



# County Technical Assistance Service

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## Accessibility, Enforcement and Compliance

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Capitol Blvd. Suite 400  
Nashville, TN. 37219  
615-532-3555 phone  
615-532-3699 fax  
[ctas@tennessee.edu](mailto:ctas@tennessee.edu)  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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## Accessibility, Enforcement and Compliance

**Reference Number:** CTAS-2038

### Accessibility

Public entities must ensure that newly constructed buildings are readily accessible to individuals with disabilities. When a building is altered, it must still be accessible to individuals with disabilities. While ADA does not require retrofitting of existing buildings to eliminate barriers, it does establish a high standard of accessibility for new buildings.

Public entities can choose between—

- The Uniform Federal Accessibility Standard (UFAS), established under the Architectural Barriers Act; or
- The Americans with Disability Act Accessibility Guidelines (ADAAG), adopted by the Department of Justice for places of public accommodation and commercial facilities covered under Title III of the ADA.

The elevator exemption for small buildings under the ADA Accessibility Guidelines do not apply to public entities under Title II.

Under Title II, if the start date for new construction is March 15, 2012 or after, the construction must comply with the 2010 Americans with Disabilities Act Standards for Accessible Design. The state of Tennessee adopted the 2010 Standards for Accessible Design for all public buildings constructed, enlarged, or substantially altered or repaired after July 1, 2012. T.C.A. 68-120-204.

### Enforcement and Compliance

Private parties may file lawsuits to enforce their rights under Title II of the ADA. The remedies available are the same as under Section 504 of the Rehabilitation Act. Reasonable attorneys fees may be awarded to the prevailing party.

There are eight administrative agencies designated to handle complaints filed under Title II. They are—

Department of Agriculture  
Department of Education  
Department of Health and Human Services  
Department of Housing and Urban Development  
Department of Interior  
Department of Justice  
Department of Labor  
Department of Transportation

Individuals may file a complaint with the appropriate administrative agency or with any federal agency that provides financial assistance to the program in question. Complaints may also be filed with the Department of Justice who will refer the complaint to the appropriate agency.

The address for the Department of Justice is—

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

Complaints on behalf of a class of people are permitted. Complaints should be in writing, signed by the complainant or an authorized representative, and should contain the complainant's name, address, and describe the public entities discriminatory action.

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