



Commercial Classroom: Websites must be Americans with Disabilities Act (ADA) compliant - by Ed Smith

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This column is offered to help educate agents new to commercial and investment brokerage and serve as a review of basics for existing practitioners.

On July 22nd, 2020, the New York State Association of Realtors (NYSAR) issued an advisory: "Realtors Receiving Demand Letters from Law Firm Alleging Websites Do Not Comply with ADA Website Accessibility." Being most real estate firms and agents have websites; I looked into this further.

The word "website" does not appear anywhere in the Americans with Disabilities Act. In fact, when the ADA was signed into law by then President George W. Bush on July 26th, 1990 there was no internet and websites did not exist.

However, over the years the U.S. Courts have ruled that ADA regulations are applicable to websites. This is based on Title III of the law which defines that ADA is applicable to businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. "Public Accommodations" has been defined as any building open to the public. The U.S. Courts have interpreted "Places of Public Accommodation" to include the internet and specifically websites.

In 1999 Web Content Accessibility Guidelines (WCAG) were developed, expanded in 2008 and again in 2018. Currently WCAG has 38 requirements (many of a technical nature) required for compliance. The goal is to make the content of websites usable for people with vision or hearing impairments and those who have cognitive, learning, or other physical disabilities.

With the Coronavirus closings of schools and work places, a work from home and home schooling environment was created. This accented the use of computers and the internet which many folks with disabilities found difficult. It has also created a significant number of lawsuits against website owners for ADA violations.

A few tips follow to help make your website ADA compliant:

Provide alt-text for all images (description of what image is). Alt-text captions allow site readers to describe your images audibly.

Ensure your site can be navigated using a keyboard alone. Not all users are able to interact with a touchscreen or grip a mouse.

Provide documents in a text-based format at all times, even when you also offer a PDF. Complex image documents can't be understood by software that reads text aloud for visually impaired website users.

Use descriptive text for links (you write links so that someone can tell what the linked page is about — not “click here” or “learn more” but “fact sheet 121 Main St., Anytown” or “Income and Expense Statement.”

The key is to make sure your website is accessible to everyone, including persons with disabilities.

You want a site that is easy to navigate with content that is clear and understandable.

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