

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Americans with Disabilities Act (ADA) Requirements for Emergency Assistance Compliance

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

[https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx](https://datcp.wi.gov/Pages/About%20Us/GuidanceDocuments.aspx)

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

[https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx](https://datcp.wi.gov/Pages/About%20Us/GuidanceDocuments.aspx)

DEADLINE FOR SUBMISSION

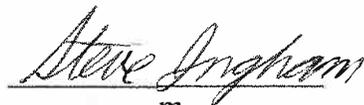
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 97 Subchapter III, Wis. Admin. Code, ch. 72.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Steve Ingham
Administrator
Division of Food and Recreational Safety



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GUIDANCE DOCUMENT

Guidance Document Title: Americans with Disabilities Act (ADA) Requirements for Emergency Assistance Compliance

This guidance document is based on Wis. Stat. 97 Subchapter III and chapter ATCP 72 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

34 (DFRS)

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December 2, 2019

Steven Ingham, Ph.D. - Administrator, Division of Food and Recreational Safety

DATE

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This policy supersedes the Department of Health Services policy put forward on 10/21/2014

Americans with Disabilities Act (ADA) Requirements for Emergency Assistance Compliance

Question

What are the guidelines for inspections of hotels and motels as it pertains to the Americans with Disabilities Act?

Background

The Americans with Disabilities Act (ADA) has been part of the Department's lodging inspections since 1994. In the past, there has been an inconsistent message as to what sanitarians should be enforcing regarding the ADA. This policy will provide guidance on how a sanitarian shall approach the requirements of ADA.

Code Interpretation

The following are some guidelines for inspections of hotels and motels as it pertains to Statutes 97.623 (2):

- 1) When the posted permit is checked for I.D. number and licensee information, verify that the "Emergency Assistance for the Disabled" is conspicuously posted at the registration desk and readily visible to all guests including any disabled guests who might be in wheelchairs.
- 2) An inspector should inquire about the reservation and/or check-in procedure used by management so that there is assurance that guests are given an opportunity to identify themselves as being disabled.
- 3) If deemed necessary, a sanitarian may check the registration and filing procedures of the operator to see that rooms rented to people with disabilities are identified so that they can be rescued in case of a fire or other emergency.

Ensure the operator has a procedure to identify persons with a disability. Also, inform the operator that they should keep records on identifying persons with a physical disability so they are protected if a guest at some future time should initiate legal action because he or she was not assigned a room where they could be assisted in case of an emergency. Be sure to advise operators that violations of this section of the statutes is punishable by a forfeiture of not more than \$50 for the first violation nor more than \$100 for each subsequent violation.

Further information regarding the Americans with Disabilities Act (ADA) can be obtained by contacting the Department of Administration at (608) 266-1741.