

# House Passes Bill Critics Say Would Undermine Disability Rights

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Harriotte Ranvig, 71, of Somerville Mass., is escorted out of the House chamber on February 15, 2018, after she and a group of protesters disrupted the vote on The ADA Education and Reform Act on which makes it harder for disabled people to sue for discrimination. (Tom Williams/CQ Roll Call)

The House on Thursday passed, 225-192, a bill that supporters say would deter predatory lawsuits filed under a landmark disability rights law, over objections from its critics that the bill would undermine decades of progress for access to places like restaurants, theaters and other private establishments.

The bill would require potential plaintiffs to notify businesses who aren't in compliance with the Americans with Disabilities Act before filing a lawsuit. As originally written, it would give the businesses six months to demonstrate their intent to comply, but an amendment adopted on Thursday shortened that timeline to four months.

While several House Democrats joined with most Republicans to support the bill, they were mostly from California, where a local law carries higher penalties for violators, who also have to pay the plaintiff's attorneys' fees. The bill's supporters believe it would deter what they describe as "legal shakedowns" for violations that would otherwise cost far less to correct.

In the Senate, the bill's fate is less certain. While Democrats from states where the lawsuits are more prevalent — such as California, Florida and New York — could join Republicans, the majority would still need support from several more members to clear the Senate's 60-vote threshold. There is no companion measure in the Senate.

The bill faced vocal opposition from groups supporting people with disabilities and most House Democrats, which would likely continue if taken up by the Senate. Throughout the morning, the House gallery filled with individuals who were blind and using wheelchairs, and protestors interrupted the final vote just before it began. The Capitol police dragged a man out of the gallery and removed more than a dozen people in wheelchairs from the gallery.

Rep. [Jim Langevin](#), D-R.I., who uses a wheelchair due to an accidental shooting that decades ago left him paralyzed, said that the bill ignores the underlying problem of predatory lawsuits and would lead to more businesses ignoring ADA requirements.

"The idea that places of public accommodation should receive a free pass for six months before correctly implementing a law that has been a part of our legal framework for nearly three decades creates an obvious disincentive for ADA compliance," he said on the House floor Thursday.

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The bill's supporters believe that, by giving businesses more time to comply and reducing their risk of paying legal fees, it would have the opposite effect.

Unethical lawyers, said Judiciary Chairman [Robert W. Goodlatte](#), R-Va., "abuse the law to shake-down businesses, taking away money from compliance and putting it into their own pockets."

House Republican Conference Chairwoman Cathy McMorris Rogers, whose son has Down Syndrome, explained why she went against the party grain.

“Any changes should preserve the spirit of the ADA and reduce the burden on individuals with disabilities to bring legitimate compliance claims ... as part of that community, I could not in good conscience vote for this bill.”

Scott J. Topolski, a Florida attorney who handles ADA defense at the firm Cole Schotz, said that if lawyers are less likely to take up the cases, it didn't seem to be “terribly complicated” for a non-attorney to notify a business of their non-compliance. Still, he acknowledged that the law would likely reduce the number of lawsuits filed.

“Plaintiff’s attorneys may be less likely to want to proceed with one of these types of cases if they know they are not going to get paid by the business owners,” he said in an interview.

Groups that oppose the bill, such as the American Civil Liberties Union, argue that the bill would not actually reduce the number of frivolous suits, but would just delay them until after the extended compliance period ended.

The House adopted four amendments to the measure by voice vote ahead of its passage, including the language to shorten the compliance timeline. Another eliminated the bill’s requirement that the written notice of the violation cite the specific sections of the ADA, which would likely make it easier for a non-lawyer to file a notice.

The bill would require the Department of Justice to develop a program for promoting disability access, and one amendment would require it to make educational publications available in languages other than just English. Another amendment clarifies that if a business owner fails to make progress after the compliance period, they would still be liable.

The House rejected, by voice vote, an amendment that would have allowed for additional punitive damages to be incurred if businesses were still in violation after the compliance period.

The House also rejected, 188-266, an amendment from Langevin that would have reduced the bill simply to its requirement that the Justice Department pursue ADA educational programs.