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# The Trump administration withdrew 11 pieces of ADA guidance. How will it affect compliance?

Associated Press | AP

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President Donald Trump's administration has withdrawn 11 pieces of guidance related to the Americans with Disabilities Act that helped stores, hotels and other

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President Donald Trump's administration withdrew 11 pieces of guidance last month related to the Americans with Disabilities Act that helped stores, hotels and other businesses understand their obligation to the law.

The guidance included tips on how to create accessible parking and fitting rooms, talk to hotel guests about accessible features and decide when a person with a disability could be assisted by a family member during hospitals' COVID-19 no-visitor bans. Five pieces of guidance were from the pandemic, while the oldest two were issued in 1999.

The Department of Justice said removing the guidance was done as part of a broader effort to reduce regulatory burdens on businesses.

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"Putting money back into the pockets of business owners helps everyone by allowing those businesses to pass on cost savings to consumers and bolster the economy," said U.S. deputy assistant attorney general Mac Warner in a statement.

Disability rights advocates criticized the move, saying it may signal that the federal government is less likely to enforce the ADA and will leave it up to businesses on how to comply.

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and less access for disabled people.

Here is a look at what was withdrawn and how it might affect the disabled community and businesses.

## **What ADA guidance was withdrawn?**

There's no change to the ADA itself, and businesses still have to make sure customers with disabilities can access services.

Five pieces of guidance specifically addressed COVID-19 concerns, including modifying visitor bans at hospitals to allow for interpreters or caregivers. Another document provided a "maintenance list" for retail stores for ensuring aisles, entrances, parking spaces, elevators and restrooms were accessible for disabled customers.

Two pieces of hotel and lodging guidance were pulled back. One detailed how hotel workers should be "informed and attentive to details" that affect disabled customers, as well as making sure objects in rooms – like remote controls or adjustable shower heads – are placed appropriately. The other document provided five steps to help new hotel complied with the ADA.

Other guidance included inclusive means of getting feedback from customers, like providing surveys in Braille or electronic formats or having real-time captions in focus groups; as well as letting people know how they can get help pumping at self-serve gas stations.

ADA consultant and lawyer Marc Dubin said that even though business owners weren't legally required to read the guidance, it was meant to help them avoid lawsuits and encourage voluntary compliance.

It is routine for guidance to be withdrawn, he said, but what's important to watch is what the government will replace it with, if anything.

## **Is it expensive to accommodate people with disabilities?**

Some lawyers say that without the guidance, it might be easier for businesses to defend themselves against expensive – and what some small business advocates would consider frivolous – lawsuits alleging they didn't comply with the ADA.

But complying with the ADA is a good business investment, said Theo Braddy, the executive director of the advocacy group, the National Council on Independent Living.

"When your business is fully accessible to all people with all types of disabilities, they're going to come. They're going to spend their money," he said.

## **Will the lack of guidance cause problems?**

Disability rights advocates said withdrawing the guidance fits with the Trump administration's broader effort to get rid of equity initiatives.

Businesses also might see it as a green light to lower accessibility standards or avoid making necessary accommodations altogether, advocates said.

"To the business owners, it's saying, 'You ain't got to do all of this stuff,'" Braddy said. "It's going to turn the clock back."

## **What will enforcement look like?**

The Department of Justice is one of the key enforcers of the ADA, launching investigations and filing lawsuits against businesses it alleges have violated the law.

Advocates say they're not sure how much Trump's justice department will enforce the ADA, adding that private lawyers may not be able to pick up the slack.

"It's very clear to me that nothing can substitute for a strong, vigorous Department of Justice," said Chai Feldblum, who served as the vice chair of President Joe Biden's AbilityOne Commission, which created job opportunities for disabled people. "And not having that will be consequential for the rights of people with disabilities."



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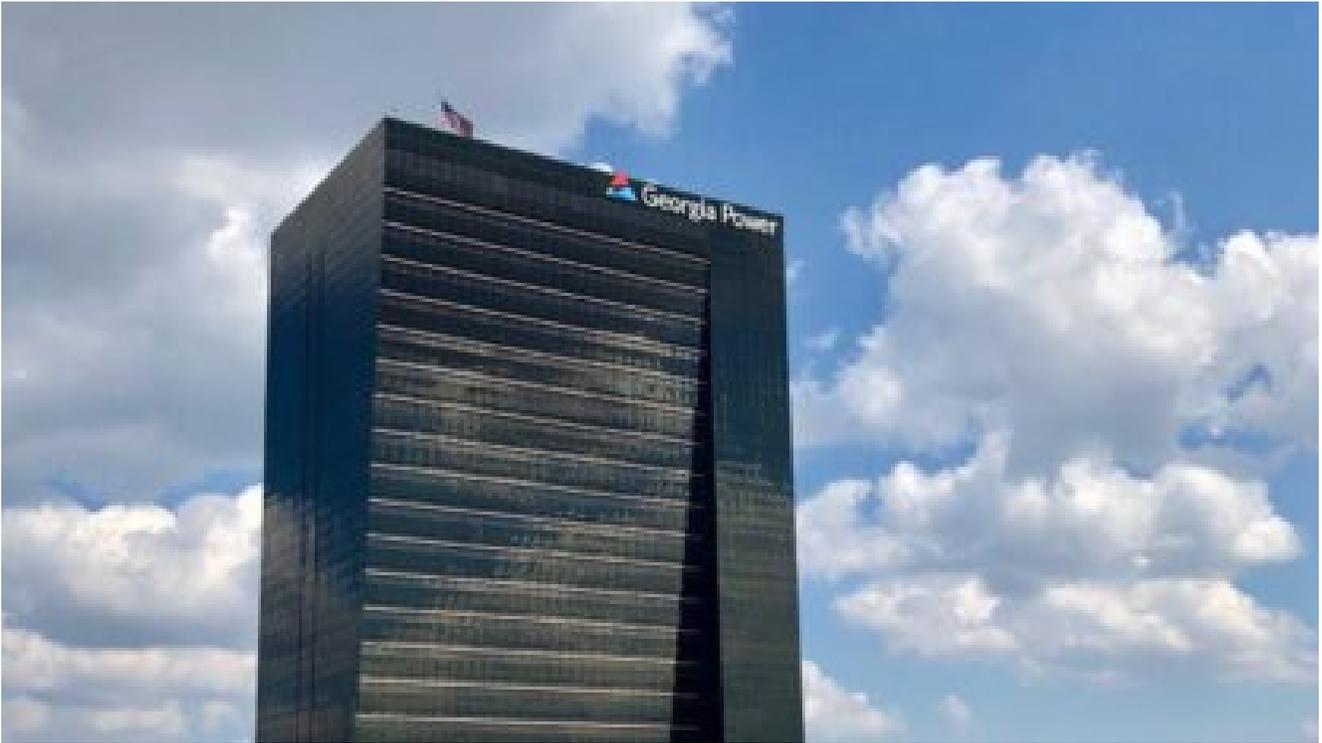
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