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Businesses Failing to Address Website Accessibility Vulnerable Under the ADA

Companies have had more than their fair share of compliance concerns over the past year. With privacy bills taking center stage, companies scrambled to ensure their websites and practices surrounding data – and the protection of data – are compliant with the applicable laws. However, companies have more worries on the compliance front in the form of website accessibility. Under the Americans with Disabilities Act (the “ADA”), companies received an increasing number of complaints for being in violation of Title III.

Recently filed complaints alleged that companies’ websites and mobile apps are not compliant under Title III of the ADA because various disabled individuals, including the visually impaired, are unable to access them. While there are no official regulations applying Title III to websites, courts have increasingly expanded the definition of “public accommodation” under Title III of the ADA to include commercial websites. While in some jurisdictions courts have allowed disabled individuals who encounter problems accessing a business’s website to assert a claim under the ADA, other jurisdictions only allow a plaintiff to assert an ADA claim if there is some nexus between the company’s website and a physical location.

With uncertainty from lawmakers and varying opinions by courts, it is in the best interest of companies to ensure that their websites are accessible to the visually impaired and other disabled individuals. Failure to assess a company’s current compliance under the ADA in regard to website accessibility leaves that company vulnerable to claims. And even though ADA claims only allow for injunction, attorney’s fees may also be awarded.

Our experienced attorneys at Dickie, McCamey & Chilcote, P.C. will continue to monitor the evolving landscape of website compliance under the ADA. Our attorneys have advised clients on general ADA compliance for years. If you have any questions or concerns, please contact us. We will be happy to work with you and to help equip your company for compliance in this constantly evolving area.



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