

115TH CONGRESS
2D SESSION

H. R. 620

AN ACT

To amend the Americans with Disabilities Act of 1990 to promote compliance through education, to clarify the requirements for demand letters, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “ADA Education and
3 Reform Act of 2017”.

4 **SEC. 2. COMPLIANCE THROUGH EDUCATION.**

5 (a) **IN GENERAL.**—Based on existing funding, the
6 Disability Rights Section of the Department of Justice
7 shall, in consultation with property owners and represent-
8 atives of the disability rights community, develop a pro-
9 gram to educate State and local governments and property
10 owners on effective and efficient strategies for promoting
11 access to public accommodations for persons with a dis-
12 ability (as defined in section 3 of the Americans with Dis-
13 abilities Act (42 U.S.C. 12102)). Such program may in-
14 clude training for professionals such as Certified Access
15 Specialists to provide a guidance of remediation for poten-
16 tial violations of the Americans with Disabilities Act.

17 (b) **MATERIALS PROVIDED IN OTHER LANGUAGES.**—
18 The Disability Rights Section of the Department of Jus-
19 tice shall take appropriate actions, to the extent prac-
20 ticable, to make technical assistance publications relating
21 to compliance with this Act and the amendments made
22 by this Act available in all the languages commonly used
23 by owners and operators of United States businesses.

1 **SEC. 3. NOTICE AND CURE PERIOD.**

2 Paragraph (1) of section 308(a) of the Americans
3 with Disabilities Act of 1990 (42 U.S.C. 12188(a)(1)) is
4 amended to read as follows:

5 “(1) AVAILABILITY OF REMEDIES AND PROCE-
6 DURES.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), the remedies and procedures set
9 forth in section 204(a) of the Civil Rights Act
10 of 1964 (42 U.S.C. 2000a–3(a)) are the rem-
11 edies and procedures this title provides to any
12 person who is being subjected to discrimination
13 on the basis of disability in violation of this title
14 or who has reasonable grounds for believing
15 that such person is about to be subjected to dis-
16 crimination in violation of section 303. Nothing
17 in this section shall require a person with a dis-
18 ability to engage in a futile gesture if such per-
19 son has actual notice that a person or organiza-
20 tion covered by this title does not intend to
21 comply with its provisions.

22 “(B) BARRIERS TO ACCESS TO EXISTING
23 PUBLIC ACCOMMODATIONS.—A civil action
24 under section 302 or 303 based on the failure
25 to remove an architectural barrier to access into
26 an existing public accommodation may not be

1 commenced by a person aggrieved by such fail-
2 ure unless—

3 “(i) that person has provided to the
4 owner or operator of the accommodation a
5 written notice specific enough to allow such
6 owner or operator to identify the barrier;
7 and

8 “(ii)(I) during the period beginning on
9 the date the notice is received and ending
10 60 days after that date, the owner or oper-
11 ator fails to provide to that person a writ-
12 ten description outlining improvements
13 that will be made to remove the barrier; or

14 “(II) if the owner or operator provides
15 the written description under subclause (I),
16 the owner or operator fails to remove the
17 barrier or, in the case of a barrier, the re-
18 moval of which requires additional time as
19 a result of circumstances beyond the con-
20 trol of the owner or operator, fails to make
21 substantial progress in removing the bar-
22 rier during the period beginning on the
23 date the description is provided and ending
24 60 days after that date.

1 “(C) SPECIFICATION OF DETAILS OF AL-
2 LEGED VIOLATION.—The written notice re-
3 quired under subparagraph (B) must also speci-
4 fy in detail the circumstances under which an
5 individual was actually denied access to a public
6 accommodation, including the address of prop-
7 erty, whether a request for assistance in remov-
8 ing an architectural barrier to access was made,
9 and whether the barrier to access was a perma-
10 nent or temporary barrier.”.

11 **SEC. 4. EFFECTIVE DATE.**

12 This Act and the amendments made by this Act take
13 effect 30 days after the date of the enactment of this Act.

14 **SEC. 5. MEDIATION FOR ADA ACTIONS RELATED TO ARCHI-**
15 **TECTURAL BARRIERS.**

16 The Judicial Conference of the United States shall,
17 under rule 16 of the Federal Rules of Civil Procedure or
18 any other applicable law, in consultation with property
19 owners and representatives of the disability rights commu-
20 nity, develop a model program to promote the use of alter-
21 native dispute resolution mechanisms, including a stay of
22 discovery during mediation, to resolve claims of architec-
23 tural barriers to access for public accommodations. To the
24 extent practical, the Federal Judicial Center should pro-
25 vide a public comment period on any such proposal. The

1 goal of the model program shall be to promote access
2 quickly and efficiently without the need for costly litiga-
3 tion. The model program should include an expedited
4 method for determining the relevant facts related to such
5 barriers to access and steps taken before the commence-
6 ment of litigation to resolve any issues related to access.

Passed the House of Representatives February 15,
2018.

Attest:

Clerk.

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