

San Francisco to help merchants on disabled access

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When annual health permit mailings go out to San Francisco restaurants next month, they'll include something new: an explainer about disability access laws and tips on reducing the risk of being sued.

The notice is part of a broader campaign introduced by city officials Thursday to educate small businesses about their legal rights and responsibilities after a raft of lawsuits against merchants in recent months.

At a news conference in an Outer Sunset cafe, Supervisor Carmen Chu was joined by several other supervisors, city officials, disability rights advocates and small business commissioners. Chu said the city was working to devise several methods for reaching business owners. They might include merchant-registration paperwork, payroll tax mailings and building and construction permits.

She also said that small-business loans would be available for disability access renovations through the Opportunity Fund, a local microlender, which has pledged \$1 million for businesses needing assistance.

'A very big issue'

"As you can see from the people behind me, this a very big issue," said Chu, whose District Four includes the Outer Sunset, where many businesses have been hit with accessibility lawsuits. "This is a good start. We're beginning to provide information so that businesses can address these issues in meaningful ways ... and not have to close."

In recent months, merchants in several commercial districts have received letters from people with disabilities suggesting that their stores may be violating state law or federal access standards under the Americans with Disabilities Act.

The notices coincided with a spate of lawsuits in the Richmond District in late November that led some businesses to shut down because they could not afford to fight the lawsuits or renovate their stores. That followed similar suits in the Mission District in the fall. Letters commonly precede such legal action.

The recent clashes between shopkeepers and disabled customers is the latest chapter of a decades-long struggle, and most observers don't expect it to go away anytime soon.

Thousands of lawsuits

Since the federal act passed in 1990, plaintiffs with disabilities nationwide have filed thousands of lawsuits after discovering that, despite the promise of equal access to goods and services, steps, doors and other architectural barriers still exclude them.

Federal and state access laws are enforced primarily through the courts - a disabled person who believes he or she has been aggrieved, has the right to sue. In addition to improving access, there also is a financial incentive to file legal claims.

Federal suits can be combined with California's Unruh Civil Rights Act, under which a plaintiff may demand \$4,000 per impediment. Federal law also allows for attorney's fees.

Merchant and disability access groups previously have worked together to try to inform shop owners about with the law, but have seen few take the necessary steps. Owners either believed they already had complied with the law, or decided to take a risk, rather than paying for disability upgrades.

Certificate program

But most of the outreach efforts preceded 2008 state legislation creating a certificate program that provides experts who can help owners determine whether their shops comply with the ADA law.

Observers say they have not seen such a concerted effort by the city or a willingness to change from merchants.

Sunset District restaurant owner Charlie Truong shut his place, Toasties at Ninth Avenue and Irving Street, after being sued in May. At the time, he said, city departments had little assistance to offer him. Now he plans to take advantage of an Opportunity Fund loan and hopes to reopen.

"I'm glad there's this awareness about the problem now," Truong said. "If this (education effort) had existed a year ago, I might not have had as big a problem."

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