KAUFMAN | DOLOWICH

Mansfield Rule Certified 2022-2023

ADA and Gift Cards: A Victory for Businesses During the Pandemic, New York Law Journal

Thirty years after the enactment of the ADA, among all of the COVID-19 pandemic chaos, courts have repeatedly ruled in favor of businesses in cases alleging that a failure to offer accessible gift cards is a violation of the ADA.

By Jennifer E. Sherven, partner, and Erika H. Rosenblum, attorney
New York Law Journal | August 14, 2020

For the last several months, businesses have been turned upside down—from retail stores closing their doors due to shelter-in-place orders from state and local governments to restaurants forced to rely on takeout and/or outdoor dining, and schools, including universities and colleges, transitioning to remote learning.

The pandemic chaos may have finally yielded some good news for businesses that trade in gift cards. Title III of the Americans with Disabilities Act (ADA) prohibits discrimination against individuals with disabilities in places of public accommodations. Over the last few months, courts have repeatedly granted motions to dismiss claims alleging violations of the ADA, New York State Human Rights Law (NYSHRL) and/or New York City Human Rights Law (NYCHRL) for failing to offer Braille gift cards to consumers.

© 2024 Kaufman Dolowich. All Rights Reserved. | www.kaufmandolowich.com