

September 21, 2018

The Honorable Kevin Bacon, Chairman
The Ohio Senate Judiciary Committee
1 Capital Square
Columbus OH 43215

Dear Chairman Bacon and Members of the Senate Judiciary Committee,

On behalf of the more than 7,000 members represented by the Ohio Council of Retail Merchants, thank you for the opportunity to express our support for House Bill 271, legislation to require notice of an alleged accessibility law violation in advance of filing a civil action and establish the circumstances under which an alleged aggrieved party is entitled to legal fees.

The Council wholeheartedly supports the Americans with Disabilities Act (ADA) as an important mechanism for guaranteeing that disabled individuals have equal opportunities to employment, transportation, and access to public areas. The Act also provides relief for discrimination based on disability.

Unfortunately, the law is being abused by repeat plaintiffs seeking monetary gains by suing property owners for technical violations, not because the individual has been deprived of their civil rights, but because they see an opportunity for a quick payout through settlement negotiations. Not only are businesses suffering adverse economic impacts, but the real purpose of the accessibility law is being diminished.

We applaud House Bill 271 for addressing a real problem experienced by our members and the broader business community. By providing business owners the opportunity to make improvements and bring the property into compliance before a lawsuit can be filed, the law will be applied properly to allow precise remedial action and truly protect Americans with disabilities. Judicial access is still available for aggrieved parties in instances where businesses fail to comply or challenge the validity of the alleged violation.

Ohio's retail community prides itself on being exemplary corporate citizens, and this legislation will allow them to focus on promoting economic growth in our state while maintaining the original mission of the ADA.

Thank you for the opportunity to express our support for House Bill 271.

Sincerely,



Alex T. Boehnke
Manager of Public Affairs

Council Affiliates