

# Alabama Disabilities Advocacy Program Special News Bulletin

March 29, 2012



Disability Rights Education & Defense Fund

March, 2012

## **OPPOSE INDUSTRY ATTACK ON THE ADA**

**Urgent: By April 4**

**Today, Hotels, What Else Tomorrow?**

Dear Friends,

As we approached the final March 15 implementation date of the comprehensive new Department of Justice (DOJ) Americans with Disabilities Act (ADA) regulation changes last week, the hotel industry vigorously pressured the White House and on Capitol Hill to weaken new requirements for swimming pools. As a result, DOJ proposed to delay the deadline for the rules, and Senator DeMint introduced a bill to halt their enforcement.

Please submit a **comment to DOJ BY APRIL 4**, e-mail the White House, and call your US Senators to support full, timely implementation of all ADA requirements.

### **What To Do**

Take 3 actions ASAP:

- 1. Submit a comment to the Department of Justice by April 4**

Go to this link:

<http://www.regulations.gov/#!submitComment:D=DOJ-CRT-2012->

[0006-0001](#)

(OR go to [www.regulations.gov](http://www.regulations.gov) and search for: 3327-2012; then find the Americans with Disabilities Act under Title, and hit "Submit a Comment" at the right)

Then provide the required information (such as your name) and your comment to DOJ. Feel free to use the arguments below in your comment, rewording them if possible to make them your own. The best message is a true personal story, such as "I want to swim with my kids." Your comment doesn't need to be long.

## 2. E-mail 2 White House officials

1. Cass Sunstein, Administrator of the Office of Information and Regulatory Affairs, at [csunstein@omb.eop.gov](mailto:csunstein@omb.eop.gov)

2. Nancy-Ann DeParle, Deputy Chief of Staff for Policy, at [ndeparole@who.eop.gov](mailto:ndeparole@who.eop.gov)

Your e-mail need not be long. See suggested messages below.

## 3. Call your US Senators

Call the US Capitol switchboard at (202) 224-3121 to ask for each of your senators by name. Please call them both. Tell them to oppose Senate Bill 2186, and instead support full, timely implementation of all ADA requirements.

**You can find the names of your senators at** <http://www.senate.gov/states/>

This alert will be posted on the DREDF website at <http://dredf.org/>. Look there for possible updates.

## Why Do It

The ADA has been in effect for 21 years, and all the new ADA rules have undergone extensive review for more than 10 years, with multiple comment periods and many opportunities for hotels to learn about their responsibilities. The new requirements already had a generous phase-in period of 18 months. DOJ should not extend it further. And the Senate should not restrict enforcement of these, or any, ADA requirements.

Providing access to swimming pools is doable, not burdensome. The ADA's accessibility requirements for barrier removal in existing facilities are very reasonable—they only require what is easily accomplishable and able to be carried out without much difficulty or expense. The rules are carefully crafted to take the needs of covered entities like hotels into account. No extension or enforcement ban is needed.

Also, it is not acceptable for the Department of Justice to backtrack on ADA requirements because an industry exerts pressure. To do so is an invitation to other industries to say, "Roll back our requirements, too." Today it's the hotel industry. What weakening changes will come tomorrow?

Moreover, providing access to swimming pools is very important. It is excellent that DOJ has finally added ADA requirements for recreation facilities, including swimming pools, so that people with disabilities will have opportunities that have been available to the general public all along. Disabled people should have the same access to recreation and exercise as everyone else. In many cases, this form of exercise is even more important for certain individuals with disabilities. Exercise can be lifesaving, and recreation opportunities should not be withheld on the basis of disability.

Furthermore, recreation facilities such as swimming pools are key features of the lodging industry. The ADA now rightly covers all aspects of hotels.

Senate Bill 2186 represents an extraordinarily bad precedent. This bill would deny any federal official, which can include judges, US attorneys, and other enforcing authorities, any power to administer or enforce the new DOJ ADA regulations regarding pools. It is clearly a bid to undercut the strong federal enforcement role urgently needed and sometimes reached under the ADA. Passage of this bill could begin a trend to render civil rights laws completely toothless and ineffective, even though they remain on the books. Congress should craft strong civil rights protections to end discrimination, not remove the government's enforcing authority.

Good [sample message](#) for White House e-mails:

Don't backtrack on the ADA! Support full access.

Personal stories about you, such as: "I need an accessible pool in order to swim, like everyone else."

The ADA pool requirements are not burdensome! In an existing hotel, all that's required is what's readily achievable. Large hotels and big chains should provide full access. The ADA is already flexible—please do not weaken the enforcement we need.

### **More Information**

DOJ Notice of Proposed Rulemaking (NPRM) on Swimming Pools

[http://www.ada.gov/regs2010/nprm\\_pools.htm](http://www.ada.gov/regs2010/nprm_pools.htm)

and

<https://www.federalregister.gov/articles/2012/03/20/2012-6747/delaying-the-compliance-date-for-certain-requirements-of-the-regulations-implementing-titles-ii-and>

**See the above NPRM for instructions on submitting comments by mail.**

DOJs letter to the American Hotel and Lodging Association

[http://www.ada.gov/ahla\\_letter\\_2\\_21.htm](http://www.ada.gov/ahla_letter_2_21.htm)

DOJ Technical Assistance on Accessible Pools—Means of Entry and Exit

[http://www.ada.gov/pools\\_2010.htm](http://www.ada.gov/pools_2010.htm)

DOJ ADA Standards for Accessible Design

[http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)

If you have questions, you can [contact DREDF](#).

**CONTACT DREDF:**

[info@dredf.org](mailto:info@dredf.org)

[www.dredf.org](http://www.dredf.org)

3075 Adeline Street, Suite 210

Berkeley, CA 94703

510.644.2555 v

510-841-8645 fax/tty

800-348-4232

Government Affairs Office:

1825 K Street, NW, Suite 600

Washington DC 20006

800-348-4232

The University of Alabama

[Alabama Disabilities Advocacy Program](#)

Box 870395 - Tuscaloosa, Alabama 35487-0395

website: <http://www.adap.net>

e-mail: [adap@adap.ua.edu](mailto:adap@adap.ua.edu)

You have received this e-mail because you signed up for communication from Alabama Disabilities Advocacy Program (ADAP). To [unsubscribe](#), please click here.