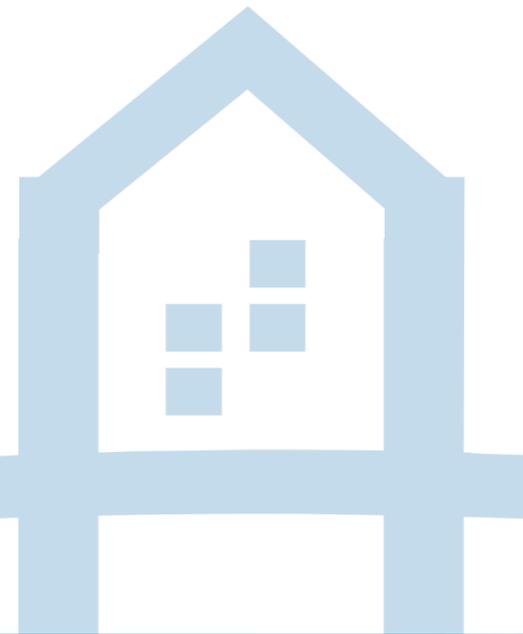




ADA Compliance and The “ADA Education and Reform Act”





AAHOA does not provide legal advice or representation to any individual persons or members. To the extent that this presentation contains information about the law that is designed to help the recipient understand or address his or her own legal needs, such information does not constitute legal advice or representation by AAHOA. AAHOA goes to great lengths to ensure the information it provides is accurate and useful, but strongly recommends all persons and AAHOA members consult an outside lawyer and obtain professional advice and representation that is appropriate to their particular situations.

Background- ADA Abuse



- The Americans with Disabilities Act is an important law to prohibit discrimination
- There is an industry of lawyers and plaintiffs who prey on small business owners that believe they are in compliance with the ADA
- In 2015 alone, hoteliers have been victims of more than 3000 drive-by lawsuits (targeting ADA Title III)
- Some hoteliers have received up to 50 lawsuits in a week

How Lawyers Target Your Business

- Under ADA Title III, lawyers most commonly target:
 - Pool Lifts
 - Wheelchair Ramps
 - Check-Writing Counters (in lobby)
 - Signs
 - Handicapped Parking Spaces



Pool Lifts and ADA Compliance



- The 2010 ADA implemented regulations for pools and spas in hotels
- Large Pools: 300 linear feet or more of pool wall
 - *Require 2 accessible entries*
- Small Pools: less than 300 linear feet of pool wall
 - *1 accessible entry*
- Accessible entry is a fixed pool lift or sloped entry

Quick Facts



- Many hotels actually in compliance are sued, and business owners are often choosing to settle out of court to avoid excessive legal fees
- There is no “grandfather clause” for older properties
- People filing lawsuits (serial plaintiffs) often never visit the property and have no intention of using the hotel’s services
- Cases can be issued based on website pictures

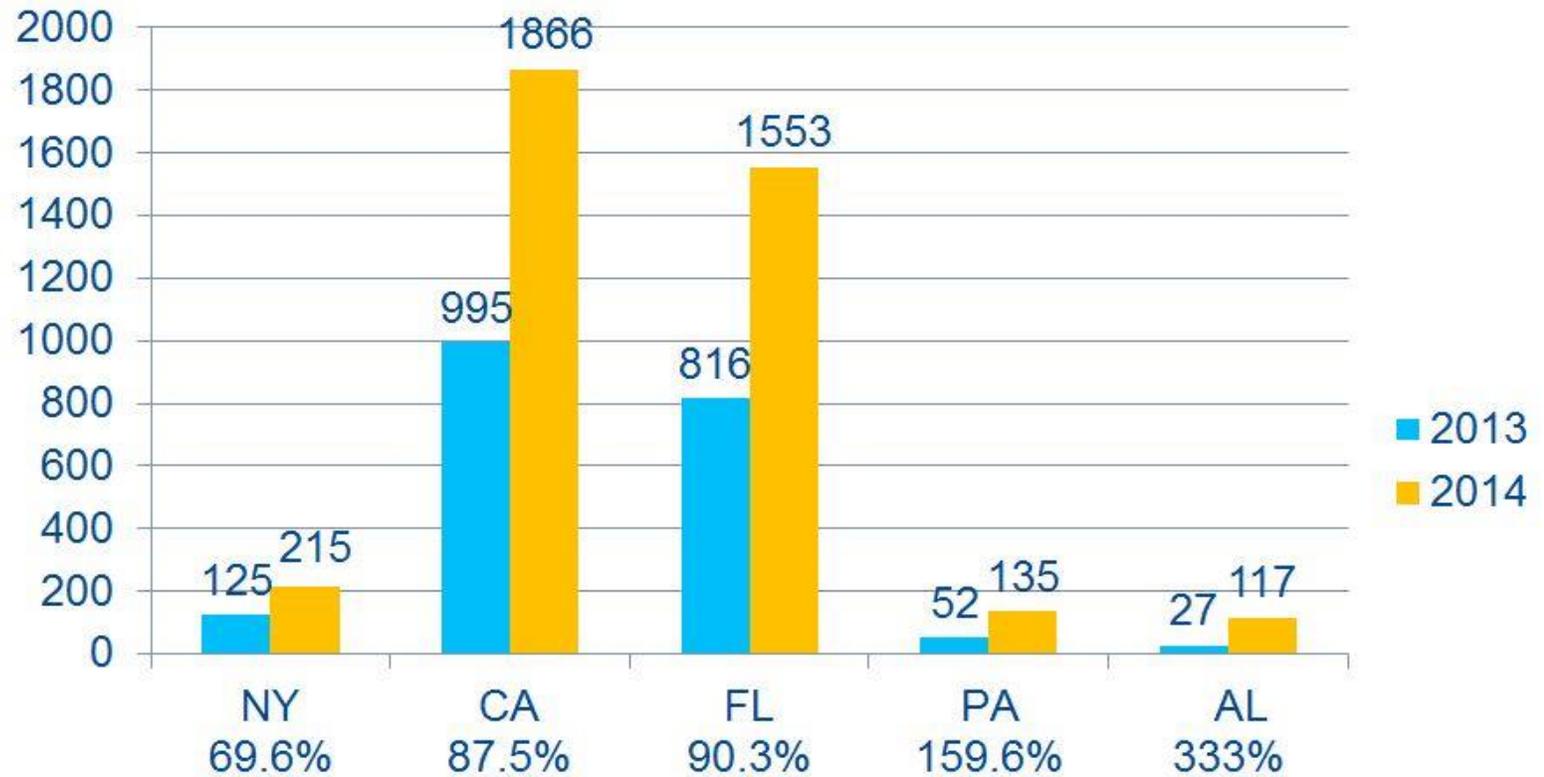
Quick Facts



- The ADA doesn't allow for damages to be collected by plaintiffs- the individuals who profit are lawyers
- There were 4,436 ADA Title III lawsuits in 2014, surging 63% from 2013
- This number is continually climbing, and the number of lawsuits filed in 2015 is on track to surpass 2014
- The ADA is here to stay, but AAHOA Government Affairs is working diligently to close this legal loophole



5 States With Highest Increase In Lawsuit From 2013-2014



Proactive Measures



- Seek expertise regarding ADA compliance and your hotel
- Know your hotel(s) facilities
- Create an action plan
- Train your staff
- Create a log for pool lift inquiries
- Update your Hotel Photos, Websites, Third-party photos

(HR 3765) The ADA Education and Reform Act of 2015



- Introduced by Congressman Ted Poe (R-TX-2) on 10/20/15
- Latest Action: Referred to the House Subcommittee on the Constitution and Civil Justice on 11/03/15
- AAHOA Government Affairs worked closely with leading associations and Congressman Poe's Staff
- September's Small Delegation Meeting in DC was primarily focused on increased ADA lawsuits in the Southwest Region
- AAHOA Members who attended FNAC discussed the importance of ADA ERA with legislators in the House and Senate- there are now 11 co-sponsors

How This Impacts Your Hotel Operations



- Requires lawyers to notify the business owner in writing of an alleged violation with specific details
- Allows a period for business owners to address potential violations and fix any problems
- Establishes a mediation program to help parties resolve claims without costly litigation
- Creates educational programs for state and local governments, as well as property owners, on ADA compliance

Resources



- [H.R. 3765 Bill Text](#)
- [AAHOA Federal Legislative One-Pagers](#)
- [Press Release from Congressman Ted Poe, ADA ERA Sponsor](#)
- [Americans with Disabilities Act Q&A](#)
- [Op-Ed from Congressman Ted Poe \(11/06/15\)](#)

Conclusion



- The AAHOA Government Affairs team hopes to both:
 - *Educate* AAHOA members about this crucial legislative issue and
 - *Inspire* AAHOA members to join our advocacy efforts
- Click [HERE](#) to send a pre-written letter to your Member of Congress asking them to support The ADA Education and Reform Act of 2015

*Stand with hardworking small business owners and hoteliers across the country- **your voice will make a difference.***