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 PUBLIC ACCOMMODATIONS AND EQUAL RIGHTS

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Public Accommodations and Equal Rights

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A public accommodation is a place that offers goods and services to the general public such as a restaurant that is open to the public. Federal and state laws protect designated groups from [discrimination in places of public accommodations](https://www.findlaw.com/civilrights/enforcing-your-civil-rights/discrimination-in-public-accommodations.html)

[\(https://www.findlaw.com/civilrights/enforcing-your-civil-rights/discrimination-in-public-accommodations.html\)](https://www.findlaw.com/civilrights/enforcing-your-civil-rights/discrimination-in-public-accommodations.html), based on the premise that everyone is entitled to enjoy the goods and services of the public accommodation on an equal basis. There are two types of entities that are classified as public accommodations: government owned/operated entities and privately-owned/operated businesses and services.

Examples of government-owned/operated entities include:

- Courthouses
- Libraries
- Post offices
- Benefit programs (i.e., welfare services)

Examples of privately owned/operated entities include:

- Restaurants
- Hotels
- Theaters
- Transportation services

Civil Rights Overview

- [Civil Rights Basics \(https://www.findlaw.com/civilrights-overview/civil-rights-basics.html\)](https://www.findlaw.com/civilrights-overview/civil-rights-basics.html)
- [Civil Rights History \(https://www.findlaw.com/civilrights-overview/civil-rights-history.html\)](https://www.findlaw.com/civilrights-overview/civil-rights-history.html)
- [Hate Crimes \(https://www.findlaw.com/civilrights-overview/hate-crimes.html\)](https://www.findlaw.com/civilrights-overview/hate-crimes.html)

Places That are Not Public Accommodations

Churches, synagogues, mosques, and other religious organizations are generally not considered public accommodations. However, when these facilities are rented out to the public for non-religious purposes, they become public accommodations during that period of use. Also, "private clubs" – clubs that require memberships – or where members must pay dues are not considered public accommodations. Besides these exceptions, the law interprets most public accommodations to include almost any business that is open to the public, especially in the context of enforcing anti-discrimination laws.

Discrimination in Public Accommodations

The U.S. government has a public policy to promote equal rights for all citizens. One way to encourage this idea is to actively discourage discrimination against members of protected classes (<https://dictionary.findlaw.com/definition/protected-class.html>) (such as racial minorities, women, and the disabled). To prevent discrimination in public accommodations, the government enacted certain laws at the federal, state, and sometimes local levels. Specifically, the federal Civil Rights Act of 1964 (<https://www.findlaw.com/civilrights/enforcing-your-civil-rights/civil-rights-act-of-1964-entire.html>) prohibits discrimination on the basis of race, color, national origin, and religion.

Accessibility in Public Accommodations

The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability (or perceived disability) and requires equal accessibility in public accommodations to individuals with disabilities (<https://www.findlaw.com/civilrights/discrimination/ada-access-to-buildings-and-businesses-public-accommodations.html>). To comply with the act, a public accommodation must conform to the ADA's standard for new construction and must remove barriers in existing buildings where it is can do so without much hardship or cost.

Public Accommodations at the Federal Level

Through the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA), the federal government prohibits discrimination in public accommodations on the basis of the following: race, color, religion, national origin, and disability. The federal government does not prohibit discrimination on the basis of age, sex, sexual orientation, or gender identity. However, numerous states protect against age, sex, sexual orientation, and gender identity discrimination.

Public Accommodations at the State Level

State laws typically mirror the federal laws designations of race, color, national origin, religion, and disability as protected classes, but also tend to extend additional protections not provided at the federal level. For example, states including New Jersey have enacted anti-discrimination laws that specifically apply to private clubs (<http://www.nj.gov/oag/dcr/accom.html>), making it more difficult for the clubs to discriminate. Many states have enacted anti-discrimination laws

for groups not protected by federal law. For example, states such as New York have explicit [laws that protect against discrimination on the basis of sexual orientation](http://www.ncsl.org/research/civil-and-criminal-justice/state-public-accommodation-laws.aspx) (<http://www.ncsl.org/research/civil-and-criminal-justice/state-public-accommodation-laws.aspx>).

Limitations on Public Accommodations Laws

Although the public accommodations laws are designed to prevent discrimination and are intended to promote fairness and equality, they do have certain limitations. For example, many laws allow for the removal or exclusion of a person who displays offensive behavior or is a direct threat to public health or safety. For instance, store patrons can be subjected to a bag check, or some other security measure, but only if the same rules apply to all patrons equally.

Get Legal Help with your Discrimination Claim

Have you been treated unfairly at a public facility? The laws vary as to who is protected, so it can be confusing as to determine which protections apply to you in a given jurisdiction. Consider talking to a civil rights [attorney with expertise in discrimination issues](https://lawyers.findlaw.com/lawyer/practice/discrimination) (<https://lawyers.findlaw.com/lawyer/practice/discrimination>).

Next Steps

Contact a qualified civil rights attorney to help you protect your rights.

Your location (city, ZIP code or county)

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Help Me Find a Do-It-Yourself Solution

- [Complaint for Employment Discrimination](https://www.uslegalforms.com/prodpages/US-000267.htm%7Cfdlaw?fli=diy) (<https://www.uslegalforms.com/prodpages/US-000267.htm%7Cfdlaw?fli=diy>)

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