

# Governor Signs New Law On Disability Access Complaints

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California has been a haven for plaintiffs' attorneys suing for ADA (American With Disabilities Act) violations because of existing law that provided up to \$4000 in statutory damages, along with attorneys fees for every violation. Under the old law, a disabled person could visit a retail establishment multiple times and sue for \$4000 for each visit.

This practice, known as stacking claims, has been limited by a new bill signed by Governor Brown. The new law, [SB 1186](#), signed September 19, 2012 reduces statutory damages to \$1000 for certain property owners who meet requirements stated in the bill and fix ADA violations within 60 days, and \$2000 for certain small business owners who fix ADA violations within 30 days. You should consult with an attorney to see whether your business qualifies for these reduced damages.

SB 1186 also prohibits demand letters from attorneys seeking money prior to litigation over such claims.

The final bill differs in several respects from an earlier version we reported on [here](#).

With respect to stacked claims, the new law provides:

“ . . . in any action alleging multiple claims for the same construction-related accessibility violation on different particular occasions, the court shall consider the reasonableness of the plaintiff's conduct in light of the plaintiff's obligation, if any, to mitigate damages.” [Civil Code Section 55.56(h)]

SB 1186 should provide some relief for property owners in California who have faced a disproportionate share of ADA construction-related access complaints as compared to other states. According to the [California Chamber of Commerce](#), the state is home to twelve percent (12%) of the nation's disabled population but forty percent (40%) of its ADA lawsuits.

Link to original article: <http://commercialcounselor.com/governor-signs-new-law-on-disability-access-complaints/>

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