

IS YOUR HOTEL WEBSITE IN COMPLIANCE WITH THE ADA?

There has been a trend recently in the state of Wisconsin, and elsewhere, for attorneys to file lawsuits against hotel owners alleging that their websites are in violation of the Americans with Disabilities Act (“ADA”) because they are not accessible to disabled individuals. Specifically, the complaints allege that the hotel websites are in violation of the ADA because they fail to identify accessibility features, do not allow for booking of accessible rooms, and do not provide sufficient information regarding accessible rooms and amenities at the hotel.

Frequently, the attorneys bringing the lawsuits against the hotel owners will represent the same disabled party (often referred to as a “tester”), use a stock, form set of allegations against several hotel owners, and file more than one lawsuit at a time. Based on the sheer volume of these cases in recent weeks, it is unlikely these lawsuits will cease any time soon.

The parties filing the lawsuits typically assert that hotel owners must ensure that their website (and the third-party booking websites used to reserve their rooms) meet certain requirements. For example, the plaintiffs assert that hotel websites must:

- identify and describe accessible features in the hotels and guest rooms offered through their reservation service in enough detail to reasonably permit individuals with disabilities to assess independently whether a given hotel or guest room meets their accessibility needs;
- ensure that accessible guest rooms are held for use by individuals with disabilities until all other guest rooms of that type have been rented and the accessible room requested is the only remaining room of that type; and
- reserve, upon request, accessible guest rooms or specific types of guest rooms and ensure that the guest rooms requested are blocked and removed from all reservations systems.

If you or your business receives a demand letter threatening legal action or are served with a lawsuit, you should promptly contact an attorney to discuss your options.