

## If HR 620 Passes, It Will Set Back Civil Rights 27 Years

### Statistics

- 56.7 million people with disabilities (PWD) in the U.S. (2010 U.S. Census)
- 77 million people have difficulty with at least one basic action or complex activity limitation (CDC 2015)
- At least 85 percent of PWD were born able bodied (No Pity: People with Disabilities Forging a New Civil Rights Movement by Joseph P. Shapiro)
- Disability is the one minority group anyone can join

### HR 620

- HR 620 will eviscerate Title III of the Americans With Disabilities Act (ADA)
- It undermines the very purpose of the ADA and will harm PWD
- It will not achieve its stated goals
- Currently, a PWD who encounters a barrier can:
  - Talk with the business;
  - File a complaint with DOJ; or
  - File a lawsuit as provided under the law
- HR 620 says PWD can no longer do this
- **Places the Heaviest Burden on PWD - the group the law is designed to protect**
  - Have to send written notice with the exact provisions of the ADA that are being violated
  - Business has 60 days to acknowledge there is a problem
  - Then another 120 days to *begin* to fix it
  - Business gets six months to make "substantial progress" in removing the barrier
  - Result - business could spend years without removing the barrier to come into compliance with longstanding access standards
  - No penalty to the business as long as it claims substantial progress

***Drafters say the ADA is so simple that any individual - even one with a cognitive disability - can understand and explain it with specificity***

***BUT it's too hard for corporations to learn how to obey it***

***It CANNOT be both***

- **Removes Incentives**
  - Businesses no longer obligated to be accessible
  - No consequence for non-compliance
- **Complying with the ADA is no more burdensome than complying with other laws**
- **ADA Already Crafted to Take Business Needs Into Account**
  - Businesses are only required to make changes when readily achievable
  - Establishing and running a business necessitates compliance with many laws and rules as part of cost of doing business
  - We would never eliminate consequences for businesses that failed to pay taxes or meet health and safety codes.
  - Violating the rights of PWD should be no different
- **Extensive Federal Efforts Exist to Assist Business Compliance**
  - ADA Website
  - DOJ ADA Hotline
  - DOJ Technical Assistance Materials
  - Ten federally funded ADA Centers that provide in-depth resources and training

***Drafters say lawsuits under Title III expose businesses to big damage awards. In reality, there are no money damages under Title III***

- **Would Not Fix Business Concerns About Money Damages**
  - ADA does not allow for money damages
  - Only a few states allow for money damages, but amending the ADA will do nothing to prevent the damage awards under state laws
- **Importance of ADA Standards**
  - Not arbitrary
  - Essential to true accessibility
    - Too narrow doorway, no ramp to entrance, no guide dog is the difference between access and being denied the right to participate in society
- **Courts Have Power Today to Address Very Small Number of Problematic Cases**
  - Just because someone files more than one case:
    - Does not mean there is no violation
    - If an ADA violation exists, PWD have the right to remedy the violation
    - For the rare few who may file problematic claims, courts and state bar associations have existing legal mechanisms to address this issue