# Is your website at risk for an ADA accessibility lawsuit?

The American's with Disabilities act has influenced the way businesses need to operate online. Now more than ever, providing the proper website accessibility is becoming undeniably more important, not only because it's the right thing to do, to give all visitors an opportunity to get to your services or products, but also because costly lawsuits against companies with alleged non-compliance have quickly increased over the past few years. Those suits and settlements can cause a huge financial burden to businesses. Some may end up going bankrupt through attempting to resolve an issue, be it through the court or by out-of-court settlement.

Truly, no public-facing business is safe from this type of litigation. Small and medium-sized businesses, as well as large corporations, are being sued for similar accessibility problems. **There were over 2,200 lawsuits filed in federal courts in both 2018 and 2019.** But even scarier, the majority of these lawsuits are aimed at the smaller and medium operation businesses, who will surely feel more of a negative impact than their larger peers.

It's never been a better time to ask yourself "is my website ADA compliant?"

# All industries need to comply with website accessibility laws but some are more likely to be sued

These lawsuits can happen essentially across any field or industry in any part of the country, but before we jump into that, let's clarify a big point on the law's interpretation thus far.

Which type of website must comply? A website that is associated with a business that operates a physical storefront location is certainly under the umbrella. That website is understood generally to be a digital extension of said company and can therefore be subject to ADA regulations. But some have raised questions as to whether or not websites are required to comply if they are tied to companies *who don't have a physical shop*. Some federal court decisions conclude yes, so it's incredibly wise to make your site compliant, physical location or not.

At the end of the day, you want to do all you can to minimize the risk of having to deal with attorney costs and the time dedication that comes with legal obligations. Again, all types of companies are potential targets for ADA lawsuits, here we highlight a few industries in particular.

## The real estate industry

One example is of Compass Real Estate, sued by a plaintiff who claimed their website had barriers for blind users. They noted that alt text for images were not present. Alt text is used by screen readers to present descriptions of images to those who have vision issues.

Another instance includes lawsuits brought against real estate websites CityRealty.com, Zillow and Move Inc., again citing that the websites' content was not properly accessible to visitors who had visual impairments. Cases like this have pushed the National Association of Realtors to highlight the issue of ADA compliance to its members.

## The healthcare field

Healthcare websites should be one of the most important places to maintain up-to-date compliance for accessibility. After all, if someone lives with a disability, the likelihood of

them visiting websites for healthcare practices would be presumably high.

There are many healthcare service providers that have already been the subject of settlements and lawsuits in relation to non-compliance, some of the well-known cases revolving around visually impaired visitors not having the opportunity to properly access information on said websites. Many of these suits, similar to other industries, revolve around screen reader devices being unable to properly portray website content to users.

Having an organization with a large number of websites means even more ways for supposed non-compliance to be uncovered. For example, HCA Holdings was sued for allegations that 100 or more of its health care facilities' and hospitals' websites were inaccessible to people with blindness.

## The automotive field

Car dealerships or any automotive speciality store for that matter, also need to be vigilant regarding the ADA. Issues involving dealership websites have popped up in California, New York and Florida. One prudent example comes from Florida.

Jaun Carlos Gil, a Florida resident who is legally blind, brought lawsuits to roughly 50 car dealerships in the state under the context of website non-compliance in 2019. Gil stated that he could not gain access to content on their websites because the sites did not work with his screen reading software.

## In the educational sphere

Dozens and dozens of higher education institutions have seen accessibility complaints, settlements and lawsuits. There was even one case where a blind man sued 50 colleges due to screen

reader issues with the websites' pages. Since the ADA requires public services and facilities to be accessible for those with disabilities, public schools must comply with regulations.

One case related to the accessibility for the hearing impaired is a great example. In 2015, a plaintiff raised a lawsuit against MIT – Harvard, claiming the school's online teaching platforms did not provide the right amount of accessibility to those with deafness. Harvard eventually altered it's platform via an eventual settlement agreement.

# Finance industry

Here are some big players in the financial services and banking industries who have been served lawsuits or been given grievances regarding their web applications or websites:

- Charles Schwab
- Bank of America
- HSBC
- First Union
- Washington Mutual
- H&R Block

A notable instance involves Bank of America who was under legal scrutiny after plaintiffs claimed their website experience was not accessible enough for those who are blind. Per the following settlement, the company worked to enhance the site respectively, while also pledging to implement ATMs which talked to users.

You can certainly bet that it's not just the larger financial institutions who have come into the scopes of would-be plaintiffs. Smaller banks and similar businesses are just as vulnerable and may feel the financial sting even worse if litigation ensures.

## The food and restaurants sector

Restaurants and food companies have benefited greatly from the new trend in digital search and decision making. Expanded options for online ordering capabilities and for viewing and reading menus creates new opportunities for the businesses, but also new avenues for issues to occur.

As we mentioned earlier, it’s not only large companies that get hit for supposed violations. Five Guys burger chain, Domino’s Pizza, and Dunkin’ Donuts aren’t the only ones dealing with ensuing legal costs and battles. In general, it’s usually the smaller mom and pop food joints, or medium sized food companies that are being targeted by plaintiffs.

Restaurants need to be on guard for non-compliance points and should take every precaution in maintaining a website that adheres to the ADA. You don’t want to get fried by potentially crippling litigation costs.

## Dental practice industry

There have already been various dentists in southern California who were recipients of lawsuits for supposed website accessibility issues. There was also a case where a dentist in the Dallas, Texas area was threatened with a lawsuit for allegedly having accessibility problems on his website. This entanglement has purportedly resulted in him spending thousands of dollars to settle the problem.

Website accessibility complaints brought against dentists has influenced the American Dental Association to take action by informing all of its members of the threat at hand. The organization sent word to all of the state dental societies, providing info on website compliance for the American’s with Disabilities Act.

## E-commerce websites

E-commerce websites have grown in popularity, and so has taking a legal aim at them. In the past few years, the amount of complaints surrounding accessibility for eCommerce websites has climbed. Companies with eCommerce sites like New Balance, Urban Outfitters, Nike and H&M to name a few, have been targets of lawsuits. Even fashion and beauty companies like Glossier, Coach, Versace, Gucci, and Louis Vuitton have been hit. Grocery stores like Winn-Dixie have also been under fire for alleged infractions.

## Protect your business and get ahead of issues

There are many ways you can keep your website ADA compliant, including working with your website development team or website company to ensure compliance points are taken care of. You can also choose from a variety of automated solutions, some of which use artificial intelligence to scan and fix issues.

If you're wondering whether or not your website is ADA compliant right now, the team at ADA Compliance Monitor will audit your website for free and provide you a report on your site's violations so you can take the right steps to help you avoid potential legal issues.

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*Opinions expressed in this article are those of the guest author and not necessarily Search Engine Land. Staff authors are listed here.*

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# About The Author

Richard is the founder and president of TheeDigital, a digital marketing agency in Raleigh, North Carolina. He built his first website in 1999. His team not just builds high converting websites but also providing local SEO and PPC campaign management.
http://feeds.searchengineland.com/~r/searchengineland/~3/zPvSlqcIEXA/is-your-website-at-risk-for-an-ada-accessibility-lawsuit-343663