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# website accessibility - americans with disabilities act impact

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*MSK Client Alert*

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## **Background**

Title III of the Americans with Disabilities Act ("ADA") mandates that public accommodation must be provided to disabled persons to allow for the "full and equal enjoyment" of the related privileges, goods, services, advantages and accommodations as those provided to able bodied persons. The owner of any business is responsible for making sure those accommodations are made with "reasonable modification." The ADA makes it very clear that a business that does not provide for that accommodation is engaging in unlawful discrimination 42 U.S.C. section 12182(b)(2)(A)(iii).

The statute provides for various examples of where public accommodations must be provided, including locations such as an inn, a restaurant, a theater, an auditorium, a bakery, a laundromat, a depot, a museum, a zoo, a nursery, a day care center, and a gymnasium. Noticeably absent from that list are websites. That's because websites did not exist at the time the statute was passed, and Congress has not expressly addressed the issue in the interim.

Over the last twenty years, the Courts have weighed in, with conflicting perspectives, on the topic of website accommodation and how the statute can or should be interpreted for this purpose..

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