



PLEASE NOTE: THIS DOES NOT SUBSTITUTE FOR LEGAL ADVICE
This is an Introduction to Legal Issues that commonly affect small businesses
This is not a substitute for consulting directly with a Lawyer, which is always recommended

ADA Guidelines & Compliance Overview for Small Businesses

1. ADA COMPLIANCE FOR YOUR PHYSICAL SPACE

Overview of the Law

The Americans with Disabilities Act (ADA) is a federal law enacted in 1990. Under **Title III**, any place open to the public (a "public accommodation") must provide full and equal access to its goods, services, privileges, and facilities. Title III covers 12 categories of businesses including restaurants and bars, retail stores, service establishments (banks, hospitals), hotels, private schools, gyms, and child care centers.

Important: No business is "grandfathered" into compliance, and you may never lawfully refuse service to a person because of their disability. City or county inspectors and Certificates of Occupancy do NOT certify ADA compliance.

Landlords & Tenants - Who Is Responsible?

The ADA makes both landlords and tenants responsible for compliance. Landlords frequently shift the cost of ADA improvements onto tenants through standard lease language such as:

"Tenant is responsible for compliance with all governmental laws, ordinances, or other legal requirements."

Review lease language carefully and object before signing if possible.

The "Readily Achievable" Standard

The ADA requires removal of barriers where it is "readily achievable", meaning easily accomplishable without much difficulty or expense. The DOJ makes case-by-case determinations; larger businesses with greater resources may be required to do more. Structural impossibility may be a recognized exception.

Common Physical Space Requirements

Area	Key Requirements
Entry & Counters	Ramp required for any step at entrance. Door may need an accessible button. Service counters must be no higher than 36" from the floor.
Parking	Accessible path from parking to entrance (no barriers from cars, curbs, or ramps). Dedicated accessible spots required: car spaces 8' wide with 5' access aisle; van spaces 8' wide with 8' access aisle.
Bathrooms	Adequate space for a wheelchair to enter and turn. Toilet, sink, grab bars, tissue holder - all have specific height, width, and length dimensions set by regulation.



Service Animals

- Public accommodations must allow service animals (dogs or miniature horses trained to perform tasks for a person with a disability).
- Emotional support animals (animals that provide comfort but are not task-trained) are NOT required to be admitted under the ADA (though often permitted in housing as a reasonable modification).
- A business may only ask two questions: (1) Is the animal required because of a disability? (2) What task has it been trained to perform?
- No special vest, harness, or license is required. Extra charges are only permitted for actual damage caused by the animal.

What Plaintiffs Must Show to Sue

- They have a qualifying disability (physical or mental impairment limiting a major life activity, a record of such impairment, or being regarded as having one).
- The business is a place of public accommodation.
- They were denied full and equal treatment because of their disability. In California, causing difficulty, discomfort, or embarrassment is enough.

Possible consequences of a lawsuit include statutory money damages, injunctions requiring corrective action, and attorney's fees paid to the plaintiff's lawyers, plus potential reputational harm.

Proactive Step: CASP Inspection

We recommend arranging a **Certified Access Specialist (CASP)** inspection before any complaint arises. A CASP inspector will visit your property, identify violations, and document remediation steps. This proactive step also provides a good-faith defense if litigation follows.

If You Get Sued - Get an Attorney

- Contact your local bar association's lawyer referral service immediately.
- Read the complaint carefully and note all deadlines; request more time if needed.
- Actively pursue negotiation and settlement to limit legal costs for both sides.
- Obtain a written release of all claims upon settlement to cover future liabilities.

2. ADA WEBSITE ACCESSIBILITY

The following is an overview of the different guidelines on website accessibility. Please note that many of the technicalities have been left in for your IT person.

Legal Framework

Governing Law: ADA Title III (42 U.S.C. §12181) requires all places of public accommodation, including business websites, to be accessible to people with disabilities. While the statute does not explicitly define a website standard, the Department of Justice (DOJ) and federal courts consistently treat inaccessible websites as violations.

Required Standard: Web Content Accessibility Guidelines (WCAG) 2.1 Level AA - 50 success criteria published by the World Wide Web Consortium (W3C) and adopted by the DOJ as the benchmark for compliance.



The Four Core Principles: "POUR"

Principle	What It Means in Practice
Perceivable	Information must be presentable in ways users can perceive (e.g., alt text for images, captions for video, sufficient color contrast).
Operable	All functionalities must be operable via keyboard, not just mouse. No keyboard traps; users must be able to navigate all interactive elements.
Understandable	Content and UI must be readable and predictable. Error messages must be descriptive; forms must have clear labels.
Robust	Content must be reliably interpreted by a wide variety of assistive technologies (screen readers, braille displays, voice control).

Perceivable - Content Must Be Accessible to All Senses

Image Alt Text (WCAG 1.1.1 - Level A)

- Every informational image must include a written description of its content or purpose.
- Decorative images must be marked so screen readers skip them entirely.
- Charts and infographics need a full written explanation of key findings.
- Images that are links must describe the destination, not just the picture.

⚠ HIGH LITIGATION RISK: This is the single most-cited violation in ADA lawsuits. *Robles v. Domino's Pizza* (9th Cir. 2019) and the *Beyoncé website class action* (2019) both turned on missing alt text. Automated scanning tools flag this instantly.

Captions for Video & Audio (WCAG 1.2.1–1.2.5)

- All pre-recorded video with audio must have synchronized closed captions (not just subtitles).
- All audio-only content (e.g., podcasts) must have a full text transcript.
- Live video must have real-time captions.
- Videos must include audio descriptions when visual content conveys information not spoken aloud.

⚠ HIGH LITIGATION RISK: Harvard and MIT were sued by the National Association of the Deaf (2015) for inadequate captioning. Caption failures are a top DOJ Title II enforcement target.

Color Contrast (WCAG 1.4.3 - Level AA)

- Normal text (under 18pt / 14pt bold): minimum contrast ratio of 4.5:1 against background.
- Large text (18pt+ / 14pt+ bold): minimum contrast ratio of 3:1.
- UI components and graphical objects: minimum 3:1 contrast.
- Never use color alone to convey information (e.g., red-only error messages).

⚠ HIGH LITIGATION RISK: A 2022 WebAIM analysis found ~84% of the internet's top 1 million homepages had detectable low-contrast text. Automated tools catch this immediately.

Text Alternatives for Non-Text Content

- Security measures designed to differentiate human users from automated bots, commonly referred to as CAPTCHA must offer an accessible alternative (such as audio or logic puzzle).
- Buttons that only show an icon must have a hidden text label that tells a screen reader what that button does.
- Visual graphs and charts need to have a text-based version of the data available nearby.



Operable - All Functions Must Work Without a Mouse

Full Keyboard Accessibility (WCAG 2.1.1–2.1.2 - Level A)

- Every feature usable by mouse must be fully functional using only a keyboard.
- No keyboard traps: users must be able to enter and exit every element, including pop-ups.
- Custom widgets (calendars, sliders) must respond to standard keyboard commands.
- A visible 'skip to main content' link must appear at the top of each page.

⚠ HIGH LITIGATION RISK: The majority of federal ADA website cases allege keyboard inaccessibility as the primary barrier, because screen readers depend entirely on keyboard-navigable code. This is the broadest category of litigation.

Other Operable Requirements

- Visible focus indicator: a clear outline must appear on any focused link or button (WCAG 2.4.7 — Level AA).
- Session timeouts must warn users before time expires and allow at least 20 seconds to extend (WCAG 2.2.1).
- Auto-moving content (e.g., rotating banners) must have a pause/stop control.
- No content may flash more than 3 times per second (seizure safety — WCAG 2.3.1).

Understandable - Content Must Be Clear and Predictable

Accessible Forms (WCAG 1.3.1, 3.3.1–3.3.2 - Level A/AA)

- Every input field must have a permanent, visible label.
- Error messages must explain what went wrong and how to fix it.
- Required fields must be flagged with text or symbols — not color alone.
- Screen readers must automatically announce error messages when they appear.

⚠ HIGH LITIGATION RISK: Inaccessible forms are among the most litigated barriers because they directly prevent users from completing transactions, registrations, and applications.

Other Understandable Requirements

- Each page must declare the language it uses and carry a unique, descriptive page title (WCAG 3.1.1, 2.4.2).
- Link text must clearly describe the destination - never 'Click here' (WCAG 2.4.4 - Level A).

Robust - Compatible with Assistive Technologies

- Website code must be clean and standard so assistive devices can interpret it without errors (WCAG 4.1.1–4.1.2).
- All PDFs must be tagged for accessibility with a logical reading order; scanned PDFs must be converted to readable text.
- Custom UI elements (tabs, dropdowns) must expose their state (open/closed) to screen readers.
- Mobile: site must function in both portrait and landscape orientation; touch targets must be clearly visible; no complex gestures (e.g., pinch, 2-finger swipe) without a single-tap alternative.



Highest-Litigation Risk Categories

Risk Category	Common Technical Violations to Address
Images & Alt Text ⚠️	Missing or vague alt text; empty or redundant links.
Keyboard & Navigation ⚠️	Non-operable dropdowns; keyboard traps; modals that don't trap focus.
Forms & Transactions ⚠️	Missing form labels; broken error messages; inaccessible payment inputs.
Color Contrast ⚠️	Low contrast between text and background; color-only error indicators.
Video & Audio Media ⚠️	Missing closed captions, transcripts, or keyboard-accessible media players.
PDFs & Documents	Untagged PDFs; scanned images without OCR; poor reading order.
Third-Party Tools	Inaccessible chat widgets, booking engines, or 'accessibility overlay' plug-ins.
Interactive Elements	Carousels without 'Stop' buttons; inaccessible social media embeds.

Strongly Recommended Next Steps

- Publish an Accessibility Statement on your website - this supports a good-faith defense in litigation.
- Obtain a Voluntary Product Accessibility Template (VPAT) / Accessibility Conformance Report.
- Arrange for a professional accessibility audit annually; include accessibility requirements in vendor contracts.
- Run automated testing in your development pipeline and supplement with testing by users with disabilities.
- Train staff and developers on accessibility standards.

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