



ADA and Beyond:

Hotel and Lodging
Association Webinar

June 5, 2025



What the California Commission on Disability Access Offers

- Small Business Education and Outreach
- Technical Materials and Trainings
- Listening Forums and Webinars
- Disability Access Litigation Data Tracking
- Annual Report to State Legislature

What is a disability?

- Disability is defined very broadly under the ADA.
 - It can include physical, developmental, psychiatric, cognitive, intellectual, learning, vision, hearing, speech, addiction (in recovery), and health disabilities
 - There is no all-inclusive list
- Many people don't know they fit under the definition
- According to the CDC, 1 in 4 Americans have a disability.



Types of Disabilities

- People have many types of disabilities – not all are physical.
- Some disabilities are obvious, and some are not.
- People with disabilities:
 - Are more likely to experience a lack of services and accessibility
 - Have \$21 billion in discretionary income to spend

(Yin, Shaewitz, Overton & Smith, 2018)



Disability & Intersectionality

- People with disabilities are:
 - All races and ethnicities
 - All gender identities
 - All ages
 - All national origins



Use Inclusive & Respectful Language

- People First - Examples: person who is blind, people who use wheelchairs
- A person is not their disability (retarded, a quadriplegic, an epileptic)
- Emphasis on ability rather than limitations
- Disability is not a tragedy or challenge to “overcome”



Terms to Avoid

- Wheelchair Bound
- Special Needs
- Differently Abled
- Physically Challenged
- Inspirational

Some people don't even like "people first" language!

- Not sure? Just ask!



Provide Assistance When Asked

- People with disabilities will generally ask when they need assistance.
- It's fine to say, "May I assist you?"
- But then, if the person says "yes," ask "How" to provide the assistance.
- If the person doesn't want your assistance, don't be offended.



CCDA

California Commission
on Disability Access

The Americans with Disabilities Act

- Considered the major Civil Rights Law for people with disabilities
- Signed by President George H.W. Bush on July 26, 1990
- Protects people with disabilities from discrimination, promotes integration, and provides equal opportunity
- **Goal:** The full inclusion of people with disabilities in all aspects of American society



Americans with Disabilities Act Titles

Title I. Employment

Title II. Public Entities

Part A - State and Local Government

Part B - Public Transportation

Title III. Public Accommodations

Title IV. Telecommunications

Title V. Miscellaneous



What ADA Title Covers Small Businesses Serving the Public?

ADA Title III covers places of public accommodation (open to the public).

–Includes all types of private businesses and nonprofit organizations, no matter how many employees they have:

- Motels/Hotels
- Retail stores
- Restaurants



Places of Lodging

Places of lodging include:

- Hotels
- Motels
- Inns
- Other facilities that offer sleeping rooms for short-term stays (generally 30 days or less) and meet certain conditions.
- Any entity that owns, operates, leases, or leases to such a place is covered by the regulations.
- Exception: Facilities that contain no more than five rooms for rent and where the proprietor resides.



Effective Communication: Communication Disabilities

State and local government agencies, as well as public accommodations, must provide **effective** communication to people with communication-related disabilities:

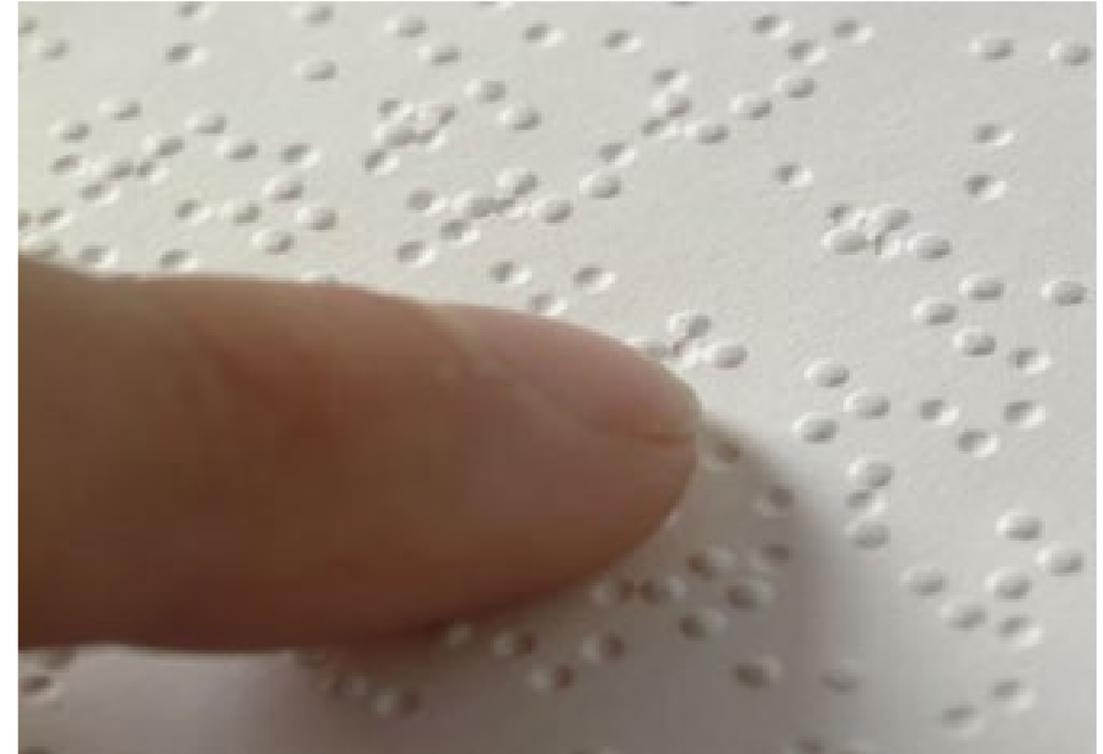
- Hearing
- Vision and/or
- Speech



Effective Communication: Vision Disabilities

Alternative formats:

- Electronic
- Large print
- Braille
- Websites accessible to screen readers
- Qualified readers to convey technical information
- Assistance with reading menus, etc.



Effective Communication: Hearing Disabilities

- Sign language interpreters
 - In-person
 - Video remote interpreting
- Real-time captioning
- Relay service
- Writing notes (for simple, brief conversations)



Accessibility for People with Mobility Disabilities

- Accessible parking
- No-step entrances with wide, easy-open doors
 - Door opening force 5 lbs. or less in CA
- Interior accessible paths
- Lowered portions of counters and bars
- Accessible restrooms



Service Animals: The Basics

- Service animals are dogs that must be:
 - Trained to do one or more physical tasks for their handlers
 - Emotional support is **not** a task
 - Under control
 - Housebroken
 - Well behaved
 - Leash, tether, or voice control
- Miniature horses may be allowed



Service Animals: Two Questions Government or Businesses Can Ask

1. Is the animal required because of a disability?
 - Don't ask this if the disability is obvious
2. What work or task(s) has the animal been trained to perform?

Do not ask about the handler's disability or to see the task performed.



Reservation Systems

- Places of lodging must identify and describe the accessible features of the property and the accessible guest rooms in enough detail to enable an individual to decide if the facility will meet his or her needs.
- People with disabilities must be able to make reservations for accessible guest rooms during the same hours and in the same ways as non-disabled people.
- Places of lodging must provide accessible rooms to at least some of the third parties and provide these third parties with information about the accessible features of the facility and the guest rooms.
- Customer service staff must be trained to respond to specific inquiries about accessibility features of the facility.

Web Accessibility

- In summer 2024, the DOJ released Title II regulations for accessible websites
- WCAG 2.1 AA is the standard for Title II entities
- Although Title III regulations have not been released, it is recommended to follow the same WCAG standards for businesses.

WCAG 2.1 AA Core Principles

- WCAG stands for “Web Content Accessibility Guidelines”

Principles:

1. Perceivable

2. Operable

3. Understandable

4. Robust



Perceivable

- Provide **text alternatives** for non-text content.
- Provide **captions and other alternatives** for multimedia.
- Create content that can be **presented in different ways**, including by assistive technologies, without losing meaning.
- Make it easier for users to **see and hear content**.

Operable

- Make all functionality available from a **keyboard**.
- Give users **enough time** to read and use content.
- Do not use content that causes **seizures**.
- Help users **navigate and find content**.

Understandable

- Make text **readable and understandable**.
- Make content appear and operate in **predictable**.
- Help users **avoid and correct mistakes**.

Robust

- Maximize **compatibility** with current and future user tools.

Website Barrier	Number of Instances
Text alternatives were not provided for non-text content on website. (e.g., alt text for images and form buttons were not provided, text labels for form inputs were not provided, etc.)	259
Hyperlinks not meaningful on website. (e.g., link's purpose can't be inferred by link text, not clear links with same text go different places, external hyperlink doesn't say it leaves page, etc.)	164
Navigation order is not logical on website. (e.g., navigation order of links, form elements, etc. is not logical and intuitive, etc.)	142
Website: Form elements don't help avoid/correct mistakes (e.g., input error not detected/no suggestion given, insufficient instruction for interactive elements, validation errors ²⁶ inaccessible, etc.)	117
Content not appropriately/logically marked on website. (e.g., semantic markups not used, tables not used for tabular data, only visual/auditory cues, content restricted to portrait/landscape, etc.)	113
Total:	795

Physical Accessibility Standards

- Accessible guest rooms with mobility and communication features dispersed among the different categories or classes of guest rooms available in the facility.
- Amenities must be accessible and usable by people with disabilities.
- Newly designed and constructed places of lodging must comply with the 2010 ADA Standards.
- Alterations to an existing building must comply to the maximum extent feasible.
- For existing buildings that are not undergoing alterations, the ADA requires readily achievable barrier removal.
- For those existing elements of a facility that were constructed or altered in compliance with the 1991 ADA Standards, no changes are necessary even if the new 2010 ADA Standards have different requirements for those elements. This situation is referred to as “safe harbor.” Safe harbor does not apply to those elements of a facility, like swimming pools, saunas and playgrounds that were not covered in the 1991 ADA Standards. However, when an alteration is performed, it must comply with the new 2010 ADA Standards. In cases where the nature of the facility makes full compliance with the 2010 ADA Standards virtually impossible, the alteration must provide the maximum physical accessibility that is feasible.

(Source: ADA National Network Accessible Lodging Fact Sheet, 2017)



Maintaining Accessible Features

- The ADA requires businesses to maintain features of facilities and equipment that are required to be readily accessible and usable to customers with disabilities. Examples include:
- Maintaining accessible route to and through the business.
- Ensuring doors to accessible entrances are unlocked during business hours.
- Aisles that are free of obstructions such as merchandise in your lobby store area.



Certified Access Specialist

- A Certified Access Specialist (CASp) is an individual who has been tested and certified by the Division of the State Architect as a specialist in state and federal construction related accessibility standards.

By hiring a CASp:

- You may be given “qualified defendant status” in a construction related accessibility lawsuit.
- Reduced statutory damages.
- 90 day and early evaluation conference.



Common Physical Violations

1. “Van-accessible and/or loading zones are non-compliant or non-existent.”
2. “Existing spaces are non-compliant (e.g., excessive slopes/cross-slopes, improper dimensions, striping, etc.).”
3. “Accessible sleeping rooms, units, spaces, or suites are non-existent or of insufficient quantity, and/or lack accessible features.”
4. “Vertical transitions (ramps and/or stairs) are not compliant (e.g., excessive slope/cross-slope; landings are non-compliant, lack of guardrails and/or wheel guard, etc.).
5. “Surface heights and space requirements for counters, tables, bars, or seating are not compliant.



Planning for the Accessibility of Your Business

- Designate responsible staff person – Site ADA Coordinator
- Create checklists, duty sheets, etc.
- Post “service animals allowed” notification
- Consider additional signage
- Evaluate facilities for future uses
- Budget for facility and communication access



Resources I

- Dept of Rehabilitation Web Accessibility Toolkit - <https://www.dor.ca.gov/Home/WebAccessibilityToolkitADA>
- Requirements: Effective Communication – <https://www.ada.gov/resources/effective-communication/>
- Service Animals & the ADA Frequently Asked Questions – <https://www.ada.gov/resources/service-animals-faqs/>



Resources II

- U.S. Access Board-Info on Places of Lodging Requirements and Exceptions-

www.access-board.gov

- ADA National Network- Place of Lodging Fact Sheet

https://adata.org/sites/adata.org/files/files/Accessible_Lodging_final2017.pdf



Resources III

- Certified Access Specialist (CASp) Inspection - <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Certified-Access-Specialist-Property-Inspection>
- ADA Quick Tips: Tax Incentives – <https://adata.org/factsheet/quicktips-tax>





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Questions

