

HOW TO FILE A COMPLAINT UNDER THE AMERICANS WITH DISABILITIES ACT

HOW TO FILE A TITLE II COMPLAINT

Title II of the ADA prohibits discrimination based on disability in all programs, activities, and services of state and local governments. If you feel you or another person have been discriminated against by any agency, organization, or institution covered by Title II, send a letter to the Department of Justice, at the address below:

U. S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., NW
Disability Rights Section - NYAV
Washington, D.C. 20530

Be sure you sign the letter, and include the following information:

- Your full name, address, and telephone number, and the name of the party discriminated against;
- The name of the agency, organization, or institution that you believe has discriminated;
- A description of the act(s) of discrimination, the date(s) of the discriminatory act(s), and the name(s) of the individuals who you believe discriminated; and
- Other information that you believe necessary to support your complaint.

Do NOT send original documents (retain them).

HOW TO FILE A TITLE III COMPLAINT

Title III of the ADA prohibits discrimination based on disability in public accommodations. Private entities covered by Title III include places of lodging, establishments serving food and drink, places of exhibition or entertainment, places of public gathering, sales or rental establishments, service establishments, stations used for specified public transportation, places of public display or collection, places of recreation, places of education, social service center establishments, and places of exercise or recreation. Title III also covers commercial facilities (such as warehouses, factories, and offices buildings), private transportation services, and licensing and testing practices. If you feel you or

another person has been discriminated against by an entity covered by Title III, send a letter to the Department of Justice at the address below:

Office on the Americans with Disabilities Act
Civil Rights Division
950 Pennsylvania Ave., NW
Disability Rights Section - NYAV
Washington, D.C. 20530

Be sure you sign the letter, and include the following information:

- Your full name, address, and telephone number, and the name of the party discriminated against;
- The name of the business, organization, or institution that you believe has discriminated;
- A description of the act(s) of discrimination, the date(s) of the discriminatory act(s), and the name(s) of the individuals who you believe discriminated; and
- Other information that you believe necessary to support your complaint. Please send copies of relevant documents; **do NOT send original documents (retain them.)**

The Office on the Americans with Disabilities Act will consider your complaint (The authority for collecting this information is contained in 42 U.S.C. § 12188(b)) and inform you of its action. The Office on the ADA will investigate the complaint and determine whether to begin litigation. The Office on the ADA will not necessarily make a determination on each complaint about whether or not there is an ADA violation. If the Office on the ADA believes there is a pattern or practice of discrimination, or the complaint raises an issue of general public importance, it may attempt to negotiate a settlement of the matter, or it may bring an action in the U. S. District Court. Any such action would be taken on behalf of the United States; the Office on the ADA does not act as an attorney for, or representative of, the complainant. You also have the option of filing your own case in U. S. District Court.

The Office on the Americans with Disabilities Act needs this information in order to investigate your complaint. The personal information will be used primarily for authorized civil rights compliance and enforcement activities conducted by the Department of Justice. The Department of Justice will not disclose the name of, or other identifying information about, an individual unless it is necessary for enforcement activities against an entity alleged to have violated federal law, or unless such information is required to be disclosed under the Freedom of Information Act, 5 U.S.C. § 552, or as is allowed through the publication of a routine use in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a. To further the Department of Justice's enforcement activities, information the Office on the ADA has about you may be given to appropriate federal, state, or local agencies. Additional disclosures of information may be made: to members of Congress or staff; to volunteer student workers within the Department of Justice so that they may perform their duties; to the news media when release is made consistent with the Freedom of Information Act and 28 C.F.R. 40.2; and to the national Archives and Records Administration and General Services Administration to perform records management inspection functions in accordance with their statutory responsibilities. Furnishing of the requested information is voluntary except that the failure to provide such information may result in the Office on the ADA being unable to process your complaint.

Note: For information regarding filing of Title I complaints, see Disability Rights Texas' handout, Employment Discrimination.

Disability Rights Texas' goal is to make each handout understandable by and useful to the general public. If you have suggestions on how this handout can be improved, please contact Disability Rights Texas at the address and telephone number shown above or e-mail our agency at info@disabilityrightstx.org. Thank you for your assistance. This handout is available in Braille and/or on audio tape upon request. Disability Rights Texas strives to update its materials on an annual basis, and this handout is based upon the law at the time it was written. The law changes frequently and is subject to various interpretations by different courts. Future changes in the law may make some information in this handout inaccurate. The handout is not intended to and does not replace an attorney's advice or assistance based on your particular situation.