

U.S. SUES FIVE MANHATTAN HOTELS FOR VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

ADA Sweeps by U.S. Department of Justice -- Coming to a theater district or hotel near you soon?

by Martin H. Orlick

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The Department of Justice initiated the Times Square/Theater District ADA Compliance Sweep involving nearly 50 popular tourist hotels. For various reasons, some of these hotels' owners failed to negotiate Voluntary Compliance Agreements with the government.

Now, the U.S. Attorney for the Southern District of New York has brought suit against the owners and operators of five Theater District hotels in the United States District Court for the Southern District of New York, for violations of the Americans with Disabilities Act of 1990 ("ADA"). They are the MODERNE, the AMERITANIA, the AMSTERDAM COURT, the HOTEL CARTER, and the RADIO CITY SUITES.

The United States settled with 45 hotels. These five hold-out hotels are the first in the sweep to be sued.

The federal court Complaints allege that these hotels had numerous violations of the ADA which render their properties inaccessible for people with disabilities.

The Complaints seek a determination that the hotels fail to comply with the ADA, and an order requiring the owners and operators to remove all ADA violations. The Complaints also seek civil penalties which could be \$55,000 or more.

LEV L. DASSIN, Acting U.S. Attorney for the Southern District of New York, said: "Our office has worked for more than three years with Theater District hotels to improve accessibility for persons with disabilities, and numerous hotels have entered into voluntary compliance agreements that have greatly expanded the number of accessible rooms in New York's Theater District. The complaints filed today demonstrate our intention to fully enforce the Americans with Disabilities Act in the important area of access to hotel accommodations."

Although we do not know the specific circumstances under which the U.S. attorney's office filed suit against the five hotels, we do know that the litigation will be expensive and a significant operational distraction.

If you would like to discuss the ADA as it relates to your hotel or business, please contact us.



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