

May 19, 2016

The Honorable Trent Franks
U.S. House of Representatives
2435 Rayburn House Office Building
Washington, DC 20515

The Honorable Steve Cohen
U.S. House of Representatives
2404 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Franks and Ranking Member Cohen,

On behalf of the countless businesses represented by the organizations listed below, we express our strong support for H.R. 3765, "The ADA Education and Reform Act of 2015."

This bipartisan and narrowly tailored legislation will ensure that the intent of Title III of the ADA is not only preserved but enhanced. It provides improved access to public accommodations for the disability community while simultaneously preventing well-meaning business owners from falling victim to "drive-by" lawsuits -- the practice of identifying technical, easily correctable violations to extract a settlement consisting principally of attorneys' fees.

From 2013 to 2014, the number of ADA Title III lawsuits -- those dealing with public accommodations -- surged by more than 63%. In many cases, a single plaintiff filed dozens, even hundreds, of cases across a geographic area alleging violations under the ADA. Often without the resources to contest the suit or even verify the standing of the complainant, thousands of businesses are left paying significant legal fees. The ADA was intended to improve access for the disabled, not to line the pockets of unscrupulous attorneys.

H.R.3765 recognizes that alleged ADA access violations could be addressed more effectively by providing a "notice and cure" provision. This simple, common sense approach would allow a business to actually identify and correct alleged ADA violations before engaging in an unnecessarily lengthy and costly settlement process. By removing the current incentives to merely seek payment of legal fees, the emphasis can once again be placed on compliance and improved access.

The undersigned organizations are committed to creating a safe, welcoming environment for those whom they serve and acknowledge the tremendously positive impact the ADA has made in our society. We believe H.R. 3765 is needed to ensure that resources are focused on improving access while protecting businesses from abusive lawsuits. We encourage the Judiciary Committee to favorably report the bill as soon as possible.

Thank you for your leadership on this issue.

Sincerely,

American Hotel and Lodging Association

American Resort Development Association

Asian American Hotel Owners Association

Building Owners and Managers Association (BOMA) International

International Council of Shopping Centers

International Franchise Association

NAIOP, Commercial Real Estate Development Association

National Apartment Association

National Association of Convenience Stores

National Association of Theatre Owners

National Council of Chain Restaurants

National Federation of Independent Business

National Multifamily Housing Council

National Restaurant Association

NATSO, Representing America's Travel Plazas and Truck Stops

Retail Industry Leaders Association

U.S. Chamber of Commerce