



A PRACTICAL GUIDE TO YOUR RIGHTS & RESPONSIBILITIES

ACCESSIBILITY STARTS HERE



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TABLE OF CONTENTS

Introduction	5
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Important Definitions	6
Disability	6
Qualified Person with a Disability	7
Accessibility	7
Accommodations	7
Assistive Technology	8
Auxiliary Aids and Services	8
Discrimination	9
Public and Private Entities	9
Public Entities	9
Places of Public Accommodation (Private Entities)	11

Disability Laws	13
The Americans with Disabilities Act (ADA)	13
Standards Under the Americans with Disabilities Act	14
Exemptions Under the ADA	14
Virginians with Disabilities Act (VDA)	17
The Rehabilitation Act of 1973	18
The Fair Housing Act (FHA)	19
Virginia Fair Housing Law (VFHL)	19
Other	20

Physical Accessibility	21
Outside	21
Inside	22
Environmental Accessibility	22

Effective Communication	23
Figuring Out How to Communicate Effectively	23
Sign Language	24
Video Remote Interpretation	25
Visual Impairments and Alternate Materials	26
Clients with Limited Speech	26
Other Communication Considerations	27

Service Animals	28
When is a Service Animal a Service Animal?	28
Rules and Considerations for Service Animals and Their Humans	29
Medical Settings	30
Emotional Support Animals	30

Where I Live	31
Homeownership	31
Home Owners' Associations	31
Renting	32
Nursing Homes, Group Homes, and Assisted Living	33
Shelters	33

Accessibility in the Legal System	35
Law Enforcement	35
Court	36

Disability Etiquette	37
How Do I Act Around Someone with a Disability?	38
Language and Disability	39

Conclusion and Resources	40
The disAbility Law Center of Virginia	40
The Americans with Disabilities Act	40
Virginia Department for the Deaf and Hard of Hearing	40
Centers for Independent Living	40
The Department for the Blind and Visually Impaired	40
The Brain Injury Association of Virginia	41
Virginia Legal Aid	41
Virginia Lawyer Referral Service	41

INTRODUCTION

This guide is meant to support fair and consistent access for people with disabilities in all parts of daily life. For people with disabilities reading this guide, we want to give you more tools and strategies to help you advocate for yourselves. For providers working with people with disabilities, we want to make sure you understand your responsibilities so you can best serve your clients, customers and patients.

We have tried to make this guide accessible for all readers. We have also tried to touch on the issues and situations that we usually get questions about. This guide will not be able to cover every situation you may find yourself in. **This guide is also not legal advice!** With that being said, all of the information in this guide is accurate as of the date of publication.

For resources, including legal resources, please consult our Resources section on page 40.



WELCOME TO ALL

IMPORTANT DEFINITIONS

DISABILITY

Different laws define **Disability** slightly differently.

Under the **Americans with Disabilities Act (ADA)**, disability includes:

- A physical or mental impairment that substantially limits one or more major life activities;
- A record of the impairment; or
- Being regarded as having a disability.

Major Life Activities include things such as: eating, hearing, seeing, speaking, bending, working, reading, learning, concentrating, and sleeping.

When considering whether someone has a **Disability**, you look at how their major life activities are limited when they do not have the use of items such as **Assistive Technology**, medication, hearing aids, and mobility devices to lessen the impact of their disability. Generally, **Disability** does not include pregnancy or injuries that people are expected to recover from (like a broken arm).

The **Virginians with Disabilities Act (VDA)** defines a person with a disability as:

- Any person who has a physical or mental impairment that substantially limits one or more of his **major life activities** or who has a record of an impairment.

These definitions have a lot in common and the idea is the same: A condition that greatly limits your everyday life in some way and has been documented.

DID YOU KNOW?

One in 4 U.S. adults – 61 million Americans – have a disability that impacts major life activities, according to the Centers for Disease Control and Prevention.

QUALIFIED PERSON WITH A DISABILITY

To make a complaint under both the ADA and VDA (more on those starting on page 8), the person with a disability must also be “Qualified,” meaning they are eligible to use the services, regardless of their disability. This may seem confusing in theory, but is straightforward in practice. For instance, a seven-year-old who uses a wheelchair would not be qualified to make a complaint against an adults-only establishment, even if they are not wheelchair-accessible.

ACCESSIBILITY

According to the U.S. Department of Health and Human Services, “[e]ase of locating, navigating to, and understanding wanted or needed information measures **Accessibility**.”

To put it very plainly, if the person with the disability can use it, it is **Accessible**. Places can be accessible. Programs can be accessible. Websites can be accessible. Most things are accessible, or can be made accessible!

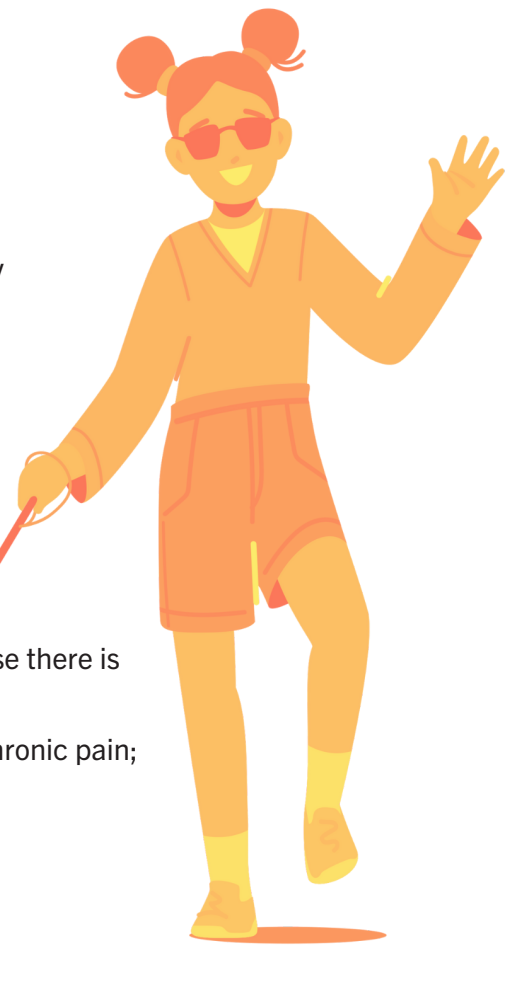
For instance, if a building has a wheelchair ramp leading to its main entrance, that entrance is accessible to wheelchair users. If a speech includes sign language interpreters, that speech is accessible to people who use sign language.

ACCOMMODATIONS

An **Accommodation** is a change or modification to a **policy** or **practice** that makes it possible for a person with a disability to access that policy or practice. **Accommodations** can apply to healthcare, housing, public spaces, employment—just about anywhere! Generally speaking, if someone asks for an **Accommodation** that is **reasonable**, it should be (and in some cases, must) be provided. What is “**reasonable**” may depend on the situation, but we’ll get into that later in this guide.

Some examples of **Accommodations** are:

- Allowing a tenant to move to a ground-floor apartment because there is no elevator;
- Allowing an employee to work from home as needed due to chronic pain;
- Providing someone with paperwork in large print; and
- Providing closed captioning in a movie theater.



ASSISTIVE TECHNOLOGY

Assistive Technology (AT) is any equipment that can help people with disabilities overcome their limitations or keep them from getting worse. People can use **AT** as an accommodation to make spaces and programs more accessible.

AT can include equipment that you buy for that purpose, that is specially designed for you, or that is a modified version of an everyday object. **AT** can be as simple as a magnifying glass or as complex as a specially designed computer or program.

Assistive Technology does *not* include ordinary eyeglasses.



AUXILIARY AIDS AND SERVICES

Auxiliary Aids and Services are tools and services that help people with disabilities communicate with others. They usually help people with hearing, vision, or speech disabilities. Some **Auxiliary Aids** might also be **Assistive Technology**, like:

- Laptop magnification software
- Screen reader software
- Communication boards
- Text to speech programs
- Telephone handset amplifiers

An **Auxiliary Service** that is *not* Assistive Technology might include:

- A sign language interpreter
- Note takers
- Real-time captioning services
- Providing materials in large print

DISCRIMINATION

Broadly, **Discrimination** is the unfair treatment of different categories of people. In this guide, when we talk about **Discrimination**, we're talking about **Disability Discrimination**. **Disability Discrimination** is when someone is treated less favorably than someone else because of a disability.

Discrimination can be “active,” like calling someone a cruel name, or it can be subtler, like refusing to make a place or a program **Accessible**.

Discrimination can happen in many different contexts, including employment, housing, and public spaces.

Some examples of Discrimination might be:

- Refusing to hire a qualified job applicant because of a disability;
- Not providing reasonable accommodations for tenants with disabilities;
- Refusing entry to someone who uses a service animal; or
- Having rules or policies that have an unfair effect on people with disabilities.

PUBLIC AND PRIVATE ENTITIES

Public Entities

The **Americans with Disabilities Act** defines a **Public Entity** as:

- A State or local government (city or county);
- Any department, agency, special purpose district, or other instrumentality of a state or local government; and
- A commuter authority or the National Railroad Passenger Corporation (Amtrak).



IT IS IMPORTANT TO NOTE:

Contractors of state and local governments are also considered bound by the ADA.

Here are some specific examples of **Public Entities** that fall under Title II that people with disabilities might interact with:

- Departments of Social Services (DSS)
- Child Protective Services (CPS)
- Adult Protective Services (APS)
- Public Hospitals or Medical Clinics
- Community Services Boards (CSBs)
- Police or Sheriff Departments
- Jails and prisons
- Courts, other than “Federal Court” (Circuit Courts, General District Courts, Juvenile and Domestic Relations Court)
- Commonwealth’s Attorneys Offices and Victim-Witness Coordinators
- Public Defender’s Offices
- Public schools including universities
- Public housing developments

Public Entities are covered by **Title II** of the **Americans with Disabilities Act**, as well as the **Virginians with Disabilities Act**—more on these later!

Places of Public Accommodation (Private Entities)

Private Entities are usually called “**Places of Public Accommodation.**” We know— “**Places of Public Accommodation**” is a confusing thing to call them, since **Private Entity** is different from a **Public Entity**! A helpful way to think about the difference is that **Public Entities** are mostly “publicly-owned” (or, owned by the government) and **Private Entities** are mostly “privately-owned” (or, owned by a citizen or company). To keep it simple, we are going to keep calling Places of Public Accommodation “Private Entities,” but just know that you might see both terms out in the world.

Private Entities are officially defined by the **Americans with Disabilities Act** as:

Any entity that is not operated by the government and is open to the public. It offers goods or services that impact transactions between states and includes the following:

- Places of lodging, such as hotels or motels
- Places that serve food and drink, such as restaurants and bars
- Places of entertainment, such as movie theaters
- Places of public gathering, such as a convention center
- Retail stores
- Service providers, such as medical offices or law offices
- Stations, stops, and terminals used for public transportation
- Museums and libraries and other places of public display
- A park, zoo, or other places of recreation
- A place of education, such as a private school or university
- A social service establishment, such as a shelter, senior citizen center, food bank, or adoption agency
- Places of recreation and exercise, such as gyms, bowling alleys, and golf courses

Private Entities are covered under Title III of the Americans with Disabilities Act and may also be covered by the Virginians with Disabilities Act.



In addition to the above examples, survivors and people with disabilities often need to interact with the following Places of Public Accommodation:

- Private hospitals and medical clinics
- Law offices (private attorneys and legal aid)
- Apartment rental offices
- Private social service providers
- Transportation providers, including airlines, private taxi companies, private bus lines like Greyhound, and ridesharing services such as Uber and Lyft
- Hotels and motels
- Residential shelters, including shelters for people experiencing domestic violence or homelessness.

DISABILITY LAWS

Service providers and programs must follow federal and state laws protecting people with disabilities. These laws are in effect in most spaces, but which law applies depends on who owns and operates the space!

There are several questions to ask yourself before determining which law(s) apply:

- Is the program a Public Entity or a Private Entity?
- Does the program receive federal or state funding?
- What services are being provided?
- Is the program operated by a religious entity?

The answers to each of these questions will determine the disability rights laws that apply. Knowing which laws apply is important, because different laws have different levels of protection and different processes for requesting things like accommodations.

THE AMERICANS WITH DISABILITIES ACT (ADA)

We want to officially introduce you to the **ADA. The Americans with Disabilities Act** of 1990 or **ADA** is a civil rights law that prohibits discrimination based on disability. The ADA attempts to make sure that State and public programs and spaces are accessible and provide accommodations where people need them.

While the ADA is wonderful and has vastly improved many people's lives, it essentially sets a "minimum" accessibility standard and does not provide clear instructions for every individual in every situation.

Standards Under the Americans with Disabilities Act

Title II and Title III of the ADA require public and private entities to offer reasonable accommodations. While some sections of Title II and Title III are similar, other sections have different standards, which we explain in the relevant section about the specific requirements of the ADA.

Exemptions Under the ADA

Private Clubs and **Religious Organizations** are not included under the **ADA**, which states:

“The provisions of this subchapter shall not apply to private clubs or establishments exempted from coverage under title II of the Civil Rights Act of 1964 (42 U.S.C. 2000-a(e)) or to religious organizations or entities controlled by religious organizations, including places of worship.”

The ADA does not give clear definitions of “Private Club” or “Religious Organization,” but we have done our best to spell out the criteria of when a place or program falls into one of these categories.

A **Private Club** is simply a place that is not open to the general public. For example, a Girl Scouts camp that only allows Girl Scouts members to attend is a **Private Club** and does *not* have to comply with the **ADA**. **Private Clubs** usually:

- Have membership criteria,
- Require potential members to follow these criteria,
- Choose members based on applications, and
- Charge a membership fee

It is important to note that an organization can *call itself* a club without being a true **Private Club**. If the only membership requirement is to pay a fee, a club could be a **Private Entity**. *For example*, the only requirement to enter a theme park is to pay a fee—that doesn’t make it a **Private Club**.

Religious Organizations, like private clubs, are not required to follow the rules of the **ADA**. Many **Religious Organizations** provide services and supports to those in need, including people with disabilities and people escaping domestic and sexual violence, so it is especially important to understand this exemption.

Although the **ADA** specifically refers to “places of worship,” courts have found that the religious exemption of the **ADA** is not just limited to churches, synagogues, and mosques, but can include other places and programs owned or operated by a Religious Organization, like:

- Schools
- Hospitals
- Day care centers
- Adoption agencies
- Thrift shops
- Shelters
- Food banks

Even if a **Religious Organization** runs a program that is open to the general public (and not just members of that faith), it is **exempt from Title III of the ADA**.

It’s important to note that the names of programs and places do not necessarily mean they are **Religious Organizations**. There are many businesses with religious-sounding names that are not controlled by **Religious Entities**. *For instance:*

- A program might have been founded by a church, but was later taken over by a private business and simply kept the name.
- Sometimes, **Religious Organizations** set up service providers as **Non-Religious Organizations**, but keep their name on the program to show an “affiliation” or relationship.
- Some programs are named after places with names based on religious references, like St. Augustine, Florida or Zion Crossroads, Virginia.
- Some businesses just choose religious-sounding names because they like them.

Whether the ADA applies to an organization does not depend on its name, but rather on how it operates and who controls it.



Programs can be based in buildings *owned* by **Religious Entities** and still be covered by the **ADA**. Since **Religious Organizations** often have extra space in their buildings, they frequently rent this space to other groups. **These organizations must follow Title III regulations**, even though the **Religious Organization** itself does not have to. At the same time, **Religious Organizations** can own and run activities or services that are *not* on Church/Synagogue/Mosque property.

Again, ask yourself—what does this program (or activity or service) do and who is in charge?

Occasionally **Private Clubs** and **Religious Organizations** do have to follow the **ADA**, though.

For example, when members do on-site volunteer work through service organization that *does* qualify as a Public or Private Entity, the members must obey the requirements of the ADA.

Another example would be if a Church or Club was serving as a polling place during an election.

VIRGINIANS WITH DISABILITIES ACT (VDA)

Virginia has a state law called the **Virginians with Disabilities Act (VDA)**. While many of the rules in the **ADA** and the **VDA** are alike, there are some important differences that service providers and the public should know.

While some providers may not fall under the **ADA**, they are still covered by the **VDA** because they receive state funding through grants.

The **VDA**¹ prevents discrimination against people with disabilities by **Public Entities** (just like those covered under **Title II** of the **ADA**!). As a reminder, “**Public Entities**” include state or local government, state government programs, organizations that receive state funding and government contractors in Virginia. Some examples of Public Entities covered by the **VDA** would be:

- Virginia State Police (VSP)
- Department of Social Services (DSS)
- Local police and sheriff’s departments
- Courts and Community Service Boards (CSBs)
- Health departments

The **VDA** also offers protections in places that provide services to the public, just like **Title III** of the **ADA**. This includes any organization recognized as a **Private Entities** under the **ADA**, along with additional entities that don’t fall under the **ADA**. The **VDA** states that:

“A person with a disability is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, subways, boats or any other public conveyances or modes of transportation, restaurants, hotels, lodging places, places of public accommodation, amusement or resort, public entities including schools, and other places to which the general public is invited subject only to the conditions and limitations established by law and applicable alike to all persons.” Va. Code § 51.5-44.

There are also some important differences between the **ADA** and **VDA**. First, the **VDA** allows for financial compensation. Because of this, the **VDA** requires a “**Notice of Claim**.” Making a **Notice of Claim** means that, if you want to file a lawsuit under the **VDA**, you must submit a notice within 180 days of the “incident of discrimination.”

The **ADA** and **VDA** are also different in how they cover **service animals**. We will cover service animals on page 19.

¹ Particularly Section 40

THE REHABILITATION ACT OF 1973

The Rehabilitation Act (or the **Rehab Act**, as it is sometimes called) is a law that protects people from being discriminated against because of their disability by federal agencies, federal contractors, and organizations that receive federal funding.

Two key parts of the Rehabilitation Act are **Section 504**, which prohibits discrimination against people with disabilities, and **Section 508**, which focuses on making websites accessible for federal agencies.

Here are some examples of the entities covered by Section 504 of the Rehab Act:

- Federal law enforcement agencies
- United States Postal Service
- Federal agencies
- Federal contractors
- State and local government agencies that get federal funding
- Police departments
- Federal courts
- State boards of elections (who usually receive federal funding)
- Public housing authorities
- Public schools
- Public transportation authorities
- Some private schools
- Most private universities

As you can see, some of these entities, like public schools and police departments, are also covered by **Title II** of the **ADA**. Some organizations are covered by **both the ADA and the Rehabilitation Act**, while others fall under only one of these laws.

Although **Section 504** offers similar protections to the **ADA**, there are some key differences—mostly where financial compensation is concerned. Since **Section 504** does allow for monetary damages (or winning money from a court case), it requires a higher standard of proof that your rights have been violated than the **ADA** does.



THE FAIR HOUSING ACT (FHA)

The **Federal Fair Housing Act (FHA)** helps protect people from discrimination when they are renting or buying a home, getting a loan, looking for housing assistance, or involved in other housing-related activities.

The **FHA** was passed in 1968 and was aimed to stop discrimination based on race, color, religion, and national origin. Since then, more groups—including people with disabilities—have been added to those protections. The current list ² of protected groups at the federal level include:

- Race
- National origin
- Religion
- Sex (including gender identity and sexual orientation)
- Color
- Familial status
- Disability

VIRGINIA FAIR HOUSING (VFHL)

In addition to the **Federal Fair Housing Act**, Virginia has its own law, called the **Virginia Fair Housing Law (VFHL)**. The **VFHL** covers most residential real estate in Virginia subject to a few exceptions.

The **VFHL** provides protections for persons with disabilities, including for people that have service animals or those who need accessible parking. When someone makes a request for accommodation under the **VFHL**, the housing provider must use a specific interactive process.

Complaints regarding the **VFHL** must be made with the Virginia Fair Housing Office, who will investigate the complaint. If the Office determines that there may have been discrimination, the investigative findings are submitted to the Fair Housing Board. Once the Fair Housing Board has found discrimination, the person can receive a right to sue letter, which will allow them to file a lawsuit.



² As of 2/7/2025

³ Exceptions exist for single-family homes when the person owns fewer than three homes, homes transferred or rented without advertising, renting rooms in owner-occupied single-family homes, homes owned and operated by private clubs, and homes owned and operated by religious groups.

OTHER

There are other laws that apply to entities that provide care and services, like hospitals or medical offices. Some of these laws provide for similar rights as those under the ADA.

For example, Section 1557 of the **Affordable Care Act (ACA)** requires that medical offices who receive federal funding must communicate effectively with people who have disabilities or speak a language other than English. This means that, for example, a hospital must provide an American Sign Language (ASL) interpreter for a person who is Deaf and uses ASL during their medical appointments or hospital stays.

Several Virginia laws also give people with disabilities or other unique needs to have a support person with them who is not bound by typical visitor policies.

PHYSICAL ACCESSIBILITY

Maybe the most recognized rule under disability rights law is the need to have **Accessible** facilities. **Accessible** facilities are places and spaces that people with disabilities can easily use. These rules for **Accessibility** are usually found in the **ADA** and the **VDA**.⁴

Making a place physically **Accessible** starts with ensuring people can easily get in, out, and move around the building.

The ADA Standards for Accessible Design⁵ give guidelines to help create accessible pathways. These requirements apply both inside and outside the building.

OUTSIDE

Outside, this includes making sure there are **Accessible Routes** from parking lots, sidewalks, and bus stops. The primary goal is to make sure people with mobility-based disabilities can reach the entrance and use the public areas of the facility.

The tools needed for physical **Accessibility** outside a building can change based on the location. Some places, like single-level buildings on flat lots, might not need any changes to be **Accessible**. But it's rare to find a totally flat path from a parking lot, sidewalk, or bus stop to the entrance of a building.

To create Accessibility on uneven paths, architects usually add features, like **Curb Cuts** and **Ramps**.

A **Curb Cut** is a sloped section in the curb that helps people using wheelchairs or walkers get from the curb to the higher sidewalk. **Curb Cuts** are usually designed for small height differences.

⁴ For housing programs, whether they must provide physically accessible spaces depends on if they are covered by the ADA/VDA or the FHA/VFHL.
⁵ For the Standards on Accessible Design, please see our Resources on page 28.

For larger changes in height along the path, a **Ramp** may be needed. **Ramps** can be much longer than curb cuts and must have a slope of no more than 1 inch for every foot of length, plus handrails on both sides to ensure safety. These requirements help make sure that the ramp isn't dangerous for the people using it.



If the **Accessible Path** into a building is different from usual path inside a building, the accessible path should be clear and marked. Also, if a building has multiple entrances but only one that is **Accessible**, there should be signs directing people to that **Accessible Entrance**.

INSIDE

According to the **ADA**, places that serve the public must have **Accessible Paths** to all areas open to everyone, including **Public Restrooms**.

To create **Accessible Paths**, entities can add features like **elevators**, **wheelchair lifts**, and **ramps**. Creating **Assessible Paths** can be as simple as making sure that paths are wide enough for people in wheelchairs to move around easily.

If a place has meeting rooms that the **Public** can use, those rooms must be accessible to people with disabilities.

Organizations must make sure their facilities are accessible for **Employees** too, but the requirements for what is needed for **Employees** and what is needed for **Customers or Clients** may vary.

Environmental Accessibility

Simply following **Physical Accessibility Standards** may not be enough to meet the needs of everyone with a disability. Accessibility efforts should also ensure that the **environment** is emotionally supportive for people with Developmental Disabilities and Mental Illness.

For some people with disabilities, as well as people who have experienced abuse or trauma, having a calm space as well as **Sensory or Comfort Items** available can be very important.

The **VDA** specifically makes sure that people with all types of disabilities have equal access to programs funded by the Commonwealth. Service providers who receive state funding must focus on creating a welcoming atmosphere.

EFFECTIVE COMMUNICATION

When you use **Effective Communication**, you are making sure that people with different communication needs are able to communicate just as easily as people without disabilities when they are out in the world. Effective communication includes **Auxiliary Aids and Services**. An **Auxiliary Aid or Service** is anything that helps a person communicate, like:

- Sign language interpreters
- Communications in braille
- Large print
- Real-time transcription
- Note takers
- Open or closed captions
- Augmented hearing devices
- Screen-reader-friendly communication, like email or text instead of paper mail
- Specific communication apps
- Plain language

Effective communication is covered by the **ADA**, **VDA**, and Section 1557 of the **Affordable Care Act**. Notably, for public entities that fall under **Title II**, they must prioritize the person's wishes regarding *which* **Auxiliary Aids and Services** to use. However, private entities under Title III are only required to consider the individual's preference and can offer alternative aids and services as long as they are still effective.

FIGURING OUT HOW TO COMMUNICATE EFFECTIVELY

When figuring out what extra help someone needs to communicate effectively, there are a few key things to keep in mind:

1. The **Auxiliary Aid or Service** must be **specific** to that person and their disability;
2. It must provide **real-time** communication; and
3. It must be **accurate**.

The most important thing is that the communication must work well for that specific person. This means that the extra assistance given should be personalized to meet the needs of the person based on their disability. For example, if someone is blind, having a sign language interpreter will not help them communicate effectively. Likewise, if someone is Deaf, giving them written materials in Braille will not be helpful for their communication needs.

The appropriate type of **Auxiliary Aid or Service** will depend on how complex, long, or detailed the communication is. For example, a long talk about a complicated surgery would probably require a different level of aid or service than quickly confirming the date of an upcoming appointment.

To give another example, if someone is Deaf and primarily uses sign language, they would need a sign language interpreter for critical situations like a medical appointment or an examination after an assault. On the other hand, if that person is at a fast food restaurant, simply pointing at pictures on a menu might be enough to communicate their needs.

Interactions with law enforcement, medical facilities, and the court system should generally be seen as complex and important and, therefore, require more comprehensive aids and services.

SIGN LANGUAGE

Sign Language Interpreters usually use American Sign Language (ASL), but there are actually many types of sign language. It is important to note that ASL is a different language from English. ASL uses a unique sentence structure, which is different from written or spoken English. Someone who uses ASL may not be able to communicate well in written English. Because of this, a person who mainly uses ASL might need an ASL Interpreter to help translate written things.

When using a Sign Language Interpreter, communication can happen either in-person or through a remote method called Video Remote Interpretation (VRI). Whether the interpreter is present in person or communicating remotely, they must meet certain standards:

- The interpreter must be “Qualified,” meaning they need to have a license that shows they are skilled in both ASL (or other signed language) and English;
- The interpreter must be able to communicate **Clearly** and **Effectively** in both languages, both in understanding and in expressing information; and
- The interpreter must remain **Neutral** and **Unbiased**.



Because interpreters have to be **Neutral** and **Qualified**, it is against the **ADA** rules to ask a family member or friend to interpret for someone. It is important to understand that, in emergencies, a family member or friend can help interpret until a **Qualified Interpreter** is available. A person who is Deaf can choose someone they trust to interpret for them. However, in complex legal and medical cases, providers should be very careful about using a family member as an **Interpreter**. A family member often lacks the proper **Qualifications** to interpret and may not be **Neutral**. *For example*, a hearing child of a Deaf parent might not communicate a report about domestic violence to the police or paramedics **Neutrally**.

There are also different “levels” of interpretation. A higher-level interpreter with specialized skills and experience may be needed for more complicated topics or situations. For instance, you might see a specialized interpreter used for legal or medical discussions.

When receiving medical care, the **Affordable Care Act**⁶ also gives the deaf companions of patients the right to a sign language interpreter.

Video Remote Interpretation

If a provider is connecting a client or customer with an interpreter using **Video Remote Interpretation (VRI)**, they need to make sure the **VRI** meets specific requirements. This includes:

- Having a screen that’s big enough;
- A strong, stable internet connection; and
- A smooth video quality without interruptions.

It is important to note that some people with low vision may struggle to use **VRI** since they might not be able to see a screen clearly. Therefore, they may require in-person interpretation.

VISUAL IMPAIRMENTS AND ALTERNATE MATERIALS

In written communication, it is important to consider the needs of blind and visually impaired clients. To find out what they need, it is always best to ask your clients what formats work best for them and try to accommodate their preferences. Written accommodations do not need to be complicated—large print and sans serif fonts are potential accommodations!

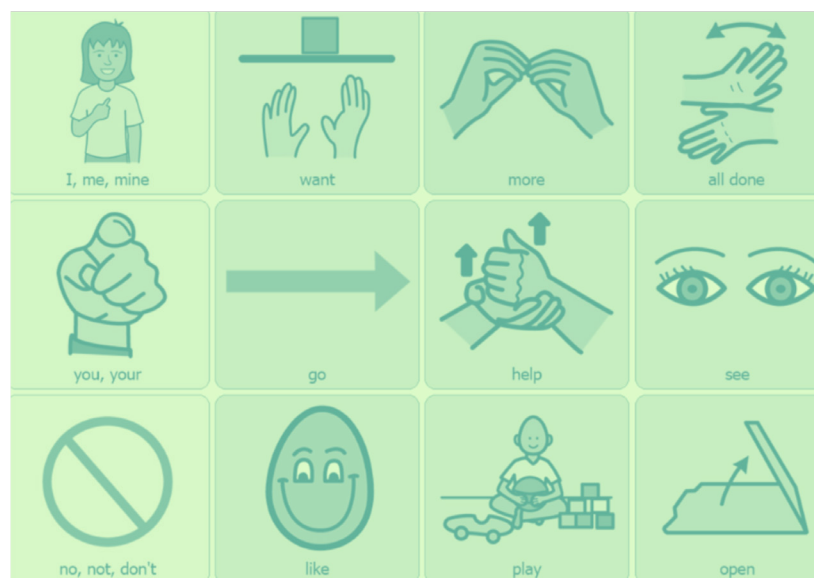
While most people assume that many or all blind people read **Braille**, fewer than 10 percent of the 1.3 million legally blind people in the United States read Braille. Many more individuals use **Screen Readers**. Screen Readers are software programs that allow blind or visually impaired users to read the text displayed on the computer screen with a speech synthesizer or braille display.

Remember that some materials—including scanned documents (in JPEG or PDF) and certain websites—may not be screen-reader friendly. There are websites that will check your document for screen-reader compatibility,⁷ as well as a Microsoft plugin.

CLIENTS WITH LIMITED SPEECH

Some people with disabilities, especially people with developmental disabilities, autism, or brain injuries may be limited in their ability to communicate via speech: ***this does not mean they cannot communicate.***

Auxiliary Aids and **Assistive Technology**, including **Communication Boards** and devices, may help the person communicate. In some cases, it may also be appropriate to involve family, friends or staff the person trusts to help explain some of the individual's expressions, gestures, etc.



⁷ See our Resources section for more.

OTHER COMMUNICATION CONSIDERATIONS

Some other best-practices for communicating with people with disabilities (or anyone!):

- Do not speak for someone unless they ask you to.
- Do not pretend to understand if you are having difficulty doing so.
- Consider scheduling longer appointments for clients with communication difficulties to give them extra time.
- When talking with a person who uses a wheelchair or scooter, use a chair whenever possible to place yourself at the person's eye level to facilitate conversation.
- Match your communication style to the person's.
- If someone is sensitive to noise, make sure you have a calm, quiet location to talk.
- Watch for low lighting, which can inhibit communication with people who have hearing and learning limitations.
- Avoid graduate-level vocabulary or jargon unless the client uses it first.
- Provide written materials (in the format the person best understands) when you can.

SERVICE ANIMALS

WHEN IS A SERVICE ANIMAL A SERVICE ANIMAL?

Under the **ADA**, a **Service Animal** is a **Dog** or **Miniature Horse** that is trained to do a **Task** for a person with a disability. These animals can perform **Tasks** like:

- Guiding people who are blind;
- Alerting people who are deaf;
- Pulling a wheelchair;
- Alerting and protecting a person who is having a seizure;
- Reminding a person with mental illness to take prescribed medications; or
- Calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack.

There are some key differences between the **VDA** and **ADA** when it comes to **Service Animals**. The **VDA** protects **Service Animals**, but it only covers dogs as **Service Animals**. The **VDA** allows **Service Animals** into more places because of its broader rules. The **VDA** does require that service animals wear a harness or sash to clearly identify them as service animals. The **VDA** offers protection for service animals that are still in **training**, which must be labeled as such (the **ADA** does not protect animals in training).

The **Training** for a **Service Animal** does not have to be done by a professional. Anyone, including the person with the disability, can train the Service Animal. A **Service Animal** does not need to be registered or certified. Some businesses may offer **Service Animal** certification, but it is not legally required.

An entity or service provider can only ask two questions about Service Animals:

1. Whether the animal is needed because of a disability and
2. Whether the animal is trained to do a specific task.

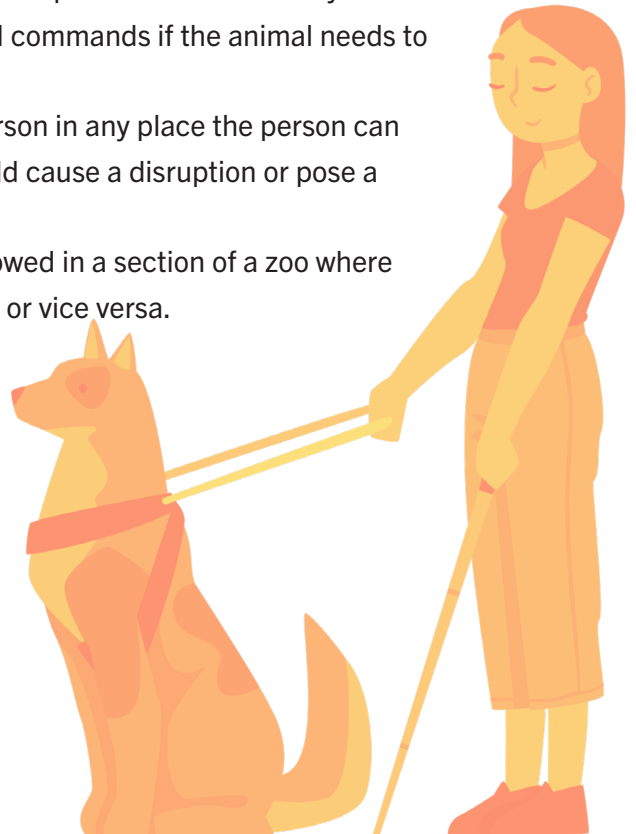
They cannot ask about the person's disability or make the animal perform a task.

RULES AND CONSIDERATIONS FOR SERVICE ANIMALS AND THEIR HUMANS

If you are interacting with a person who uses a **Service Animal**, do not pet, talk to, or “invade the space of” a **Service Animal** while it is working.

When someone uses a **Service Animal**, there are certain rules that they and the animal need to follow.

- **Service Animals** must follow the same general rules as other dogs, like getting required vaccinations and being registered locally.
- The animal must be kept under the control of the person with a disability.
- The person can control the animal with verbal commands if the animal needs to be off-leash to perform tasks.
- A **Service Animal** is allowed to be with the person in any place the person can normally go, unless having the dog there would cause a disruption or pose a safety risk.
 - » *For example*, a dog might not be allowed in a section of a zoo where there are animals that could harm it or vice versa.
- Under the **ADA**, an animal does not need to have a special label to be considered a **Service Animal**.
- A **Service Animal** should not be aggressive or cause a disturbance, like excessive barking or running around uncontrolled.
 - » Keep in mind, some service dogs need to bark to communicate with their owner.
- **Service Animals** must be housebroken.



Allergies to animals are not enough to be considered a direct safety risk! This means that places and programs must find ways to support both people who use **Service Animals** and those who are allergic to them. For example, a hotel welcoming a service dog for the night might move someone with a severe dog allergy to a room on a different floor.

If a **Service Animal** is not allowed in a public place because it is disruptive or not housebroken, the person with a disability must still be allowed into the place without the animal.

Public places cannot charge extra fees for **Service Animals**, so, if there is a regular fee for pets, it must be waived for **Service Animals**.

In Virginia, it is a misdemeanor to falsely say that a dog is a **Service Animal**. Also, it is a misdemeanor for someone to disrupt a **Service Animal** while it is doing its job.

Medical Settings

If the person has a scheduled medical admission or a procedure that means they cannot have their **Service Animal**, *they* are responsible for making sure someone else takes care of the animal during that time. An example of this would be when someone is having a scheduled **surgery** and is sedated.

If someone is admitted to the **hospital** on an emergency basis with a service dog and cannot keep it, *the hospital* can arrange for the dog to stay in a suitable kennel.

EMOTIONAL SUPPORT ANIMALS

An **Emotional Support Animal (ESA)** is a pet that provides comfort and companionship to people with mental health disabilities. This includes more than just dogs; under the **FHA**, many types of animals can qualify as emotional support animals (though it is unlikely that an emotional support lion would be accepted!). **ESAs** do need some extra **paperwork**, like a doctor's certification stating that the animal is necessary for emotional support.

The **ADA** and **VDA** do not require public places or government entities to allow **Emotional Support Animals**. However, some places may choose to let people bring **ESAs** if they believe it helps those who have experienced abuse or trauma. Some providers might even use therapy dogs as part of their services.

While the **ADA** and **VDA** do *not* cover **Emotional Support Animals**, the **FHA** does. People with disabilities who have an **ESA** are allowed to have their animals in housing, according to the **FHA**. Residential programs that offer long-term housing must allow residents to have an **Emotional Support Animal**.

WHERE I LIVE

One of the most common questions for people with disabilities is: “Does the place I live have to give me an accommodation?” The answer: “It depends!”

Virginians with disabilities live in all sorts of places and, depending on where they live, the ADA, FHA and other laws may or may not apply. We will go into some specific examples here.

The requirements for making residential programs **Physically Accessible** depend on whether the program is covered by the ADA/VDA, the FHA, or both. When both laws apply, the ADA/VDA standards take priority.

HOMEOWNERSHIP

Your own **Private Home**, whether you own it outright or are paying a mortgage, is not usually covered under the **ADA** or the **other laws** we discussed above (though you are typically covered by the **FHA** during the home-buying process).

The good news is that you can make just about any modification you want.⁸ The bad news is that you have to pay for it. That being said, homeowners may qualify for programs and grants to help them make modifications.

Home Owners’ Associations

Home Owners’ Associations (HOAs) usually work like Private Clubs under the ADA. Broadly speaking, the ADA applies to HOA facilities, amenities, and spaces that are not exclusively open to the association’s members, residents, and guests. If an HOA operates a public accommodation, it must follow the ADA.

An HOA is a “housing provider” under the FHA, meaning it cannot discriminate against potential buyers or residents based on disability. HOAs must consider reasonable accommodation requests from residents with disabilities, meaning they may need to change community rules or policies to be more accessible.

⁸ Please check your local ordinances.

RENTING

The **FHA** protects people with disabilities from discrimination when renting housing, including apartments. Generally, housing providers like landlords:

- Must allow tenants to make reasonable **Modifications** to their units (at the tenant's expense);
- Must make reasonable **Accommodations** to allow people with disabilities to enjoy their housing; and
- Cannot require extra fees or deposits from people with disabilities for things like **Service Animals**.

In addition to the disability protections we have listed already, **Survivors** of Domestic or Sexual Violence have additional housing protections under the **Violence Against Women Act (VAWA)**. The protections provided by **VAWA** specifically apply to housing managed by public housing authorities (aka, "public housing"), voucher programs, homeless assistance programs, federally-supported housing for people with disabilities or the elderly, and any other housing that receives assistance from HUD.

While the **FHA** already protects against discrimination based on sex or gender in all types of housing, **VAWA** makes the rights in public housing very clear with the following **Core Housing Protections**:

1. You cannot be denied housing or evicted just because of criminal activity directly related to abuse covered under **VAWA**;
2. Your landlord or housing provider must inform you about your rights under **VAWA**;
3. If you believe staying in your current unit puts you at risk of further harm, or if a sexual assault happened in your home, you have the right to request a transfer to another unit;
4. Information about your **VAWA** status or history must be kept confidential;
5. Your landlord can evict one person while allowing the rest of the household to stay;
6. You are protected from retaliation if you assert your rights under **VAWA**; and
7. You have the right to call for emergency or police help for crimes at home, even if your lease or local rules try to limit these calls.



NURSING HOMES, GROUP HOMES, AND ASSISTED LIVING

Nursing Homes and other housing providers that provide comprehensive **Services** usually count as **Private Entities** under **Title III** of the **ADA**.

This is because they offer a variety of services beyond just housing, including medical care, meals, recreation, rides to medical appointments, personal care, healthcare, and other assistance.

The Department of Justice has agreed that these types of services make a provider a “**Public Accommodation**,” functioning as housing—but also as a healthcare facility and a social service center. These services clearly set them apart from landlords, who only provide housing and maintenance.

Please note: the types of services an individual nursing home, group home, or assisted living provides may change how it is viewed by the law. The **ADA** does not set a specific level of services a residential program must offer for **Title III** to apply.



SHELTERS

For residential providers like **Shelters**, figuring out whether **Title III** of the **ADA** applies can be tricky. To be covered by **Title III**, a **Shelter** needs to be classified as temporary housing and must offer enough services to be considered a **Social Service Provider**. These services can include meals, transportation, counseling, and other services. But, again, the **ADA** does not set a specific level of services a **Shelter** must meet to be considered a **Private Entity**.

We do know that **Shelters** that are directly operated by **Religious Organizations** are not covered by the **ADA**.

If a privately-owned shelter offers any type of mental or medical health care on-site, or if it provides services like meals, transportation to medical appointments and court appearances, it is *likely* considered a **Private Entity**.

Figuring out whether a **Shelter** is covered by the **FHA** is also tricky. The **FHA** covers “**Residences**” or “**Dwellings**,” but doesn’t usually cover “**Temporary**” living situations (which may fall under other laws like the VDA and ADA). But, what is “**Temporary**,” anyway? Apartments are considered “**Dwellings**” under the **FHA**, even if someone moves after a few months.

How Long Has the Person Been There?

To figure out if a **Shelter** counts as a “**Dwelling**” under the **FHA** one key factor is how long someone stays there. There are no set number of days to clearly separate a temporary stay from a “**Dwelling**.” A stay of just a few days is clearly **Temporary**, and a stay of several months is considered a **Dwelling**. Anything in between falls into a gray area without a clear answer.

Do They Treat the Shelter as “Home”?

Some courts have considered how much people see the **Shelter** as their **Home**, and whether they view it as a place they can return to. Things people might do that show they treat the shelter as **Home** include getting their mail delivered there, cooking and eating with other residents, returning to their own rooms at night, decorating with pictures, and having visitors.

Do They Have Somewhere Else To Go?

A third method courts have used to decide if a shelter counts as a home is seeing whether the people staying there “have other places to go” or alternative shelter. This approach is not very common and some courts avoid it because it makes the definition too broad.

This all matters, in part, because:

- For **Short-Term Programs**, the **ADA** always applies, and the Shelter must pay for accommodations for people with disabilities using its regular budget.
- For **Long-Term Programs** that do not provide enough health care or social services to be considered a healthcare facility or social service agency, the **FHA** applies. In these cases, the housing agency must allow people with disabilities to make changes to the environment, but the person is responsible for the cost of those modifications.

If a **Shelter** is protected by the **FHA** and not the **ADA**, some programs and services provided within the shelter might still be covered by other laws like the **ADA** or **VDA**. For example, case management services provided by a Community Services Board would be covered under the **ADA** and **VDA**.

ACCESSIBILITY IN THE LEGAL SYSTEM



In addition to the **ADA** and other laws that may affect them, the **U.S. Department of Justice (DOJ)** has provided guidance on how people with disabilities can engage with law enforcement, family services organizations, and the court system. These organizations often need to work closely with survivors of abuse and trauma.

Note: Throughout this section, we may use either “victim” or “survivor” to describe people who have experienced violence and are going through the legal system.

LAW ENFORCEMENT

Law Enforcement Officers come to their job with a wide range of beliefs and experiences, meaning that they may or may not bring knowledge of disability to their jobs. Many officers do receive training on working with people who have disabilities but, if this training occurs, it is most likely to focus on people experiencing acute mental illness, and is less focused on other disabilities.

For law enforcement, Effective Communication is critical!

When victims or witnesses are Deaf or have another disability that impacts communication, Officers may have a hard time getting important information for an investigation. There are several ways Officers can improve communication with people who are Deaf or have other Effective Communication needs. Here are a few tips for both officers and the people interacting with them:

- You can use pictures to convey basic messages, including to request an interpreter or other communication aid.
- Some departments have officers who know sign language; while these officers can communicate directly with a person who is Deaf, they cannot act as interpreters for other officers, prosecutors, or officials. The same rules for Interpreters apply in police investigations!⁹
- Law enforcement should also ensure that people who use service animals are allowed to have them present during interviews and interactions.

COURT

For the courts, the first accessibility hurdle is whether the person can physically access the courthouse. Depending on what court it is, the courthouse may fall under either **Title II** of the **ADA** (state and local courts) or the **Rehabilitation Act** (federal courts). In either case, it is required that the building be wheelchair-accessible.

It is critical that any person going through the court system in any role have access to the **Effective Communication** and other **Accommodations** they need to fully participate. These can include many things, like giving extra breaks, offering communication tools and services, providing real-time transcription, allowing people to use their cell phones to access **Auxiliary Aids**, and more.

⁹ See page 24

DISABILITY ETIQUETTE

Not everything you need to know about disability is codified in the law. It is important to treat people with disabilities with common courtesy and kindness. If you do not know many people with disabilities, you may be unsure if there are “unwritten rules” you are expected to follow. This section will give you a basic understanding of “Disability Etiquette.”

There are many different types of disabilities, representing many different “limitations” (e.g., mobility, learning, communication). Of course, many types of disabilities means that people with disabilities have a wide range of needs. For instance, someone who is blind has very different needs than someone with cerebral palsy who, in turn, has very different needs than someone who is Deaf. Disability is not just one thing.

Anyone can become disabled, at any time.
Most of us will, given enough time.



HOW DO I ACT AROUND SOMEONE WITH A DISABILITY?

First of all, they're a person and not a bear. Say hello. But after that, here are some tips.

Start by **Presuming Competence**. **Competence** is the ability to take in information and make decisions. In Virginia, the Health Care Decisions Act says that every adult gets to make decisions for themselves, unless there's an official ruling¹⁰ to the contrary:

- Always speak to the person with the disability. Addressing interpreters, parents, and people with the person instead of the person is rude.
- People are the experts in their own experience—that means they're going to give you the best and most accurate picture of what they're going through.
- Do not assume that someone's disability means that they cannot (or are not allowed to) make their own decisions.

If you are asking questions about someone's disability, make sure it serves a purpose. It is not a good idea to ask about someone's disability or functional limitations just to satisfy your own curiosity. That's not cool (and, depending on who you are, it may be discriminatory). What is cool is asking if the person has any specific needs or would benefit from accommodations during the course of your work together.



¹⁰ For someone to be found to lack competence, two doctors must independently evaluate the person, come to that decision, put that decision in writing, sign it, notify the person, and (usually) identify someone to make decisions on their behalf. A court can also find someone to lack competence during criminal proceedings or during guardianship.

LANGUAGE AND DISABILITY

The fact that so many people have different disabilities means that people with different disabilities may have very different relationships with their own disability. These differences show up a lot in language.

For instance, some people prefer Person-First Language, such as:

- “A Person with a disability”
- “A Woman with a mobility impairment”
- “A Man who is hard of hearing”

Person-First Language highlights that someone is a person, first and foremost, and positions their disability as being “secondary.”

You may also meet people who prefer Identify-First Language, such as

- “An Autistic Person”
- “A Blind Man”
- “A Deaf Woman”

Identify-First Language acknowledges that someone’s disability can be at the heart of who they are and how they understand themselves.

Person-First Language is the most common, but it is ok to ask people about their preferences. You can also mirror the language they use when talking about themselves.

There are no legal requirements around what language you must use, but it will help you build rapport with the people around you if they feel respected.

CONCLUSION AND RESOURCES



We hope this guide has given you insight into the complex world of disability in Virginia. For more information and to get assistance, please check out these resources!

The disAbility Law Center of Virginia

The disAbility Law Center of Virginia (dLCV) is the Protection & Advocacy System (P&A) for the Commonwealth of Virginia. For more information on dLCV, including the types of cases we take, and to access our self-advocacy resources, please visit our website at dLCV.org.

The Americans with Disabilities Act

For more information on the Americans With Disabilities Act (including the ADA Standards for Accessible Design) and to file a claim, please visit ADA.gov.

Virginia Department for the Deaf and Hard of Hearing

For more information on how to find an interpreter or CART services, please visit the Virginia Department for the Deaf and Hard of Hearing (VDDHH) at www.vddhh.org.

Centers for Independent Living

Centers for Independent Living (CILs) advocate for the integration and inclusion of people with disabilities into all aspects of society. They also promote the professional development, improvement, and promote community education throughout the Commonwealth of Virginia. For more information and to find your local CIL, please visit: <https://vacil.org/>.

The Department for the Blind and Visually Impaired

The Department for the Blind and Visually Impaired (DBVI) provides specialized services and programs for Virginians who are blind, vision-impaired, or DeafBlind. You can learn more information at <https://www.dbvi.virginia.gov/>.

The Brain Injury Association of Virginia


The Brain Injury Association of Virginia (BIAV) is a statewide, primary source of information and personal support for individuals, families, and professionals whose lives have been impacted by brain injury. You can learn more about their work at <https://www.biav.net/>.

Virginia Legal Aid

There are numerous regional Legal Aid programs in the Commonwealth of Virginia dedicated to providing services to low-income Virginians. You can learn more about their programs at <https://www.valegalaid.org/>.

Virginia Lawyer Referral Service

The Virginia Lawyer Referral Service (VLRS) is a program operated by the Virginia State Bar that sets up consultations with attorneys in Virginia for a \$35 fee. Their intake form can be found at <https://vlrs.community.lawyer/>.

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