CHLA’s ADA Protection Program is available to members as a relatively low-cost tool to defend against serial ADA litigators, “drive-by” ADA claims, and website ADA claims. Because our program is defending hoteliers from predatory ADA litigation in cases across the state, we are able to track statewide ADA complaint trends, serial litigators, and successful litigation-defense strategies. We utilize this information to develop strategies and build defenses that deter and stop the predatory use of ADA litigation against California hotels. Under CHLA’s ADA Protection Program, members can obtain access to a resource that incorporates years of experience and is supported by an industry-wide network. CHLA offers this program through a partner firm at a discounted flat-fee arrangement of $2,500 + filing fees. CHLA receives no compensation through this program. This program is solely intended as a resource to prevent predatory litigation against hoteliers.

SERIAL LITIGATORS
In 2019, 79% of California’s ADA litigation was filed by just five law firms, with one firm claiming approximately 60% of all ADA litigation statewide. These firms frequently represent serial plaintiffs (persons who are the injured party in complaints filed by the law firms) and are well versed in ADA litigation. For example, one group, the Center for Disability Access, has filed over 10,000 lawsuits in recent years and is increasingly focused on the hotel industry. These firms focus primarily on forcing hotels to make settlement payouts and achieved a 90% settlement payout rate across all industries in 2019.

Most Common ADA Complaints

According to the California Commission on Disability Access, in addition to website accessibility violations, the top ten most frequent ADA complaints were about:

1. Counter and surface heights are too high
2. Accessible routes to and from parking lot are obstructed or narrow
3. Parking space lines are faded or slope ramps are too steep
4. Insufficient parking signage
5. Too few handicapped parking spaces
6. Curb ramps are too steep or absent
7. No van accessible loading zones
8. Paths are excessively angled or blocked
9. Door handles and locks
10. Point of sale machines (gas pumps)

This is an information service of CHLA. It does not purport to serve as legal or other professional advice, and the counsel of competent professionals should always be sought.