

Opinion: Small businesses need help with ADA abuse

By Beth Gaines

In the Sacramento region, the original Squeeze Inn is the poster child of lawsuit abuse. A woman sued the famous burger joint for allegedly violating disability law even though she had no intention of ever doing business with them; she was merely a front for a predatory attorney looking for an easy mark.

Only wide-spread media attention and outrage spared the Squeeze Inn's owner from going out of business. Others are not so fortunate.



Beth Gaines

The source of these shameful shakedowns is the federal Americans with Disabilities Act and its California counterpart law. Intended to end discrimination against people with disabilities and to integrate them into mainstream life, the act has improved the quality of life for countless Americans and I am inspired to see people with disabilities enjoy activities and attractions available to them as a result of these laws.

But for business owners, the ADA story is not so inspiring. Right now, lawyers drive by small businesses and look for the most trivial violations of disability law, such as having a

railing height being off by a centimeter or parking lot striping not being the right shade of a particular color.

After noting these violations, the lawyers then send threatening letters to the businesses, demanding that they fix the violations and settle with them, usually for a few thousand dollars. If the owners refuse, the lawyers sue them in court for "damages" that would cost businesses even more money.

This ugly practice bears no resemblance to the noble intent of ADA law. It is a racket, and it needs to be shut down. That is why I have introduced two bills to restore some balance to ADA proceedings, protecting the rights of the disabled while helping business owners provide reasonable access to everyone.

The first reform, Assembly Bill 1878, would give California's most vulnerable small businesses an opportunity to correct a disability violation before a lawsuit can be filed. Under this bill, once a business has received a written notice of violation, it would have 120 days to come into compliance. This common sense change would redirect the law away from lining lawyers' pockets and back toward better access.

My second measure, Assembly Bill 1879, would require the state architect to compile a list of all federal and state disability access regulations, as well as identify any conflicts in those regulations. This would be a boon for businesses that want to adhere perfectly to the law but are overwhelmed with the conflicts and complexities of the state and federal systems.

Shortly after I introduced these measures, Sen. Dianne Feinstein, D-Calif., sent a letter to Darrell Steinberg, the state Senate president pro tem, encouraging him to advance legislation that will end these indefensible ADA lawsuits, and I am hopeful that Steinberg and our legislative colleagues will work with me to restore the intent of the Americans with

Disabilities Act. These reforms are too important to be sacrificed to partisan politics.

We can do better than having lawyers continuously carpet bomb businesses with frivolous disability lawsuits. California should strike the right balance between ensuring real justice for real victims and giving businesses an opportunity to correct violations without being at the mercy of greedy lawyers.

My reforms strike that balance. It is way past time to put an end to the livelihoods of lawyers who have exploited landmark legislation and have caused so many mom-and-pop businesses unjustified grief.

Beth Gaines represents the 4th Assembly District, which includes portions of Sacramento, Placer, El Dorado and Alpine counties.