2-3-2016

DISABILITY ACCESS LITIGATION. INITIATIVE CONSTITUTIONAL AMENDMENT.

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_inits

Terry Rogers
1399 East 28th Street
Signal Hill, CA 90755
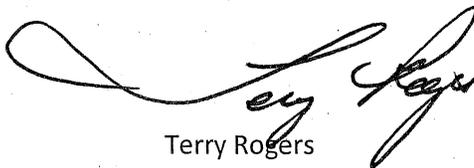***(562) 988-3106***

November 23, 2015

Ms. Ashley Johansson
Initiative Coordinator
P. O. Box 944255
Sacramento, CA 94244-2550

Dear Ms. Johansson,

I am requesting the preparation of a Title and Summary for the proposed initiative constitutional amendment that is enclosed herewith. Also enclosed are the required certifications regarding my eligibility to file the measure and my understanding of the laws regulating the use of petition signatures.

Thank you in advance for your assistance.

Sincerely,

Terry Rogers
Proponent

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure adds a section to the Constitution; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

Section 20 is added to Article XX of the Constitution to read:

It is a compelling public interest for the People of California to prevent the misuse of the courts of record of the State by predatory lawsuits whose intent is to enrich undeserving plaintiffs and unscrupulous attorneys rather than to compensate legitimately injured parties. In accordance with this interest, any complaint for an alleged violation of any law governing accessibility to public accommodations for people with disabilities by any business or property owner must be noticed to such business or property owner no less than ninety (90) days prior to the filing of any lawsuit in a court of record of the State. If the business or property owner so noticed cures the alleged violation in accordance with the laws governing accessibility to public accommodations for people with disabilities within ninety (90) days of receiving the notice, then the basis for any complaint referenced in the notice shall be null and void. Local permitting authorities, whether city, county, or city and country, shall give precedence to businesses and property owners attempting to make alterations or repairs to their businesses or properties in order to comply with the laws governing accessibility to public accommodations for people with disabilities.

In the event that any portion of this amendment, or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application, and to that end the provisions of this amendment are severable.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

DISABILITY ACCESS LITIGATION. INITIATIVE CONSTITUTIONAL

AMENDMENT. Requires that persons with disabilities who sue property owners or businesses for accessibility violations give 90 days notice before filing suit. Bars suit if the property owner or business cures the violation within 90 days. Requires local permitting authorities to give priority to building permit applications submitted for purpose of making alterations or repairs to comply with accessibility laws. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Potential reduction in state court costs related to civil claims, which could be in the range of a few million dollars annually.** (15-0113.)