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POE LEADS BIPARTISAN LEGISLATION TO CURB ABUSIVE ADA LAWSUITS AND IMPROVE THE ADA (/press-releases? ID=12127D3F-FE87-48D9-8143-E79E30CAF3DA)

January 25, 2017

WASHINGTON, D.C.—Today, **Congressman Ted Poe (TX-02)** along with **Reps. Peters (D-CA), Bera (D-CA), Calvert (R-CA), Speier (D-CA)** and **Conaway (R-TX)** introduced H.R. 620, The bipartisan *ADA Education and Reform Act of 2017*. This legislation will curb frivolous lawsuits filed by cash-hungry attorneys and plaintiffs that abuse the ADA (Americans with Disabilities Act).

"The ADA is a vital law that is meant to make American businesses more accessible to the disabled. But the integrity of this important law is being threatened. The vast majority of small businesses in America strive to serve their customers to the best of their ability – relying on the ADA as another tool to help ensure that customers with disabilities can enjoy the services that they provide," **said Congressman Poe**. "Most of these business owners believe that they are in compliance with the ADA and have even passed local and state inspections. However, despite their best attempts, certain attorneys and their pool of serial plaintiffs troll for minor, easily correctable ADA infractions so they can file a lawsuit and make some cash. There is a now whole industry made up of people who prey on small business owners and file unnecessary abusive lawsuits that abuse both the ADA and the business owners. This bill will change that by requiring that the business owners have time to fix what is allegedly broken. If they fail to correct the infractions the plaintiff retains all of their rights to pursue legal action. This legislation restores the purpose of the ADA: to provide access and accommodation to disabled Americans, not to fatten the wallets of attorneys."

"The goal of the Americans with Disabilities Act is to provide access for the disabled – it's not to give unscrupulous trial lawyers the opportunity to abuse small businesses," **said Rep. Calvert**. "California has become ground zero for abusive ADA lawsuits and I have heard from many of our job creators who have fallen victim to abusive ADA lawsuits that are not aimed at improving access for the disabled. Protecting small businesses from abusive lawsuits and ensuring disabled Americans have adequate access are not mutually exclusive goals."

"The Americans with Disabilities Act created a necessary and commonsense framework to help remove barriers and ensure every American has access to public and private spaces," **said Rep. Peters**. "However, unlike other federal laws, when businesses are out of compliance with ADA rules, there is no grace period for them to fix problems with their properties. As a result, well-intentioned small business owners are targeted with predatory lawsuits that don't allow them to make changes to their stores or workspaces before they get buried with legal fees. This bipartisan bill gives businesses time to make necessary changes before they are subject to litigation. By reducing the burden on well-intentioned small business owners, we can focus on holding bad actors accountable and small business owners can spend money improving access instead of on legal fees."

"The Americans with Disabilities Act has made tremendous progress in increasing accessibility. Like so many good things, however, bad actors are taking advantage of ADA by filing frivolous lawsuits that have disastrous unintended consequences on local, small businesses," **said Congressman Mike Conway**. "Predatory attorneys who often times don't even live in the same state are using Google Earth to find minor ADA violations, and slapping devastating lawsuits on local small businesses who thought they were in compliance with the law without giving them an opportunity to fix the infraction. This practice helps no one but lawyers looking to make a quick buck, and I look forward to working with my colleagues to ensure that this legislation becomes law."

Supporting Groups

American Hotel and Lodging Association, American Resort Development Association, Asian American Hotel Owners Association, Building Owners and Managers Association (BOMA) International, CCIM Institute, Institute of Real Estate Management, International Council of Shopping Centers, International Franchise Association, NAIOP, the Commercial Real Estate Development Association, National Apartment Association, National Association of REALTORS®, National Association of Theatre Owners, National Council of Chain Restaurants, National Federation of Independent Business, National Multifamily Housing Council, National Restaurant Association, NATSO, Representing America's Travel Plazas and Truck Stops, Retail Industry Leaders Association, U.S. Chamber of Commerce.

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