Resolution 2020-2

INACCESSIBLE COMMONWEALTH FITNESS CENTERS

WHEREAS, physical fitness is known to provide many health benefits and is recommended by doctors for various medical reasons; and

WHEREAS, many health care providers such as United Health Care and Humana offer plans that include fitness programs and centers in their coverage; and

WHEREAS, several fitness centers have been identified that require blind applicants to sign special liability waivers before they can join, and do not require sighted applicants to do the same; and

WHEREAS, prospective blind members have been told they must bring someone with them to assist with orientation and equipment set-up and use, and to pay for that person to attend, or alternatively, to pay for a personal trainer to assist them; and

WHEREAS, these misconceptions about blindness create a hostile environment which prevents a blind person from taking advantage of a benefit to which he or she is entitled; and

WHEREAS, fitness centers are a public accommodation covered under Title III of the Americans with Disabilities Act and must provide reasonable accommodations to prospective blind members; and

WHEREAS, a public accommodation cannot deny individuals with disabilities the opportunity to participate in or benefit from the goods, services, facilities, advantages, privileges, or accommodations based on disability; and

WHEREAS, a public accommodation cannot prohibit individuals with disabilities from benefiting from or participating in its goods, services, privileges, facilities, advantages, or accommodations based on disability that is not equal to that afforded to other individuals; and

WHEREAS, prospective blind members cannot be forced to sign a special liability waiver that sighted individuals do not have to sign; and

WHEREAS, prospective blind members must not be forced to pay extra for a personal trainer or companion, as that would constitute an illegal surcharge under the Americans with Disabilities Act: Now, Therefore

BE IT RESOLVED by the National Federation of the Blind of Virginia, in Convention assembled this first day of November, 2020, that the NFBV demand that physical fitness centers comply with the Americans with Disabilities Act by establishing appropriate policies and procedures to accommodate prospective blind members to safely and independently use their exercise equipment; and

BE IT FURTHER RESOLVED that these fitness centers consult with the National Federation of the Blind of Virginia to develop such policies and procedures; and

BE IT FURTHER RESOLVED that the National Federation of the Blind of Virginia provide such technical assistance necessary to bring fitness centers into compliance with the Americans with Disabilities Act.