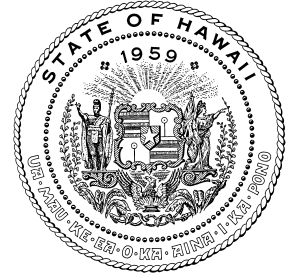


# Americans with Disabilities Act - Title III

## Religious Entity Exemptions



Title III of the Americans with Disabilities Act (ADA) exempts religious entities from the majority of its requirements.

### Religious Entity Defined

Title III of the ADA defines the term **religious entity** as a religious organization or entity controlled by a religious organization, including a place of worship

### Exemption from Coverage

The Title III exemption of religious entities is very broad and encompasses a variety of situations. Religious organizations and entities controlled by religious entities have no obligations under Title III, even when a religious organization carries out activities that would otherwise make it a public accommodation.



For example, a church that controls a day care center, nursing home, private school, or diocesan school system is exempt from Title III.

The exemption does not depend on whether or not the individuals receiving the services are limited to members of the church or open to the public. The test is to determine whether the church or other religious organization operates the public accommodation, not which individuals receive services.

The exemption covers religious organizations controlled by religious entities, even if not directly run by the religious entity. Thus, the use of a lay board and other secular or corporate mechanism to operate a school or day care center would not remove the Title III exemption. The test is whether the religious entity controls the operations of the school or the service or whether the school or service is itself a religious organization.

For example, a religious order sponsors a parochial school that has a religious doctrine in its curriculum. Title III would exempt the parochial school as a religious organization or as an entity controlled by a religious organization, despite it having a lay board.



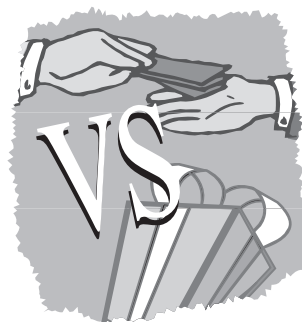
## Leased and Donated Space

A private entity that is not a religious entity, but that operates a place of public accommodation in leased space on the property of a religious entity, is not exempt from Title III coverage if it is not under the control of a religious entity. The religious entity, as the landlord, remains exempt from Title III coverage.

For example, a church rents out meeting space (that is not a place of worship) to a local community group that pays rent under a lease. Title III requirements would apply to the activities of the local community group. The religious entity would remain exempt.

The exemption would apply to a situation where a religious entity donates space to another entity, such as a local civic organization. The non-religious entity would be subject to Title III coverage only if a lease existed under which rent or consideration is paid.

For example, a religious entity donates meeting space (that is not a place of worship) to a private independent day care center. Title III would exempt both the day care center and the religious entity from coverage if there is no lease and rent or payment is not required.



## Employment Requirements

Title I of the ADA covers employers with 15 or more employees in terms of their employment practices. The exemption for religious entities applies under Title III, but not under Title I. Religious entities may establish religious preferences in their employment practices, but they may not discriminate on the basis of disability.

## ADA Information

Call the DOJ Toll-Free ADA Information Line for answers to general and technical questions about the ADA and to order technical assistance materials: 800-514-0301 (voice) 800-514-0383 (TTY). Visit the DOJ ADA web site to see the Title III regulations and related guidance at [ada.gov](http://ada.gov).



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