

Notes from the MAR Legal Hotline

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Q. Can I put surveillance cameras in my property to make sure the tenants in my vacation rental are following the rules?

A. No, while it is certainly understandable that you would want to make sure the provisions of the lease agreement are being followed, placing surveillance cameras in your property may subject you to both criminal and civil liability. Massachusetts General Laws Chapter 214, Section 1B protects a person's "right against unreasonable, substantial or serious interference with his privacy." Although you, as the landlord, own the property, the people who rent it – whether for a week or a year – are using it as their home and are entitled to their privacy while there.

Q. I've heard people talking about websites needing to be accessible for people with disabilities – what does this mean?

A. Title III of the Americans with Disabilities Act (ADA) requires that every owner, lessor, or operator of a "place of public accommodation" provide equal access to users who meet ADA standards for disability. The U.S. Department of Justice has repeatedly held that while the ADA does not specifically address the question of web accessibility, its language is still broad enough to include websites as part of your business operations. The legal consensus is that if Title II or Title III apply to your organization, then they also apply to your website.

Although the ADA does not specifically mention websites or outline standards for making websites compliant, recommendations cited in the Web Content Accessibility Guidelines (WCAG) 2.0 are often used for guidance on the subject of website accessibility. There has been an uptick in the last several years in federal lawsuits filed against businesses alleging that their website violates the ADA by being insufficiently accessible to people with disabilities. To limit potential liability MAR recommends that REALTORS® follow these standards:

- Provide audio descriptions for photographs and videos;
- Ensure all users are able to navigate the website (i.e. keyboard only commands);
- Ensure compatibility with leading screen reading programs;
- Allow for text scaling up to 200% without distortion or layout problems.

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