

ADA and Apartment/Condo Complexes

The Southeast DBTAC received many calls from people who want to know about their rights under the ADA with respect to their apartment or condo complex. These areas actually fall under more than one law.

Areas open to the public are considered places of public accommodations and fall under Title III of the ADA. This includes parking at the rental office, the rental office itself, and the application process. Places of public accommodations are also common areas that are open to the public or rented to the public. Opening or renting to the public would trigger requirements at a club house, swimming pool, tennis court, or other amenity area.

Areas limited exclusively to the owners, residents, and their guests are not considered places of public accommodation and are not covered by the ADA. Parking for residents at an apartment/condo itself (along with six other design and construction requirements) is covered by Fair Housing Act, not ADA.

Apartment associations or condo boards cannot discriminate against tenants with respect to housing, but their actions are not specifically addressed in the ADA.

Suggested Resources:

Fair Housing Accessibility First
1-888-341-7781 (v/tty)
www.fairhousingfirst.org

National Fair Housing Advocate Online
www.fairhousing.com

U.S. Housing and Urban Development Disability Information Page
www.hud.gov/groups/disabilities.cfm

Department of Justice Technical Assistance Letter
Discusses the applicability of the Americans with Disabilities Act (ADA) to parking spaces for a recreation hall in a subdivision.

The information provided is courtesy of the ADA Pipeline and the Southeast Disability and Business Technical Assistance Center.