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TO: WACO Members

Re: Websites and ADA Compliance

Recently, some plaintiffs’ lawyers have been looking for possible claims against campgrounds whose websites allegedly violate the Americans with Disabilities Act (ADA). This Memo is an overview of what campgrounds should do to protect themselves.

ADA CLAIMS BEING MADE

The ADA is an important law. It has literally opened doors to disabled people since it was adopt in 1990. The ADA has been implemented largely through education and voluntary compliance. There have been lawsuits, of course. In the past few years, some plaintiffs’ lawyers have been using the ADA to bring numerous claims which appear to be primarily oriented at making a quick buck. Recently, claims have been made against campgrounds.

Campgrounds in other parts of the US received letters indicating that the firm’s client visited the campground’s website. The letter goes on to note that the website did not inform the visitor whether the campground has accessible facilities. The letter may also note that the website itself may be more difficult for disabled guests to access.

Several issues are posed here – (1) the campground’s obligation to provide accessible accommodations; (2) the campground’s obligation to advertise its accessible lodgings and (3) the campground’s obligation to make its website accessible.

CAMPGROUNDS AND ACCESSIBLE ACCOMMODATIONS

Campgrounds are required to comply with the ADA to accommodate the disabled. Campgrounds are subject to the ADA as places of public accommodation under the ADA (42 USC 12181 (7)(A) and (I). This memo will not address compliance requirements, which are extensive. There are several important principles:

*Removal of barriers*: Public accommodations are required to remove barriers to disabled access if the modification is achievable without much difficulty or expense.

*Accessibility to Altered Accommodations.* If a place of public accommodation is not accessible, it must be made accessible if it is remodeled or altered.

*New construction* must comply with the ADA.

INFORMING THE PUBLIC OF ACCESSIBLE ACCOMMODATIONS

The ADA requires that the services and amenities of public accommodations be accessible. There are no specific regulations which provide guidance to businesses on their websites. Some court cases have found violations of the ADA where websites do not inform disabled customers of the availability of accommodations.

In order to assure that your website does not violate the ADA, when you update your site, include an easily visible link which leads directly to information about your disability accommodations. Perhaps a link that looks like this:



CLICK HERE FOR INFO ON ACCESSIBILITY

The page to which the link takes the visitor should identify the cabins, sites, shower rooms, etc., which are accessible.

WEBSITE DESIGN REQUIREMENTS

There are suggested standards for websites which are supposed to make websites more accessible to people with disabilities. Those standards are beyond the scope of this memo. Your website designer should be familiar with the standards.

CONCLUSION

Campgrounds should check with their website designer to assure that the site contains a link on the main page which allows disabled people to navigate to information about facilities for the disabled.

Very truly yours,

KASIETA LEGAL GROUP, LLC

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