



TO: House Civil Justice Committee  
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio  
DATE: October 24, 2017  
RE: House Bill 271

To Chairman Butler, Vice Chair Hughes, Ranking Member Boggs, and members of the House Civil Justice Committee, my name is Gary Daniels, chief lobbyist for the American Civil Liberties Union of Ohio ("ACLU of Ohio") and I appear to present opponent testimony on House Bill 271.

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The ACLU of Ohio opposes House Bill 271 because it rewards those who violate and ignore disability access laws at the expense of the wounded veteran, the elderly relative, and the ailing neighbor.

It does this by imposing various mandates upon those the laws are meant to protect, even when they face the most egregious, numerous, and pervasive violations of disability laws.

Under HB 271, victims can and will be denied attorneys' fees should they win their lawsuits simply because they did not inform violators in written, very precise language that they are, in fact, violating the law. Should a victim still decide to pursue the matter in court, the violator then benefits from receiving 6-7 additional months to fix violations that never should have existed in the first place.

In other words, HB 271 places additional, sometimes significant, burdens on those whose rights have been violated. In turn, it favors those who break the law by giving them extra time to comply with laws they are already required to follow regardless of whether or not someone contacts them first.

Much has been said about people who sue over these violations, about how a cottage industry of drive by lawsuits has emerged and inconvenienced those who do not comply with these laws. Yet, those who are victims of these illegal violations have very little recourse to protect their rights other than lawsuits. Perhaps this is where Ohio would benefit from a greater role by state lawmakers in developing new and innovative methods to educate property owners, developers, architects, and others about disability laws, although it appears numerous resources currently exist.

Finally, because the issue of pre-emption was briefly mentioned at a previous hearing, it should be noted nothing in HB 271 will impact suits brought in federal court, despite this bill making no such distinction in its language or provisions. The only impact in this regard will be a likely reduction in cases filed in state court.

For all these reasons, the ACLU of Ohio urges a “no” vote on HB 271.