

February 13, 2018

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Re: Groups Strongly Oppose H.R. 620, the ADA Education and Reform Act of 2017.

The undersigned organizations join many others in the disability and civil rights communities opposing H.R. 620, the ADA Education and Reform Act of 2017.

The Americans with Disabilities Act is a vital, 27-year-old civil rights law, which provides persons living with disabilities the right to go to court to remedy public accommodation violations. This bill would interfere with the proper functioning of the ADA by imposing new burdens on those who suffer discrimination and will lead to diminished compliance with the law. It also places substantial burdens on persons with disabilities to begin the process of enforcing existing rights—burdens that do not currently exist and are unjustified.

H.R. 620 places unreasonable notice burdens on persons living with disabilities who are denied access to public accommodations by non-compliant businesses. Before any action can be taken over failure to remove a barrier, the disabled individual—and only that individual—must provide written notice to the business. That notice must include information that an individual is unlikely to know, such as the specific section of the ADA that the business has violated. Placing the onus on the person who has been discriminated against weakens incentives for businesses to follow ADA requirements, leading to diminished compliance with the law.

In addition, the bill adds a substantial time period before an individual can file a civil action under the ADA. And because this 180 day period does not begin running until the owner or operator receives notice of the violation, the time during which people with disabilities would be unable to access buildings, restrooms, and other essential facilities is likely even longer.

Moreover, the public accommodation need not remove the architectural barrier at issue during the 180 day period, but only “make substantial progress in removing the barrier,” which requires no timetable to actually eliminate the barrier. Thus, people living with disabilities would still lack access to the facility while their legal claims have been unnecessarily delayed.

The ADA was enacted to ensure that people living with disabilities could enjoy equal opportunity and access to all aspects of everyday life. H.R. 620 would impose new, burdensome rules on those individuals, which weakens America's seminal nondiscrimination law for individuals living with disabilities. We urge you to oppose this legislation.

Very sincerely,

Alliance for Justice
Center for Justice & Democracy
Center for Medicare Advocacy
Consumer Action
Earthjustice
Impact Fund
National Association of Consumer Advocates
National Consumer Law Center (on behalf of its low income clients)
National Consumer Voice for Quality Long-Term Care
National Consumers League
Progressive Congress Action Fund
Protect All Children's Environment
Public Citizen
Texas Watch
The Arc of the United States