



1           crimination in violation of section 303. Nothing  
2           in this section shall require a person with a dis-  
3           ability to engage in a futile gesture if such per-  
4           son has actual notice that a person or organiza-  
5           tion covered by this title does not intend to  
6           comply with its provisions.

7           “(B) BARRIERS TO ACCESS TO EXISTING  
8           PUBLIC ACCOMMODATIONS.—A civil action  
9           under section 302 or 303 based on the failure  
10          to remove an architectural barrier to access into  
11          an existing public accommodation may not be  
12          commenced by a person aggrieved by such fail-  
13          ure unless—

14                 “(i) that person has provided to the  
15                 owner or operator of the accommodation a  
16                 written notice specific enough to allow such  
17                 owner or operator to identify the barrier;  
18                 and

19                 “(ii)(I) during the period beginning on  
20                 the date the notice is received and ending  
21                 30 days after that date, the owner or oper-  
22                 ator fails to provide to that person a writ-  
23                 ten description outlining improvements  
24                 that will be made to remove the barrier; or

1                   “(II) if the owner or operator provides  
2                   the written description under subclause (I),  
3                   the owner or operator fails to remove the  
4                   barrier or, in the case of a barrier, the re-  
5                   moval of which requires additional time as  
6                   a result of circumstances beyond the con-  
7                   trol of the owner or operator, fails to make  
8                   substantial progress in removing the bar-  
9                   rier during the period beginning on the  
10                  date the description is provided and ending  
11                  30 days after that date.

12                  “(C) SPECIFICATION OF DETAILS OF AL-  
13                  LEGED VIOLATION.—The written notice re-  
14                  quired under subparagraph (B) must also speci-  
15                  fy in detail the circumstances under which an  
16                  individual was actually denied access to a public  
17                  accommodation, including the address of prop-  
18                  erty, whether a request for assistance in remov-  
19                  ing an architectural barrier to access was made,  
20                  and whether the barrier to access was a perma-  
21                  nent or temporary barrier.

22                  “(D) NOTICE SPECIFIC ENOUGH.—For  
23                  purposes of this paragraph, the term ‘notice  
24                  specific enough’ means notice that allows such

1 owner or operator to identify the barrier to ac-  
2 cess in question.”.

