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*The subject deals with the Americans with Disabilities Act ("ADA" as it pertains to home offices, model homes and open houses.*

## **KEEP UP WITH THE ADA**

That may seem like a daunting task considering the many Americans with Disabilities Act regulations that have taken effect at staggered periods in the past few years. The most recent Title I employment section requirement, which became effective July 26, 1994, applies the ADA to employers with 15 or more employees. And in some states, the ADA applies to employers with an even lower number of employees--as low as five in California, for example.

In addition, ADA requirements also pertain to home offices. Specifically, if you or your salespeople conduct business with consumers at home, that portion of the home must be accessible to people with disabilities.

Clearly, ADA requirements now apply to more real estate offices than before. So what do you need to know?

In your office (home or otherwise), you must remove architectural and communication barriers--for example, by installing ramps, rearranging tables and chairs, lowering public phones, and widening doorways. The ADA qualifies this requirement by indicating that changes be "readily achievable and be carried out without much difficulty or expense." Because that statement is so subjective, the ADA takes a case-by-case approach to compliance modifications. For example, it might not hold a mom-and-pop business to the same standards as it would a large corporation.

## **An Interesting Development**

What about model homes? If your housing development's sales office is in a model home, it's covered as a place of public accommodation and must be disabled accessible. (Public accommodations include hotels, restaurants, convention centers, and sales businesses, such as real estate offices.)

On the other hand, model homes and open houses aren't generally considered places of public accommodation. Nonetheless, you should voluntarily provide minimum access to model homes

for prospective buyers with disabilities, the ADA says. That access could include a ramp, or lift to the primary level of one or several model homes and photographs of the other levels.

### **A Few Provisions You Should Make**

If requested, provide auxiliary aids, such as hearing devices to disabled individuals you work with. But when should you provide aids? You aren't obligated to provide them to someone who comes to an open house, for example. However, once you seriously start working with buyers by pre-qualifying them or with sellers by making listing presentations, you should.

Who decides what type of aids are acceptable? Consult with disabled buyers and sellers to determine what aids they need for effective access and communication. However, you make the ultimate decision about which type of aid to provide. For example, even though the buyer wants a \$5,000 state-of-the-art hearing device you may decide to rent a less expensive device that will adequately enable a buyer to hear what's being said.

If a hearing-impaired buyer or seller requires a sign language interpreter, provide a certified signer. But remember the interpreter should "interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary," the ADA says. So even a certified interpreter may not qualify if that person isn't familiar with real estate terms.

A lot to think about? Perhaps. But with many small businesses no longer exempt from ADA compliance, and the Office on the ADA fielding increasing numbers of complaints, it pays to stay alert to your obligations.