

ADA Information Guidelines

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ADA Information & Guidelines

Policy Statement

The American with Disabilities Act (ADA) is a law that gives equal opportunity and access to people with disabilities.

No hotel is exempt from ADA. Noncompliance with ADA can result in penalties that can become costly to hotel owners.

Hospitality International, Inc. requires its Franchisees to comply with these requirements. If franchisees are unsure of their hotel's compliance, they should seek guidance through official sources, seek counsel or arrange an independent audit to ensure accuracy.

Four Quick and Easy Steps to ensure your property is ADA Compliant

These four steps will help you be successful in running your hotel and may be useful in avoiding costly settlements and lawsuits.

1. Examine your microsites

Each microsite (e.g., Expedia) on which your property may be listed has special settings you must activate to ensure your property appears in search results with the correct ADA compliant information. This may consist of updating the number of ADA rooms you have available, the room types, and any other necessary information. Providing these on StayHiHotels.com does not automatically update the many microsites in use for your hotel. Double-check your settings periodically and search the internet for any new sites on which your hotel may be appearing.

2. Update your Property on StayHiHotels

Your AMP Director will assist you in updating your hotel's ADA information. If you make any changes to your hotel, be sure to notify your AMP Director.

3. Determine if your hotel meets the physical requirements mandated by the ADA

The DOJ website has a [checklist](#) for Readily Achievable Barrier Removal (last revised in 1995). The checklist is intended for use when surveying an existing facility for barriers to accessibility and does not include the newer, 2010 requirements. The Institute for Human Centered Design has a useful updated [ADA Checklist](#) for existing facilities that incorporates the 2010 ADA Standards for Accessible Design. Local contractors can also audit your hotel for compliance. Please note: these checklists do not cover all areas of the ADA Standards and you should seek counsel and guidance when necessary.

4. Seek and understand the insurance coverage for your hotel

Contact your insurance agent to understand the types of claims under the ADA are covered, what your deductible is, and what policies may be available for you to purchase.

While having an ADA-compliant hotel may not guarantee protection against being subjected to a lawsuit, it is the best protection and may be far less expensive than defending a lawsuit or settling a claim.

Official ADA Resources

❖ Website

www.ada.gov

❖ ADA Standards

www.ada.gov/2010ADASTandards_index.htm

❖ ADA Information Line:

ADA Specialists are available:

- Monday, Tuesday, Wednesday, and Friday 9:30am - 5:30pm EST
- Thursday 12:30pm - 5:30pm EST

Phone Numbers:

- 800-514-0301 (Voice)
- 800-514-0383 (TTY)

❖ ADA Links and Resources

www.ada.gov/ada_info.htm

❖ ADA Law and Regulations

www.ada.gov/2010_regs.htm

❖ ADA Technical Assistance Materials - Publications and Videos

www.ada.gov/ta-pubs-pg2.htm

❖ ADA Enforcement

www.ada.gov/enforce_current.htm

Tax Credits and Deductions

- ❖ Franchisees may be eligible for a tax credit under Section 44 of the IRS Code and a tax deduction under Section 190 of the IRS Code.
- ❖ Tax credits can be used to offset the cost of alterations to improve accessibility, or providing Braille, large print, or audio tape, or for purchasing adaptive equipment, or making available a sign language interpreter or reader for guests or employees.
- ❖ Tax deductions can be claimed for expenses incurred with alterations.
- ❖ Franchisees should check their eligibility status with their CPA or the IRS.

Frivolous Lawsuits

In the last few years, a string of lawsuits has been filed across the nation alleging a failure to maintain an Americans with Disabilities Act (ADA) compliant hotel.

1. Many courts have already noted, a guest is not required to stay at the property in order to file a complaint - he or she is only required to *attempt* to stay at the hotel.
2. Title III of the ADA requires public accommodations to provide goods and services to people with disabilities on an equal basis of the general public. The standards require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable. Additionally, the standards, as interpreted, require website accessibility for any online booking and communication.
3. Common issues with barriers alleged in lawsuits are two-fold:
 - a) Physical, structural barriers - e.g., ramps, counter heights, and width of aisles
 - b) Online communications in the form of both text and website accessibility - e.g., compatibility of a website with a screen reader
4. In addition to ADA compliance, you are also responsible to maintain compliance with all regulations and standards required by your state. If there is a conflict in the regulations, you must implement the more stringent requirements that provide greater access to individuals with disabilities.

Grandfathered Properties

- ❖ The ADA does not have a ‘grandfather’ provision and hotels are required to be compliant with the 2010 and 2016 standards. The only exception is the ‘safe harbor’ provision in the 2010 ADA standards.
- ❖ The safe harbor provision allows any standards in place at a hotel that comply with the 1990 ADA standards, are to remain in effect even if the 2010 ADA standards altered that provision. This provision is applied on an element-by-element basis.
- ❖ If any elements that were in compliance with the 1990 ADA standards are altered, then the altered elements must comply with the 2010 Ada Standards.
- ❖ Safe Harbor rules do not apply to new 2010 ADA standards that did not exist in the 1990 ADA Standards. Examples of such include swimming pools and exercise machines.