



## CHLA Member Benefit: ADA Protection Program

December 2020

### CHLA'S ADA PROTECTION PROGRAM

[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.*

### ADA PROTECTION PROGRAM: SUCCESSES

The CHLA ADA Protection Program's most recent successes include the defeat of vexatious litigants [Peter Strojnik](#) and [Jonathan Asselin-Normand](#). Because of CHLA's ADA Protection Program, these plaintiffs were declared vexatious litigants by several courts and are unable to pursue litigation in their jurisdictions absent court approval – in practice, stopping them from filing predatory complaints.

#### **IF YOU'VE RECEIVED AN ADA COMPLAINT**

If you've received a complaint filed under the ADA, do not wait to respond. Many of the most effective tools you can use to defeat the complaints are time sensitive. Failing to respond can result in a default judgement against your hotel and a lien placed on your property.

### ABOUT THE AMERICANS WITH DISABILITIES ACT

The [Americans with Disabilities Act](#) (ADA) is a Federal law that prohibits discrimination against individuals with disabilities in all public and private places which are open to the general public. The ADA applies to both physical locations (hotels, parking lots, etc.) and virtual locations (websites, apps, etc.).

**CHLA + CABBI Members:**  
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