

On March 15, 2012, new regulations implementing Title III of the ADA took effect, some lawyers in Florida and other parts of the country use the interpretation of 28 C.F.R. §36.302(e) to sue inns, bed and breakfasts, motels, hotels and other places of lodging by declaring that websites and online booking engines discriminate against those with disabilities based on the following:

Reservations made by places of lodging. A public accommodation that owns, leases (or leases to), or operates a place of lodging shall, with respect to reservations made by any means, including by telephone, in-person, or through a third party -

- (i) Modify its policies, practices, or procedures to ensure that individuals with disabilities can make reservations for accessible guest rooms during the same hours and in the same manner as individuals who do not need accessible rooms;
- (ii) Identify and describe accessible features in the hotels and guest rooms offered through its reservations service in enough detail to reasonably permit individuals with disabilities to assess independently whether a given hotel or guest room meets his or her accessibility needs;
- (iii) Ensure that accessible guest rooms are held for use by individuals with disabilities until all other guest rooms of that type have been rented and the accessible room requested is the only remaining room of that type;
- (iv) Reserve, upon request, accessible guest rooms or specific types of guest rooms and ensure that the guest rooms requested are blocked and removed from all reservations systems; and
- (v) Guarantee that the specific accessible guest room reserved through its reservation service is held for the reserving customer, regardless of whether a specific room is held in response to reservations made by others.”

ONLINE RESERVATION SYSTEM:

Like the recent Domino's Pizza case of October 2019, a disabled person must be able to use the same online services or apps at the same hours as regular guests. You can't have different call-in requirements.

Property owners need to clearly identify the rooms that are for disabled guests on their booking engine and website. In addition, the accessible features (such as handrails, entrances, etc) should also be provided.

The ResNexus online booking engine has a pop-up box that confirms the online guest has ADA needs and holds the room in reserve for those customers.

The ResNexus property management system shows the ADA room as unavailable once reserved. It also allows you to remove the room from being displayed online.

In theory this means if a disabled guest makes a reservation at your property they are guaranteed the ADA room. This means if a non-disabled guest has booked the ADA room they would need to be moved to an available non-ADA room.