

**Modifications for public accommodations, such as private businesses, stores, food service establishments, or places of lodging.**

The Americans with Disabilities Act requires that all alterations comply with the standards for new construction under the [ADA Standards for Accessible Design](#). To the extent that a primary area is altered, the path of travel to the altered area and the bathrooms, and other elements must also be accessible. 42 U.S.C. § 12183.

For example, in 1998, a lightning bolt struck Mercersburg School in Pennsylvania and destroyed its roof and damaged units of its residence hall. Mercersburg made a claim on their insurance policy to upgrade the damaged portion to comply with the ADA, and purchased additional coverage to demolish and renovate portions of the property to comply with the law. The Court determined that the insurer was obligated to pay any post-fire renovations that "were mandated by the ADA" and did not require an official to enforce the law by issuing a citation — all that it required was evidence that the renovation or modification was necessary under the law. [Regents of Mercersburg Coll. v. Republic Franklin Ins. Co.](#), 458 F.3d 159, 171 (3d Cir. 2006).

To the extent that an area of the facility has not been damaged and covered by insurance, the entity would be responsible to remove architectural barriers where the removal of such barriers is readily achievable. This is a lower standard than the requirements than what is required for new construction and alterations, but it still must ensure that a person with a disability has equal use and enjoyment of the premises to the extent that such modifications are within the financial means of the facility owner. Small business owners are entitled to a yearly [disability access tax credit](#) to improve accessibility, and should take advantage of this benefit to ensure that everyone has the ability to be a part of the community.