

HOW TO FILE A COMPLAINT

If you believe that you have been discriminated against because of your disability or denied a reasonable accommodation for your disability, you can file a complaint with the New York State Division of Human Rights.

A complaint must be filed with the Division within one year of the alleged discriminatory act. For more information or to file a complaint, you may contact the regional office nearest to your home or place of employment, or at our website at www.dhr.state.ny.us.

SOME EXAMPLES:

You have a mobility impairment and use a wheelchair to get around. A store's express check-out aisle is the only one that is accessible for you. Your groceries exceed the number for express service. What should the store do to accommodate you?

An example of modifying rules, practices, or procedures is to allow persons with disabilities to use the accessible express check out aisle regardless of the number of groceries being purchased.

You use a wheelchair and need to access a pharmacy to pick up a prescription. The pharmacy has one step at its entrance. Must the pharmacy remove the step to provide access?

If a person using a wheelchair cannot access a pharmacy due to the step, the pharmacy must remove the step if it is "readily achievable" to do so. If it is not "readily achievable" for the pharmacy to remove the step, the pharmacy remains obligated to provide goods and services in an alternative manner, such as providing home delivery or curbside service.

You have a visual impairment and want to attend a seminar open to the public. You need the seminar materials be printed in large font so that you can read them. What are the obligations of the seminar sponsor?

If the seminar is open to the public, it must produce its written materials in an alternative format so that they are accessible to persons with visual impairments. Alternative formats may include Braille or large font print.

RIGHTS OF PEOPLE WITH DISABILITIES

In Places of Public Accommodation

NEW YORK STATE DIVISION OF HUMAN RIGHTS

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Rights of People with Disabilities

In Places of Public Accommodation

The New York State Human Rights Law prohibits places of public accommodation from discriminating against persons with disabilities.

The Human Rights Law defines “disability” as:

- a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function; or
- is demonstrable by medically accepted diagnostic techniques; or
- a record of such impairment; or
- a condition regarded by others as such an impairment.

“Places of public accommodation” in New York State include: **hotels, restaurants, retail stores, health clinics, hospitals, amusement and recreation parks, and movie theatres.**

PROHIBITED DISCRIMINATORY CONDUCT
Places of public accommodation are prohibited from discriminating against persons with disabilities and must make their goods and services accessible. Places of public accommodation cannot deny goods or services to individuals on account of disability.

Places of public accommodation are prohibited from publishing or circulating any written materials that would indicate a denial of accommodations, advantages or privileges to persons with disabilities.

REASONABLE MODIFICATIONS OF POLICIES OR PROCEDURES

Places of public accommodation are required to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to make the public accommodation accessible to a person with a disability.

Places of public accommodation are not required to make modifications of policies, practices or procedures when such modification would fundamentally alter the nature of its business or facility.

REQUIREMENT TO PROVIDE AUXILIARY AIDS

Places of public accommodation must take such steps to ensure that no individual with a disability is excluded or denied services because of the absence of auxiliary aids or services.

“Auxiliary aids” may include qualified sign language interpreters for persons with hearing impairments, or written materials in Braille or large font for persons with seeing impairments.

Places of public accommodation are not required to provide auxiliary aids if such provision would fundamentally alter the nature of its business or facility, or result in an “undue burden.”

The burden of proving that the requested modification would fundamentally alter the nature of one’s business, or result in an “undue burden” is on the owner or operator of the public accommodation.

UNDUE BURDEN

An “undue burden” means significant difficulty or expense. In determining whether an action would result in an “undue burden”, the nature and cost of the requested modification is balanced against the resources of the place of public accommodation.

REMOVAL OF ARCHITECTURAL BARRIERS

Places of public accommodation must remove architectural barriers, and communication barriers that are structural in nature, in existing facilities where such removal is “readily achievable”. The law defines “readily achievable” as easily accomplishable and able to be carried out without much difficulty or expense. Examples of architectural barrier removal include:

- removing a step or steps at a primary entrance and installing a ramp, or
- widening of doorways or check out aisles, or
- lowering service counters to make them accessible to a wheelchair user.

If barrier removal is not readily achievable, a place of public accommodation must make its goods and services available to people with disabilities through alternative methods. This may mean providing goods or services at an alternative location that is accessible, or ensuring that staff are trained to accommodate requests from persons with disabilities to ensure equal access to goods and services.