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The Americans With Disabilities Act is at Risk

For 27 years, Title III of the Americans with Disabilities Act (ADA) has given people with disabilities the legal right to gain access to “public accommodations,” – places that are generally open to the public. Hard-fought lawsuits filed under Title III have opened vast areas of community life to millions of Americans with disabilities for the first time – education, employment, healthcare facilities, parks, businesses, houses of worship and more.

The ADA Education and Reform Act of 2017 would bring this history of progress to a standstill by prohibiting people with disabilities to file lawsuits to enforce Title III without first providing written notice and then waiting for up to six months. In the case of an inaccessible medical facility, for example, that is long enough for a cancer pa-

tient who uses a wheelchair to die.

The ADA Education and Reform Act has been floating around Congress for a few years but little action was taken until this fall, when the House judiciary committee approved the legislation, meaning that it can now be scheduled for a vote by the full House at any time.

In moving this legislation forward the judiciary committee ignored pleas from more than 230 disability rights organizations that oppose the proposed law. As of now, the bill has 81 cosponsors in the house, including Long Island Congress Member Kathleen Rice, the sole sponsor from New York, who represents more than 700,000 people living in her Nassau County district.

Supporters of the ADA Education and Reform Act say

it is needed to stop frivolous ADA lawsuits. They are reacting to complaints from business owners and widespread news stories about lawyers who file hundreds or thousands of claims against businesses under Title III of the ADA. But, as these very same stories illustrate, courts are well equipped to dismiss frivolous lawsuits. In addition, attorneys who file frivolous lawsuits can be sanctioned and, if found to be engaged in extortion, as some business owners claim, can be charged with crimes under state and federal laws.

Furthermore, Title III of the ADA includes protections for business owners, exempting them from having to make accommodations that would pose an undue hardship, specifically one that would cause “significant difficulty or expense” given their financial

resources, number of employees, or operations.

Creating onerous, difficult, exacting, time consuming barriers for people with disabilities to jump over before they can file a lawsuit to enforce the requirements of the ADA is akin to burning down your house to get rid of a few cockroaches.

There is simply no justification for making it difficult or impossible for people with disabilities to assert their civil rights in order to discourage bad actors.

For more on this and other important issues, follow ICS on Facebook and Twitter and check out the ICS Blog at www.icsny.org. Also, check out our November 9 post on how the tax bill under consideration by Congress undercuts Medicaid and other programs many Americans with disabilities depend on.

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