



Americans with Disabilities Act Title II & Title III Revised Regulations Fact Sheet Series

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#4 - Places of Lodging



The Department of Justice (DOJ) has issued revised ADA Title III (private businesses, a.k.a. places of public accommodation) regulations regarding places of lodging. These regulations include several significant provisions designed to enable individuals with disabilities to make reservations at places of lodging as effectively as others. [§36.104, §36.302(e)] They also include new facility standards for places of lodging within the 2010 Standards for Accessible Design. [§36.406(c)] All of these provisions related to lodging take effect March 15, 2012.

Who Must Comply?

An entity that owns, leases, leases to, or operates a place of lodging must follow these new requirements. Places of lodging include traditional hotels, motels and inns, as well as facilities that provide guest rooms for sleeping for stays that are primarily short-term (generally 30 days or less), where occupants do not have the right to return to a specific room or unit after the conclusion of their stay, and which provide guest rooms under conditions and with amenities similar to a traditional hotel, motel, or inn. Such conditions and amenities include the following:

- On- or off-site management and reservations service;
- Rooms available on a walk-up or call-in basis;
- Availability of housekeeping or linen service;
- Acceptance of reservations for a room type without guaranteeing a particular room or unit until check-in, and without a prior lease or security deposit.

This does not include facilities that contain no more than five rooms for rent and that actually are occupied by the proprietor of the establishment as the residence of the proprietor.

Reservation Systems

- All of these provisions apply with respect to reservations made by telephone, in-person, or via a website.
- Individuals with disabilities must be able to make reservations for accessible guest rooms during the same hours and in the same manner as others.

- Places of lodging must identify and describe accessible features of the facility and the guest rooms offered through its reservations service in enough detail to reasonably permit individuals with disabilities to assess independently whether a given facility or guest room meets his or her accessibility needs. Information, including photos or other images, may be posted on websites or included in brochures or other materials. Customer service staff should also be trained to respond to specific inquiries about the features of the facility, including accessible routes to and through the facility; details about the configuration of accessible guest rooms and bathrooms; the availability of accessibility equipment or features such as bath benches, or visual alarm and alert devices for guests who are deaf or hard of hearing; and the accessibility of common spaces such as meeting rooms, lounges, restaurants, swimming pools, or fitness centers.
- Accessible guest rooms must be held for use by individuals with disabilities until all other guest rooms of that type have been rented.
- When a reservation is made for an accessible guest room, the *specific* accessible guest room reserved must be held for the reserving customer and the room must be removed from the reservation system.
- Places of lodging that make rooms available for reservations through third parties (e.g., Expedia or Orbitz) must provide accessible rooms to at least some of the third parties and must provide information about the accessible features of the facility and the guest rooms.

New Requirements for Places of Lodging from the 2010 Standards

- In general, lodging built after March 15, 2012 will have to comply with the 2010 ADA Standards [Sections 224, 806 as well as §36.406(c)] which include a new section with standards for recreational spaces, including but not limited to swimming pools and spas (Sections 242, 1009), exercise equipment (Sections 206, 236, 1004), golf courses (Section 238, 1006), boating facilities (Sections 235, 1003), and playgrounds (Sections 240, 1008). The 2010 ADA Standards also include new scoping provisions for the number of guest rooms that must be provided with features for mobility access and for communication access.
- Existing lodging built before March 15, 2012 will need to remove architectural barriers, when readily achievable, to recreational facilities, which include but are not limited to swimming pools and spas, exercise equipment, golf courses, boating facilities, and playgrounds.

Call your Regional ADA Center at 1.800.949.4232 for more information on Places of Lodging and to get other Fact Sheets in our nine part series!