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February 6, 2018

The Honorable Paul D. Ryan
Speaker
U.S. House of Representatives
H-232, U.S. Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
Democratic Leader
U.S. House of Representatives
H-204, U.S. Capitol
Washington, DC 20515

Dear Speaker Ryan and Leader Pelosi:

On behalf of our 38 million members and all Americans age 50 and older, AARP is writing to express our opposition to H.R. 620, the “ADA Education and Reform Act of 2017.” This bill would weaken protections under the Americans with Disabilities Act (ADA) that help guarantee access to public accommodations for persons with disabilities, including 16 million Americans age 65 and older who have one or more disabilities. We urge you to vote no on H.R. 620.

AARP members place a very high priority on being able to age in place in their communities. People of all abilities and ages should be able to enjoy services and community features that meet their needs, allowing them to live in the setting of their choice. Mobility is the most common disability among older Americans: of those age 65+ with a disability (about 40% of older adults), two-thirds report trouble walking or climbing. With Boomers retiring and the population aging, access to medical offices, service establishments, restaurants, theaters, and other public accommodations is a salient issue for our membership. Moreover, an establishment that is not accessible to the public is also not accessible to employees with disabilities, leading to potential employment discrimination as well.

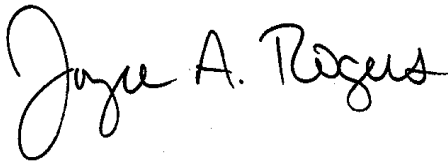
H.R. 620 would create burdensome and lengthy notification requirements on people with disabilities who have been denied access to a place of public accommodation. In order to even file a complaint, a patron would first be required to provide a written notice to the proprietor, specifically identifying the barrier, detailing the circumstances under which they were “actually denied” access, citing the specific sections of the ADA violated, whether the barrier was permanent or temporary, and whether the patron made a request for the barrier to be removed. The proprietor would then have 60 days to acknowledge the problem, in the form of a written notice back to the patron, and

would have an additional 120 days to take corrective action or make “substantial progress” in eliminating the barrier.

It is critical to note that no other group protected by federal civil rights laws must provide written notices and endure lengthy waiting periods to enforce their rights to public accommodations. While we acknowledge that frivolous lawsuits have become a real and costly problem in several states, imposing waiting periods to enforce civil rights is an unjustifiable response. State laws and procedural rules that impose sanctions for frivolous litigation are the best means of punishing unscrupulous litigators. Undermining the enforcement of basic civil rights under the ADA will thwart the purpose of the ADA to improve the lives of Americans with disabilities.

H.R. 620 will diminish accommodations for persons with disabilities and adversely affect older Americans’ ability to live independently in their communities. For these reasons, we urge you to oppose this legislation. If you have any questions or need additional information, please feel free to contact me or have your staff contact Deborah Chalfie on our Government Affairs staff at 202-434-3723.

Sincerely,

A handwritten signature in black ink that reads "Joyce A. Rogers". The signature is written in a cursive, flowing style.

Joyce Rogers,
Senior Vice President
AARP Government Affairs