

115TH CONGRESS  
1ST SESSION

# H. R. 620

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

Mr. POE of Texas (for himself, Mr. PETERS, Mr. CALVERT, Mr. BERA, Ms. SPEIER, and Mr. CONAWAY) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. COMPLIANCE THROUGH EDUCATION.**

2       Based on existing funding, the Disability Rights Sec-  
3 tion of the Department of Justice shall, in consultation  
4 with property owners and representatives of the disability  
5 rights community, develop a program to educate State and  
6 local governments and property owners on effective and  
7 efficient strategies for promoting access to public accom-  
8 modations for persons with a disability (as defined in sec-  
9 tion 3 of the Americans with Disabilities Act (42 U.S.C.  
10 12102)). Such program may include training for profes-  
11 sionals such as Certified Access Specialists to provide a  
12 guidance of remediation for potential violations of the  
13 Americans with Disabilities Act.

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

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

18               “(1) AVAILABILITY OF REMEDIES AND PROCE-  
19               DURES.—

20               “(A) IN GENERAL.—Subject to subpara-  
21               graph (B), the remedies and procedures set  
22               forth in section 204(a) of the Civil Rights Act  
23               of 1964 (42 U.S.C. 2000a–3(a)) are the rem-  
24               edies and procedures this title provides to any  
25               person who is being subjected to discrimination  
26               on the basis of disability in violation of this title

1 or who has reasonable grounds for believing  
2 that such person is about to be subjected to dis-  
3 crimination in violation of section 303. Nothing  
4 in this section shall require a person with a dis-  
5 ability to engage in a futile gesture if such per-  
6 son has actual notice that a person or organiza-  
7 tion covered by this title does not intend to  
8 comply with its provisions.

9 “(B) BARRIERS TO ACCESS TO EXISTING  
10 PUBLIC ACCOMMODATIONS.—A civil action  
11 under section 302 or 303 based on the failure  
12 to remove an architectural barrier to access into  
13 an existing public accommodation may not be  
14 commenced by a person aggrieved by such fail-  
15 ure unless—

16 “(i) that person has provided to the  
17 owner or operator of the accommodation a  
18 written notice specific enough to allow such  
19 owner or operator to identify the barrier;  
20 and

21 “(ii)(I) during the period beginning on  
22 the date the notice is received and ending  
23 60 days after that date, the owner or oper-  
24 ator fails to provide to that person a writ-

1           ten description outlining improvements  
2           that will be made to remove the barrier; or

3                   “(II) if the owner or operator provides  
4           the written description under subclause (I),  
5           the owner or operator fails to remove the  
6           barrier or to make substantial progress in  
7           removing the barrier during the period be-  
8           ginning on the date the description is pro-  
9           vided and ending 120 days after that date.

10                   “(C) SPECIFICATION OF DETAILS OF AL-  
11           LEGED VIOLATION.—The written notice re-  
12           quired under subparagraph (B) must also speci-  
13           fy in detail the circumstances under which an  
14           individual was actually denied access to a public  
15           accommodation, including the address of prop-  
16           erty, the specific sections of the Americans with  
17           Disabilities Act alleged to have been violated,  
18           whether a request for assistance in removing an  
19           architectural barrier to access was made, and  
20           whether the barrier to access was a permanent  
21           or temporary barrier.”.

22 **SEC. 4. EFFECTIVE DATE.**

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

1 **SEC. 5. MEDIATION FOR ADA ACTIONS RELATED TO ARCHI-**  
2 **TECTURAL BARRIERS.**

3 The Judicial Conference of the United States shall,  
4 under rule 16 of the Federal Rules of Civil Procedure or  
5 any other applicable law, in consultation with property  
6 owners and representatives of the disability rights commu-  
7 nity, develop a model program to promote the use of alter-  
8 native dispute resolution mechanisms, including a stay of  
9 discovery during mediation, to resolve claims of architec-  
10 tural barriers to access for public accommodations. To the  
11 extent practical, the Federal Judicial Center should pro-  
12 vide a public comment period on any such proposal. The  
13 goal of the model program shall be to promote access  
14 quickly and efficiently without the need for costly litiga-  
15 tion. The model program should include an expedited  
16 method for determining the relevant facts related to such  
17 barriers to access and steps taken before the commence-  
18 ment of litigation to resolve any issues related to access.

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