

Waiting Period Deleted From Bill Aimed At Predatory ADA Litigation Practices

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A requirement to wait 30 days before filing lawsuits for construction-related accessibility claims under the Americans with Disabilities Act has been deleted from the latest version of a bill ([SB 1186](#)) winding its way through the California legislature. It's worth noting that the latest version of SB 1186 will prohibit money demands for construction-related disability claims prior to filing a complaint. Additionally, the bill requires all commercial property owners to state on the commercial lease or rental agreement whether the property being leased or rented has been inspected by a certified access specialist. Although this requirement may ultimately result in increased costs for lessors, it should provide business owners seeking to avoid accessibility claims with additional prior notice of the building's compliance with existing law.

An early version of the bill, passed by the California Senate, would have required the waiting period before attorneys could file such claims. But the California Assembly has amended the bill. The [Assembly version](#) deletes the 30 day waiting period.

The 30 day waiting period had been criticized by the National Federation of the Blind of California, which in a [statement from its President](#) noted that “[n]o other protected class of individuals will be subject to these requirements; only Californians with disabilities will have to jump through additional legal hoops to enforce our civil rights.”

Whether SB 1186, especially the earlier version of the bill and its waiting period, indicated a pro-business shift by the state legislature, remains open to debate. But the California Chamber of Commerce seems unaware of any such shift. Meanwhile, a new pro-business super PAC has [reportedly](#) been formed, but whether it is successful in electing pro-business legislators, leading to pro-business legislation, remains to be seen.

As for SB 1186, the hopes of California business owners that they might avoid the need to mount a defense for construction-related accessibility lawsuits during a waiting period appear to be dashed. But the bill's prohibition on money demands prior to filing suit may help them avoid paying early settlements, if enacted in its current form.

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