

SMALL BUSINESS COMMISSION  
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CITY AND COUNTY OF SAN FRANCISCO  
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JULY 24, 2008

At a Special Meeting of the Small Business Commission on Thursday, July 24, 2008, the following findings and resolutions, proposed by Commissioner David Chiu, were adopted:

**FILE NO. R-2008-002-SBC**  
**RESOLUTION NO. 002-08-SBC**

**SUPPORTING SMALL BUSINESSES FACING SERIAL LAWSUITS**

**WHEREAS**, as reported in the media, in recent years, several attorneys have filed serial cookie-cutter lawsuits alleging violations under the Americans with Disabilities Act (“ADA”) against many San Francisco small businesses, including one attorney previously sanctioned by a federal judge who declared that the attorney could not file any further ADA actions without receiving prior court permission; and

**WHEREAS**, many of the same small businesses had previously complied with requirements related to various San Francisco city permits, and are vulnerable to extreme economic hardship related to the defense of these lawsuits; and

**WHEREAS**, the SBC wishes to assist the small businesses that have been victimized by these litigants;

**THEREFORE, BE IT RESOLVED THAT:**

- The SBC acknowledges that accessibility is an important civil right, emphasizes that all businesses must comply with the ADA, and encourages continued collaboration between the small business and the disability communities to identify mutually beneficial solutions;
- The SBC condemns the legal tactics of these litigants, and warns the general public about this situation;

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- The SBC urges the Mayor and the Board of Supervisors to require relevant city departments such as the Treasurer's Office to proactively and regularly provide written information to all San Francisco businesses about their obligations under the ADA in all relevant languages;
- The SBC urges the Mayor to provide funding for one or more experts who can advise the small businesses as to their ADA obligations and provide on-site inspections on a sliding fee scale, as well as to provide funding for legal assistance to affected small businesses;
- The SBC urges the San Francisco City Attorney's Office to assist small businesses in identifying legal counsel in such matters and to assist in the development of written materials to educate small businesses regarding their obligations;
- The SBC urges the federal Small Business Administration to provide small business low-interest loans for the expenses related to such lawsuits;
- The SBC directs staff to prioritize helping small businesses locate affordable counsel, work with relevant departments and business associations to address this issue, and work with Federal and State legislators, the Board of Supervisors and the City lobbyist to review and possible amend laws relevant to this situation;
- The SBC asks the San Francisco Board of Supervisors to enact all necessary legislation to enforce the provisions of this Resolution as soon as possible, and urges the San Francisco Board of Supervisors to support state legislation, such as California Senate Bill 1608, that would allow a judge to grant a 90-day stay to a lawsuit if a small business has already identified architectural barriers and created a plan for removing them.

**AYES: David Chiu, Janet Clyde, Michael O'Conner, Gus Murad, Richard Ventura**

**NOES: None**

**ABSENT: Darlene Chiu, Irene Yee Riley**

**RECUSED: None**