

Ohio House Considers Bill To Protect Businesses From Architectural Barrier Lawsuits

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The Ohio House is considering a bill that would protect employers and business owners from unexpected lawsuits by disabled plaintiffs. House Bill 271 would create Section 4112.16 to the Ohio Revised Code's Civil Rights Commission chapter and would require a person with a disability who encounters a potential architectural barrier to put the property owner on notice of the alleged barrier before filing suit. The theory behind the bill is that property owners could remove the architectural barrier without the cost or inconvenience of a lawsuit. If passed, the law would grant the property owner or other responsible party 15 days to respond to the notice and 90 days to remove the architectural barrier. If the barrier is not removed, the individual could file suit. Plaintiffs who file suit before providing the notice contemplated by the bill would be ineligible to recover attorney's fees – the primary financial recovery in architectural barrier lawsuits – absent a finding of a willful violation. The law would be a welcome sight to business owners, many of whom are not even aware of alleged barriers until a lawsuit has already been filed. The law would give businesses an opportunity to make necessary repairs without having to defend themselves in costly lawsuits, and ideally would result in faster repairs that occur within 90 days instead of at the conclusion of the long litigation process. The law would also discourage plaintiffs' lawyers from filing lawsuits in bulk, as the notices would require an additional hurdle and would result in many of the barriers being removed. We will track the progress of House Bill 271 and provide updates when available.

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