

What is ADA?

“ADA” is the Americans with Disabilities Act, which was passed by congress in 1990 to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities in places of public accommodations.

When Does ADA Apply to Homeowner’s Associations?

- When a homeowner’s association contains professional or commercial space, that space must be ADA Compliant
- When private facilities are open to the public. For example, swimming pools used for swim meets, clubhouse rentals for public events, clubhouse usage free of charge for public events such as polling places, walking paths that people outside the community use.

When Does ADA Not Apply to Homeowner Associations?

- Residential spaces within homeowner associations unless used for business purposes (example, Day Care). ***Do not confuse this with FHA (Fair Housing Act). See below.***
- Private facilities where the public is not allowed

What Are California’s Disability Protection Laws?

- Fair Housing Act (FEHA): Mandatory accessibility for disabled persons, and applicable to all dwelling units and common areas
- Unruh Civil Rights Act (Unruh): Outlaws discrimination based on age, sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

Who can Seek a Reasonable Accommodation Request and How?

- Any individual with a disability can seek a reasonable accommodation
- The request for a reasonable accommodation may be made by the individual with a disability, a family member, or someone authorized by the individual with a disability to act on their behalf (“representative”)
- A request for a reasonable accommodation need not be made in a particular manner or at a particular time.
- An individual makes a reasonable accommodation request at the time they request orally or in writing, or through a representative, an exception, change, or adjustment to a practice because of a disability, regardless of whether the phrase “reasonable accommodation” is used as part of the request.
- A request for a reasonable accommodation may be made at any time, including during litigation, at or after trial.