

Disability Access

Business owners, whether large or small, face an ever-growing number of workplace regulations including providing reasonable accommodation and access for both employees and patrons. Downey Brand is well-versed in the complexities of state and federal laws providing for equal access to public accommodations for persons with disabilities.

Our vast experience in this complicated area of the law ranges from issues involving barriers that prevent physical access to businesses to less obvious barriers such as the provision of auxiliary aids for persons with sensory or communications disabilities and accommodations for persons with disabilities requiring the use of a service animal. Downey Brand assists businesses in navigating these stringent legal requirements and recognizes that compliance not only prevents costly litigation for its clients but also leads to the long-term success of its clients based on increased access by the public to their goods and services.

In the unfortunate event that a business finds itself as a defendant in a lawsuit alleging violations of the American with Disabilities Act (ADA), the California Unruh Civil Rights Act, and/or the California Disabled Persons Act, Downey Brand works closely with our clients to develop an immediate strategy for achieving favorable resolution. Where our client is not both the landlord and tenant of the property at issue, we act quickly to determine the respective obligations of the parties in an attempt to work cooperatively toward a solution to resolving barriers or defending litigation and, where necessary, to aggressively pursue appropriate legal remedies in the event the parties' legal responsibilities are in dispute.

Downey Brand's disability access work assists a wide array of clients including small and large businesses, which are most often property owners or tenants with their respective ADA obligations vis-à-vis one another governed by a commercial lease. Our representative clients with respect to ADA issues include hospitals, medical facilities, and health care providers, commercial building owners, shopping center landlords, universities, and others.

Selected Experience

- Represent largest healthcare system in California in a class action lawsuit alleging inaccessible architectural barriers at hospital campuses throughout California, Arizona, and Nevada. Negotiate settlement of the lawsuit for injunctive relief, draft settlement Consent Decree, and facilitate post-settlement compliance.
- Advise businesses regarding ADA, Section 504 of the Rehabilitation Act of 1973, Unruh Civil Rights Act, and California Disabled Persons Act compliance.
- Develop policies for the provision of auxiliary aids to persons with sensory and communications disabilities to ensure effective communication with medical providers.
- Develop policies for the accommodation of persons with disabilities related to the use of service animals in medical facilities.

Trade Groups

- Association of Commercial Real Estate (ACRE)
- California Business Properties Association (CBPA)
- International Council of Shopping Centers (ICSC)
- Society for Human Resource Management (SHRM)