



The Nation's Voice for People with Hearing Loss

February 9, 2018

The Honorable Nancy Pelosi
Office of the Democratic Leader
H-204, US Capitol
Washington, DC 20515

Re: HR 620, the ADA Education and Reform Act of 2017

Dear Minority Leader Pelosi:

Hearing Loss Association of America (HLAA) opposes HR 620 and urges you to join the hundreds of people with disabilities who also oppose this bill.

The HLAA, founded in 1979, provides information, education, support and advocacy for people with hearing loss. We advocate for the rights of people with hearing loss through our headquarters outside Washington, DC and our extensive network of chapters and state organizations across the country.

Because of the Americans with Disabilities Act (ADA), people with disabilities have been able to go to any to any place of business without preconditions, just like everyone else. H.R. 620 would take that right away. Those of us with disabilities would have no expectation that we could easily access private businesses. Only after checking the facility and then giving notice of any barriers that prevent access, would we have any ability to right any wrongs.

For the last 27 years, the ADA has supported access for people with disabilities by requiring businesses to proactively ensure accessibility. H.R. 620 would destroy any incentive a businesses would have to be proactive. H.R. 620's notification letter requirement means people need to how to draft a letter of notification and then wait for the results. People who do not understand the law or cannot afford an attorney to help them will be totally left behind.

Moreover, even when a person with a disability provides notice of inaccessibility, H.R. 620 would then give a public accommodation 120 days to demonstrate only "substantial progress" toward fixing an accessibility barrier. "Substantial progress" is a vague standard with no clear statutory definition. This translates to an endless cycle of partial remedies instead of actual elimination of the barrier in question.

We understand the existence of "drive-by lawsuits" is a rationale for this bill. However, the ADA does not enable "drive-by lawsuits" and, in fact does not provide monetary damages under Title III lawsuits. A careful review of "drive-by lawsuits" will show that they are in states that



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have laws allowing financial incentives. H.R. 620 would actually not address such state law claims.

The ADA includes education, training, and technical support provided at no cost by the Department of Justice and the Regional ADA Centers across the country. There are multiple disability organizations around the country that assist with creating an accessible facility and/or business, including HLAA. We do this not only to ensure the rights of people with disabilities as users or customers as well as provide support for businesses, but also in the hopes of providing employment for the community. A person with a disability is unable to work in any business that is not accessible for entry, lacks ability to function (too high shelves), or has communication barriers. The unemployment rate for people with disabilities is currently around 11 percent, nearly twice the unemployment rate for the general population.

Persons with disabilities have long been marginalized and discriminated against by society. The ADA provided human and civil rights for our community. H.R. 620 would significantly change civil rights law for all people. This will set precedent because, for the first time in history, a protected class would have to provide notification of its intent to exercise their civil rights. No other protected class has to do this for public accommodations.

HR 620 has real ramifications for real people. We urge you to oppose The Education and Reform Act of 2017 and work on strengthening the rights of millions of people with disabilities.

Sincerely,

Barbara Kelley
Executive Director