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Supreme Court Dismisses Case Set To Undermine The ADA

On December 5, 2023, the United States Supreme Court dismissed the Acheson Hotels, LLC v. Laufer. The case involved whether an individual may challenge an accommodation under the Americans with Disabilities Act (ADA) by serving as a tester when the person does not intend to visit the establishment.

The North Dakota Protection and Advocacy Project (P&A) closely followed the case with concern regarding the potential narrowing of the 33-year-old Americans with Disabilities Act (ADA, which has served as a cornerstone for the disability rights movement. The Court did not issue a decision on the merits, instead finding the appeal to be moot as Laufer had previously dismissed her case. Veronica Zietz, Executive Director of P&A notes, “The Acheson Hotel case was a significant attempt to erode the ADA. Testers play a significant role in ensuring that businesses are in compliance with the ADA, ultimately ensuring people of all abilities have equal accesses to public spaces and businesses. This dismissal was a big win for the disability community.”

The case has been being closely monitored by North Dakota housing advocates, as the use of testers is necessary to ensure all people receive fair access to safe and affordable housing. “Blatant examples of housing discrimination are rare. Housing discrimination often happens with a smile and a handshake. Victims of discrimination may receive different rental terms such as offering the person of color (or other protected group) fewer units, higher deposits or fees, or incomplete information. Individuals who are given misleading or inaccurate information may never know that they have been treated unlawfully because they have no way of comparing their treatment to anyone else’s. Frequently, the only way to uncover differences in treatment is through the use of testing,” said Michelle Rydz, Executive Director of High Plains Fair Housing Center whose organization routinely uses testers in their fair housing investigations. She continued, “We are thankful that the Supreme Court has made the case moot so that we can continue to identify and stop housing discrimination in North Dakota.”

For more information about your fair housing rights please visit the High Plains website at <https://www.highplainsfhc.org/events.html> for a list of upcoming events. For more information on Protection and Advocacy and disability-related issues visit www.ndpanda.org.

High Plains Fair Housing and Protection and Advocacy are committed to ensuring access for all under the Americans with Disabilities Act. High Plains is the only organization in North Dakota whose mission is to strengthen communities and to ensure equal access to fair housing in the region through training, education, enforcement, and advocacy. P&A is the leading civil rights organization for people with disabilities in North Dakota. P&A is a federally mandated, independent state agency established in 1977 to advance the human and legal rights of people with disabilities.

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