

**As Introduced**

**130th General Assembly  
Regular Session  
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**H. B. No. 333**

**Representative Stinziano**

**Cosponsors: Representatives Hackett, Henne, Hood, Mallory, O'Brien**

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**A B I L L**

To enact section 4112.16 of the Revised Code to 1  
require an alleged aggrieved party to provide a 2  
notice of an alleged accessibility law violation 3  
in advance of filing a civil action and to declare 4  
an emergency. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4112.16 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 4112.16.** (A) Notwithstanding any provision of law to the 8  
contrary, prior to filing a civil action alleging violation of an 9  
accessibility law, the alleged aggrieved party shall notify the 10  
owner, agent, or other responsible party of the property where the 11  
alleged violation occurred by personal service, in accordance with 12  
applicable state or federal laws, or by certified mail, of all 13  
alleged accessibility law violations for which an action may be 14  
filed by the alleged aggrieved party. An alleged aggrieved party 15  
is precluded from filing such a civil action until the alleged 16  
aggrieved party serves a notice in accordance with division (B) of 17  
this section and one of the following occurs: 18

(1) The alleged aggrieved party receives a response as 19

described in division (C)(1) of this section and the property 20  
owner, agent, or other responsible party of the property fails to 21  
make the improvements or bring the property into compliance with 22  
accessibility laws and fails to provide a satisfactory explanation 23  
for the failure within one hundred twenty days as required by 24  
division (D) of this section; 25

(2) The alleged aggrieved party receives a response as 26  
described in division (C)(2) of this section; 27

(3) The alleged aggrieved party receives a response as 28  
described in division (C)(3) of this section, but the alleged 29  
aggrieved party reasonably believes that the alleged violations 30  
continue to exist; 31

(4) The property owner, agent, or other responsible party of 32  
the property fails to respond to the notice within thirty days as 33  
required by division (C) of this section. 34

(B) A notice provided pursuant to division (A) of this 35  
section shall be in substantially the following form: 36

THIS LETTER IS TO INFORM YOU THAT THE PROPERTY LOCATED AT 37  
(address of property), FOR WHICH YOU ARE THE PROPERTY OWNER, 38  
AGENT, OR OTHER RESPONSIBLE PARTY, MAY BE IN VIOLATION OF FEDERAL 39  
AND/OR STATE ACCESSIBILITY LAWS PURSUANT TO (citation of statute 40  
of which the property is believed to be in violation) AND CAUSED 41  
HARM TO (name of alleged aggrieved party). 42

SPECIFICALLY, THE POSSIBLE VIOLATION(S) HAS/HAVE BEEN 43  
IDENTIFIED AS FOLLOWS: 44

(Notice must identify the specific facts that constitute the 45  
alleged violation, including the date on which the alleged 46  
violation occurred and identification of the location of the 47  
alleged violation with sufficient detail, so that the location can 48  
be identified by the property owner, agent, or other responsible 49  
party.) 50

YOU HAVE 30 DAYS TO RESPOND TO THIS NOTICE BY PERSONAL SERVICE OR CERTIFIED MAIL. YOUR RESPONSE MUST BE ADDRESSED TO (address where personal service may be received or certified mail may be sent). OHIO LAW ALLOWS YOU TO RESPOND IN ONE OF THREE WAYS:

(1) YOU MAY EXPRESSLY STATE THAT IMPROVEMENTS WILL BE MADE TO BRING THE PROPERTY INTO COMPLIANCE WITH APPLICABLE ACCESSIBILITY LAWS. IF YOU RESPOND IN THIS MANNER, YOU HAVE A MAXIMUM OF 120 DAYS TO COMPLETE THESE IMPROVEMENTS. THE 120-DAY PERIOD SHALL BEGIN ON THE DATE YOUR RESPONSE TO THIS NOTICE IS RECEIVED AT THE ADDRESS GIVEN ABOVE. IF THE IMPROVEMENTS NECESSARY TO BRING THE PROPERTY INTO COMPLIANCE WITH THE APPLICABLE ACCESSIBILITY LAWS ARE NOT COMPLETED WITHIN THE 120-DAY PERIOD, THE ALLEGED AGGRIEVED PARTY MAY BRING A LAWSUIT AGAINST YOU.

(2) YOU MAY CHALLENGE THE VALIDITY OF THE ALLEGED VIOLATIONS. IF YOU RESPOND IN THIS MANNER, THE ALLEGED AGGRIEVED PARTY MAY BRING A LAWSUIT AGAINST YOU IMMEDIATELY.

(3) IF THE VIOLATIONS LISTED ABOVE ARE THE SAME OR SIMILAR TO PREVIOUS VIOLATIONS THAT YOU BELIEVE HAVE BEEN CORRECTED, YOU MAY RESPOND BY STATING THAT THE NECESSARY IMPROVEMENTS HAVE BEEN MADE TO BRING THE PROPERTY INTO COMPLIANCE WITH THE APPLICABLE ACCESSIBILITY LAWS. YOU MUST ALSO ATTACH EVIDENCE THAT VERIFIES THOSE IMPROVEMENTS.

IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE OR YOUR RIGHTS UNDER FEDERAL OR OHIO LAW, PLEASE CONTACT YOUR LEGAL COUNSEL.

(C) Within thirty days after an alleged aggrieved party serves or sends a notice pursuant to division (A) of this section, the property owner, agent, or other responsible party of the property where the alleged violation occurred shall respond to the notice by personal service or certified mail to the alleged aggrieved party. That response shall do one of the following:

(1) Expressly state that improvements will be made to bring

the property into compliance with applicable accessibility laws. A 82  
response in this manner shall not be considered an admission of 83  
guilt and shall be inadmissible as evidence in any future actions 84  
based on the same facts filed against the property owner, agent, 85  
or other responsible party. 86

(2) Challenge the validity of the alleged violation. If the 87  
property owner, agent, or other responsible party responds in this 88  
manner, the alleged aggrieved party may file an action, subject to 89  
any applicable statutes of limitations, any time after receipt of 90  
that response. 91

(3) State that the alleged violations identified by the 92  
alleged aggrieved party have been corrected to comply with 93  
applicable accessibility laws. The property owner, agent, or other 94  
responsible party shall attach evidence to the response that 95  
verifies those improvements. 96

(D)(1) If a property owner, agent, or responsible party of 97  
the property where the alleged accessibility law violation 98  
occurred responds in the manner described in division (C)(1) of 99  
this section, the property owner, agent, or responsible party 100  
shall have one hundred twenty days to remedy the alleged 101  
violation. The one-hundred-twenty-day period shall begin on the 102  
date the alleged aggrieved party receives the response described 103  
in division (C) of this section. 104

(2)(a) If the property owner, agent, or other responsible 105  
party of the property where the alleged accessibility law 106  
violation occurred fails to make the improvements to bring the 107  
property into compliance with applicable accessibility laws within 108  
the one-hundred-twenty-day period described in division (D)(1) of 109  
this section and fails to provide a satisfactory explanation as to 110  
why those improvements are not completed, the alleged aggrieved 111  
party may file a civil action for accessibility law violation 112  
against that property owner, agent, or other responsible party. 113

(b) If the property owner, agent, or other responsible party 114  
where the alleged accessibility law violation occurred makes the 115  
improvements to bring the property into compliance with the 116  
applicable accessibility laws within the one-hundred-twenty-day 117  
period described in division (D)(1) of this section, no current or 118  
future alleged aggrieved party shall receive any damages or 119  
attorney's fees, other than special damages, for any action 120  
arising out of the same or similar facts that served as a basis 121  
for the alleged violation. 122

(E) This section applies to all actions alleging a violation 123  
of an accessibility law for damages or fees, except for the 124  
following: 125

(1) Those praying for special damages arising out of injuries 126  
in fact. This section shall not be construed to limit actions for 127  
recovery of special damages filed by any person who suffers an 128  
injury in fact because the person was denied full and equal access 129  
to an accommodation as required by federal or state law. 130

(2) Those initiated by the Ohio civil rights commission under 131  
Chapter 4112. of the Revised Code. 132

(F) In making a determination of the amount of damages 133  
awarded to a successful plaintiff, a court or jury shall consider 134  
previous or pending actual damage awards received or prayed for by 135  
that plaintiff for the same or similar injury. 136

(G) An owner, agent, or other responsible party of a property 137  
may file a civil action to recover costs and attorney's fees from 138  
any person, and from the person's attorney, who files a civil 139  
action without first providing the notice required by division (A) 140  
of this section or a civil action alleging violation of an 141  
accessibility law after the owner, agent, or other responsible 142  
party of the property has provided evidence that improvements have 143  
been made to bring the property into compliance with the law and 144

the property is in compliance with the law. 145

(H) As used in this section, "accessibility law" means any 146  
federal law or section of the Revised Code that ensures 147  
accessibility to places of public accommodation, public conveyance 148  
and modes of transportation, streets, highways, sidewalks, 149  
walkways, buildings, medical facilities, and other public places 150  
for a person with a disability. 151

**Section 2.** This act is hereby declared to be an emergency 152  
measure necessary for the immediate preservation of the public 153  
peace, health, and safety. The reason for such necessity is that 154  
this act is urgently needed to eliminate vexatious litigation of 155  
accessibility laws, which unduly burden the courts and taxpayers 156  
without improving access for those with accessibility needs. 157  
Therefore, this act shall go into immediate effect. 158