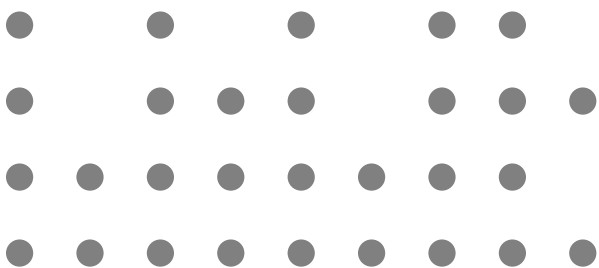




ADA Made Easy: 4 Simple Tips for Preventing ADA Lawsuits in Self-Storage Facilities



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The yearly average increase of Americans with Disabilities Act (ADA) lawsuits filed nationwide since 2013 is approximately 28%. As with any metric, history is usually the most significant indicator of future performance.

The ADA is not all erroneous. There are 61 million people with disabilities in the United States, which equates to about 26 percent of the population. The chances are that you probably know someone or have a family member who has a disability.

The vast majority of these people want to go about their business just like everyone else and are not on some mission to shut down your business. According to a 2018 report from the American Institutes for Research, the total after-tax disposable income for working-age people with disabilities is about \$490 billion, similar to that of other significant market segments. We want these people in our brand experience.

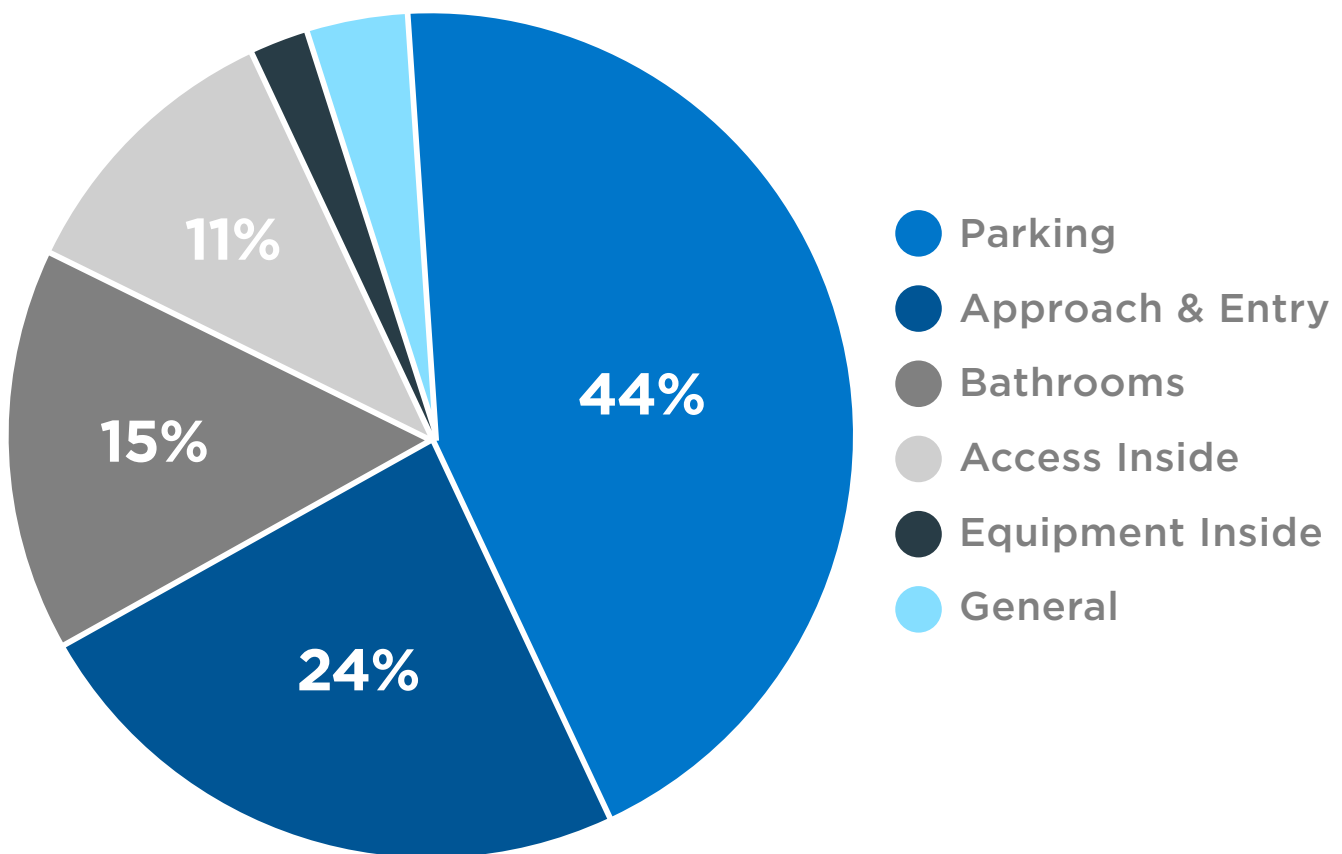
However, the likelihood of an ADA lawsuit in your facility is a real concern and something all facility managers and owners should be concerned about. I want to share with you four simple tips that will help you avoid an ADA related lawsuit.

- 1. Get Your Parking Lot Right.** Its literally like ADA Lawsuit Repellant! **This one simple thing will reduce your exposure to an ADA lawsuit by almost 50%!...45%** percent to be accurate because the vast majority of all ADA Lawsuits are related to inadequate or non-compliant accessible parking. They're called "google lawsuits" because as 60-minutes reported, some high-frequency litigants have used the power of Google's street view to file lawsuits on facilities they have never visited hence the name "Google Lawsuit" or "Drive-By Lawsuits." If your parking lot has a freshly painted ADA parking stall, proper signage and looks good from the street, then chances are these high-frequency litigants will look elsewhere.

Key issues to look for:

- No accessible parking
- No access aisle
- Incorrect size
- Striping faded or dilapidated
- Excessive slopes and cross slopes
- Incorrect or no signage
- Spaces not located closest to the main entrance

Alleged ADA violations by category:



2. Make Sure There's A Route Of Travel. Many people with disabilities don't own or have a car and travel by public transit. The more urban your locations are, the more likely this is the case. Suppose a person travels to your facility and cannot get from the public sidewalk into your main entrance. In this case, your location has a higher probability of an ADA related lawsuit or complaint because they cannot access your goods and services that are made available to others. This may or may not be simple, depending on your facilities configuration, but **it will reduce your exposure to an ADA lawsuit by almost 24%.**

Key issues to look for:

- No walk from the public side walk to the main entrance
- Excessive slopes and cross slopes
- Sidewalk not 36 inches minimum wide
- Missing ramps
- Directional signage missing
- Note: If no public sidewalk, then no route is required

3. Ensure Accessible Self-Storage Units Are Available. Whether it's by policy for self-storage facilities, built before March 15, 2012, or newer facilities that should have been constructed with the correct number of accessible storage units, having the right number of accessible self-storage units is paramount to preventing an ADA related lawsuit or complaint. **This one simple thing will reduce your exposure to an ADA lawsuit by almost 11%.**

Key issues to look for:

- No self-storage policy for the rental of accessible units
- No range of choice for accessible unit types
- Units with door thresholds higher than a 1/2 inch

- Missing signage at accessible units
- Door pressures too high
- Roll-up door handle pulls and latches not easy to grasp with one hand
- Web site is not accessible
- Public leasing office counter is too high

3. Provide Accessible Restrooms. The need for accessible restrooms is pretty apparent. Nothing is more frustrating or demeaning than to be out with friends or family having a great brand experience. Then when you “have to go,” the restroom is too small or lacks simple features to make them usable due to your disability. This may or may not be simple, depending on your restroom configuration, but **it will reduce your exposure to an ADA lawsuit by almost 15%.**

Key issues to look for:

- Doors too narrow
- Door signage missing
- Door pressures too high
- Missing grab bars
- Incorrect clearances
- Mirror too high
- Lavatory too high
- Non accessible door hardware
- Turning space not provided
- Not on accessible route



ADA compliance does not have to be complicated. **Focusing on these four critical areas for your facilities could have a net reduction in exposure to an ADA related lawsuit by almost 95 percent.** Now I am not an attorney and cannot provide legal advice, and like Trip and Fall or Hot Coffee Lawsuits, there is no silver bullet or complete 100% protection from those adamant about using the legal process to gain monetary compensation.

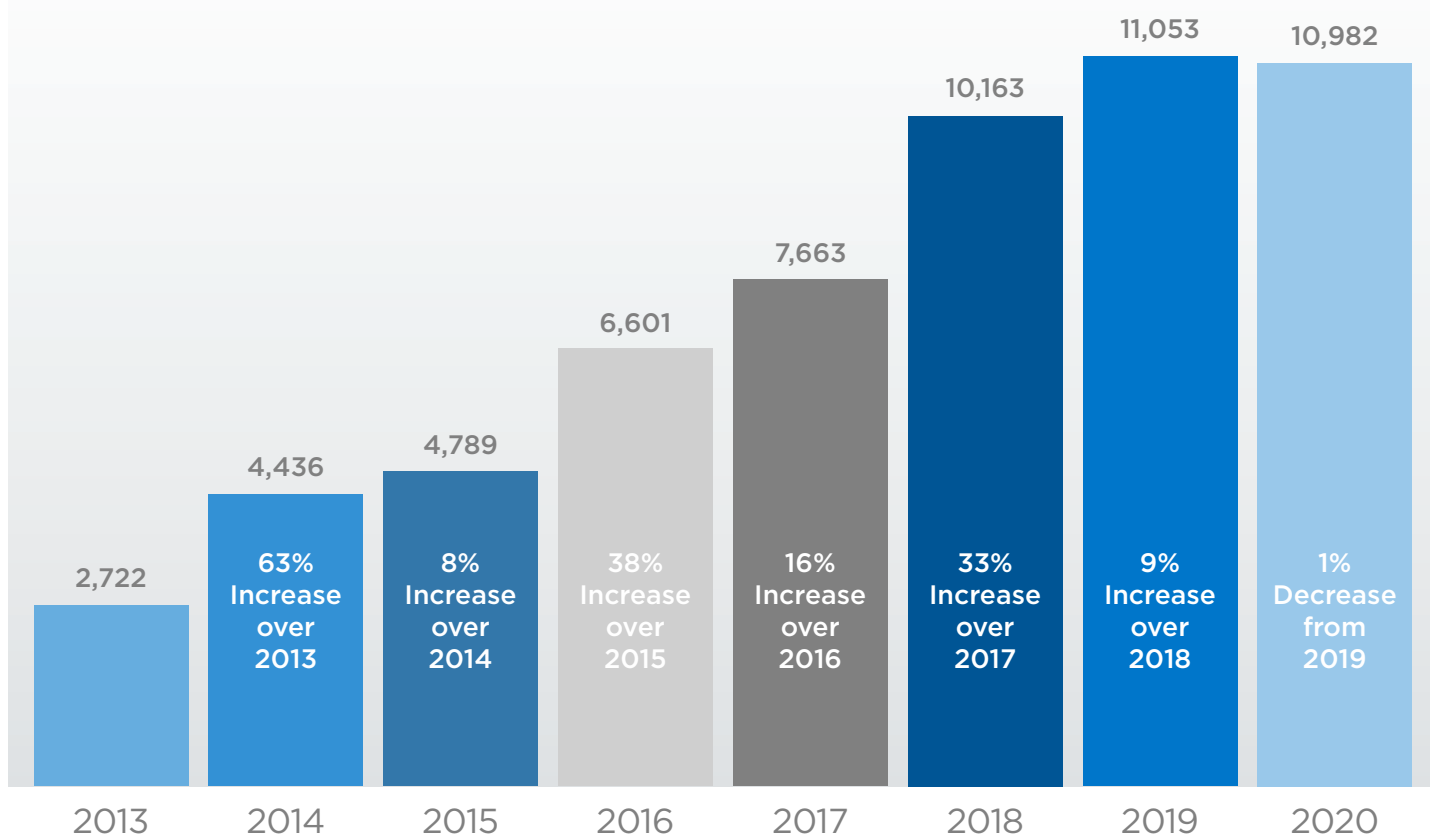
But you can significantly reduce your exposure to these high-frequency litigants, make a good faith effort to comply, and, most importantly, help those with disabilities and their over \$490 billion in discretionary spending have a great brand experience with you.

Here is a summary of these 4 simple tips that will help you avoid an ADA related lawsuit for your facilities.

- 1. Get Your Parking Lot Right**
- 2. Make Sure There's A Route Of Travel**
- 3. Ensure Accessible Self-Storage Units Are Available**
- 4. Provide Accessible Restrooms**

Total Number of ADA Title III Federal Lawsuits Filed Each Year

January 1, 2013 – December 31, 2020



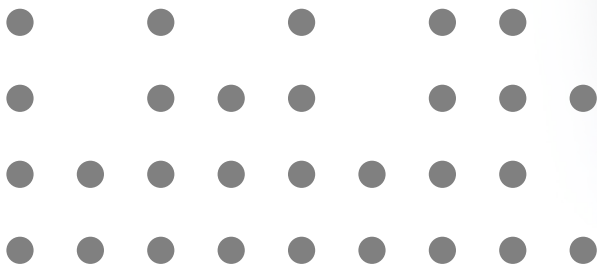
Source: Sayfarth Shaw LLP

Have questions, feel free to reach out to me at paul@adaassurance.net or www.adaassurance.net

Paul Klein, CBO, CASp, the principal with ADA Assurance and has been working with Restaurant and Self-Storage facilities and the ADA for over 27 years. Through his training, education, and consulting services, he provides ADA consulting services to major brands such as Taco Bell, KFC, Del Taco, Cracker Barrel, StoreLocal, StoragePRO & Performance Self Storage Group.



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