

Oppose Any Attacks on the ADA: Don't Roll Back Our Rights!

Background

The Americans with Disabilities Act (ADA) was signed into law on July 26, in 1990 as the most comprehensive disability rights legislation ever passed. It prevents discrimination in employment, public services, public accommodations, telecommunications and other services and provides a model framework regarding the relationship between the disability community and the business community. Unfortunately, after 27 years, there are still several organizations, businesses, and companies which have still not complied. In 2008, Congress passed the ADA Amendments Act which makes important changes to the definition of the term "disability" by rejecting the decisions in several Supreme Court decisions and portions of the Equal Employment Opportunity Commission's ADA regulations. The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA.

On February 25, 2018, the U.S. House of Representatives passed **H.R. 620 the ADA Education and Reform Act of 2017** which limits the ability of people with disabilities to enforce their rights under the ADA to access places of public accommodation in the same manner as all other citizens. This bill would require individuals with disabilities to send a letter of notification to the business that it is out of compliance with the law, allow 60 days for them to acknowledge the barrier and has another 60 days to make "substantial progress" in remedying the barrier. No other civil rights group is forced to wait 120 days to enforce their civil rights. Businesses could employ a "wait and see" approach, continuing to violate the law. H.R. 620 is now waiting to be considered in the Senate.

Any bill like H.R. 620 would create significant obstacles for people with disabilities to enforce their rights under Title III of the ADA. Title III (public accommodations) was intended to balance the interests of small businesses along with the accessibility concerns of people with disabilities. Title III does not require any action with respect to existing buildings that would cause an undue burden on businesses or that is not readily achievable. The approach of the ADA was not to exempt small businesses from the requirements of the bill, but rather to tailor the requirements of the Act to consider the needs and resources of small business.

In several states across the country, non-compliant business owners are being sued by attorneys for being in violation of the ADA. Some attorneys are "predatory" in nature as they go to businesses, mostly first-generation business owners, and ask for a settlement.

This bill is an attack on the ADA:

- **H.R. 620 or any similar legislation would limit the ability of people with disabilities to enforce their rights under the ADA to access places of public accommodation in the same manner as all other citizens.**
- **This bill would amend the ADA to require the individual with a disability to send a letter of notification to the business that was out of compliance with the law giving the business a grace period of 120 days in total before someone can file suit.**
- **This bill is trying to protect businesses at the expense of people with disabilities and this is not the answer.**

Request to Policymakers:

Oppose any bills like HR 620 that would amend the Americans with Disabilities Act. Bills like these are not the answer small businesses are looking for to address lawsuits against their establishments. United Spinal Association wants to ensure that all stakeholders continue to advocate to enforce the ADA and expand access to ADA technical assistance through the ADA National Network.