

S.F. To Help Businesses Respond to ADA Complaints

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Kelly Wilkinson/KQED

Supervisor Carmen Chu stands with Vivian Day from the San Francisco Department of Building Inspection, and disabled rights activists in the iChat cafe on Irving Street.

San Francisco officials are responding to what they call an epidemic of lawsuits against small businesses over compliance with the Americans with Disabilities Act, or ADA.

One part of the 1990 federal law requires businesses to retrofit their premises to ensure that entrances, counters and bathrooms are easily accessible for those with disabilities.

Supervisors held a press conference Thursday at the iChat cafe on Irving Street. The cafe was the target of an ADA lawsuit, and the cost of updates and attorney's fees forced the previous owners to sell the business.

San Francisco Board of Supervisors President David Chiu said there's been an epidemic of "drive-by lawsuits" against businesses that may be out of compliance with the ADA. Officials said many of the recent suits appear to be motivated by the potential for financial gain, not a concern with accessibility. In many cases, the financial hit has been harsh enough to force mom-and-pop operations out of business.

Charlie Trong, who owns a small sandwich shop in the Inner Sunset, closed his businesses after being sued. He says he couldn't afford repairs or to hire a lawyer. He went to the city for help after being sued, and says he was told to get a lawyer.

"I'm a small business owner. I pay tax dollars," Trong says. "The very least you can do is give me a guidance, not just say, 'Go get a lawyer.'"

Trong and others say the city has plenty of opportunities to better communicate with businesses about compliance requirements -- for instance, when a business is being sold or permitted, or when a building is inspected.

Supervisor Carmen Chu says that's exactly what she'd like to see happen. She said the city is planning door-to-door outreach in business districts.

"Many people in the ADA community certainly also feel that many of these lawsuits may be frivolous and that may give them a bad name," Chu says. "However, we never want to discourage people from not complying with the ADA laws. What our goal is is to really help businesses understand what their responsibilities are...but also to help protect them a little bit against some of the lawsuits that we have been seeing across the city."

Next month, officials will send out educational mailers to all of the city's restaurants telling them how to come into compliance with the ADA and where they can get low-interest loans to make building improvements.

The Opportunity Fund -- one of the Bay Area's largest micro-lenders -- has set aside \$1 million for loans to small businesses that need help financing construction for ADA improvements.

William J. Barnickel works at a real estate office in the neighborhood and was the president of the local merchant's group when three businesses on one block were sued.

He says, "If you run a coffee shop and get hit with a lawsuit that requires \$80,000 in improvements ... that's a lot of cups of coffee."

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