

**Olmstead: Community Integration for Everyone**

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For the Department of Justice, turning the promise of the Olmstead decision into a reality for individuals with disabilities across the nation has become a major component of ADA enforcement.

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**1<sup>st</sup> Circuit - Maine, Massachusetts, New Hampshire, Puerto Rico, Rhode Island**

**U.S. v. Rhode Island – 1:14-cv-00175 – (D.R.I. 2014)**

On April 8, 2014, the United States entered into the nation's first statewide settlement agreement vindicating the civil rights of individuals with disabilities who are unnecessarily segregated in sheltered workshops and facility-based day programs. The settlement agreement with the State of Rhode Island resolves the Civil Rights Division's January 6, 2014 findings, as part of an ADA Olmstead investigation, that the State's day activity service system over-relies on segregated settings, including sheltered workshops and facility-based day programs, to the exclusion of integrated alternatives, such as supported employment and integrated day services. [Read More](#)

**U.S. v. Rhode Island and City of Providence 1:13-cv-00442, (D.R.I. 2013)**

On June 13, 2013, the United States entered a court-enforceable interim settlement agreement with the State of Rhode Island and the City of Providence which resolved the Civil Rights Division's findings, as part of an ADA Olmstead investigation, that the State and City have unnecessarily segregated individuals with intellectual and developmental disabilities (I/DD) in a sheltered workshop and segregated day activity service program, and have placed public school students with I/DD at risk of unnecessary segregation in that same program. [Read more](#)

**Amanda D. v. Wood Hassan, 1:12-CV-53-LM (D. N.H. 2012) (formerly Lynn E. v. Lynch)**

The Justice Department intervened in *Amanda D. v. Wood Hassan*, a lawsuit alleging that the state of New Hampshire fails to provide mental health services to people with disabilities in community settings in violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. [Read more](#)

**2<sup>nd</sup> Circuit - Connecticut, New York, Vermont**

**United States v. State of New York – 13-cv-4165 – (E.D.N.Y. 2013)**

On July 23, 2013, the United States, individual plaintiffs, and the State of New York filed a settlement agreement in the U.S. District Court for the Eastern District of New York. The agreement is subject to the court's approval. The agreement remedies discrimination by the State in the administration of its mental health service system and ensures that individuals with mental illness who reside in 23 large adult homes in New York City receive services in the most integrated setting appropriate to their needs consistent with the ADA and Olmstead. Under the

agreement, such individuals will have the opportunity to live and receive services in the community such that they are able to live, work, and participate fully in community life. [Read More](#)

**Connecticut Office of Protection and Advocacy v. State of Connecticut – 3:06-CV-179 – (D. CT 2006)** - The Plaintiffs in this lawsuit challenge the State of Connecticut's reliance on privately-run, segregated nursing facilities to serve the needs of individuals with mental illness who would be more appropriately served in community-based settings. [Read more](#)

### 3<sup>rd</sup> Circuit - Delaware, New Jersey, Pennsylvania

**Smith v. Department of Public Welfare of the Commonwealth of Pennsylvania – 2:13-cv-05670** - On June 12, 2014, the United States filed a Statement of Interest in the case of *Smith v. Department of Public Welfare of the Commonwealth of Pennsylvania*. In *Smith*, the Plaintiffs alleged that the Commonwealth of Pennsylvania put them at serious risk of institutionalization by reducing funding for Act 150, a state-funded program providing attendant care services in the community. [Read More](#)

**U.S. v. Delaware 11-CV-591** - On July 6, 2011 the Division filed in District Court a Complaint and a simultaneous Settlement Agreement resolving its ADA Olmstead investigation into whether persons with mental illness in Delaware are being served in the most integrated settings appropriate to their needs and its CRIPA investigation into conditions of confinement at Delaware Psychiatric Center. [Read more](#)

**Disability Rights New Jersey, Inc. v. Velez – 05-CV-4723 – (D. NJ 2005)** - Hundreds of persons with developmental disabilities residing in several large State-owned-and-operated institutions in New Jersey brought this suit, alleging that the State fails to provide them with services and supports in the most integrated setting appropriate to their needs. [Read more](#)

**Benjamin et al. v. Pennsylvania Dept. of Public Welfare – 09-CV-1182 – (M.D. PA)** - In July 2010, the United States filed an amicus curiae (“friend of the court”) brief in this class action. We supported the arguments made by a class of individuals with developmental disabilities who sought to end their unjustified segregation in Pennsylvania's large, publicly-run congregate care institutions. [Read more](#)

### 4<sup>th</sup> Circuit - Maryland, North Carolina, South Carolina, Virginia, West Virginia

**West Virginia Department of Health and Human Resources | (PDF)** – On June 1, 2015, the United States sent its findings to the state stating it violates the Americans with Disabilities Act and Olmstead v. L.C. by failing to deliver mental health services to children who rely on publicly funded care in the most integrated settings appropriate. Children in West Virginia experience high levels of institutionalization per capita and are unable to access mental health services in their homes and communities.

**U.S. v. North Carolina, No. 5:12-cv-557 (E.D.N.C. 2012)**

On August 23, 2012, the United States entered a comprehensive, eight-year settlement agreement with the State of North Carolina resolving the Civil Rights Division's ADA Olmstead investigation of the State's mental health service system, which currently serves thousands of individuals with mental illness in large adult care homes. The Agreement will expand access to community-based supported housing – integrated housing that promotes inclusion and independence and

enables individuals with mental illness to participate fully in community life. [Read more](#)

**U.S. v. Virginia - 3:12CV059 (E.D. VA 2012)** - On January 26, 2012, the Division filed in District Court a Complaint and a simultaneous Settlement Agreement resolving its ADA Olmstead investigation into whether persons with intellectual and developmental disabilities in Virginia are being served in the most integrated settings appropriate to their needs.

After taking public comment and holding a fairness hearing, the Court approved the settlement agreement subject to certain modifications, which were agreed to by the Commonwealth and the United States. The Court entered the settlement agreement as a final order on August 23, 2012. [Read more](#)

**ARC of Virginia, Inc. v. Kaine – 09-CV-686 – (E.D. VA 2009)** - The United States filed an Amicus Curiae Brief supporting the ARC of Virginia's challenge to the State of Virginia's plan to build a costly, institutional facility for individuals with intellectual disabilities, a plan that Plaintiff alleged would result in seventy-five individuals being moved to unnecessarily segregated facilities. [Read more](#)

**Marlo M. v. Cansler – 09-CV-535 – (E.D. NC 2009)** - In a case brought by two individuals with mental illness and developmental disabilities who faced institutionalization because of the State's decision to reduce their community-based services, the United States filed an Amicus Brief in Support of Plaintiffs' Motion for Preliminary Injunction in December 2009, requesting that the Court stop the State from reducing the services. [Read more](#)

**Clinton L., et al. v. Cansler, et al. – 10-CV-00123 – (M.D. NC 2010)** - Individuals with developmental disabilities and mental illness challenged the State's proposed reductions in reimbursement rates for in-home services that will have the effect of eliminating providers that offer medically necessary services that enable individuals to successfully reside in the community and will place them at risk of institutionalization. [Read more](#)

## 5<sup>th</sup> Circuit - Louisiana, Mississippi, Texas

### **DOJ Findings Letter to Louisiana (PDF)**

On December 21, 2016, the United States sent its findings to the state notifying it of violations of the Americans with Disabilities Act, which stem from its failure to deliver services to people with serious mental illness in the most integrated settings appropriate. People with serious mental illness in Louisiana often must enter nursing facilities to receive the day-to-day assistance they need when they rely on the state to provide those services.

**Steward et. al. v. Perry et. al. – 5:10-CV-1025 (W.D. TX 2010)** - On September 20, 2012, the Court granted the United States' request to intervene in a pending lawsuit against the State of Texas. The suit claims that Texas unnecessarily segregates individuals with intellectual and developmental disabilities in nursing facilities, and that this violates the law under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. [Read more](#)

### **U.S. v. Mississippi (S.D. Miss 2016)**

The United States issued a findings letter in December 2011 concluding that Mississippi is violating the ADA's integration mandate in its provision of services to people with developmental disabilities and mental illness. Following an investigation, the Department found that the State of Mississippi has failed to meet its obligations under the ADA by unnecessarily institutionalizing persons with mental illness or developmental disabilities and failing to ensure that they are

offered a meaningful opportunity to live in integrated community settings appropriate to their needs. [Read More](#)

**Pitts v. Greenstein – 10-CV-635 – (M.D. LA 2010)** - In September 2010, a group of four individuals with disabilities who receive and depend on Medicaid Personal Care Services (PCS) in order to remain in the community and to prevent hospitalization and institutionalization filed suit to prevent the State of Louisiana from reducing the maximum number of PCS hours available each week. [Read more](#)

**Troupe v. Barbour – 10-CV-00153 – (S.D. MS 2010)** - The United States filed a Statement of Interest opposing Mississippi officials' motion to dismiss the complaint of Medicaid-eligible children with significant behavioral disorders who allege that the State of Mississippi fails to ensure that medically necessary services are provided to Medicaid-eligible children in the most integrated setting appropriate to their needs in violation of the ADA and the EPSDT provisions of the Medicaid Act. [Read more](#)

## 6<sup>th</sup> Circuit - Kentucky, Michigan, Ohio, Tennessee

### ***Ball v. Kasich* - 2:16-cv-282**

On August 22, 2016, the United States filed a Statement of Interest in the case of *Ball v. Kasich*. In *Ball*, individuals on a wait list for home- and community-based services allege that Ohio's ongoing denial of services has placed them at serious risk of institutionalization. [Read More](#)

**John B. v. Emkes** (formerly John B. v. Goetz) – **3-98-0168 - (M.D. TN 1998)** - Following a remand from the Court of Appeals for the Sixth Circuit, the United States filed a Statement of Interest in support of a Consent Decree remedying alleged failures by Tennessee officials to provide adequate health services and treatment to thousands of Medicaid-eligible children in violation of the early and periodic screening, diagnostic and treatment (EPSDT) provisions of the Medicaid Act. [Read more](#)

## 7<sup>th</sup> Circuit - Illinois, Indiana, Wisconsin

**Maertz v. Minott - 1:13-cv-957-JMS-MJD (S.D. In. 2015)** - On March 27, 2015, the United States filed a Statement of Interest in opposition to the State of Indiana's argument that serious risk of institutionalization or segregation is not a viable claim under the ADA. In *Maertz*, Plaintiffs with developmental disabilities provided evidence that the State of Indiana harmed their health by drastically reducing their home and community-based Medicaid services, placing them at serious risk of institutionalization.

**ILADD v. DHS – 13-CV-01300 – (E.D. IL 2013)** - On April 15, 2013, the United States filed a Statement of Interest in *ILADD v. Quinn*. Plaintiffs seek a preliminary injunction to stop the planned closure of two state-run centers for people with developmental disabilities. [Read more](#)

**Ligas v. Maram – 05-CV-04331 – (N.D. IL 2005)** - In January 2010, the United States filed a Statement of Interest urging the Court to grant preliminary approval of the Plaintiffs' and Defendants' jointly submitted Consent Decree in a case regarding large, private facilities for individuals with developmental disabilities. Intervenor, primarily family members of residents, strongly opposed the agreement. [Read more](#)

**Williams v. Quinn – 05-CV-4673 – (N.D. IL 2005)** – On May 24, 2010, the Department filed comments in *Williams v. Quinn*, supporting a Settlement

Agreement that would provide hundreds of individuals with mental illness the opportunity to move from institutions to community-based settings. [Read more](#)

**Hampe v. Hamos – 10-CV-3121 – (N.D. IL 2010)** - In July 2010, the United States filed a Statement of Interest in Support of Plaintiffs' Motion for Class Certification, urging the Court to permit young adults to collectively challenge a State policy that places medically fragile individuals with disabilities at risk of institutionalization after turning 21. [Read more](#)

## **8<sup>th</sup> Circuit - Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota**

### **DOJ Findings Letter to South Dakota (Word) | PDF**

On May 2, 2016, the United States sent its findings to the state notifying it of violations of the Americans with Disabilities Act and *Olmstead v. L.C.* due to its failure to deliver services to people with disabilities in the most integrated settings appropriate. [Read more](#)

**U.S. v. Arkansas – 10-CV-327 – (E.D. AR 2010)** -- The United States filed suit against the State of Arkansas and Arkansas officials on May 6, 2010, alleging that the defendants were violating the ADA by failing to provide services to individuals with developmental disabilities in the most integrated setting appropriate to their needs and by failing to provide community service options for the 1400 people on waiting lists at risk of institutionalization. [Read more](#)

**U.S. v. Arkansas – 4:09-CV-00033 – (E.D. AR 2009)** - The United States filed a complaint on January 16, 2009, against the State of Arkansas and Arkansas officials alleging violations of the ADA, the U.S. Constitution, and the Individuals with Disabilities Education Act at the State's Conway Human Development Center for failing to provide services to facility residents in the most integrated setting appropriate to their needs; subjecting them to unconstitutional conditions; and depriving them of a free appropriate public education in the least restrictive environment. [Read more](#)

**Hiltibran v. Levy – 10-CV-4185 – (W.D. MO 2010)** - In a suit brought by individuals who need incontinence supplies to live in the community, the United States filed a Statement of Interest in Support of Plaintiffs' Motion for Preliminary Injunction, requesting that the Court order the State to provide the Medicaid-funded incontinence supplies to individuals who need those supplies to prevent their placing in nursing facilities. [Read more](#)

## **9<sup>th</sup> Circuit - Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington**

### **Lane v. Brown (formerly Lane v. Kitzhaber) – 12-CV-00138 – (D. OR 2012)**

On September 8, 2015, the United States entered into a proposed settlement agreement with the State of Oregon to vindicate the civil rights of individuals with intellectual and developmental disabilities (I/DD) who are unnecessarily segregated in sheltered workshops, or at risk of such unnecessary segregation. [Read More](#)

**Katie A. v. Douglas – CV-02-05662 AHM (SHX) – (C.D. CA 2011) (Formerly Katie A. v. Bonta)** - On November 18, 2011, Comments of the United States in Support of Final Approval of the Proposed Settlement Agreement were filed in support of the parties' agreement to the manner in which the State will provide an array of intensive, community-based mental health services to Medi-Cal eligible foster children or children at-risk of entry into the foster-care system. [Read more](#)

**Darling v. Douglas – 09-CV-3798 – (N.D. CA 2009) (Formerly Cota v. Maxwell-Jolly)** - The United States filed a Statement of Interest on July 12, 2011 and October 31, 2011 in support of Plaintiffs' challenge to the manner in which the State plans to eliminate the Adult Day Health Care (ADHC) service, which enables elderly individuals and individuals with physical and mental disabilities to live in the community and avoid hospitalization and institutionalization. [Read more](#)

**Oster, et al. v. Wagner – 09-17581 – (9th Cir. 2009)** - The United States filed a Statement of Interest on January 9, 2012 regarding Plaintiffs' challenge to a twenty percent reduction in personal care services provided through the State's In-Home Support Services (IHSS) program. IHSS is designed to enable elderly individuals and individuals with disabilities to avoid hospitalization and institutionalization. [Read more](#)

**Napper v. County of Sacramento – 10-CV-01119 – (E.D. CA 2010)** - Individuals with mental illness brought suit against the County of Sacramento for failing to provide adequate community-based services, which placed them at risk of institutionalization. [Read more](#)

**M.R. v. Dreyfus – 10-CV-2052 – (W.D. WA 2011)** - On December 16, 2011, the Ninth Circuit Court of Appeals reversed the judgment of the district court and granted injunctive relief with respect to the named plaintiffs, finding that plaintiffs had demonstrated that the State's cuts placed them at serious risk of institutionalization in violation of the ADA. The court relied, in part, upon DOJ's previously filed Statement of Interest. [Read more](#)

## **10<sup>th</sup> Circuit - Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming**

## **11<sup>th</sup> Circuit - Alabama, Florida, Georgia**

### **Alvey v. Gualtieri (M.D. Fla. 2016)**

This Statement of Interest was filed to clarify a county-run homeless shelter's obligations under Title II, including the obligation to provide safe and appropriate facilities for individuals with disabilities, and the obligation to consider reasonable modifications that would allow individuals with disabilities to meet the shelter's eligibility criteria. [Read More](#)

### **Georgia Network for Educational and Therapeutic Support / U.S. v. Georgia (N.D. Ga. 2016)**

On August 23, 2016, the United States filed a lawsuit against the State of Georgia in federal district court to remedy violations of the ADA pertaining to the State's failure to provide thousands of public school students with behavior-related disabilities with appropriate mental health and therapeutic educational services and supports in the most integrated setting appropriate to their needs. The lawsuit alleges that, as a result of the manner in which Georgia plans, funds, administers, and delivers its mental health and therapeutic educational services through the Georgia Network for Educational and Therapeutic Support Program ("GNETS Program"), students with disabilities are unnecessarily segregated and provided unequal educational opportunities in GNETS Centers and Classrooms, where they are isolated from their non-disabled peers, when they could be served in general education classrooms. The lawsuit further alleges that other students with behavior-related disabilities are placed at serious risk of segregation in the GNETS Program.

On July 15, 2015, the United States sent its findings to the State of Georgia stating that the State's administration of the Georgia Network for Educational and Therapeutic Support (GNETS) program violates Title II of the Americans with Disabilities Act by unnecessarily segregating students with disabilities from their



peers in school. The State fails to ensure that students with behavior-related disabilities receive services and supports that could enable them to remain in, or return to, the most integrated educational placements appropriate to their needs.

[Complaint](#) - filed August 23, 2016

[Press Release](#) - August 23, 2016

Letter of Findings ([Word](#)) | ([PDF](#)) - July 15, 2015

**Alabama Disabilities Advocacy Program v. SafetyNet Youthcare, Inc. – 2:13-cv-00519 – (S.D. Ala. 2014)**

On October 14, 2014 the United States filed a Statement of Interest in *Alabama Disabilities Advocacy Program v. SafetyNet Youthcare, Inc.*, a case in which the defendant denied access to the local protection and advocacy organization. The Statement of Interest expresses the United States' view that facilities must permit access under the Protection and Advocacy for Individuals with Mental Illness Act to all residents regardless of whether the facility characterizes some residents as having a less serious mental health disorder than others.

**U.S. v. State of Florida, 1:13-cv-61576 (S.D. Fla. 2013)**

On July 22, 2013, the United States filed a lawsuit against the State of Florida in federal district court to remedy ADA violations involving the State's failure to provide services and supports to children with disabilities in the most integrated setting appropriate to their needs. The lawsuit alleges that, as a result of the manner in which Florida administers its service system for children with significant medical needs, children with disabilities are unnecessarily segregated in nursing facilities when they could be served in their family homes or other community-based settings. The lawsuit further alleges that the State's policies and practices place other children with significant medical needs in the community at serious risk of institutionalization in nursing facilities. [Read More](#)

**Hunter v. Cook, 1:08-cv-02930-TWT (N.D. Ga. 2013)**

The United States filed a Statement of Interest in *Hunter v. Cook*, in opposition to the state of Georgia's argument that serious risk of institutionalization is not a viable claim under Title II of the ADA. [Read More](#)

**Georgia Advocacy Office v. Shelp, 1:09-cv-2880-CAP** - The United States filed a Statement of Interest on June 25, 2010 to address the issue of access to institutions and records granted to Protection and Advocacy systems pursuant to the P&A acts. [Read more](#)

**Haddad v. Arnold – 10-CV-414 – (M.D. FL 2010)** - Michelle Haddad successfully sought a preliminary injunction enjoining the State of Florida from denying her the home and community-based services available under its Traumatic Brain Injury/Spinal Cord Injury Medicaid Waiver. [Read more](#)

**Jones v. Arnold – 09-CV-1170 – (M.D. FL 2010)** - Plaintiffs challenge the State's failure to fund appropriate Medicaid community services for individuals with spinal cord injury, which places plaintiffs at risk of institutionalization in violation of Olmstead. [Read more](#)

**Cruz v. Dudek – 1:10-CV-23048 – (S.D. FL 2010)** - Luis Cruz and Nigel de la Torre successfully sought a preliminary injunction enjoining the State of Florida from denying them the home and community-based services available under its Traumatic Brain Injury/Spinal Cord Injury Medicaid Waiver. [Read more](#)

**Knipp v. Perdue – 10-CV-2850 – (N.D. GA 2010)** - In October 2010, the United States filed a brief in support of Plaintiffs' challenge to the State's plan to eliminate services for individuals with mental illness without offering sufficient alternative

support services that are necessary to prevent Plaintiffs' hospitalization and institutionalization. [Read more](#)

**Boyd v. Mullins -- 2:10-CV-688 -- (M.D. AL 2010)** - Jonathon Paul Boyd, a 34-year-old with quadriplegia who is currently living in a nursing home but desires and is able to receive services in a more integrated setting, alleges that the State of Alabama violates Title II of the ADA by administering its Medicaid program in a manner that causes Mr. Boyd to be unnecessarily institutionalized in a nursing facility. [Read more](#)

**U.S. v. Georgia -- 10-CV-249 -- (N.D. GA 2010)** - On October 19, 2010, the DOJ entered into a comprehensive Settlement Agreement with the State of Georgia and Georgia officials, resolving the United States' complaint alleging that individuals with mental illness and developmental disabilities confined in State hospitals were unnecessarily institutionalized and subjected to unconstitutional harm to their lives, health, and safety in violation of the ADA and the U.S. Constitution. [Read more](#)

**Long v. Benson -- 08-16261 -- (11th Cir. 2009) (related to Lee v. Dudek)** - Clayton Griffin—a member of the class in *Lee v. Dudek* and who is partially paralyzed—successfully sought a preliminary injunction requiring the State of Florida to provide him with community-based services through the State's Medicaid program, instead of requiring him to remain in a nursing home in order to receive needed services. [Read more](#)

**Lee v. Dudek -- 08-CV-26 -- (N.D. FL 2008)** - This class of plaintiffs—consisting of all Medicaid-eligible adults with disabilities who currently, or at any time during the litigation, are unnecessarily confined to a nursing facility and desire to and are capable of residing in the community—claims that the State of Florida's refusal to provide services in the community to these individuals violates the ADA's integration mandate. [Read more](#)

## DC Circuit - Washington, DC

**Thorpe et al. v. District of Columbia, 1:10-cv-02250-ESH (D.D.C. 2010) (formerly Day et al. v. District of Columbia)** - The United States filed a Statement of Interest on June 26, 2013, supporting the Plaintiffs' Renewed Motion for Class Certification. The United States previously filed a Statement of Interest on October 3, 2011, opposing the Defendants' Motion to Dismiss or in the Alternative, for Summary Judgment. The pending lawsuit alleges that the District of Columbia violates the ADA and Section 504 of the Rehabilitation Act by unnecessarily segregating individuals with physical disabilities in nursing facilities. [Read more](#)

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