



Dear Fellow BOMA Members:

Yesterday afternoon, BOMA achieved a major victory in the battle against “drive-by” lawsuits. H.R. 620, the “ADA Education and Reform Act” of 2017, sponsored by Reps. Ted Poe (R-Texas) and Scott Peters (D-Calif.) passed the U.S. House of Representatives by a vote of 225-192 with bipartisan support. This issue has been a top legislative priority for BOMA International for several years.

The House-passed bill will help curb drive-by lawsuits by imposing a “notice and cure” period before allowing a civil lawsuit to commence in the event of an ADA access violation. It allows 60 days for the building owner to give a written description outlining improvements that will remove the barrier to entry and an additional 60 days for the owner to remove the barrier or make substantial progress towards removing the barrier.

In late January, nearly 350 BOMA members flooded more than 200 Capitol Hill offices to promote H.R. 620 during the 2018 *Winter Business Meeting & National Issues Conference*. Additionally, hundreds of our members contacted their congressional representatives through BOMA’s Legislative Action Center, demonstrating our grassroots strength. This outreach, coupled with the hard work by BOMA International’s advocacy team, helped garner the votes needed for a favorable vote.

This is a highly charged issue and we appreciate the leadership in the House. The Senate now faces the same challenge in passing similar legislation and needs our help. BOMA International is working with legislators to build upon this momentum and move the issue forward.

For more information on BOMA International’s legislative priorities, visit the [Advocacy](#) section of www.boma.org.

Sincerely,

A handwritten signature in black ink that reads "Rob".

Robert M. Brierley, BOMA Fellow
BOMA International Chair

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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