

Lori Bongiorno

Proponent Testimony HB 271

House Civil Justice Committee

September 20, 2017



Chairman Butler, Vice Chair Hughes Ranking Member Boggs and members of the House Civil Justice Committee. My name is Lori Bongiorno and I am an Architect at M+A Architects, Inc. here in Columbus, specializing in Retail based Mixed-Use projects. Thank you for the opportunity to testify in support of HB 271.

I have become increasingly involved in this issues as I realized that despite our best efforts to ensure compliance with every aspect of the ADA, our clients were facing more and more ADA related lawsuits. Unfortunately, the ADA does not allow for any construction related tolerances and even the most minor difference can subject a property owner to being sued. The ADA was established to ensure access for all which is something M+A Architects believes in fully. However, the ADA was not meant to be a money making scheme. The problem has become so widespread that both NPR and 60 Minutes have both recently done stories on the issue.

The best example of my experience with these types of lawsuits stems from the work my company did at The Shops at Worthington Place (formerly Worthington Square). Our client purchased the property in 2010 with the intent to bring the center back to the utility and vibrant community center it once was. After 6 months of design, permitting and other related prep work, construction started in mid 2011.

Our client was hit with an ADA lawsuit within a week that we started demolition. As this was an existing center, the owner had a budget of approximately \$4.9 million to renovate the interior and exterior of the center. They spent in excess of 20% on upgrades that reduced barriers including modifying grades leading to the accessible entrances, providing automatic door openers, leveling the interior floor to eliminate cross slopes, modifying restrooms, modifying slopes at accessible parking and the route to the entrances from the parking.

Despite all this, they were hit with a lawsuit by a plaintiff who had 17 open cases in Central Ohio at that time. This plaintiff never took the time or effort to investigate the

plans that were public record and clearly showed our client's intent to address handicap deficiencies as part of the redevelopment. Our client was put in a position of defending their efforts and spending substantial time, energy and resources to defend themselves. This included a detailed response to the lawsuit specifically addressing the plaintiff's complaints and expecting a retraction. Instead they received (like most of these lawsuits) a suggestion to settle. After our client spent tens of thousands of dollars fighting the suit and my company, M+A, even spending over \$30,000 in fees to assist in this fight, our client made the business decision to agree to a settlement.

We all want our projects to be accessible to everyone and go beyond usual measures to make sure this is the case. However, there is no variances allowed under the ADA and a minor issue opens up a business to a lawsuit from those seeking to unfortunately use the ADA as a money making scheme. Allowing a property owner to address such minor issues is good for business and to protect the true intent of the ADA.

I urge you to support HB 271 and would be happy to answer any questions you may have.

Sincerely,

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

Lori Bongiorno, RA, LEED AP  
Principal, Director – Commercial Studio

M+A Architects, Inc.