

The Barnstable Patriot

Guest Opinion

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Airbnb and the ADA are on a collision course

You never know when you'll come to love the Americans With Disabilities Act (ADA).

For me it was just over five years ago when I became a wheelchair-using paraplegic. Also, when my 85-year-old mother used a wheelchair before and after hip replacement. And again when my 7-year-old's friend broke a leg skiing and had to use a chair for a while. You just never know, do you?

The ADA guarantees people with disabilities the same opportunities as everyone else to participate in the mainstream of American life. Any entity open to the public is a public accommodation, and has to remove barriers that keep me out.

Transient lodging is heavily regulated by the ADA.

The exceptions cover most traditional Barnstable vacation rentals: a getaway with 5 rooms or less, and a home that's the owner's actual, lived-in residence rented to other families for a limited time. But Airbnb accommodations owned by real estate operating companies and other investors likely have ADA obligations.

The question will surely be tested — though not in other coastal communities from The Hamptons to Pebble Beach. They allow only the rental of one's real residence for a limited time, and are therefore exempt. The question also won't be tested in tourist-friendly cities from Boston to San Francisco that have similar rules. Barnstable is an unknown; it's working on new short-term rental regulations now.

On a web page entitled "What does Airbnb do to support accessibility?" the company spends 16 paragraphs to say, "talk to the homeowners, not us."

So let's do that.

The ADA and the Massachusetts Public Accommodations Law impose burdens. Investors who buy single-family dwellings and change their use to transient lodging may be required to undertake "readily achievable barrier removal." Judgments are made case-by-case and take the property owner's financial resources into account. There are also tax incentives.

According to ADA Title III regulations for readily achievable barrier removal, the first priority is access. Start by building a 36-inch wide ramp with a maximum slope of 1:12 so people like me don't maim ourselves even more. Doorways also need to be widened to a 36-inch clearance. A bit lower on the priority list is an accessible bathroom that's wide enough for a wheelchair to turn in, with specific sink height and knee clearance, and specific distance between the toilet and walls.

Today, Airbnb does require operators to accept Service Dogs and even Emotional Support cats, rats, and turkeys. But this ADA compliance costs operators nothing other than their opinions.

There are an estimated 3.3 million wheelchair users in America. Accessibility complaints can be filed with the Commonwealth of Massachusetts to spur action anytime.

Running public accommodations isn't easy, cheap, for amateurs, or a lark of an investment strategy. Nor should it be.