



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

Virginia General Assembly
1000 Bank St
Richmond, VA 23219

January 30, 2019

Dear Members of the Senate and House of Delegates Courts of Justice Committees:

The Washington Lawyers' Committee for Civil Rights and Urban Affairs and the Equal Rights Center strongly oppose the proposed SB 1302 and companion bill HB 2296 and urge you to **vote against** advancing these bills today. SB 1302 and HB 2296 restrict the ability of people with disabilities to enforce their civil rights, give tacit permission to financial entities to create and maintain inaccessible websites, and conflict with the protections afforded by the American with Disabilities Act (ADA).

Access to banks, credit unions, and other financial institutions is necessary for participation in America's economy. As more banking moves online, the ability to access funds, credit and other banking services through websites has become essential. Persons with disabilities have the right to access these services on an equal basis as everyone else.

These bills are bad policy:

- **The obligation to ensure accessibility rests on financial entities and is achievable.** Several financial entities have successfully created accessible websites, as is their responsibility. It is unjust to shift that burden to the person with a disability and inconsistent with the ADA's purpose of making sure that people with disabilities have the same rights and opportunities as everyone else.
- **These bills are unnecessary.** Virginia law does not allow for punitive damages in a civil action challenging a financial entity's website accessibility. Similarly, the ADA does not allow for punitive damages. These bills will not reduce frivolous lawsuits, but the bills, especially the fee shifting provisions, will have a chilling effect on the ability of individuals with disabilities with meritorious claims to enforce their rights in court.
- **The notice period under the bills is excessive.** The bills require a four-month waiting period before a complainant can seek relief. In practice, this time will often be even longer because courts will be permitted to grant extensions to financial entities. During this waiting period, a person who is blind, low-vision, deaf or hard of hearing will face unjust and unnecessary barriers to accessing basic banking services.

The Washington Lawyers Committee is dedicated to working towards an equitable society in which the legacy of discrimination has been overcome and there is an equitable application of law and access to justice. The Washington Lawyers' Committee and the Equal Rights Center represent people with disabilities and know that the availability of a judicial remedy is essential to the protection of individual rights. These bills strip away that right for individuals with disabilities. We hope you share our vision and urge you to **vote against the advancement of SB**

1302 and HB 2296 and to protect the rights of individuals with disabilities to be full and equal participants in our society.

Sincerely,

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Cc via email:

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