CHLA FAST FACTS
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ADA: ACCESSIBLE WEBSITES

Lawsuits & Legal Considerations

While many businesses have argued that the ADA only applies to physical structures and facilities and not to websites, the DOJ has continuously taken the position that the ADA does not merely cover physical structures – it includes such things as websites. Many courts have taken the same position.

In the absence of website regulations, the courts are filling the void with a patchwork of decisions that often conflict with one another. The uncertain legal landscape has fueled a surge of lawsuits and demand letters filed and sent on behalf of individuals with disabilities alleging that the websites of thousands of public accommodations are not accessible.

Technical Functionality of Websites

The DOJ has required various businesses to make their websites comply with the worldwide technical standard known as Web Content Accessibility Guide 2.0 (WCAG 2.0), which outlines 12 guidelines through four categories: perceivable, operable, understandable and robust. Most of the lawsuits and claims that allege that a hotel's website is not technically functional because it fails to comply with WCAG 2.0 AA. In recent years, WCAG 2.0 AA has become the generally accepted set of technical requirements for making websites, mobile apps, and other digital content accessible to people with disabilities. Thus, members should ask their web designers if their websites are WCAG 2.0 AA compliant.

The World Wide Web Consortium just published an expanded version of the WCAG to add 17 more requirements to address new technologies and other digital barriers for individuals with disabilities. WCAG 2.1 "fills gaps" in WCAG 2.0 by adding 17 additional success criteria to address additional accessibility barriers.

Common Complaints

Unless a hotel's website is structured to allow it to interact with a screen reader program (or other assistive technology), a disabled person is not able to access the website's content. Additionally, businesses must ensure the website has the necessary alt-tags that are needed to enable screen reader to articulate what is contained in images and photos.

BACKGROUND

The ADA and Your Website

Many individuals with disabilities are unable to use a typical website through a computer or smartphone. The most obvious category of such individuals is those who are blind or who have sight impairments. But it is important to understand that sight impairment is not the only type of disability that needs to be addressed by a hotel's website. Making sure your hotel's website is accessible to anyone living with any of these disabilities should be a key priority:

- Visual disabilities: blindness, other sight impairments, color blindness;

- Deafness and hearing impairments;

- Physical disabilities (motor disabilities and repetitive stress injuries);

- Cognitive and neurological disabilities, including dyslexia, memory impairments, mental health disabilities, seizure disorders

In addition to the website, hotels must ensure their social media, point-of-sale devices and mobile apps are accessible.

CHLA + CABBI Members:
Questions or concerns?
Jim Abrams – Member Legal Advisor
jim@calodging.com

www.calodging.com

Website Content and Required Reservations Policies

With respect to reservations "made by telephone, in-person, or through a third party" hoteliers must:

- Modify policies, practices, or procedures to ensure that individuals with disabilities can make reservations for accessible guest rooms during the same hours and in the same manner as individuals who do not need accessible rooms;
- Identify and describe accessible features of the place of lodging and guest rooms offered through the reservations system in enough detail to reasonably permit individuals with disabilities to assess independently whether a given place of lodging or guest room meets his/her 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;
- 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; and
- Guarantee that the specific accessible guest room reserved through its reservations system is held for the reserving guest, regardless of whether a specific room is held in response to reservations made by others.

A detailed explanation of these requirements is [available here](#).

Quick Tips for Helping Your Website's Accessibility

The below list of items addresses the most common problems with a website's accessibility and how to solve them.

1. Alternative text (alt text) must be present for all images. A person who is visually impaired may be using a screen reader to view your website. The alt text is needed for the screen reader to communicate the non-text elements on the webpage.
2. Text Resizing should be available for those users with low vision would may need to enlarge the text on the webpage. The text should display properly when enlarged. Color contrast on your site should be adjustable or set so that those with vision disability can easily read the text against any background colors, especially with text 18px or smaller.
3. Your website should be operable using keyboard navigation. A person with limited hand dexterity may be suing arrow keys or assistive technology to navigate your website. The navigation and any drop-down functionality should function without use of a mouse.
4. Video and audio content should be closed captioned for users who are hearing impaired. Additionally, those who are visually impaired will not have access to the visual information in a video unless there is an audio or text transcript available.
5. All website pages should have brief and descriptive page titles to enable anyone using a screen reader to understand what is expected on that webpage.
6. All links found on your website should have link text that is descriptive so that it makes sense out of context. For example, avoid linking text such as "click here" or "view more."

A website developer should be able to address many of these items, as well as some of the more technical requirements for CSS and HTML coding on your website.