

Trending Risk: Website Accessibility Lawsuits

Under the Americans with Disabilities Act (ADA), businesses need to provide reasonable accommodations to ensure that they are accessible to people with disabilities. Many business owners are aware of these requirements, but they may not realize that the ADA also applies to websites. If your website is not accessible to people with disabilities, you could be hit with a lawsuit for ADA noncompliance.

Websites Are an Increasingly Important Part of Daily Life

Many people do a substantial part of their shopping online, and the pandemic has increased this trend. According to [Digital Commerce 360](#), consumers spent \$861.12 billion with online U.S. merchants in 2020. In 2019, ecommerce represented 15.8% of total retail sales. In 2020, it represented 21.3%.

It's not just shopping. For many people, internet usage is no longer optional. People go online to search for jobs, manage their banking, complete school assignments, and more. This makes website accessibility an important issue with high stakes for many people with disabilities.

Website Accessibility Lawsuits

Many businesses have been sued because their premises do not meet ADA accessibility requirements. Although the ADA was intended to help people with disabilities, some of the resulting lawsuits have been criticized for being abusive against small business owners. Serial plaintiffs have been known to look for ADA violations in order to file what are sometimes called "drive-by lawsuits."

Now, we're seeing similar issues with websites and ADA compliance issues. In recent years, ADA lawsuits over website accessibility have surged. According to the [AP](#), a disabled woman who lives in Florida has filed about 500 lawsuits against lodging establishments in 15 states. The lawsuits claim ADA violations related to the online booking options, including a lack of information about accessible rooms or features.

Two issues make website accessibility lawsuits especially worrisome for businesses

1. Serial plaintiffs who are looking for website violations can scout out a large number of violations in a short period of time, and they are not restricted by geographical location.
2. Many business owners may have trouble determining which website accessibility features are required. A website may be considered a public accommodation and therefore subject to the accessibility requirements of the ADA, but the ADA was written before the rise of the internet and therefore does not address it directly.

New legislation could help, and at least one bill, the Online Accessibility Act, has been proposed. According to a statement from [Rep. Ted Budd](#), "Every year, thousands of website accessibility lawsuits are filed by plaintiffs alleging that certain websites were not ADA compliant. Our bill solves that problem by providing guidance to businesses on how to bring their websites into compliance. If our bill is passed, job-creators will be able to avoid costly lawsuits and be given a roadmap for how to help their disabled customers access online content."

The Web Content Accessibility Guidelines

The [Web Content Accessibility Guidelines \(WCAG\)](#), developed by the World Wide Web Consortium, provide recommendations for website accessibility.

There are three levels of WCAG conformance. Level A is considered the minimum level. Level AA includes additional requirements and is the level that many organizations aim for. Level AAA includes even more requirements. [WCAG 2.1 at a Glance](#) provides a summary of the key guidelines.

This is a developing issue, and new legislation and guidance may be coming. However, because lawsuits are being filed now, businesses cannot afford to wait and see what happens. It's important to follow current accessibility best practices while staying alert for any new legislative or industry requirements.