

Three Proactive Steps Hotel Operators Can Take to Mitigate ADA Financial Risks

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While federal lawsuits alleging violations of the Americans with Disabilities Act are not new, recent news coverage of current and ongoing lawsuits underscore that major hotel flags are particularly attractive targets for “ADA Testers”. When such ADA suits are filed, the media in turn appears to find it newsworthy.

Here are three proactive steps hotel operators can take to mitigate the substantial financial risks associated with such ADA suits.

- First and foremost, the hotel should retain a qualified ADA consultant to perform a comprehensive review of accessibility issues in the following areas: parking lot, lobby, retail and restaurants, common area restrooms, hotel amenities including pool and spa, and accessible guestrooms.
- Secondly, policies and procedures need to be reviewed or implemented (if not already in place) to address best practices with respect to making accommodations for persons with disabilities. Hotel restaurants, for example, need to have a minimum number of tables designed to accommodate persons in wheelchairs. If countertops or points of sale in the hotel are located too high for ready use by persons in wheelchairs, hotel employees and retail/restaurant employees need to have clipboards ready to provide guests in wheelchairs with an alternate writing surface.
- Lastly, based on the review and recommendations of the ADA consultant, a Remedial Plan should be instituted to address in a systematic way any property shortcomings identified by the ADA consultant. Depending on the property and the significance of the particular non-conforming conditions, remedial work may need to be budgeted over several fiscal years.

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Should you have further questions about how to mitigate the substantial financial risks associated with ADA suits, please contact **Michael Gibbons** or any member of the firm's Hospitality & Leisure Group.