



# Restore the Integrity of the ADA

## Congressional Action Needed to Improve Disability Access

### STATUS

On February 15, 2018, the U.S. House of Representatives passed H.R. 620. This bipartisan bill provides for “notice and cure” – giving property owners reasonable notice about the alleged violation(s) and 120 days to resolve the issue. Legislation has not yet been introduced in the Senate to address abusive ADA lawsuits.

### THE RISE OF “DRIVE-BY” LAWSUITS

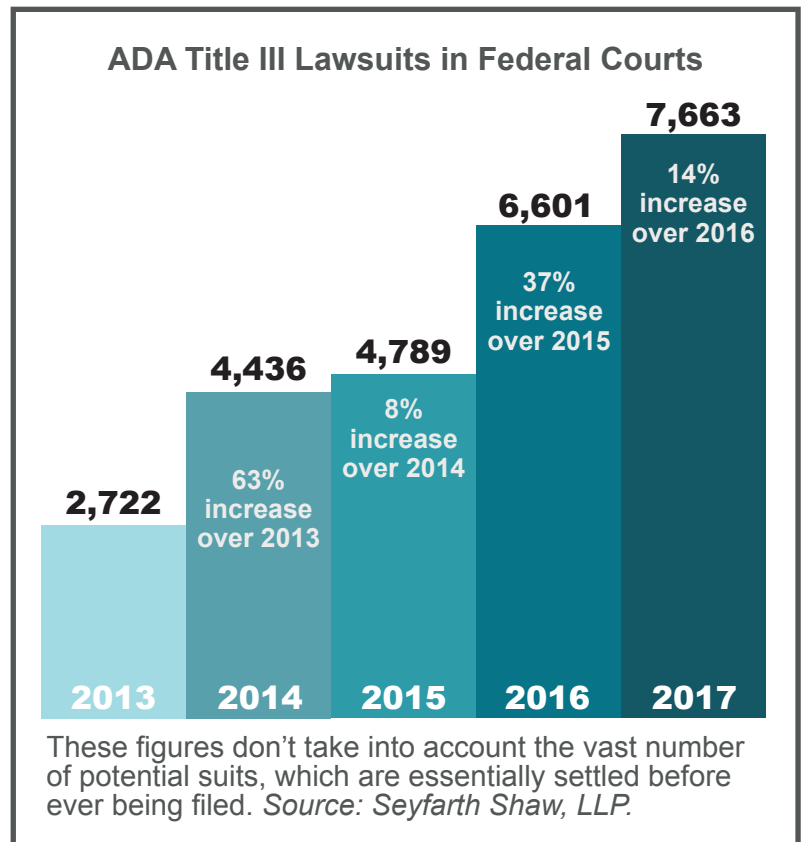
Over the years, shopping center owners and their tenants have been on the receiving end of an increasing number of “drive-by” ADA lawsuits. Since current law grants attorney’s fees to plaintiffs pursuing various claims, numerous law firms take advantage of this incentive by threatening property owners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



For more information contact Abby Jagoda at [ajagoda@icsc.org](mailto:ajagoda@icsc.org).