



Substitute House Bill 271: Accessibility Law Violation Notice
Written Testimony
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Chairman Bacon and members of the Ohio Senate Judiciary Committee, the Greater Cleveland Partnership (GCP) is the largest Chamber of Commerce in the country and represents the most comprehensive small, middle market, and large businesses in the state with more than 10,000 business members. We thank you for the opportunity to provide written testimony in support of Substitute House Bill 271 (Sub HB 271) on behalf of our members.

Sub HB 271 would authorize a path forward for an alleged aggrieved party claiming a violation of an accessibility law to notify the responsible party of the alleged violation before filing a civil action, allowing for a grace period for the accused violator to fix issues before facing litigation. Furthermore, a decision by an alleged aggrieved party to file a civil action without serving notice would affect the party's ability to recover attorney's fees.

As you know, the purpose of the Americans with Disability Act (ADA) is to ensure individuals with disabilities have the same rights and opportunities as everyone else. Its importance is more evident than ever and cannot be understated. GCP unequivocally supports the ADA's mission and charge.

Our members support this state legislation (Sub HB 271), in part, because judicial access would still be available for aggrieved parties if a business fails to comply or challenge the validity of an alleged violation. Unfortunately, however, technical accessibility issues that could have been solved with heightened understanding and communication are too often resolved first via costly, excessive litigation before alternative means are considered. In fact, an accused business may not even be aware of an alleged violation until a case is formally brought to court. Identifying alleged accessibility law violations that have occurred on any given property provide businesses in question the ability to correct and properly comply with applicable accessibility laws before time consuming judicial court remedies are sought.

This legislation allows for a series of actions that motivates all parties to streamline the approach and agree upon improved compliance and a resolution:

- Requires an aggrieved party to file a notice indicating the alleged violation
- Grants a reasonable response time of fifteen days followed by a sixty period, with reasonable exceptions to exceed this window permitted.



- An aggrieved party may file a lawsuit. However, once the aforementioned notice is served, they must wait until any of the following occurs: a response indicating a property will be brought into compliance and it is not, a challenge to the validity of an alleged violation, a response indicating the violation has been corrected but the aggrieved party believes violation still exists, or no response.
- If an aggrieved party does not undertake the notice process, they may forgo attorney fees.

Requiring notice of alleged violations would create a more balanced approach in Ohio. GCP appreciates the introduction of this legislation and thank you for the opportunity to provide our members input.