

The ADA Education and Reform Act (H.R. 620)

Background

For nearly two decades, unscrupulous lawyers and serial plaintiffs have targeted hotels for meritless lawsuits intended to extort tens of thousands of dollars from small business owners under the guise of helping Americans with disabilities.

In 2016 alone, small businesses were victims of nearly 7,000 of these “drive by” lawsuits that do not seek to increase access or eliminate barriers; rather, these actions often vaguely describe an overly technical or potential infraction and demand thousands of dollars to settle the case. Frequently, the settlement demand is slightly lower than the amount the business owner would have to pay for an attorney.

The Americans with Disabilities Act (ADA) is an important civil rights measure that hoteliers have long supported because they want to provide a welcoming experience for all of their guests and ensure customers can enjoy each of the facilities and amenities available at the hotel.

The intent of the ADA is to prohibit discrimination and ensure all Americans have equal opportunities. Unfortunately, the law has been used as a weapon by scheming lawyers seeking to make a quick buck off of small business owners through demands for exorbitant attorney’s fees.



The ADA ERA

- Discourages corrupt incentives for lawyers seeking exorbitant legal fees by providing property owners an opportunity to receive notice of an alleged violation and a period to fix any problems
- Failure by the property owner to address violations after notification of a problem would permit further legal action
- Requires demand letters to provide specific information detailing circumstances of denial of access
- Creates a mediation program to help parties resolve claims of barriers to access without costly litigation
- Passed the House Judiciary Committee on July 7, 2016 (In the 114th Congress: H.R. 3765/S. 3446)

Please Co-Sponsor H.R. 620, The ADA ERA