ACCESS EQUALS OPPORTUNITY: RECREATION FACILITIES & FITNESS CENTERS

Q. Are recreation facilities and fitness centers considered to be places of public accommodation?

A. Yes. Privately operated recreation and fitness facilities are covered by Title III. Examples include video arcades, gyms, health spas, bowling alleys, golf courses, billiard halls, and facilities where boating and swimming programs are offered.

Q. Are recreation facilities and fitness centers required to have TTYs (TeleTYpewriters)?

A. No. For making calls to or receiving calls from customers with hearing or speech impairments who use TTYs, such facilities will be able to rely on the relay systems that telephone companies must establish by July 26, 1993. Operators employed by relay systems will relay communications between TTY-users and people using conventional telephones. Only those businesses that allow clients to make outgoing calls on more than an incidental convenience basis must provide TTYs.

Recreation and fitness facilities can ensure effective communication by training staff who answer the telephone to handle incoming calls through the relay services. Handling these calls may take longer because an operator at the relay system will be receiving typed communications from the caller using a TTY and will also be using the relay system equipment to type communications from the facility's staff person to the caller. Training should be undertaken as soon as possible because at least 40 states already offer some type of relay service.

For your information, however, a TTY is relatively inexpensive, usually costing about \$275 and would be a welcome service for customers with hearing or speech impairments. If you have a TTY, remember to list your telephone number followed by "Voice/TTY" in any publications or advertisements to signify that customers can communicate with them by voice or TTY.

Q. Are recreation and fitness facilities that offer parking required to provide accessible parking spaces for people with "handicap" tags or placards? If such parking is required how many spaces must be provided?

A. Yes. If a recreation facility owns and operates the parking lot, it must provide accessible parking if it is readily achievable to do so. If a recreation or fitness facility is a tenant, responsibility for providing accessible parking rests with both the landlord and the

tenant. These responsibilities may be allocated between the landlord and tenant in the lease or other contract.

The spaces must comply with the dimensions specified in the ADAAG if it is readily achievable to meet those standards. The ADAAG also specifies a formula for determining the appropriate number of accessible spaces which must be followed if readily achievable to do so. If it is not readily achievable to comply with the ADAAG standards for the number and dimensions of accessible spaces, a recreation or fitness facility must provide as many spaces as readily achievable and of readily achievable dimensions.

If it is not readily achievable to provide any accessible spaces, a recreation facility could consider valet parking as an alternative method of providing access.

Q. Are recreation and fitness facilities required to remove barriers posed by sidewalk curbs?

A. Curb cuts (also known as curb ramps) enable people who use wheelchairs, walkers or other mobility devices to have ready access to recreational facilities. If the only parking is on a city street and the business does not have ownership or control of the sidewalk, the municipality, not the recreation or fitness facility, is responsible for providing curb ramps. If the facility owns or controls the sidewalk, it must provide curb ramps if readily achievable. If a recreation or fitness facility is a tenant, responsibility for providing curb ramps rests with both the landlord and the tenant.

These responsibilities for compliance may be allocated between the landlord and the tenant in the lease or other contract.

The ADAAG establishes standards for construction of curb ramps that must be followed if readily achievable.

Q. Must all entrances to recreation and fitness facilities be accessible?

A. No, but one entrance, preferably the main entrance, must be accessible, making it possible for people with disabilities to "get through the door."

Recreation facilities that use security devices such as turnstiles can provide access for patrons with mobility impairments by installing gates or providing an alternate means of entry.

If there are steps up to the entrance, ramping one step or even several steps will be readily achievable for most recreation and fitness facilities. Installation of a permanent ramp, rather than a portable one, is required unless such installation is not readily achievable. If the public accommodation cannot meet the ADAAG's technical requirement for ramps because of space or other limitations, it can deviate slightly as long as it is still safe.

If a permanent ramp cannot be installed, a portable must be used if readily achievable. Portable, i.e., moveable, ramps also must be safe. Most portable ramps are relatively

inexpensive to purchase or construct.

A recreation or fitness facility using a portable ramp should install a doorbell or intercom (with an appropriate sign) to summon an employee to bring the ramp to the door if readily achievable.

If the accessible entrance is one other than the main entrance, a sign at the main entrance should indicate where the accessible entrance is located.

Q. How do recreation and fitness facilities know if the doorway for the accessible entrance is wide enough for clients who use wheelchairs or other mobility devices?

A. The ADAAG standard states that a minimum of 32 inches of clear opening measured between the face of the door and the opposite stop when the door is opened 90 degrees is required to provide access for clients who use wheelchairs or other mobility devices. Offset hinges can increase the amount of clear space by several inches.

Automatic or push button doors are the best for providing access. Whether installing them is readily achievable or not depends on the circumstances of the individual facility.

Another measure that makes doors easier to use, not only for customers who use wheelchairs or other mobility devices but also for those who have conditions that limit their manual dexterity, is to install lever or U-shaped handles. Some retrofit levers cost less than \$10 and can improve access significantly.

Adjusting door closers or springs and oiling hinges are also inexpensive steps that make it easier to open doors and prevent them from closing too quickly. Widening doors, installing accessible door handles, and making door adjustments are examples of modifications that will be readily achievable for most facilities.

Q. Must recreation and fitness facilities allow service animals, including guide dogs, to accompany customers with disabilities into facilities?

A. Yes.

- Q. Can a recreation and fitness facility exclude a person with a disability because his or her disability or behavior resulting from the disability may be disturbing to other customers or clients?
- **A.** No. The ADA specifically prohibits this type of discrimination against people with disabilities.
- Q. Can recreation or fitness facilities exclude people with disabilities from their facilities because of increased insurance costs or the fear of increased insurance costs?

A. No. Recreation and fitness facilities cannot discriminate against or otherwise exclude people with disabilities from joining or from using a facility based on fear of, or an actual increase in, liability insurance premiums. Recreation and fitness centers also cannot refuse to admit or accept for membership an individual with a disability because of concern that the person would inadvertently injure himself or herself.

Q. If an individual with a disability is injured while using equipment at a recreational or fitness facility, is the facility liable for the injury?

A. The ADA does not create standards governing liability in case of injury. If an injury occurs, state negligence laws will govern liability. The ADA prohibits businesses from refusing service to a person with a disability because of fear of injury to the person.

Q. Can a recreation or fitness facility require that people with disabilities use separate facilities or attend separate programs?

A. No, provided the individual meets the eligibility requirement for participation in the program available to the general public. Relegating people with disabilities to separate facilities or programs is prohibited by the ADA unless necessary to provide an equally effective opportunity to participate. The ADA requires that people with disabilities be provided an equal opportunity to participate in programs in integrated settings.

Q. Does the ADA preclude recreation or fitness facilities from establishing safety requirements for the use of their equipment? How can a recreation or fitness facility determine if a person with a disability is capable of operating the exercise equipment?

A. Recreation facilities and fitness centers may impose neutral, legitimate safety requirements that are necessary for the safe operation of its equipment. However, the facility must ensure that its safety requirements are based on real risks, not on speculation, stereotypes, or generalizations about people with disabilities. For example, a wilderness tour company may require participants to meet a certain level of swimming proficiency to participate in a rafting expedition.

Also, a recreation or fitness facility is not required to guarantee that an individual with a disability will achieve an identical result or level of achievement as people who do not have disabilities. For example, an individual who uses a wheelchair may not be excluded from an exercise class at a health club because he or she cannot do all the exercises and derive the same results from the class as people who do not have disabilities.

The best way for recreation facilities or fitness center to assess the abilities of a person with a disability is to ask whether he or she is able to operate the equipment in question, has some previous experience with the equipment, meets any safety requirements, or requires some modification or adaptation of equipment, policies, or procedures in order to participate.

Recreation facilities and fitness centers should act in the spirit of collaboration with the

individual to make an appropriate case-by-case determination about an individual's capability to operate equipment or meet safety requirements.

Q. How can a recreation or fitness facility determine whether its premises are accessible to people who use wheelchairs or other mobility devices? What steps must be taken to provide access?

A. Although there are significant differences between various types of facilities, a few general, common sense rules apply to a basic evaluation of accessibility for most recreation and fitness centers.

For indoor facilities, determine whether pathways and doorways between activity areas, such as video machines, lounges, bowling lanes, bars, classrooms, pools, saunas, hot tubs, and other facilities are wide enough for a person using a wheelchair or other mobility devices. Are there vending machines or supplies stored in hallways or other areas that might block passage?

Rearranging exercise equipment, furniture, and storage items and widening doors and stalls are examples of methods to improve access that will be readily achievable for most facilities.

Are there level changes between locker rooms and the exercise equipment, saunas, lounges, bowling lanes, or other activity areas? Installing a permanent ramp for one or even several steps is a method of improving access that will be readily achievable for most businesses. If installation of a permanent ramp is not readily achievable, safe, portable ramps are required if readily achievable.

If portable ramps are used, a sign should indicate how the ramps can be obtained.

For outdoor facilities, determine whether there are steps or other obstacles along paths or walkways that would prevent someone who uses a wheelchair or other mobility device from traveling on them or from reaching an activity area such as a swimming pool or picnic ground. As with indoor facilities, ramps are required to provide access if readily achievable.

For picnic, boating, or other outdoor recreation or fitness facilities, evaluate whether people with disabilities can reach and use the facilities. Can people with disabilities reach the picnic tables? Does spectator seating provide wheelchair access? Is there an adequate sight line from the wheelchair accessible seating area to the events? Removal of such barriers is required to provide access when it is readily achievable.

When it is not readily achievable for a recreation or fitness facility to remove some or all barriers to access, the facility must devise other readily achievable alternatives to barrier removal.

Q. If an individual with a mobility impairment wants to use equipment or facilities on another level of a facility that is not serviced by an elevator, does the facility have to provide a means of access to the upper level?

A. Perhaps. Although installing an elevator will not be readily achievable for most facilities, some access to other levels may be required. If there are only several steps to reach other levels, which might be the situation in a bowling alley, a ramp is required if readily achievable to install one. If there are many steps, providing access to other levels might require installation of a wheelchair lift, which is much less expensive than an elevator. Other alternatives include using accessible routes such as a service entrance.

Facilities that have limited space and resources and no alternative routes available must take other creative, readily achievable steps to make the facilities and services on other levels available. Courtesy and common sense should dictate what methods are most suitable. Alternative methods could include moving a small selection of video games, exercise or other equipment, or some classes to the accessible level.

Q. Are recreation and fitness facilities required to provide any assistance to individuals with disabilities so they can participate in the facilities programs and activities?

A. In some situations reasonable modifications of policies, practices, or procedures to include minimal staff assistance may be required if the modification does not result in a fundamental alteration of the program. For example, staff members in some weight rooms stabilize weight lifters' wheelchairs even if they do not routinely provide similar assistance to other clients or members. Some facilities also provide additional instruction about the use of particular exercise machines to individuals who have cognitive impairments such as mental retardation. Likewise, some health clubs assist individuals with disabilities into and out of pools and hot tubs, and some of them have installed floor-mounted pool lifts. If staff is limited, a customer or member could be allowed to provide his or her own attendant at a waived membership rate.

Q. How can recreation and fitness facilities communicate effectively with members, clients, and customers who are blind or have limited vision?

A. Any printed information about the facilities, including program descriptions, price lists, and class schedules, must be available in formats that are accessible to people with vision impairments if providing them does not result in an undue burden. Large print formats are useful to people with limited vision, including older people. Providing taped information and a cassette player is a good alternative for many people with vision impairments. Recreation and fitness facility staff can also read materials to patrons where it is appropriate to do so.

The floor designations on elevators control panels and signs indicating rest room facilities must be made accessible by providing raising letters, Braille, and large, high-contrast letters if readily achievable. Instructions posted or mounted to explain how to use exercise equipment must be made accessible by providing the information verbally, in large print, by audio cassette, or in Braille, as appropriate, if this can be done without undue burden.

Q. How can a recreation or fitness facility communicate effectively with a member,

client, or customer who is deaf or hard of hearing or who has a speech impairment?

A. Most members, clients or customers who are deaf or hard of hearing will identify themselves by writing a note or using hand gestures. When a staff person has determined that an individual is deaf or hard of hearing, he or she can communicate by writing notes or taking turns with the customer at a computer terminal. Maintaining face-to-face contact is important for communications with a customer who reads lips.

If a recreation or fitness facility offers an activity such as martial arts training where complex concepts must be communicated clearly, the facility must provide a qualified sign language interpreter for deaf patrons if doing so does not cause an undue burden. If it offers an exercise class or other activity where communications are not complex, the instructor could meet with deaf patrons beforehand and inform them about the program or activity using a pen and note pad or computer terminal to communicate or could provide printed information for them.

Instructors or group leaders can communicate effectively with individuals who are hard of hearing by allowing the individual(s) to sit or stand near the instructor or group leader.

It is also important for recreation and fitness facilities to communicate effectively with customers who have speech impairments. Allowing sufficient time for a person with such a disability to express himself or herself to spell out a message on his or her word board are examples of methods to achievable effective communication.

Q. Must fitness centers provide accessible rest rooms and showers? How can these facilities be made accessible?

A. Shower and rest room facilities are central components in many fitness centers' programs. Therefore, when readily achievable, at least one accessible rest room and shower must be available.

Certain relatively simple steps can increase access and usability of rest rooms. Widening entry and stall doors; moving obstacles such as vending machines; rearranging toilet partitions to increase maneuverability for people using wheelchairs; installing a raised toilet seat; installing grab bars near the toilet; repositioning paper towel dispensers; installing lever handles on at least one sink; and installing insulation around exposed lavatory pipes to prevent individuals who use wheelchairs from burning their legs while sitting at the sink are examples of changes that will be readily achievable for most businesses.

Where showers are available, an accessible shower stall must also be available if readily achievable.

If a fitness center provides more than one rest room and shower and not all are accessible, a sign should indicate where the accessible facilities are located.

Simple symbols indicating which facilities are for men or women are easier for some people with cognitive impairments (such as mental retardation) to understand than words

or other images. Raised letters and Braille differentiating men's and women's rest rooms are important for people who are blind and large, high-contrast signs help people with limited vision. Fitness centers should take all of these measures to make shower and rest room signs accessible if readily achievable.

Q. Must recreational and fitness facilities have accessible drinking fountains?

A. Facilities with drinking fountains must make them accessible if it is readily achievable to do so. To make fountains accessible, mount them low enough to be easily reached from a sitting position or install a paper cup dispenser within easy reach.

Q. Are health and fitness centers that provide public telephones required to provide accessible public telephones?

A. If a facility provides public telephones, at least one telephone must be accessible to people who use wheelchairs or other mobility devices if readily achievable.

If providing an accessible telephone is not readily achievable, then readily achievable alternative methods of providing access to a telephone are required. For example, facilities can offer customers, clients, or members who cannot use the public telephone the use of a private telephone. A sign should be posted near the public telephone(s) specifying the location of an accessible telephone and/or whom the person should contact to arrange for its use if readily achievable.

Republished with permission of the owner, Council of Better Business Bureaus, Inc., 4200 Wilson Blvd, Ste. 800, Arlington, VA 22203, www.bbb.org

Questions about Public Accommodations laws and enforcement? Contact the King County Office of Civil Rights, 206-296-7592, TTY 206-296-7596.