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The Commercial Association of REALTORS® Wisconsin (CARW) urges you to support H.R. 620, the “ADA Education and Reform Act of 2017” when it comes before the House of Representatives. H.R. 620 is bipartisan legislation, sponsored by Representatives Poe (R-TX), Peters (D-CA), Calvert (R-CA), Bera (D-CA), Speier (D-CA), and Conaway (R-TX). This bill would make an important improvement to the Americans with Disabilities Act (ADA) by adding a “notice-and-cure” provision, giving business owners accused of a violation an opportunity to fix it before a costly legal process begins.

The intent of Title III of the ADA is to make places and opportunities accessible to people with disabilities. However, a few attorneys across the country are filing lawsuits indiscriminately against commercial property owners under the ADA. The ADA’s lack of a notice requirement leaves those property owners, who may in good faith believe that their businesses are in compliance with the law, vulnerable. Once a suit is filed, there is no opportunity to cure the infraction, and property owners spend time and money on attorneys and paying fees instead of directing these limited resources to quickly fixing the infraction. The ADA does not allow victims to collect damages, so much of that money goes to paying attorneys’ fees. These ADA lawsuits are on the rise, with a reported 14% increase in 2017 over 2016.

H.R. 620 is bipartisan and commonsense, adding a critical “notice-and-cure” provision to the ADA to give business owners the opportunity to rectify a violation within a reasonable period before being threatened with a costly lawsuit or a demand letter. This is a more effective method of addressing alleged ADA violations, as it creates an incentive for businesses to fix them quickly. Additionally, H.R. 620 would require the Department of Justice, state and local governments, and property owners to work together to create a model program for mediations regarding ADA suits and to increase education on public accommodations for persons with a disability.

CARW strongly supports the ADA, and urges you to support H.R. 620 to restore the integrity of that important legislation. This bill will strengthen and improve the ADA by incentivizing businesses to spend their resources promptly fixing alleged violations instead of on lengthy legal processes.

Sincerely,

President & CEO
Commercial Association of REALTORS® Wisconsin (CARW)