

**Delaware House of Representatives**

**Rep. Krista Griffith**

**For Immediate Release:**

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**Griffith Bill Would Clearly Define Protections**

**for People with Disabilities**

*HB 311 provides clarity to Delaware Equal Accommodations Law to avoid dismissal of cases*

DOVER – Responding to concerns and questions about existing law, legislators have filed a measure to make sure individuals with disabilities are not turned away from having discrimination cases heard. The bill clearly spells out existing state and federal law for matters that are heard before the state Human Relations Commission.

Under House Bill 311, sponsored by **Rep. Krista Griffith**, existing state policies, practices, and procedures would be clearly defined, making sure the scope of the laws’ protections are enforced. The bill seeks to makes sure that when an individual with a disability is discriminated against, they will have an opportunity to be heard on their complaint.

“It is very painful for an individual with a disability when an entity refuses to make a reasonable change to allow him or her to fully participate in a policy, practice or procedure,” said **Rep. Griffith**, D-Fairfax. “It is often even more painful when he or she is not allowed to have their discrimination complaint heard because the Human Relations Commission believes it does not have jurisdiction to consider the matter. This legislation makes clear that the Commission may not turn away people with disabilities who are alleging they were denied a reasonable accommodation. They have the right to be heard. People with disabilities, regardless of the type of disability, should never feel as if they’re being silenced, humiliated or uncomfortable in the workplace, in school, healthcare centers or the state. We have a moral, legal and ethical obligation to ensure that all people are served equitably.”

Strict interpretation of the Delaware Equal Accommodations Law (DEAL) has resulted in the dismissal of cases that should have been heard by the Human Relations Commission. The General Assembly created DEAL to specifically help people with cases involving discriminatory practices through a process in which their complaint may be mediated. By not having the opportunity to be heard by the Human Relations Commission, individuals with disabilities must instead decide whether to engage in potentially costly and lengthy legal battles.

“While everyone agrees people with disabilities should be protected from discrimination, businesses, landlords and even local governments still are not always providing true and equal access,” said **Sen. Sarah McBride**, the Senate prime sponsor of HB 311. “This bill will make clear that the kind of passive discrimination that people with disabilities actually face in their daily lives is unacceptable and in violation of both federal and state law. I want to thank Rep. Griffith for introducing this legislation and I look forward to working with her to get it passed this year.”

Unfortunately, it’s difficult to keep track of the number of cases that have been dismissed or received a satisfactory investigation. However, those who have experienced challenges with reasonable accommodations are supportive of HB 311, including the State Council for Persons with Disabilities.

“The State Council for Persons with Disabilities is aware that individuals with disabilities who have encountered discrimination have also encountered challenges getting their cases heard in the same manner as other protected classes under DEAL,” said **John McNeal**, the council’s director and a person with a disability. “SCPD sees those occurrences as re-victimization or added discrimination. We are grateful to the sponsors for the proposed legislation for clarifying the already broad scope of DEAL, confirming that people with disabilities have a fair and expeditious way of filing complaints under DEAL, and protecting individuals from discrimination including in cases that may also violate the Americans with Disabilities Act.”

HB 311 has been assigned to the House Economic Development, Banking, Insurance & Commerce Committee.

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