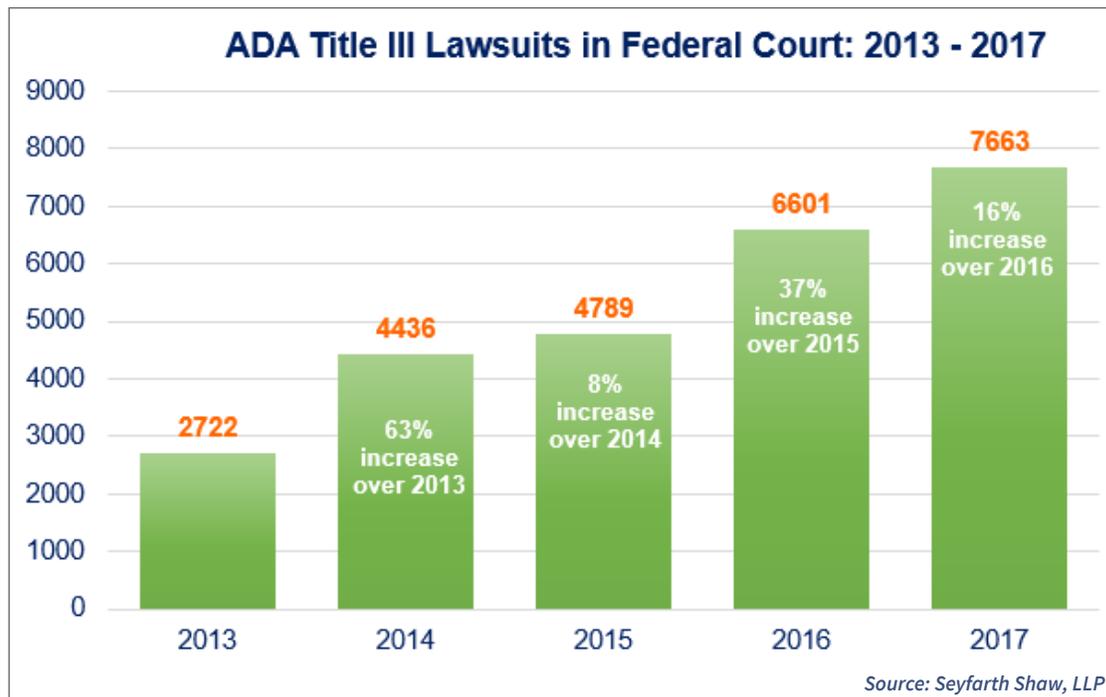


The Institute of Real Estate Management (IREM[®]) supports the Americans with Disabilities Act (ADA), and is committed to providing and encouraging equal opportunity to all people. However, onerous “drive by” lawsuits motivated by financial compensation are delaying changes that could provide real access. We support legislation to create a “notice and cure” provision within Title III of the ADA. This would allow business owners the opportunity to rectify a violation within a reasonable amount of time before being threatened with a costly lawsuit or a demand letter for a monetary settlement. IREM believes that this will protect building owners, while still holding them accountable for ensuring accessibility to all Americans.

BACKGROUND

- Title III of the Americans with Disabilities Act (ADA) is intended to make places and opportunities accessible to people with disabilities. When a violation of the law occurs, a particular plaintiff, plaintiff group, or attorney may file lawsuits, although the plaintiff is not entitled to any damages – only legal fees.
- In recent years there has been a significant increase in so-called “drive-by” lawsuit, whereby attorneys are driving to businesses (or even simply looking on Google maps) looking for ADA violations. If a violation is found, they send the business owner a demand letter threatening a lawsuit unless a financial settlement is paid. This forces business owners to spend scarce resources on a settlement or preparing a defense rather than improving access.



ADA LAWSUIT FORM LEGISLATION

The “ADA Education and Reform Act” (H.R. 620) was introduced by Representative Ted Poe of Texas, and passed the House on February 15. IREM[®] is working with members of the Senate to introduce a companion bill.

It is a common-sense bill that would strengthen the Americans with Disabilities Act and allow all people the opportunity to access commercial buildings.

For more information contact Ted Thurn, Director, Government Affairs at IREMLegislation@IREM.org or (312) 329-6021.