
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 649 (Lowenthal) - Disability access: construction-related accessibility claim

Version: July 2, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: JUD. 8 - 3

Mandate: No

Consultant: Bob Franzoia

Bill Summary: AB 649 would provide a process for a business to avoid liability for construction-related accessibility claims, as specified. The bill amends the statutes governing when a defendant business may obtain attorney's fees when a suit is brought against them for construction-related accessibility claims.

Fiscal Impact: Minor, absorbable costs to the Department of General Services (DGS) to support the California Commission on Disability Access (CCDA). CCDA will utilize existing funding and frameworks to include information on businesses that participate in the Small Business Right to Cure Program.

The Division of State Architect (DSA) estimates a one-time cost of \$74,000 for forms development, CASp course development, and communications and outreach and a Senior Architect as a subject matter expert for CASp training development. DSA will likely absorb this work within existing positions. (Disability Access and Education Revolving Fund, Certified Access Specialist Fund)

Minor to significant court cost pressure if the Attorney General brings civil actions for violations against any person who engages in a deceptive act or practice. Actual costs will depend on the number of actions filed and the amount of time needed to adjudicate each case.

Potentially significant court cost pressure as the UCL permits private plaintiffs to bring an action in court. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts. The proposed FY 2026-07 Governor's budget would provide \$70 million General Fund support (Trial Court Trust Fund, General Fund).

Background: California's disability access laws have long operated to ensure that people with disabilities can utilize businesses and places of public accommodation in the state. In spite of their important civil rights functions, these laws have sometimes generated controversy due to high-volume claims made by a relatively small group of litigants and law firms. One way the Legislature has addressed this issue is through the California Certified Access Specialist Program (CASp). Under this program businesses can request a trained inspector to examine their establishment and point out any changes that are needed to ensure compliance with disability access standards. If the business proceeds to undertake necessary upgrades, the business receives temporary immunity from disability access lawsuits.

Proposed Law: This bill would do the following:

- 1) Establishes, until January 1, 2034, the Small Business Right to Cure Program and prohibits a defendant who qualifies for the program from being liable for minimum statutory damages for any construction-related accessibility claim for a period of 6 years following a CASp report. To qualify for the program, the bill requires the defendant to demonstrate specified conditions, among others, that the defendant has posted, as provided, both the CASp inspection notice and a Notice of Participation in the Small Business Right to Cure Program, as defined.
- 2) Authorizes the DSA to develop, as specified, a form Notice of Participation in the Small Business Right to Cure Program, and authorizes a business to satisfy any requirement to provide the notice by providing a specified written statement until and unless the DSA promulgates the form.
- 3) Requires a public accommodation that participates in the program to make available specified documents for public inspection, including the CASp report that is the basis for the public accommodation asserting that it qualifies for the program.
- 4) Until January 1, 2034, requires an attorney to include in their notification to the CCDA whether the defendant qualified for and used the Small Business Notice and Right to Cure Program.
- 5) Provides that a person who posts a specified notice, including a Notice of Participation in the Small Business Right to Cure Program on the premises of a place of public accommodation, or authorizes the document to remain posted on the premises, and knows or should know that the document is inauthentic, materially inaccurate, or that the place of public accommodation does not qualify for the applicable program or other limitation on liability provided by law shall be subject to enforcement under the Unfair Competition Law.

Staff Comments: Unlike the Attorney General, who may seek significant civil penalties for UCL violations, the remedies available to private plaintiffs are more limited. They may seek neither penalties nor damages to compensate for injuries caused by the violation. Instead, private plaintiffs may seek an injunction to halt the unfair, unlawful or fraudulent practice and restitution of any gains obtained as a result of the violation. As injunctions and restitution are equitable remedies that do not require submission to a jury, private UCL actions are tried before a judge, who has the sole discretion to determine if the alleged wrongful act is an unfair, fraudulent, or unlawful business practice and to determine the appropriate equitable remedy. A court may order restitution in a UCL action without individual proof of injury if it determines that such a remedy is necessary to prevent the unfair practice.

The CCDA is no longer funded through the General Fund and the Disability Access Account. The Division of State Architect supports business owner education through the Disability Access Education Revolving Fund and CASp education is funded through the Certified Access Specialist Fund.

Related Legislation: SB 84 (Niello) prohibits a construction-related accessibility claim for statutory damages from being initiated in a legal proceeding against a defendant unless the defendant has: 1) been served with a letter specifying each alleged violation

of a construction-related accessibility standard; and 2) the alleged violations have not been corrected within 120 days of service. This bill provides that a defendant is not liable for statutory damages, costs, or plaintiff's attorney's fees for an alleged violation that is corrected within 120 days of service of a letter. The provisions of this bill apply to a defendant who employs 50 or fewer individuals as of the date of the receipt of the letter or for any period over the past three years from the date of the receipt of the letter. SB 84 is pending in the Assembly Judiciary Committee.