



The ADA Education and Reform Act of 2015 (H.R. 3765)

Last year marked the 25th Anniversary of the Americans with Disabilities Act (ADA). Our industry like many other industries strives to improve access for everyone. However, recently the practice of “drive-by” lawsuits has arisen, threatening businesses and industries across the country doing little to improve access for the disabled community.

Unscrupulous attorneys file lawsuits against properties, businesses, and other public accommodations for minor and easily-correctable (and often times fraudulent) ADA violations. In an attempt to obtain a quick pay-day, these attorneys offer a settlement amount to the business—signifying their underlying real intent. More often than not, these drive-by lawsuits do very little to improve access for the disabled community.

To address this practice of lawsuit abuse, H.R. 3765 was introduced by Congressman Ted Poe (R-TX) along with his colleagues Congressmen David Jolly (R-FL) and Doug Collins (R-GA). In short, the bill:

- Allows property owners to receive notice of an alleged violation and a period of 60 days to give notice of intent to fix any problem. Further, it allows 120 days to complete work before facing a lawsuit.
- Would permit future legal action if there was failure by the property owner to address violations after notifications of a problem.
- Requires demand letters to provide specific information detailing circumstances of denial of access.
- Creates a mediation program to help parties resolve claims of barriers to access without costly litigation.

ARDA Position

ARDA fully supports H.R. 3765, the ADA Education and Reform Act of 2015, as the bill will help end the practice of abusive litigation, thereby strengthening one of the ADA’s goals of improving and ensuring proper access of private and public accommodations for the disabled community.