

Restore the Integrity of the ADA



Congressional Action Needed to Improve Disability Access

Overview

In the 115th Congress, the U.S. House of Representatives passed H.R. 620, a bipartisan bill to require plaintiffs to provide property owners reasonable notice about the alleged violation(s) and allow 120 days to resolve the issue.

The rise of “drive-by” lawsuits

Over the years, shopping center owners and their tenants have been on the receiving end of an increasing number of “drive-by” ADA lawsuits. Since current law grants attorney’s fees to plaintiffs pursuing various claims, numerous law firms take advantage of this incentive by threatening property owners with lawsuits unless they pay a monetary settlement.

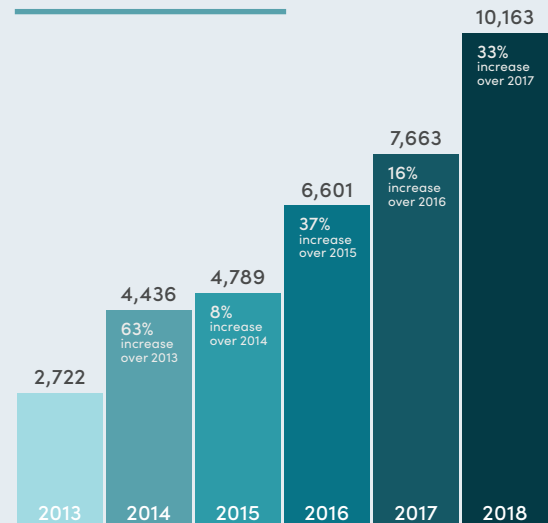
Many of these property or business owners reasonably believed their properties were ADA-compliant based on assurances by state or local inspectors and/or outside consultants. These lawsuits are often focused on non-obvious ADA infractions, such as those relating to parking lot striping and signs, bathroom dispensers, and ramps. In many cases, the first time the business is made aware of the breach in ADA access is when the suit is filed.

Despite the best efforts of some states to curb ADA lawsuit abuse through additional litigation protections (such as special rules in district courts), suits in federal courts have nearly tripled in the last five years. Though state solutions have been fairly effective in reducing frivolous lawsuits in state court, a federal fix is needed.

Our position

ICSC members want to make their businesses accessible to as many customers as possible. Passage of federal legislation is necessary to allow for the rapid resolution of ADA access violations when they are identified.

ADA Title III Lawsuits in Federal Courts



These figures don't take into account the vast number of potential suits, which are essentially settled before ever being filed.

Source: Seyfarth Shaw, LLP



For more information, contact Abby Jagoda at ajagoda@icsc.com or +1 202 626 1403.