



2022 LEGISLATIVE PRIORITIES

Protect the Civil Rights of People with Disabilities: Increase Americans with Disabilities Act Compliance

THE ISSUE

On July 26, 1990, President George H.W. Bush signed into law the Americans with Disabilities Act (ADA), which prohibits discrimination against qualified individuals in employment, public services, public accommodations, transportation, and telecommunications. Unfortunately, more than 30 years later, access barriers remain. For example, many PVA members face barriers when staying in hotels, including bed heights that are too high, even in wheelchair-accessible rooms. Some members cannot access diagnostic medical equipment in community care settings. Other members encounter inaccessible restrooms, high customer service counters, inaccessible store aisles, heavy doors, and other barriers.

When access barriers like these are encountered in public accommodations, including medical offices, hotels, stores, and restaurants, people with disabilities can contact the owner and seek its removal. They can also file a complaint with the U.S. Department of Justice (DOJ) or file a lawsuit using the ADA's private right of action. Unfortunately, working with the owner is not always successful, and complaints filed with DOJ are routinely dismissed without any action, including referral to mediation due to the number received. Despite headlines about ADA lawsuits, it is not easy to find lawyers who will file lawsuits to address barriers due to the lack of monetary damages under ADA Title III (public accommodations).



View the PVA webpage on the Americans with Disabilities Act, which includes animations showing how accessibility for all can be increased.

PVA POSITION

- ★ Congress must pass the **Disabled Access Credit Expansion Act (H.R. 4714/S. 2481)**, which would increase tax credits to help businesses remove barriers and provide more funding for DOJ's ADA mediation program.
- ★ Congress must pass the **Disability Employment Incentive Act (H.R. 3765/S. 630)**, which would expand tax credits and deductions available for employers who hire and retain employees with disabilities and make their places of business more accessible.
- ★ DOJ must investigate more individual complaints and issue long-overdue ADA regulations governing non-fixed equipment and furniture, including hotel bed height and medical equipment.