

Legislation that Advocates Say Violates ADA has Passed U.S. House

Advocates are up in arms about the ADA Education and Reform Act of 2017 (H.R. 620) which has now passed the U.S. House of Representatives. This bill could set disability rights back decades and violate the Americans with Disabilities Act (ADA). The purpose of the bill is to require the Disability Rights Section of the Department of Justice to develop a program to educate state and local governments and property owners on strategies to promote access for persons with disabilities, but it also includes a new provision concerning public access.

According to [Mental Health Weekly](#), “The bill also prohibits civil actions based on the failure to remove an architectural barrier to access into an existing public accommodation unless: (1) the aggrieved person has provided to the owners or operators a written notice specific enough to identify the barrier and (2) the owners or operators fail to provide the person with a written description outlining improvements that will be made to improve the barrier or they fail to remove the barrier or make substantial progress after providing such a description.”

The [Bazelon Center for Mental Health Law](#), in its alert, called H.R. 620 a “travesty” that “upends” the intent and purpose of the ADA. The legislation says that businesses no longer have to be proactive and make sure they are accessible to people with disabilities, according to the Bazelon Center. “Instead a business can remain inaccessible until a person with a disability who has been denied access jumps through multiple hoops to notify the business that it is violating the Americans with Disabilities Act (ADA) and then waits up to 6 months for the business to make ‘progress’ in fixing the problem,” the Bazelon Center stated.