

April 12, 2013

Be Prepared: New Commercial Lease Disclosure Requirements Under California Disability Access Laws Take Effect July 1, 2013

In the fall of 2012, California Governor Jerry Brown signed Senate Bill 1186 (SB 1186). Among other things, SB 1186 reforms California's disability access laws by: (1) banning pre-lawsuit letters from lawyers demanding money; (2) creating new provisions to prevent "stacking" of multiple claims to increase statutory damages; and (3) requiring that demand letters identify the barriers that prevented full and equal access to the business premises or services, as well as the dates the disabled person encountered those barriers. The new law also reduces the amount of statutory damages available for unintentional violations of the law in certain circumstances, if the necessary changes are made soon after a suit is filed.

SB 1186 additionally amends California Civil Code § 1938 and imposes a new disclosure duty on commercial landlords. For all commercial property leases entered into on or after July 1, 2013, the landlord must disclose in the lease: (1) whether the leased premises have been inspected by a Certified Access Specialist (CASP) and if so, (2) whether the leased premises have (or have not) been determined to meet all applicable construction-related access standards under California law. Under certain circumstances, a CASp inspection may be useful to limit the statutory damages that a plaintiff may recover in a disability access case.

.....
For more information about appropriate wording for and placement of the statutory notice for all California commercial leases entered into on after July 1, 2013, the CASp inspection process, or the effects of SB 1186 on the leasing and management of commercial properties in California, please contact any of the Katten Muchin Rosenman LLP attorneys listed below.

Brian D. Huben

310.788.4771

brian.huben@kattenlaw.com

Stacey D. McKee Knight

310.788.4406

stacey.knight@kattenlaw.com

Dustin P. Branch

310.788.4420

dustin.branch@kattenlaw.com

.....

www.kattenlaw.com

AUSTIN CENTURY CITY CHARLOTTE CHICAGO IRVING LONDON LOS ANGELES NEW YORK OAKLAND ORANGE COUNTY SHANGHAI WASHINGTON, DC

Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2013 Katten Muchin Rosenman LLP. All rights reserved.

Circular 230 Disclosure: Pursuant to regulations governing practice before the Internal Revenue Service, any tax advice contained herein is not intended or written to be used and cannot be used by a taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. Katten Muchin Rosenman LLP is an Illinois limited liability partnership including professional corporations that has elected to be governed by the Illinois Uniform Partnership Act (1997). London: Katten Muchin Rosenman UK LLP.