

Avoid lawsuits and increase customer access by removing accessibility barriers

Many Minnesota small businesses have been the target of lawsuits in the past two years by a few lawyers alleging violations of the Americans with Disabilities Act. Common violations alleged are parking lots including the color/height of parking signs; ramp entrances to buildings; door frame width/lip and door handles; and aisle widths. Even after fixing the violation, many businesses have paid thousands of dollars in settlement demands as a cheaper alternative to fighting a lawsuit.

In the 2016 Legislature, [HF 2955](#) was passed unanimously and signed by the Governor to help mitigate these lawsuits. This new law gives businesses more tools to help fight these lawsuits and will shift the burden of proof to the plaintiff if a business has undertaken an audit for ADA compliance. However, this new law will not necessarily prevent these lawsuits and does not remove the requirement of businesses to ensure they comply with ADA laws.

The best way to avoid these lawsuits, as well as to help improve access for disabled individuals, is for businesses to make sure they are ADA compliant. In addition [federal tax credits](#) may be available to help offset the cost of removing barriers.

Following are additional resources and information to help you comply with federal and state accessibility laws.

ADA Readily Achievable Barrier Removal and Resources

The ADA is a federal civil rights law that prohibits the exclusion of people with disabilities from everyday activities such as going into a store, watching a movie, or eating at a restaurant. The ADA law and Minnesota Human Rights Act require businesses that provide goods and services to be accessible by removing architectural barriers in existing facilities when it is “readily achievable” to do so.

Readily achievable means “easily accomplishable without much difficulty or expense.” This requirement is based on the size and resources of a business. So, businesses with more resources are expected to remove more barriers than businesses with fewer resources. Readily achievable barrier removal may include providing an accessible route from a parking lot to the business entrance, installing an entrance ramp, widening a doorway, installing accessible door hardware, repositioning shelves, or moving tables, chairs, display racks, vending machines or other furniture. When removing barriers, businesses are required to comply with legal standards to the extent possible. However, any deviation from the standards must not pose a significant safety risk.

Please watch this site for updates as they come available.

ADA regulations recommend the following priorities for barrier removal.

- Providing access to your business from public sidewalks, parking areas and public transportation.
- Providing access to your goods and services.
- Providing access to public restrooms.
- Removing barriers to other amenities offered to the public such as drinking fountains.

In some instances, especially in older buildings, removing some architectural barriers may not be readily achievable. For example, a restaurant with several steps leading to its entrance may determine that it cannot afford to install a ramp or a lift. In this situation, the restaurant must provide its services in another way if that is readily achievable, such as providing takeout service. Businesses should train staff on these alternatives and publicize them so customers with disabilities will know of their availability and how to access them.