

Slew of ADA Compliance Lawsuits May Have 'Dangerous' Repercussions for the Disabled, Advocates Say

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Parking Lot Trolls, Part 2: Slew of ADA-Compliance Suits May Have 'Dangerous' Repercussions for Arizona's Disabled

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On one hand, by filing more than 2,120 lawsuits this summer, [Advocates for Individuals with Disabilities](#), a.k.a. AID, has drawn attention to what he calls "blatant noncompliance" with federal laws designed to protect the disabled. And business owners, frightened of an expensive legal battle, are scrambling to remodel to meet ADA standards.

But Pangrazio, president and CEO of the Phoenix-based nonprofit [Ability360](#), worries: At what cost?

In response to outrage over the serial lawsuits, at least two Arizona legislators are independently exploring ways to revise state law to make it more difficult for people to sue over ADA noncompliance — something Pangrazio and a cadre of other prominent advocates vehemently oppose.

"It's dangerous," Pangrazio says. "Our civil rights are going to be compromised."

Discussions are in the early stages, but State Senator John Kavanagh says he wants to require attorneys to give businesses 60 to 90 days to fix any accessibility issues before a discrimination lawsuit is filed. If the business is ADA-compliant by deadline, no harm no foul.

Kavanagh, a Republican who represents Fountain Hills, argues that the approach will prevent “unscrupulous lawyers” from filing “frivolous” lawsuits en masse, while still compelling businesses to comply with the ADA.

Leaders in the disability community successfully rallied to kill a similar proposal last year. But because of AID’s aggressive tactics, Kavanagh believes he has the political will to push it through this year.

AID has been criticized for systematically suing businesses for minor technical infractions such as posting a sign a few inches too low, and then requiring them to pay \$5,000 to \$10,000 to settle case. In most instances, no person with a disability had reported struggling to access services.

“I don’t think the people who wrote the ADA envisioned it being used in this manner,” Kavanagh says. “You shouldn’t be able to cruise down Main Street and cite almost every business. This is gaming the system for cash.”

The slew of lawsuits drew the attention of Arizona Attorney General Mark Brnovich, who intervened in the matter, alleging that the group uses “trolling litigation tactics” to make money off businesses that people with disabilities can visit with ease. The AG’s office requested that more than 1,000 lawsuits AID has filed be consolidated and dismissed, arguing that the group’s “systemic abuse” of the judicial system “imperils the public interest.”

The problem, some advocates for people with disabilities tell *New Times*, is that litigation is the only way to enforce the law. New businesses don’t have to prove to federal, state, or local governments that they’ve provided handicap-accessible parking, ramps, elevators, and bathrooms in order to open. There are no annual — or even sporadic — government audits.

“We can talk to business owners and try to convince them to accommodate us, but let’s be honest: Suing is what gets results,” says Larry Wanger, executive director of the [Arizona Statewide Independent Living Council](#), a federally mandated organization that assesses and advocates for services for Arizonans with disabilities.

While Wanger hesitates to embrace AID’s strafing approach to litigation, he contends that Kavanagh’s proposed law would make it difficult for individuals with disabilities to find attorneys to represent them when they were legitimately having trouble accessing a business.

“Businesses shouldn’t need a 90-day warning,” Wanger says. “This law has been in effect for 26 years. They should be in compliance by now.”

For those that aren’t, several advocacy organizations, including Ability360 and the Arizona Center for Disability Law, have arranged workshops to educate business owners on the ins and outs of the ADA on September 19 from 3 to 4 p.m. and September 20 from 10:30 a.m. to noon. (Register [here](#).)

Says Pangrazio: "Consider this your wake-up call."

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