with Hoover & Keith of Houston, TX, the government had opted not to create specifics for religious entities largely due to the fact that “churches are built with a multitude of private money that almost always comes from a variety of different sources. Logic tells you that ADA compliance is important and the right thing to do, but it is hard to know where to draw the line when you are using private money.”

What is a facility is not ADA compliant?

Simply put, you are encouraging lawsuits. There are numerous professionals out there to help you, but do your homework first. Look for someone educated on the law and who is willing to work with you and your budget.

General Resources

www.usdoj.gov/crt/ada/adahom1.htm - ADA home page.

www.usdoj.gov/crt/ada/publicat.htm - Printed materials can be ordered here or by calling the ADA Information Line at +1.800.514.0301.

Funding

www.janweb.icdi.wvu.edu/links/funding/GrantsLoans.htm - Janweb offers funding options for a wide range of accessibility projects, in addition to accommodation ideas, numerous links and more. Call +1.800.514.0301 for a guide on tax credits and deductions, call the ADA Information Line and order fax document #3202.

www.nasca.org – The National Systems Contractors Association is a not-for-profit advocate of the low-voltage electronic systems industry. The NSCA offers education and guidance to member companies on a wide range of topics, including ADA compliance. Thousands of systems integrators are listed in the on-line NSCA membership directory searchable by region, scope of work and others.

1 Department of Justice

2 Department of Justice, Title Three Regulation, Appendix B