

July 6, 2016

Representative Bob Goodlatte
Chairman
U.S. House Judiciary Committee
2138 Rayburn House Office Building
Washington D.C., 20515

Representative John Conyers
Ranking Member
U.S. House Judiciary Committee
B – 336 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte and Ranking Member Conyers,

On behalf of the thousands of businesses represented by the organizations listed below, we express our strong support for H.R. 3765, “The ADA Education and Reform Act of 2015.” We ask that the Committee oppose any amendments that would weaken H.R. 3765 or create new opportunities for litigation.

This bipartisan and narrowly tailored legislation would ensure that the intent of Title III of the Americans with Disabilities Act is not only preserved but enhanced. This bill will provide improved access to public accommodations for the disability community while preventing well-meaning business owners from falling victim to “drive-by” lawsuits - the practice of identifying technical, easily correctable violations to force a settlement consisting principally of attorneys’ fees.

From 2013 to 2014 the number of federal ADA Title III lawsuits—those dealing with public accommodations—surged by more than 63%. In many cases, a single plaintiff filed dozens, even hundreds, of cases across a geographic area alleging violations under the ADA. Often without the resources to contest the suit or even verify the standing of the complainant, countless businesses are left with little choice but to make monetary settlements. The ADA was intended to improve access for the disabled, not to line the pockets of unscrupulous attorneys.

H.R.3765 recognizes that alleged ADA access violations could be addressed more effectively by providing for a “notice and cure” provision. This simple, common sense approach would allow a business to actually identify and correct alleged ADA violations before engaging in an unnecessarily lengthy and costly settlement process. By removing the current incentives to merely seek payment of legal fees, the emphasis can once again be placed on compliance and improved access.

The undersigned organizations are committed to creating a safe, welcoming environment for those whom they serve and acknowledge the significant positive impact the ADA has made in our society. We believe H.R. 3765 is needed to ensure that resources are focused on improving access while protecting businesses from abusive lawsuits. We encourage the Judiciary Committee to report the bill as soon as possible.

We thank you for your leadership on this issue.

Sincerely,

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 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

CC: Members of U.S. House Judiciary Committee