



**HB 271 - Testimony
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Chairman Butler, Vice Chair Hughes, Ranking Member Boggs, and members of the House Civil Justice Committee, thank you for the opportunity to submit written testimony in support of House Bill 271, legislation that is a common-sense approach to allow businesses the opportunity to address or fix a possible American with Disabilities Act (ADA) violation, while maintaining the integrity of the law and ultimately strengthening the ADA in the process.

As President of the Ohio Grocers Association, I proudly represent over 300 food retail, wholesale and supply companies across the Buckeye state. My members range from the largest chain stores to the smallest “mom and pop” independent grocers as well as some convenience stores and of course the food wholesalers who supply these stores.

Today, too many of our members are subject to mass ADA lawsuits by career plaintiffs that the best-intended businesses unwittingly violate. Common violations appearing in law suits are missing or mismarked handicap parking spaces, incorrect door knobs, inappropriately placed toilet paper dispensers, and tables that are too high or too low – sometimes just a fraction of an inch off. Settlement demands generally require the business owner to remedy the violation and pay the plaintiff’s exorbitant and often inflated attorney’s fees.

Take for instance a situation that occurred with one of my small mom and pop grocery store members, operating in the Mansfield area a few years back. The grocery store was hosting a community blood drive and directed the Red Cross Blood Mobile to park as near to the entrance of the building as possible so that they could run an extension cord inside the store to power equipment throughout the day. The blood drive occupied 3 handicap parking spaces, so the community grocer designated and clearly marked the nearest 6-8 parking spaces as handicap spaces for the duration of the day.

It so happens a ADA plaintiff saw the Blood Mobile parked in the handicap spaces and filed a charge with the Ohio Civil Rights Commission (OCRC) alleging a violation of the Americans with Disabilities Act. This prompted a long, lengthy process of the OCRC investigating into the alleged violation, the store hiring an attorney, and countless hours of in-person inspection of the parking lot.

Ultimately the allegation was dismissed because the grocer did not violate the law. Had the plaintiff's first action been to sue the grocer in court, instead of filing a charge with the OCRC, defending or settling the lawsuit would have cost the business many times more money in the end. Either way, the local grocery store was forced to expend a significant sum of money and time in defending itself without the ability to recoup any of its losses for an instance where they did not violate the law.

House Bill 271 will help avoid this type of activity in the future by allowing grocers, businesses, companies the opportunity to correct an unintended ADA violation and requiring that the aggrieved party to provide notice of a possible violation before filing suit. In doing so, businesses can work to strengthen the core principles and ultimate intent of the ADA.

We commend the leadership of Representative McColley and Representative Rezabek for sponsoring this legislation and we urge its passage.

Thank you for your time and consideration.