

Committee on the Judiciary

Subcommittee on the Constitution

Hearing on H.R. 3356, the ACCESS Act

Testimony of Ms. Lee Ky

June 27, 2012

My name is Lee Ky and I live in Reedley, Ca. I am here to express my concerns regarding the Americans with Disabilities Act and how it's being used toward all businesses. I understand that businesses must be accessible for all customers. I have been disabled all my life and I am grateful that President George H. W Bush recognized the needs for accessibilities for the disabled community when he signed the ADA into law in 1990.

Public buildings should have accessible entrance doors for both wheelchair and stroller users. Public facilities that have an eating area and restrooms should be accessible, with tables wide enough and high enough for a wheelchair to fit. The eating area should not be "designated" just for disabled people. Accessible public buildings, allow persons with disabilities become more independent and self-reliant. As for me, I appreciate businesses that have accessible facilities. But, personally, I don't care if the grab bar is 48" or 32" on either side, as long as it's provided and it's there when I need it.

All business owners have to recognize the needs of all customers. For example, many of businesses provide a carpet or rubber mat at the entrance outside or inside to prevent able-bodied customers from slipping. In my experience, the carpet or the mat has never become entangled in my wheels. If the ADA regulations remain the same and require businesses to remove carpets or mats for the convenience of the disabled people, then the ADA will be creating a hazard for the able-bodied person. We (the disabled community) should not be made to feel segregated from the rest of society. This will only create bitterness between customers and businesses. I don't need a sign to inform me that I am a disabled or where I should sit.

The ADA should concentrate on accessible curbs and ramps that do not wrap around the building with back door access only. Generally, when I enter through the back door, I feel like businesses are embarrassed or ashamed to associate with me because of my physical limitations. This is understandable to a point, because there are a few disabled individuals (including lawyers) that make it their personal mission in life to collect money from businesses that they have never been to. It seems this handful of people feel that small businesses owe it to them because of their current situation. This makes the rest of the disabled who are trying to earn an honest living look bad.

Many business owners are not aware of the changes or new regulations related to the ADA. Not all businesses are up to code with ADA guidelines. My mother has two donut shops and has been sued at both locations for alleged ADA violations. It's not fair for business owners to receive a lawsuit package not knowing what it is for, being asked for certain amount of money, and still having to pay for corrections. Prior to filing a lawsuit, notification should be sent to businesses if their facilities are not compliant with the ADA. All businesses should have 30 days to correct minor violations and 120 days for construction barriers.

Throughout my life people in general are very helpful; whenever I am out and about by myself, people offer their kindness to assist me whether I accept or decline is up to me. I also have a voice and if I need assistance I can ask for help. I don't want business owners to cringe when they see me entering their establishment whether to purchase or to simply use the restroom. I would like to see the ADA regulations or Federal laws be fair and not be taken advantage of or abused. I believe our elected officials and city inspectors should inform all businesses in their districts of all new laws and changes.

If these frivolous, nit-picky, un-necessary money hungry ADA lawsuits continue, many businesses will be forced to shut down because they don't have the money to pay for the lawsuit or correct the facility. To me it's reminiscent of mobsters requesting protection money.