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# The Lurie Institute for Disability Policy

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## Statement Regarding the ADA Education and Reform Act (H.R. 620)

**Position:** The Lurie Institute for Disability Policy opposes the ADA Education and Reform Act (H.R. 620) as well as any efforts to weaken protections afforded to people with disabilities by the Americans with Disabilities Act (ADA). The ADA is the result of careful deliberations that recognize the interests of the business community while safeguarding the rights of people with disabilities to be fully included in society. H.R. 620 would undermine this balance by removing incentives for businesses to comply with the ADA and unduly shifting the burden of enforcement of the ADA to people with disabilities. **Accordingly, we urge Congress to support comprehensive implementation of the ADA and other civil rights laws that protect the rights of people with disabilities and other marginalized communities, and oppose H.R. 620 and other efforts to diminish access to mainstream society.**

**Background:** On July 26, 1990, the ADA was signed into law as the most comprehensive disability rights legislation ever passed. The ADA was the result of bipartisan efforts to ensure the rights of people with disabilities while also balancing the interests of the business community. Title III of the ADA requires businesses to make architectural changes to existing structures only when such changes are “readily achievable” by the business, and takes in to consideration the size and resources of the business to accommodate small businesses. People with disabilities who are denied access to places of public accommodation can file a lawsuit in court or a complaint with the Department of Justice (DOJ). However, when the ADA was being drafted, as a compromise between the business community and the disability community, the disability community gave up the option to obtain monetary damages for a business’s failure to comply with the ADA by allowing only injunctive relief and legal fees.

**H.R. 620:** On February 25, 2018, the U.S. House of Representatives passed H.R. 620, which will dramatically weaken the ADA if it becomes law. This bill would limit people with disabilities from enforcing their rights under the ADA to access places of public accommodation in the same manner as all other citizens. Specifically, H.R. 620 would require people with disabilities to provide detailed written notice to a business after encountering an ADA violation. After receiving this notification, and another 120 days to make “substantial progress” toward remedying the access barrier. In other words, people with disabilities would be forced to wait 160 days to enforce their civil rights. In turn, businesses could employ a “wait and see” approach, continuing to violate the ADA unless they receive notification from a person with a disability.

H.R. 620 is unnecessary and will undermine the intent of the ADA. The bill was introduced in response to concerns about a small number of plaintiffs and attorneys who have filed ADA lawsuits for financial gain. Nonetheless, monetary damages from ADA lawsuits are the result of

state laws, which H.R. 620 would not address. Further, business owners have had nearly 30 years to comply with the ADA. Moreover, businesses already have access to a variety of state and federal resources, including educational programs and tax credits for accessibility improvements, to help comply with the ADA.

H.R. 620 is now waiting to be considered in the Senate. The Lurie Institute urges the Senate to oppose H.R. 620 and similar efforts to weaken the ADA. Instead, Congress should focus its efforts on improving accessibility and increasing compliance with the ADA.

**About the Lurie Institute:** The Lurie for Disability Policy is part of The Heller School for Social Policy and Management at Brandeis University. The mission of the Lurie Institute is to promote inclusive and effective policies that improve the wellbeing of children and adults with disabilities and their caregiving families. Our research focuses on policy options for achieving the broadest integration of people with disabilities into the mainstream of society. Our work is informed and guided by the voices of people with disabilities.