

ADA Notice & Compliance

The Issue: The Americans with Disabilities Act (ADA), signed into law in 1990, greatly increased the protection and advancement of the rights of Americans with disabilities. Because of this landmark law, accessibility has dramatically improved in buildings around the country over the past three decades. Unfortunately, some attorneys are undermining the spirit of the ADA by subverting the intent of the law for profit without improving accessibility. While there are legitimate violations that building owners want to address, often many of these lawsuits are over technical, easily correctable accessibility violations, pressuring business owners into paying large settlements consisting principally of attorney's fees. This defeats the spirit of the law.

- ADA lawsuits ballooned by more than 37% in 2016 over 2015.
- Most of these lawsuits do not serve the interests of accessibility and are disruptive and costly to small businesses.
- BOMA believes that this legislation will lead to improved compliance with Title III of the ADA, as it directs resources towards compliance and not attorney's fees.
- While many states have passed state laws to curb ADA lawsuit abuse, a fix is needed in the federal statutes to remedy this growing nationwide problem.

BOMA's Position: BOMA believes that people with disabilities should have the same access to our members' properties as everyone else, and the obligation to ensure that buildings are fully compliant with ADA regulations is one we take seriously. To help our members with compliance issues, we authored the *ADA Compliance Guidebook*. We believe that there should be safeguards built into the law to protect property owners from legal threats that do not allow them to first identify the ADA violation and then have a chance to remedy the problem before a financial settlement. This will ensure that disability access remains the primary driver of ADA lawsuits.

Specific Ask: Support and co-sponsor H.R. 620, the ADA Education and Reform Act, introduced by Reps. Ted Poe and Scott Peters. This bipartisan legislation includes a notice and cure

provision, which allows business owners 120 days to fix any ADA violations before having to pay legal fees. Plaintiffs retain all their rights guaranteed to them under the ADA, but small businesses are protected from expensive demand letters.

For more information please contact:

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