December 3, 2018

The Honorable Kevin Bacon, Chairman

Senate Judiciary Committee

Ohio Statehouse

Columbus, Ohio 43215

Chairman Bacon,

On behalf of the Ohio Statewide Independent Living Council (SILC), I submit this interested party testimony to assist the Senate Judiciary Committee’s deliberations on the Amended House Bill 271. The Ohio SILC and many members of the disability community worked together when this bill was initially introduced in the Ohio House of Representatives. The House Civil Justice Committee listened to the disability community’s input and made changes to the bill that allowed for compromise.

The Ohio SILC is a federally mandated, independent state agency that is mandated in the Rehabilitation Act and Executive Order 2018 02-K. Our charge is to support the advancement of individuals with disabilities by promoting independent living, equal access, empowerment, and full inclusion of all Ohioans with disabilities. As part of that charge, we are a resource to the Governor and the General Assembly in matters that impact individuals with disabilities, such as this.

The Americans with Disabilities Act (ADA), the most comprehensive civil rights legislation ever passed to protect individuals with disabilities from discrimination, was signed into law in 1990 by President George H. W. Bush. Without the protections afforded under the ADA, individuals with disabilities could continue to be cast aside and not afforded every opportunity that every American deserves.

The version of the bill passed by the House, created a permissive notification system that aims to reduce the number of lawsuits filed that seek settlement rather than the violations of the law resolved. The bill also sets expectations for the business to respond and address the violations by providing reasonable times to respond and remedy the violations. The timelines are a very important measure in this process, because without it there is no accountability to the business owner to respond in a timely manner.

Creating additional barriers for the individuals that have been discriminated against goes against the spirit of the ADA and what it stands for. The resulting change in language from shall to may was significant in maintaining that in Ohio we believe people with disabilities have every right of every other citizen. Since passage of this law, almost 30 years ago, the business community has had time to address many significant barriers to physical and programmatic access. In almost every case in our society, ignorance of the laws is not an excuse for violating the law, and the discrimination against individuals with disabilities should be no different.

In closing, maintaining the permissive language creates a system that creates accountability for the business, but does not limit the rights of the over 1.6 million individuals with disabilities in Ohio.

Thank you for your time and consideration

Jeremy Morris

Executive Director