



ADA Education and Reform Act H.R. 620

Position: The Epilepsy Foundation opposes ADA Education and Reform Act (H.R. 620) and any similar efforts to modify the Americans with Disabilities Act (ADA) to limit the rights of people with disabilities. The ADA reflects a careful balance that considers the interests of the business community while protecting the rights of people with disabilities to participate equally in society. H.R. 620 would disrupt this balance by removing a key incentive for voluntary ADA compliance among business owners and shifting the burden of compliance with ADA to people with disabilities. **We urge Congress to encourage full implementation of the ADA and other civil rights laws that protect the rights of people with disabilities and oppose H.R. 620 and other attempts to reduce the disability community's right to access public accommodations.**

Background: Some people with epilepsy have such severe physical limitations related to their type of seizure disorder that they need accommodations to access public facilities and businesses, which is why the Epilepsy Foundation has been a significant supporter of the ADA since its passage in 1990. The ADA resulted from bipartisan efforts to promote the rights of people with disabilities and ensure they can participate fully in all aspects of American life. Title III of the ADA, reflecting the balancing of interests of the needs of people with disabilities, and of businesses large and small, requires businesses to make architectural changes to existing structures only when such changes are "readily achievable" by the business. The law defines "readily achievable" by explicit reference to the size and resources of the business to accommodate small businesses. In exchange for this graduated requirement of accessibility for public places and businesses, people with disabilities who are denied physical access can bring suit under the ADA. No monetary damages are available under the ADA, only injunctive relief and legal fees. A variety of state and federal resources, including education programs and tax credits for accessibility improvement, help to encourage ADA compliance.

H.R. 620 would dramatically alter the status quo as it relates to the ADA by requiring individuals with disabilities to provide a detailed written notice to a business after encountering an access barrier. After receiving notification, the business would then have up to six months to begin to address the accessibility barrier, and years to eliminate it – forcing people with disabilities to wait for the access they have been legally guaranteed through the ADA. The notification requirement in H.R. 620 would delay equal access for people with disabilities and impose a significant barrier to safeguarding the rights of those with disabilities.

H.R. 620 was drafted in response to concerns about a small number of individuals who have filed ADA lawsuits for financial gain. However, monetary damages from ADA lawsuits are the result of state laws, which H.R. 620 does not address. The notification requirement of H.R. 620 would also not prevent unscrupulous actors from extorting money from businesses with ADA violations by requesting a payoff in exchange for refraining from filing a lawsuit after the six-month waiting period had passed. This proposed solution would restrict the rights of all people with disabilities without resolving the problem it intended to address. We urge opposition to H.R. 620 and encourage Congress to focus on promoting the physical accessibility of all public places as required by the ADA and support efforts to encourage accessibility and compliance.

If you have any questions or concerns, please contact Laura Weidner, Esq., Vice President of Government Relations & Advocacy at 301-918-3766 or lweidner@efa.org.