



New Mexico Commission for Deaf & Hard of Hearing

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Who Pays for Interpreters?

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The Americans with Disabilities Act (ADA) was enacted in 1990 and signed into law by President George H.W. Bush. The purpose of the ADA is to remove barriers for individuals with disabilities. In this case, a qualified signed language interpreter is an example of reasonable accommodation for people who are Deaf, Hard of Hearing, or DeafBlind. ADA mandates that a signed language interpreter be provided under Title I (Employment), Title II (State & Local Government), and Title III (Public Entities) to ensure effective communication.

Who is responsible for providing a signed language interpreter?

State & Local Government entities such as jails, courts, town meetings, police, probation offices, human services, MVD; public entities such as hospitals, doctors, lawyers, and any business that serves the public; and employers with 15 or more employees. The 15 or more employees threshold only applies to accommodations for employees, not for members of the public.

Can we charge a Deaf individual for the cost of a signed language interpreter?

No, you cannot charge, bill, or add a surcharge for the service of a signed language interpreter. According to ADA, Section.36.301(c), *a public accommodation may not impose a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids, barrier removal, alternatives to barrier removal, and reasonable modifications in policies, practices, or procedures, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.* www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm#a301 and <http://nad.org/issues/civil-rights/ada/public-accommodations>.

It costs too much!

An entity may avoid provision of an auxiliary aid only if it can show that providing it would fundamentally alter the nature of the service or would be an undue burden. If the entity is able to show that there is a fundamental alteration or an undue burden, it must nevertheless be prepared to provide an alternative auxiliary aid, where one exists.

www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm#a303

Undue burden is defined as significant difficulty or expense when considered in light of a variety of factors including the nature and cost of the auxiliary aid or service and the overall financial and other resources of the business.

Is there any assistance with the cost?

Yes - it is called "Disabled Access Tax Credit" for eligible small business. It provides a tax credit of 50% of eligible access expenditures that exceed \$250 but do not exceed \$10,250 made for the purpose of complying with the ADA. Check the link for further information:

www.southwestada.org/html/publications/general/taxbulletin.html and the tax form can be found at www.irs.gov/pub/irs-pdf/f8826.pdf