

## ADA

I am hearing from our members on a regular basis on the increase of letters being received from attorneys or justice groups around the country blanketing our members with letters accusing properties of not being ADA compliant, with no real basis in their claims or representing individuals that never stayed at these properties. These letters are outlining claims of non-compliance for both the Physical side of ADA and the Website side of ADA.

This past fall Lisa Kolb (Acorn Internet Services) did a series of webinars, one on the required website side of ADA and one on the physical side of the newest lawsuits happening. The data covered in these webinars provides some great insight into what innkeepers should be doing to protect themselves in case of a lawsuit.

It is our understanding that there is an attorney in California that has filed over 250 this year. Also, an attorney in Florida who has now branched out into other nearby states with lawsuits. I met with one of our members in Pennsylvania yesterday that recently received this letter from the Florida attorney. There are other AIHP allied partners that are also working on this for their clients and we will be collectively trying to gather as much information as we can from our partners to be able to share with our lodging members who may be facing these issues.

We are actively working with a few of our larger state partners who have attorney relationships to see what options may be available to help our members with guidance on these issues. If you are hit with a suit you should contact your attorney and where it may include your website you should contact your webmaster and marketing firm. As I mentioned we are looking for additional resources for members that may not have attorneys or other resources they can turn to for help.

Some good information came out of these webinars (*\*Thank you to Lisa and her team at [Acorn Internet Services](#) for providing the webinar and information to AIHP and our members*)

### **Physical ADA**

Whether you are exempt or not from providing ADA accessible guest rooms, the best practice is to tell your guests what you provide, or why you are exempt, on both your website and when appropriate on your booking engine.

Leaving this information off your site because you are exempt (5 rooms or less and live on premise or have documented Historical exemptions) does not help a potential disabled guest determine if they can or cannot stay at your facility. This is the basis on which most of the newest lawsuits are occurring in California from the Manning Law firm.

**Website ADA** – Even though not mandated by the DOJ, lawsuits are still occurring. You will want to work with your webmaster to follow the appropriate WCAG guidelines.

You can test each page of your site and booking engine using Chrome's Accessibility testing tool, or <https://achecker.ca/checker/index.php> to determine open issues. You want to score at 100% or have no issues, unless your webmaster can document and explain to you why you are not getting a perfect score.

Sometimes widgets and plugins an Innkeeper chooses may cause ADA to not pass with a perfect score. Though this is NOT all that needs to be done from the website side. You will also want to test your site with a text to voice tool such as <https://www.nvaccess.org/> and attempt to maneuver through your navigation, etc. If you cannot tab in a logical manner (top left corner to bottom right corner) again, you will need to have your webmaster assist.

You can listen to the webinars here:

[Physical side of ADA](#)

[Website side of ADA](#)

The PowerPoint on [ADA Overview Physical Requirements for both Exempt and Non-Exempt Properties.](#)

### **Additional Resources**

[ADA Assessments and Consulting](#)

[Universal Designers and Consultants, Inc.](#)

[State Licensed – Registered Accessibility Specialists in Texas](#)

[Meeting Online Accessibility Standards](#)

[AC Checker](#)

[Web Accessibility Tool](#)

[Web Evaluation Tools](#)

***Disclaimer: The information provided by Acorn Internet Services, Inc and AIHP, is not intended and should not be taken as legal advice. You should contact an attorney for assistance and advice on specific ADA web and physical preparation at your property.***