

July 27, 2017

The ADA Education and Reform Act of 2017 It's Time to Restore the Integrity of the ADA

The undersigned associations, representing businesses open to the public, join in saluting the 27th anniversary of enactment the Americans with Disabilities Act (ADA). We acknowledge the remarkable positive changes the law has made to assist the disability community and benefit society as a whole.

We support the spirit and intent of the ADA and our members strive to remain fully accessible so that all of our customers and guests can enjoy a full range of services and amenities.

This anniversary provides an important opportunity for Congress to restore the integrity of the ADA.

- One of the unintended consequences of the law is the practice of "drive-by" lawsuits either threatened or filed by individuals whose primary objective is a monetary judgement, not a fix to a barrier to access.
- Over the past year, the number of ADA Title III lawsuits -- those dealing with public accommodation -- surged by more than 37%, undermining the objective and effectiveness of the law.
- The majority of ADA "drive-by" lawsuits do little to actually remedy access problems; rather, they serve to line the pockets of certain attorneys and their pool of plaintiffs.
- Several states have enacted laws to curb abusive lawsuits; these measures have been very effective but have had the effect of shifting suits to federal court or, in some cases, inspiring unscrupulous attorneys to move their practice to a different state.
- Alleged ADA access violations could be addressed more quickly and cost-effectively through the widely accepted practice of providing the property owner with proper notice and a time-frame to fix the alleged problems.
- Customers and guests are better served when property owners are given notice of ADA infractions and the opportunity to focus limited resources on improving access and facilities, rather than on legal fees collected by unscrupulous actors.

H.R. 620, The ADA Education and Reform Act of 2017, is a common-sense bill that specifically targets an area in need of reform in the ADA.

- H.R. 620 provides a time period to fix the alleged violation or make substantial progress to resolve it. If the property owner fails, the plaintiff has all the rights to pursue action that the ADA provides.
- The new bill directs the Office of Justice Programs to develop a program to educate state and local governments and property owners on effective and efficient strategies for promoting access for persons with a disability and staying compliant with the ADA.
- The proposed legislation addresses an unintended consequence of the ADA that has been allowed to flourish over time, tarnishing an otherwise landmark, life-changing law.

STRENGTHEN THE ADA, SUPPORT H.R. 620!

American Hotel and Lodging Association
American Resort Development Association
Asian American Hotel Owners Association
Building Owners and Managers Association (BOMA) International
Institute of Real Estate Management
International Council of Shopping Centers
International Franchise Association
NAIOP, the Commercial Real Estate Development Association
National Apartment Association
National Association of Convenience Stores
National Association of REALTORS®
National Association of Theatre Owners
National Council of Chain Restaurants
National Federation of Independent Business
National Multifamily Housing Council
National Restaurant Association
National Retail Federation
Retail Industry Leaders Association
U.S. Chamber of Commerce