



**LEGISLATION & PUBLIC
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February 14, 2018

Honorable Nancy Pelosi
Unites States House of Representatives
CH Cannon House Office Building Washington, Rm. 233
Washington, DC 20515

RE: H.R. 620 (POE) – OPPOSE

Dear Representative Pelosi:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **strongly opposes H.R. 620**. The bill, which is expected to be voted on this week in the House of Representatives, weakens the Americans with Disabilities Act of 1990 (ADA) and makes it harder for people with disabilities to participate in the mainstream of society. It is important to note that the ADA does not require states to have inspectors to enforce the law or fine business owners. For example, while fire marshals protect us from fires, there are no disability inspectors to make sure businesses comply with the ADA. Whenever a business violates the law, people with disabilities are the only ones who can hold them accountable through a private lawsuit. Therefore, current law serves as a deterrent to noncompliance, preventing violations and helping to ensure access.

A core part of DRC's mission is to advocate for the civil rights of all Americans with disabilities. DRC strongly supports the letter and spirit of the ADA. This crucial civil rights law, which is a model of compromise between the disability and business communities, creates comprehensive disability rights for all people with disabilities. Efforts to add notification and cure requirements to Title III of the ADA would only decrease accessibility and make the law's requirements more difficult to enforce.

H.R. 620 would require a person with a disability to give notice to a public accommodation of an architectural barrier under the ADA and allow time for the business to cure the problem prior to being able to enforce his or her civil rights through injunctive relief (which does not include money damages). Specifically, H.R. 620 places the burden on the person with a disability who encounters an access barrier to send a written notice specific enough to allow a business to identify the barrier, including the provisions of the ADA being violated. Once the business receives notice, the legislation allows a six-month period, to fix even simple access barriers, as long as the business can show “substantial progress.” “Substantial progress” is not even defined. Thus, a business can spend years without actually removing barriers to come into compliance, and face no penalty, so long as the business claims “substantial progress.” Even large businesses, with the resources to ensure access, would be entitled to the exemptions under this bill. By undermining voluntary compliance with longstanding civil rights standards, H.R. 620 actually serves to promote the exclusion of individuals with disabilities from public accommodations.

Rather than encouraging businesses to wait and see if they are caught, there should be incentives for businesses to comply, such as: 1) stronger lease provisions to ensure landlords have buildings inspected and brought into compliance before they are leased; 2) educational material and training programs for businesses when they apply for a business license; 3) inspection programs similar to those conducted by health and safety departments; 4) providing tax credits for access changes to improve accessibility and enable businesses to stay open; 5) requiring state and local governments to require training for building inspectors who can identify access problems and get the problem fixed; or 6) establishing small business loan programs to provide resources to businesses to come into compliance.

Businesses have had enough time to comply. People with disabilities, which often includes veterans and seniors, should not bear the burden of ensuring that businesses in their communities are meeting their ADA obligations. Instead, it is the responsibility of business owners and their associations to educate themselves about the law’s requirements.

Any changes to the law must fully maintain the commitment to ensuring individuals with disabilities have full and free use and enjoyment of public

facilities and accommodations. H.R. 620 does not do that. For these reasons, we ask that you oppose this measure.

If you have any questions, please contact Evelyn Abouhassan, Senior Legislative Advocate, at (916) 504-5800 or by email at evelyn.abouhassan@disabilityrightsca.org.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Blakemore".

Catherine Blakemore
Executive Director
Disability Rights California