



# LETICIA CASTILLO

## 58TH ASSEMBLY DISTRICT

### **AB 780 - Disability access: construction-related accessibility claims: notice of violation and opportunity to correct.**

#### **IN BRIEF:**

Assembly Bill 780 provides small businesses with an opportunity to address and correct accessibility violations under the Americans with Disabilities Act (ADA) before facing lawsuits for statutory damages and attorney's fees.

#### **EXISTING LAW:**

Current law prohibits discrimination based on various characteristics, including disability. It establishes minimum statutory damages for construction-related accessibility violations that deny a plaintiff full and equal access to a public accommodation. Under certain conditions, businesses may reduce their liability by correcting violations within a specified timeframe.

#### **THE ISSUE:**

The Americans with Disabilities Act (ADA) was established to ensure equal access to public spaces, but some attorneys and serial plaintiffs have exploited it by filing mass lawsuits against small businesses for minor or technical violations. Many of these lawsuits are designed to force quick settlements rather than improve accessibility, leaving small business owners—often unaware of their violations—with the difficult choice of paying costly legal fees or settling, even if they are willing to fix the issue.

This lawsuit abuse disproportionately impacts small, family-run businesses that lack the resources to fight in court. While California has taken steps to reduce excessive statutory damages, many businesses are still targeted before they have a chance to correct violations. Instead of promoting accessibility, these lawsuits drive up costs, force businesses to close, and do little to advance ADA compliance.

#### **THE SOLUTION:**

This bill strikes a balance between protecting disability rights and preventing lawsuit abuse by giving small businesses 120 days to correct alleged ADA violations before incurring costly legal penalties. If a business owner fails to remedy the issue, plaintiffs retain the right to take legal action.

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