



HOUSES OF WORSHIP AND THE ADA

The Americans with Disabilities Act of 1990 (ADA) prohibits commercial facilities, public accommodations, transportation services, and employers from discriminating against individuals on the basis of physical or mental disability. Religious entities such as houses of worship, however, are expressly exempt from having to comply with the provisions of the ADA which apply to employers and public accommodations. There are, however certain instances where the ADA or other requirements are applicable to these venues.

Equal Access Exemption

Title III of the ADA mandates that "no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation." To comply with this provision, a public accommodation must remove barriers to the full access and enjoyment of its facilities.

The equal access provisions of the ADA, however, do not apply to religious organizations or places of worship operated by religious organizations. Houses of worship, therefore, are exempt from ADA coverage and do not have to remove barriers to the access or enjoyment of any worship space accommodations including auditoriums, nursery schools and daycare centers. The exemption applies whether the activities are religious or secular.

House of Worship Facilities Operated by Nonreligious Entities

The equal access exemption for houses of worship does not extend to nonreligious entities that rent facilities owned by or located within the house of worship. Nonreligious entities must comply with the hiring and equal access provisions of the ADA if they operate public accommodations in inaccessible facilities rented or leased from the house of worship. If the nonreligious entity is operating in a space donated by the house of worship, however, it is exempt from the ADA requirements.

Alternative Equal Access Laws

Despite being exempt from full compliance with the ADA, houses of worship might still have to provide equal access to disabled persons pursuant to the Rehabilitation Act of 1973. Under the Rehabilitation Act, any facility that receives federal funding is prohibited from discriminating on the basis of disability. There is no exemption for religious entities. If the house of worship receives federal funding for a program or activity, that program or facility must be physically accessible to people with disabilities.