



FREEMAN MATHIS & GARY, LLP
Attorneys at Law

Surge of Demand Letters From Access4All, Inc. Claiming Website Accessibility Violations

In recent weeks, Portell Law Group has sent out hundreds of demand letters on behalf of Access4All, Inc. targeting real estate agents and brokers claiming their websites are not fully accessible to visually impaired users and therefore violate the Fair Housing Act (“FHA”), among other statutes. Access4All is described as a non-profit organization whose membership consists, in part, of individuals with disabilities. The letters and accompanying draft complaints claim that barriers exist on the websites that prohibited an unidentified “tester” from accessing materials. They go on to make demands for the purported issues to be corrected and for payment of various fees and costs. The letters are often followed by telephone calls making further settlement demands.

Should you receive one of these letters you should report it to your insurance agent as you may have an insurance policy that provides coverage. If you do not have applicable insurance, you may want to contact an attorney who is familiar with these types of matters who can assist you with assessing the claims and determining what response, if any, to make. Although there are substantial similarities between the claims being asserted, how they apply to each website is an issue that should be assessed on its own. Finally, you may also want to reach out to your web developer and request that the developer review your site for compliance with the Americans with Disabilities Act (“ADA”) and non-binding guidelines on website accessibility, particularly the World Wide Web Consortium’s (“W3C”) Web Content Accessibility Guidelines (“WCAG”).

Although legal demands should be taken seriously, there are a number of aspects of these claims that give cause for recipients to be circumspect. First, many of the demands contain no specific information about what Access4All member accessed the website, when it was accessed, or how the member was denied access. Second, Access4All, a recently created Florida corporation (www.access4allusa.org), is confusingly similar to a Missouri corporation, Access-4-All, LLC (www.access-4-all.com). The Missouri corporation has in fact pursued litigation concerning alleged ADA violations. To date, we are unaware of Access4All filing any lawsuits. Third, the Access4All website does not appear to contain any information about the organization itself, its members, membership requirements, activities, or the like. Instead, it contains primarily stock photos and links to news stories from other sources. Finally, individuals purporting to act on behalf of Portell Law Group have been aggressively following up seeking “settlement” of the claims. It is worth noting that on some caller i.d. systems the phone number from which people are calling is identified as “fraudulent caller.” In any event, the fact that a demand has been made does not mean that the claim has any merit or that the individual/entity asserting the claim will establish the claim. It remains to be seen whether this particular organization will ever file suit. If



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you are considering settlement, before engaging in any such discussions you should first determine whether you have insurance coverage and, in any event, consult with an attorney.

If you have questions or would like more information concerning this article, please contact Jennifer Markowski at Freeman Mathis & Gary, LLP jmarkowski@fmglaw.com or 617.807.8962.



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CA | CT | FL | GA | KY | MA | NJ | NY | PA | RI