

ADA QUESTIONS AND ANSWERS:

THE AMERICANS WITH DISABILITIES ACT AND PERSONS WITH HIV/AIDS

This information page contains useful examples of ADA provisions in relation to hiv/aids+ individuals, and may be relevant for people with chronic hepatitis C.

U.S. Department of Justice Civil Rights Division Disability Rights Section

I. Introduction

1. Q: What is the ADA?

A: The Americans with Disabilities Act (ADA) gives federal civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

2. Q: Are people with HIV or AIDS protected by the ADA?

A: Yes. An individual is considered to have a "disability" if he or she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Persons with HIV disease, both symptomatic and asymptomatic, have physical impairments that substantially limit one or more major life activities and are, therefore, protected by the law.

Persons who are discriminated against because they are regarded as being HIV-positive are also protected. For example, a person who was fired on the basis of a rumor that he had AIDS, even if he did not, would be protected by the law.

Moreover, the ADA protects persons who are discriminated against because they have a known association or relationship with an individual who is HIV-positive. For example, the ADA would protect an HIV-negative woman who was denied a job because her roommate had AIDS.

II. Employment

1. Q: What employers are covered by the ADA?

A: The ADA prohibits discrimination by all private employers with 15 or more employees. In addition, the ADA prohibits all public entities, regardless of the size of their work force, from discriminating in employment against qualified individuals with disabilities.

2. Q: What employment practices are covered by the ADA?

A: The ADA prohibits discrimination in all employment practices. This includes not only hiring and firing, but job application procedures (including the job interview), job assignment, training, and promotions. It also includes wages, benefits (including health insurance), leave, and all other employment-related activities. Examples of employment discrimination against persons with HIV/AIDS would include:

- An automobile manufacturing company that had a blanket policy of refusing to hire anyone infected with the AIDS virus.

- An airline that extended an offer to a job applicant and then rescinded the offer when, after the applicant took an HIV test as part of the airline's required medical examination, the applicant tested positive for HIV.

- A restaurant that fired a waitress after learning that the waitress had HIV.

- A university that fired a physical education instructor after learning that the instructor's boyfriend had AIDS.

- A company that contracted with an insurance company that had a cap on health insurance benefits provided to employees for HIV-related complications, but not on other health insurance benefits.

3. Q: Who is protected by the employment provisions of the ADA?

A: The ADA prohibits employment discrimination against qualified individuals with disabilities. A "qualified individual with a disability" is a person who meets legitimate skill, experience, education, or other requirements of an employment position he or she holds or seeks, and who can perform the "essential functions" of the position with or without reasonable accommodation.

4. Q: What is an "essential function" of the job?

A: Essential functions of the job are those core duties that are the reason the job position exists. For example, an essential function of a typist's position is the ability to type; an essential function of a bus driver's position is the ability to drive.

Requiring the ability to perform "essential" functions assures that an individual with a disability will not be considered unqualified because of his or her inability to perform marginal or incidental job functions.

5. Q: What is a "reasonable accommodation"?

A: A "reasonable accommodation" is any modification or adjustment to a job, the job application process, or the work environment that will enable a qualified applicant or employee with a disability to perform the essential functions of the job, participate in the application process, or enjoy the benefits and privileges of employment. Examples of "reasonable accommodations" include: making existing facilities readily accessible to and usable by employees with disabilities; restructuring a job; modifying work schedules; acquiring or modifying equipment; and reassigning a current employee to a vacant position for which the individual is qualified.

For example:

- An HIV-positive accountant required two hours off, bimonthly, for visits to his doctor. He was permitted to take longer lunch breaks and to make up the time by working later on those days.
- A supermarket check-out clerk with AIDS had difficulty standing for long periods of time. Her employer provided her with a stool so that she could sit down at the cash register when necessary.
- A secretary with AIDS needed to take frequent rest breaks during her work day. Her boss allowed her to take as many breaks as she needed throughout the day, so long as she completed her work before going home each evening.
- A machine operator required time off from work during his hospitalization with pneumocystis carinii pneumonia. He had already used up all his sick leave. His employer allowed him to either take leave without pay, or to use his accrued vacation leave.

- An HIV-positive computer programmer suffered bouts of nausea caused by his medication. His employer allowed him to work at home on those days that he found it too difficult to come into the office. His employer provided him with the equipment (computer, modem, fax machine, etc.) necessary for him to work at home.

- An HIV-positive newspaper editor who tired easily from walking began to use an electric scooter to get around. His employer installed a ramp at the entrance to the building in which the editor worked so that the editor could use his scooter at the office.

6. Q: Does an employer always have to provide a needed reasonable accommodation?

A: An employer is not required to make an accommodation if it would impose an undue hardship on the operation of the business. An undue hardship is an action that requires "significant difficulty or expense" in relation to the size of the employer, the resources available, and the nature of the operation. Determination as to whether a particular accommodation poses an undue hardship must be made on a case-by-case basis.

Customer or co-worker attitudes are not relevant. The potential loss of customers or co-workers because an employee has HIV/AIDS does not constitute an undue hardship.

An employer is not required to provide an employee's first choice of accommodation. The employer is, however, required to provide an effective accommodation, i.e., an accommodation that meets the individual's needs.

7. Q: When is an employer required to make a reasonable accommodation?

A: An employer is only required to accommodate a "known" disability of a qualified applicant or employee. Thus, it is the employee's responsibility to tell the employer that he or she needs a reasonable accommodation. If the employee does not want to disclose that he or she has HIV or AIDS, it may be sufficient for the employee to say that he or she has an illness or disability covered by the ADA, that the illness or disability causes certain problems with work, and that the employee wants a reasonable accommodation. However, an employer can require medical documentation of the employee's disability and the limitations resulting from that disability.

8. Q: What if an employer has concerns about an applicant's ability to do the job in the future?

A: Employers cannot choose not to hire a qualified person now because they fear the worker will become too ill to work in the future. The hiring decision must be based on how well the individual can perform now. In addition, employers cannot decide to not hire qualified people with HIV or AIDS because they are afraid of higher medical insurance costs, worker's compensation costs, or absenteeism.

9. Q: Can an employer consider health and safety when deciding whether to hire an applicant or retain an employee who has HIV/AIDS?

A: Yes, but only under limited circumstances. The ADA permits employers to establish qualification standards that will exclude individuals who pose a direct threat -- i.e., a significant risk of substantial harm -- to the health or safety of the individual or of others, if that risk cannot be eliminated or reduced below the level of a "direct threat" by reasonable accommodation. However, an employer may not simply assume that a threat exists; the employer must establish through objective, medically supportable methods that there is a significant risk that substantial harm could occur in the workplace. By requiring employers to make individualized judgments based on reliable medical or other objective evidence -- rather than on generalizations, ignorance, fear, patronizing attitudes, or stereotypes -- the ADA recognizes the need to balance the interests of people with disabilities against the legitimate interests of employers in maintaining a safe workplace.

Transmission of HIV will rarely be a legitimate "direct threat" issue. It is medically established that HIV can only be transmitted by sexual contact with an infected individual, exposure to infected blood or blood products, or perinatally from an infected mother to infant during pregnancy, birth, or breast feeding. HIV cannot be transmitted by casual contact. Thus, there is little possibility that HIV could ever be transmitted in the workplace.

For example:

- A superintendent may believe that there is a risk of employing an individual with HIV disease as a schoolteacher. However, there is little or no likelihood of a direct exchange of body fluids between the teacher and her students, and thus, employing this person would not pose a direct threat.

- A restaurant owner may believe that there is a risk of employing an individual with HIV disease as a cook, waiter or waitress, or dishwasher, because the employee might transmit the disease through the handling of food. However, HIV and AIDS are specifically not included on the Centers for Disease Control and Prevention ("CDC") list of infectious and communicable diseases that are transmitted through the handling of food. Thus, there is little or no likelihood that employing persons with HIV/AIDS in food handling positions would pose a risk of transmitting HIV. - A fire chief may believe that an HIV-infected firefighter may pose a risk to others when performing mouth-to-mouth resuscitation. However, current medical evidence indicates that HIV cannot be transmitted by the exchange of saliva. Thus, there is little or no likelihood that an HIV-infected firefighter would pose a risk to others.

Having HIV or AIDS, however, might impair an individual's ability to perform certain functions of a job, thus causing the individual to pose a direct threat to the health or safety of the individual or others.

For example:

- A worker who operates heavy machinery and who has been suffering from dizzy spells caused by the medication he is taking might pose a direct threat to his or someone else's safety. If no reasonable accommodation is available (e.g., an open position to which the employee could be reassigned), the employer would not violate the ADA by laying the worker off.

- An airline pilot who is experiencing bouts of dementia would pose a direct threat to herself and her passengers' safety. It would not violate the ADA if the airline prohibited her from flying.

As noted above, the direct threat assessment must be an individualized assessment. Any blanket exclusion -- for example, refusing to hire persons with HIV/AIDS because of the attendant health risks -- would probably violate the ADA as a matter of law.

10. Q: When can an employer inquire into an applicant's or employee's HIV status?

A: An employer may not ask or require a job applicant to take a medical examination before making a job offer. It cannot make any pre-offer inquiry about a disability or the nature or severity of a disability. An employer may, however, ask questions about the ability to perform specific job functions. Thus, for example, the owner of an outdoor cafe could not ask an individual with KS lesions who was applying for the position of a waiter whether the applicant had AIDS. The owner could, however, ask the applicant whether he can be in the sun for extended periods of time.

An employer may condition a job offer on the satisfactory result of a post-offer medical examination or medical inquiry if this is required of all entering employees in the same job category. However, if an individual is not hired because a post-offer medical examination or inquiry reveals a disability, the reason(s) for not hiring must be job-related and consistent with business necessity. HIV-positive status alone, without some accompanying complication (e.g., dementia, loss of vision, etc.) can almost never be the basis for a refusal to hire after a post-offer medical examination.

After a person starts work, a medical examination or inquiry of an employee must be job-related and consistent with business necessity. Employers may conduct employee medical examinations where there is evidence of a job performance or safety problem, when examinations are required by other Federal laws, when examinations are necessary to determine current "fitness" to perform a particular job, and/or where voluntary examinations are part of employee health programs. For example, an employer could not ask an employee who had lesions on his face or who had recently lost a significant amount of weight, but whose job performance had not changed in any way, whether the employee had AIDS. An employer could, however, require an employee who was experiencing frequent dizzy spells, and whose work was suffering as a result, to undergo a medical examination.

11. Q: What obligations does an employer have if an employee discloses his or her HIV status?

A: The ADA requires that medical information be kept confidential. This information must be kept apart from general personnel files as a separate, confidential medical record available only under limited conditions.

12. Q: What obligations does an employer have to provide health insurance to employees with HIV/AIDS?

A: The ADA prohibits employers from discriminating on the basis of disability in the provision of health insurance to their employees and/or from entering into contracts with health insurance companies that discriminate on the basis of disability. Insurance distinctions that are not based on disability, however, and that are applied equally to all insured employees, do not discriminate on the basis of disability and do not violate the ADA.

Thus, for example, blanket pre-existing condition clauses that exclude from the coverage of a health insurance plan the treatment of all physical conditions that predate an individual's eligibility for benefits are not distinctions based on disability and do not violate the ADA. A pre-existing condition clause that excluded only the treatment of HIV-related conditions, however, is a disability-based distinction and would likely violate the ADA.

Similarly, a health insurance plan that capped benefits for the treatment of all physical conditions at \$50,000 per year does not make disability-based distinctions and does not violate the ADA. A plan that capped benefits for the treatment of all physical conditions, except AIDS, at \$50,000 per year, and capped the treatment for AIDS-related conditions at \$10,000 per year does distinguish on the basis of disability and probably violates the ADA.

13. Q: What can an applicant or employee do if he or she believes that he or she is being discriminated against on the basis of his or her HIV status?

A: An applicant or employee who believes that he or she is the victim of HIV discrimination should first try to explain to his or her employer what the ADA requires. If the issue is not resolved satisfactorily, the employee may file a complaint with the nearest Equal Employment Opportunity Commission office. The complaint must be filed within 180 days of when the discrimination occurred. The EEOC will investigate the complaint and either act to correct the problem or give the employee a "right to sue" letter. The right to sue letter permits the employee to sue the employer directly. The employee may be entitled to the job he or she was denied, back pay, benefits, or other compensatory and punitive damages.

For more information about the ADA's employment requirements, please call the Equal Employment Opportunity Commission at (800)669-4000 (voice) or (800)669-6820 (TDD).

III. Public Accommodations

1. Q: What is a public accommodation?

A: A public accommodation is a private entity that owns, operates, leases, or leases to a place of public accommodation. Places of public accommodation include a wide range of entities, such as restaurants, hotels, theaters, doctors offices, dentists offices, hospitals, retail stores, health clubs, museums, libraries, private schools, and day care centers. Private clubs and places run by religious organizations are not considered places of public accommodation.

2. Q: What constitutes discrimination?

A: Discrimination is the failure to give a person with a disability the equal opportunity to use or enjoy the public accommodation's goods, services, or facilities. Examples of ADA violations would include:

- A dentist who categorically refused to treat all persons with HIV/AIDS.
- A moving company that refused to move the belongings of a person who had AIDS, or that refused to move the belongings of a person whose neighbor had AIDS.
- A health club that charged extra fees to persons who were HIV-positive, or that prohibited HIV-positive members from using the steam room or sauna, or that limited the hours during which HIV-positive members could use the club's facilities.
- A day care center that categorically refused admission to HIV-positive children or the children of HIV-positive mothers.
- A funeral home that refused to provide funeral services for a person who died from AIDS-related complications.
- A building owner who refused to lease space to a not-for-profit organization that provided services to persons living with HIV/AIDS.

The ADA also requires public accommodations to take steps to ensure that persons with disabilities have equal access to their goods and services. For example, the ADA requires public accommodations to make reasonable changes in their policies, practices, and procedures; to provide communication aids and services; and to remove physical barriers to access when it is readily achievable to do so.

3. Q: What types of changes in policies, practices, or procedures would a public accommodation have to make to ensure equal access to persons with HIV/AIDS?

A: Even though a public accommodation may not intend to discriminate against persons with HIV/AIDS, its customary way of doing business may unintentionally exclude persons with HIV/AIDS or provide them with lesser services. If reasonable modifications in the business policies, practices, or procedures would rectify the problem, the public accommodation would be required to make those changes.

For example:

- A hotel does not allow pets. It would be a reasonable modification of the hotel's policy to allow a person who has lost his vision from cytomegalovirus retinitis (CMV), an AIDS-related illness, to have his guide dog stay with him in the hotel.

- A pharmacy requires customers to stand in line to be served. A person with AIDS finds it too tiring to stand in line. It would be a reasonable modification of the pharmacy's procedures to allow the person to announce her presence and/or take a number and then sit down until her prescription is filled. It would also be a reasonable modification if the pharmacy provided curbside service and/or home delivery.

4. Q: Are health care providers required to treat all persons with HIV/AIDS, regardless of whether the treatment being sought is within the provider's area of expertise?

A: No. A health care provider is not required to treat a person who is seeking or requires treatment or services outside the provider's area of expertise. However, a health care provider cannot simply refer a patient with HIV/AIDS to another provider simply because the patient has HIV/AIDS. The referral must be based on the treatment the patient is seeking, not the patient's HIV status alone.

For example:

- An HIV-positive individual suffers a severe allergic drug reaction while on vacation and goes to the nearest emergency room. The hospital routinely treats people suffering from allergic drug reactions. Sending the patient

to another hospital that allegedly has an "AIDS unit" would violate the ADA.

- An HIV-positive individual is in a car accident and suffers severe third degree burns. He is taken to the nearest hospital, which does not have a burn unit. Sending the patient to another hospital that has a burn unit would not violate the ADA.

- A person with AIDS goes to the dentist for a teeth cleaning. The dentist refers her to another dentist because the dentist claims he is "not equipped" to treat persons with AIDS. Because there is no special equipment necessary for providing routine dental care to persons with HIV/AIDS, this "referral" would violate the ADA.

- A person with AIDS goes to the dentist because she has an oral lesion on the roof of her mouth. The dentist tells the patient that she has a lesion that the dentist is not able to identify and does not know how to treat. The dentist refers the patient to an oral surgeon for diagnosis and treatment of the lesion, with the understanding that the patient will return to the dentist for the provision of routine dental care. This would not violate the ADA.

5. Q: What types of communication aids and services would a public accommodation be required to provide to persons with HIV/AIDS?

A: A public accommodation is required to provide auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities, unless an undue burden (i.e., a significant difficulty or expense) or fundamental alteration would result. Thus, if a person with HIV or AIDS has an impairment -- such as a vision, hearing, or speech impairment -- that substantially limits his or her ability to communicate, the public accommodation must provide auxiliary aids or services that will ensure equal access to the goods, services, or facilities that the public accommodation offers. The impairment can be one that the person has had from birth, or one that has recently developed as a result of an AIDS-related complication.

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the length and complexity of the communication involved. Some examples of auxiliary aids and services are -- exchanging written notes, typing back and forth on a computer, providing a qualified sign language interpreter, or having a telecommunication device for deaf persons (TDD) for customers with

hearing impairments; reading aloud, providing large print, audiotapes, or braille materials, or locating merchandise for customers with vision impairments; and using TDD s or computer terminals for persons with speech impairments.

For example:

- A person who was born deaf and uses American Sign Language as his primary means of communication goes to his physician to receive the results of his HIV test. The test results have come back positive. The physician may be required to obtain and pay for a sign language interpreter, as the communication between the physician and his patient is likely to be lengthy and complex and may only be effective if a sign language interpreter is provided.
- A person with AIDS has recently lost his vision as a result of an AIDS-related complication. It would be appropriate for a restaurant waiter to read aloud the contents of the menu.

6. Q: Can a public accommodation charge for reasonable modifications in its policies, practices, or procedures, or for the provision of communication aids and services?

A: No. A public accommodation may not impose a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs necessary to provide nondiscriminatory treatment.

For example:

- A law firm routinely prepares wills and trusts. A woman with AIDS who recently has suffered vision loss requests that the firm draft her will and guardianship papers, and requests that the firm provide her with all drafts of her documents in large print. The law firm cannot charge the woman extra for preparing the documents in large print.

7. Q: Can a public accommodation exclude a person with HIV/AIDS because that person allegedly poses a direct threat to the health and safety of others?

A: In almost every instance, the answer to this question is no. Persons with HIV/AIDS will rarely, if ever, pose a direct threat in the public accommodations context.

A public accommodation may exclude an individual with a disability from participation in an activity, if that individual's participation would result in a direct threat to the health or safety of others. "Direct threat," however, is defined as a "significant risk to the health or safety of others" that cannot be eliminated or reduced to an acceptable level by reasonable modifications to the public accommodation's policies, practices, or procedures, or by the provision of appropriate auxiliary aids or services. The determination that a person poses a direct threat to the health or safety of others may not be based on generalizations or stereotypes about the effects of a particular disability; it must be based on an individual assessment that considers the particular activity and the actual abilities and disabilities of the individual. The individual assessment must be based on reasonable judgment that relies on current medical evidence.

For example:

- A restaurant's refusal to admit an individual with AIDS would violate the ADA, because HIV cannot be transmitted through the casual contact typical among restaurant patrons.
- A gynecologist's refusal to treat an HIV-positive woman would be a violation. Health care providers are required to treat all persons as if they are infectious for HIV and other bloodborne pathogens, and must use universal precautions (gloves, mask, gown, etc.) to protect themselves from the transmission of infectious diseases. Failure to treat a person who acknowledges her HIV-positive status would be a violation, because so long as the physician utilizes universal precautions, it is safe to treat persons with HIV/AIDS.
- A day care center's refusal to admit a child who is HIV-positive, because of the fear that the child might bite and might therefore transmit HIV to other children, is also a violation. It is incorrect to assume that all young children bite. Moreover, current medical evidence indicates that HIV is not transmitted by saliva. Even if an HIV-positive child were to bite another child, the only bodily fluid that would be transmitted from the infected child to the non-infected child would be saliva.
- A health club's revocation of an HIV-positive person's membership, because of the fear that the person may transmit the virus through the sweat he leaves on the club

s weight machines, also violates the ADA. There is no evidence that HIV can be transmitted by sweat.

8. Q: What types of physical barriers to access is a public accommodation required to remove? Why is this important to persons with HIV/AIDS?

A: Persons with HIV or AIDS may find that they have less strength to open doors, or may tire more easily when walking or climbing stairs. They may use a wheelchair, electric scooter, or other device for mobility purposes. The ADA's barrier removal requirements address these situations.

The ADA requires that public accommodations remove all physical barriers to access in their existing facilities, where it is "readily achievable" to do so. "Readily achievable" means "easily accomplishable and able to be carried out without much difficulty or expense."

Examples of barrier removal may include installing ramps, making curb cuts in sidewalks and entrances, rearranging furniture, widening doors, installing accessible door hardware, and installing grab bars in toilet stalls. The obligation to engage in readily achievable barrier removal is a continuing one.

The ADA requires that all newly constructed places of public accommodation be readily accessible to and usable by individuals with disabilities. The ADA also requires that all alterations made to existing facilities be readily accessible to and usable by individuals with disabilities.

9. Q: What can a person do if he or she is being discriminated against by a place of public accommodation on the basis of his or her HIV status?

A: A person who believes that he or she is being discriminated against should first try to educate the manager or owner of the public accommodation about what the ADA requires. The person should suggest reasonable policy changes that will provide equal access, request a communication aid, or ask that a barrier be removed. An individual may also wish to seek out mediation services provided by community or private mediation services. If the situation is not resolved satisfactorily, a complaint may be filed with the Department of Justice.

The Department of Justice is authorized to investigate complaints and to bring lawsuits in cases of general public importance, or where there is a "pattern or practice" of discrimination. Due to resource limitations, the Department is unable to investigate every complaint. The Department

may seek injunctive relief (i.e., having the public accommodation correct its discriminatory practices), money damages, and civil penalties. Complaints should be sent to the following address:

Disability Rights Section Civil Rights Division Department of Justice P.O. Box 66738 Washington, D.C. 20035-6738

Individuals are also entitled to bring private lawsuits. If a person files a private lawsuit, he or she may not seek money damages. However, the person may seek injunctive relief and attorney's fees and costs.

IV. State and Local Governments

1. Q: Does the ADA also prohibit State and local governments from discriminating against persons with HIV/AIDS?

A: Yes. The ADA applies to all State and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of State or local governments.

For example:

- A public school system may not prohibit an HIV-positive child from attending elementary school.
- A county hospital may not refuse to treat persons with HIV/AIDS.
- A local police station must make sure that TDD users, including persons with HIV/AIDS, can call 911 and other emergency phone numbers directly, without having to go through a relay system.
- A city emergency medical technician may not refuse to transport a person with AIDS.
- A state-owned nursing home may not refuse to accept patients with HIV/AIDS.
- A county recreation center may not refuse admission to a summer camp program to a child whose brother has AIDS.

2. Q: What can a person do if he or she is being discriminated against by a State or local government on the basis of his or her HIV status?

A: A person who believes he or she is being discriminated against by a State or local government should first try to educate officials involved about the ADA's requirements. Individuals may also file a complaint with the Department of Justice. Complaints must be filed within 180 days of when the discrimination occurred. Complaints should be sent to the following address:

U. S. Department of Justice Civil Rights Division Disability Rights Section
Post Office Box 66738 Washington, D.C. 20035-6738

Individuals are also entitled to bring private ADA lawsuits against State and local governments and seek injunctive relief, compensatory damages, and reasonable attorney's fees.

V. Telecommunications, Housing, Air Transportation

1. Q: What is a relay service?

A: Telecommunications relay services bridge the gap between TDD users -- including persons with HIV/AIDS who have recently experienced hearing loss -- and regular voice telephone users. The relay service enables persons who have TDD's to carry on telephone conversations with persons who do not, through use of an intermediary person -- the relay operator. The relay operator reads the TDD message to the person without the TDD and types the person's spoken message back to the TDD user.

The ADA requires the telephone industry to provide free telephone relay service through 800 numbers. The relay service must be available twenty-four hours a day, seven days a week, without restrictions on the type, length, or number of calls made by any relay user.

2. Q: Does the ADA prohibit discrimination in the sale, rental, and other terms of housing?

A: Housing discrimination is not covered by the ADA. However, the Fair Housing Amendments Act of 1988, which is primarily enforced by the U.S. Department of Housing and Urban Development, prohibits housing discrimination against persons with disabilities, including persons with HIV/AIDS. Persons who believe that they have been discriminated against in housing because of their HIV-positive status should contact their State or local government's Fair Housing and Equal Opportunity Office.

3. Q: Does the ADA prohibit discrimination by airlines?

A: Discrimination by air carriers in areas other than employment is not covered by the ADA, but rather, by the Air Carrier Access Act (ACAA). Persons who believe that they have been discriminated against by airlines because of their HIV-positive status should contact the U.S. Department of Transportation.

VI. Resources

The following section provides the telephone numbers of federal agencies providing information on the ADA, as well as the telephone numbers of other federal agencies providing information of interest to persons living with HIV/AIDS.

Department of Justice offers technical assistance on the ADA Standards for Accessible Design and other ADA provisions applying to businesses, non-profit service agencies, and state and local government programs; also provides information on how to file ADA complaints.

ADA Information Line for documents and questions 800-514-0301 (Voice)
800-514-0383 (TDD)

Electronic bulletin board 202-514-6193

DOJ World Wide Web Home Page <http://www.usdoj.gov>

Equal Employment Opportunity Commission offers technical assistance on the ADA provisions applying to employment; also provides information on how to file ADA complaints.

Employment questions 800-669-4000 (Voice) 800-669-6820 (TDD)

Employment documents 800-669-3362 (Voice) 800-800-3302 (TDD)

Department of Transportation offers technical assistance on ADA provisions applying to public transportation and air carrier access.

ADA documents and questions 202-366-1656 (Voice) 202-366-4567 (TDD)

ADA legal questions 202-366-1936 (Voice) TDD: use relay service

ADA complaints and enforcement 202-366-2285 (Voice) 202-366-0153 (TDD)

Electronic bulletin board 202-366-3764

Air Carrier Access Act questions 202-366-4859 (voice) TDD: use relay service

ACAA complaints and enforcement 202-267-5794 (voice) 202-267-9730 (TDD)

Federal Communications Commission offers technical assistance on ADA telephone relay service requirements.

Relay service - documents and questions 202-418-0190 (voice) 202-418-2555 (TDD)

Relay service - legal questions 202-418-2357 (voice) 202-418-0484 (TDD)

Access Board, or Architectural and Transportation Barriers Compliance Board, offers technical assistance on the ADA Accessibility Guidelines, and answers questions pertaining to access to federal facilities and post offices.

ADA documents and questions 800-872-2253 (voice) 800-993-2822 (TDD)

Electronic bulletin board 202-272-5448

Department of Education funds ten regional centers to provide technical assistance on the ADA.

Disability & Business Technical Assistance Centers 800-949-4232 (voice/ TDD) (call automatically connects to the closest center)

President's Committee on Employment of People with Disabilities funds the Job Accommodation Network (JAN), which provides advice on accommodating employees with disabilities.

Job Accommodation Network 800-526-7234 (voice/ TDD)

Internal Revenue Service provides information and publications about tax code provisions including tax credits (section 44) and deductions (section 190) that can assist businesses in complying with the ADA.

Tax code information 800-829-1040 (voice) 800-829-4059 (TDD)

To order Publication 907 800-829-3676 (voice) 800-829-4059 (TDD)

Legal questions 202-622-3110 (voice) TDD: use relay service

Fair Housing Information Clearinghouse is run by the Department of Housing and Urban Development and provides information concerning issues of housing access.

Information and publications 800-343-3442 (voice) 800-483-2209 (TDD)

CDC National AIDS Clearinghouse provides comprehensive HIV/AIDS information to health professionals, managers of HIV/AIDS programs, educators, and information providers.

National AIDS hotline 800-342-AIDS (voice) 800-243-7889 (TDD) 800-344-SIDA (Spanish)

Clearinghouse services 800-458-5231 (voice) 800-243-7012 (TDD)

HIV/AIDS Statistics Info Line 404-332-4570

Food and Drug Administration provides information concerning the safety and efficacy of drugs, biologics, vaccines, and medical devices used in the diagnosis, treatment, and prevention of HIV infection, AIDS, and AIDS-associated opportunistic infections.

Office of AIDS and Special Health Issues 301-443-0104

Bulletin Board System 800-222-0185

National AIDS Program Office of the U.S. Public Health Service provides information concerning the Public Health Service's AIDS-related activities.

National AIDS Program Office 202-690-5471

Bulletin Board System 202-690-5423

This document is available in the following formats for persons with disabilities -- Braille - Large print - Audiocassette; and - Electronic file on computer disk and electronic bulletin board, (202) 514-6193. To obtain these documents in alternate formats, call the Department of Justice ADA Information Line, (800) 514-0301 (voice), (800) 514-0383 (TDD).

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