

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, Title III of the Americans with Disabilities Act (ADA) requires public accommodations and commercial facilities to make their buildings and services accessible to people with disabilities; and

WHEREAS, the ADA allows disabled individuals who encounter barriers to access in public accommodations to file lawsuits to compel owners of these facilities to remove the barriers to access; and

WHEREAS, in California, ADA violations also violate the State's Unruh Act, which allows plaintiffs to recover up to \$12,000 in statutory damages if an inaccessible condition persists; and

WHEREAS, in 2021, there was a drastic increase in ADA lawsuits filed in the U.S. District Court for the Northern District of California against small, immigrant-owned businesses in San Francisco; and

WHEREAS, the San Francisco District Attorney claimed that many of these lawsuits were fraudulent and targeted small business owners with limited English proficiency and access to lawyers, who were then pressured to enter into cash settlements; and

WHEREAS, these lawsuits caused many small businesses to close and did not increase ADA access, as ADA compliance is not enforced once a settlement is reached; and

WHEREAS, currently pending before the State Senate is Senate Bill (SB) 84 (Niello), which would provide businesses with 50 or fewer employees a mandatory 'notice-and cure' opportunity to fix construction-related deficiencies that violate disability access provisions before penalties are issued; and

WHEREAS, SB 84 would require plaintiffs seeking damages for disability access-related claims to serve defendants with a letter detailing all alleged violations and provide defendants 120 days from the date of service to correct the violations; and

WHEREAS, SB 84 would also prevent plaintiffs from framing disability access claims as general discrimination violations under the ADA and ensure that ADA deficiencies are fixed and accessibility is provided; and

WHEREAS, SB 84 would offer small businesses a fair opportunity to address ADA violations before facing lawsuits, increase accessibility for individuals with disabilities, and prevent the filing of fraudulent accessibility-related complaints in the State;

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2025-26 State Legislative Program, SUPPORT for Senate Bill 84 (Niello) to clarify the notice requirements of disability access-related complaints, allow defendants an opportunity to fix any barriers to access, and prevent the filing of fraudulent accessibility-related complaints in California.

PRESENTED BY:

JOHN LEE
Councilmember, 12th District

SECONDED BY:

ORIGINAL