

Overview of concerns with H.R. 620,
the so-called ADA Education and Reform Act of 2017

H.R. 620 would turn people with disabilities into second-class citizens, and its priorities are profoundly skewed. This bill goes against the very principles of an inclusive society that America is all about.

It is exceptionally harmful because:

1. The bill's proponents have forgotten the everyday experiences of millions of people with disabilities who cannot shop, transact personal business, or enjoy recreation as most Americans take for granted because so many public accommodations across the country have ignored the reasonable requirements of the ADA. Many new parents learn this when they find that stroller access is often impossible. For people with disabilities, it's the difference between participation and exclusion, and happens to many on a daily bases. For example, why should a wheelchair user be unable to join her family at a restaurant, just because the owner has resisted installing a ramp for 25 years?
2. The ADA is already very carefully crafted to take the needs of business owners into account. Compliance is simply not burdensome. **But this bill would remove any reason for businesses to comply. Instead, they can take a "wait and see" attitude,** and do nothing until they happen to be sued or sent a notice letter.
3. H.R. 620 would require a person with a disability who encounters an access barrier to send an exactly written notice, and gives the business owner 60 days to even acknowledge that there is a problem—and then another 120 days to begin to fix it. No other civil rights group is forced to wait 180 days to enforce their civil rights. Even then, the business would face no consequence for violating the law for months, years, or decades, if it takes advantage of the months-long period to remedy the violation before a lawsuit is permitted.
4. Establishing and running a business necessitates compliance with many laws and rules—this is the cost of doing business. It is unthinkable that we would eliminate consequences for small businesses that failed to pay taxes, or meet health and safety codes, unless they received an exact notice from the public, with extensive timelines to comply. Violating the rights of people with disabilities—and denying us access to places of public accommodation that others take for granted—should be treated no differently.
5. H.R. 620 calls for education by the Department of Justice. But there are already extensive federal efforts to educate business owners about their ADA obligations, including the in-depth DOJ ADA website (<http://ada.gov>), the DOJ ADA hotline, extensive DOJ technical assistance materials, etc. and by the 10 federally-funded regional ADA Centers (www.adata.org) that provide in-depth resources and training in every state. Yet a great many of the millions of public accommodations in the U.S. have made no effort to comply with the ADA.

Twenty-six years since the ADA was enacted, businesses should be expected to comply with their legal obligations. Those that violate the law should be held accountable.

6. Proponents of this bill have raised concerns about money damage awards. But that has nothing to do with the ADA, because the ADA does not allow money damages.¹ Such damages are only available under a handful of state laws. This bill **will do nothing to prevent damage awards** under **state** laws.
7. The ADA accessibility standards are extremely important. They are not minor details or picky rules, but rather, are essential to ensure true accessibility. For example, a doorway that is too narrow can be the difference between accessing a business or not. A too-short bathroom grab bar can be the difference between using a restroom or being forced to go without a restroom.
8. Supporters of this bill have cited concerns about frivolous lawsuits or serial litigants. However, courts and state bar associations already have extensive power to deal with any frivolous litigants or their attorneys. We should use those existing legal mechanisms, if needed, rather than denying the civil rights established by the ADA.
9. It is troubling that this bill blames people with disabilities for public accommodations' failure to comply with the ADA. Why should disabled people pay the price of an inaccessible environment, where we cannot live our lives like everyone else?

Please do not place additional barriers in the path of people with disabilities! We urge you to reject this bill.

¹ Money damages are not allowed for private plaintiffs under Title III of the ADA, which applies to privately operated public accommodations, commercial facilities, and private entities offering certain examinations and courses. *See* 42 U.S.C. § 12188; 42 U.S.C. §§ 12182 and 12181(7); 42 U.S.C. §§ 12183 and 12181(2); and 42 U.S.C. § 12189.