

***This is provided for general informational purposes only, and does not, and is not intended to, constitute legal advice. Members should contact an attorney to obtain advice with respect to any particular issue or problem.***

[MEMBER LETTERHEAD]

[DATE] \_\_, 2021

BY EMAIL

[ATTORNEY NAME]

[LAW FIRM]

[ADDRESS]

[ADDRESS]

[EMAIL]

Re: *Demand letter from Pursuit of Respect, Inc.*

Dear [NAME]:

[I/WE] are in receipt of the boilerplate letter you sent on behalf of Pursuit of Respect, Inc. (“POR”), which has similarly been sent to dozens of other real estate professionals around the country. In that letter, you claim that POR’s tester encountered access barriers on [WEBSITE URL] (“Website”), which “denied full and equal access to information and/or services” related to [COMPANY]. Your assertion that the Website’s alleged inaccessibility violates the Fair Housing Act of 1988 (“FHA”), Title III of the Americans with Disabilities Act (“Title III of the ADA” or “Act”), and the Web Content Accessibility Guidelines 2.0 (“WCAG”) is without merit. For the foregoing reasons, we reject your client’s claims, and will zealously defend any further attempts to pursue these baseless claims.

The National Association of REALTORS® has advised that the FHA does not require real estate brokers to code their website to be accessible to individuals with disabilities nor does it have any general obligation to ensure effective communication with individuals with disabilities. Your letter fails to cite any specific basis for a website accessibility claim under the FHA. This is unsurprising, considering this claim is simply unsupported by existing law.

The National Association of REALTORS® has also advised that a recent decision from the 11<sup>th</sup> Circuit Court of Appeals explained that websites are not places of public accommodation under Title III of the ADA. The Act’s obligations extend only to places of public accommodation, which are clearly and unambiguously spelled out in the Act to include twelve types of locations. Notably, no intangible locations, including websites, are included in the list of places of public accommodation covered by the Act. Thus, your ADA claim fails. *Gil v. Winn-Dixie Stores, Inc.*, 2021 WL 1289906 (11th Cir. 2021).

Last, there can be no violation of the WCAG where an obligation is absent at the outset. The WCAG are part of a series of web accessibility guidelines published by the Web Accessibility Initiative of the World Wide Web Consortium (“Consortium”), an independent entity focused on accessibility on the web. While there may be no dispute as to the validity of the Consortium’s work, there is no statutory, regulatory or requirement that otherwise requires an entity to comply with the WCAG. Thus, there is no violation as your letter falsely asserts.

In sum, there is no basis for your client to assert any claims under the FHA, the ADA, or the WCAG. Please cease and desist from sending any further threats related to these misguided and baseless claims.

Sincerely,

[NAME]  
[TITLE]

EXAMPLE