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AUGUST 31, 2016

Allocation of ADA Liability Between Landlord and Tenant with Respect to Third Parties

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Landlords and tenants may (and often do) contract between themselves to allocate responsibility for compliance with, among other laws, Title III of the Americans with Disabilities Act ("Title III" or "ADA"), a federal antidiscrimination statute. But can such an allocation affect who is responsible to third parties (i.e., parties other than the contracting tenant and landlord) for violations of the ADA? This article lays out the current extent of tenant and landlord liability for compliance with the ADA, despite contractual allocations, with respect to third parties, and poses some related questions.

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