

5 MYTHS ABOUT ADA OBLIGATIONS

Owner? Landlord? Tenant? There's plenty in the news about ADA (Americans with Disabilities Act) and responsibility for accessibility — not to mention the lawsuits — that could affect you. What's fact and what's reality? Who is responsible for what? See if you know your stuff.

5 Myths About ADA Obligations;

Myth 1: "I haven't upgraded or remodeled my property. I haven't pulled a permit, and the property is old, so I am grandfathered in and can't get sued."

Reality: You can definitely be sued. You may have a partial defense that could reduce your exposure.

Myth 2: "ADA compliance laws are common sense, I don't need anyone to explain it to me."

Reality: The laws are complicated and nuanced, and more cases are coming out every day.

Myth 3: "It's not my property, I just lease it, so I don't have to worry."

Reality: Owners, landlords and tenants can each and all be sued — and liable.

Myth 4: "I'm a small, mom-and-pop operation. Only the big guys get hit with a lawsuit."

Reality: Most of the clients we represent against these lawsuits are small businesses. Any size business can be vulnerable.

Myth 5: "My lease relieves me from any obligations."

Reality: Every lease is worded differently. You shouldn't assume certain language relieves you of all liability.

How did you do? Don't be surprised if you missed a couple. The law about this is not obvious, or clear-cut.

Hoge Fenton takes a holistic approach. Our experienced team looks at a property with the same eyes as the people who file the lawsuits. We can:

- Look at your property and leases now to see **if you are vulnerable**. Are you covered? What should you do now to prevent a suit? Call us to evaluate your situation.

- Talk to you if someone has filed a suit. Do they have a case? Do you have a defense? What **should you do now**? Call us for strategy about how to proceed.
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Read "**ADA Litigation is on the Rise and Small Businesses are Being Targeted**," September 2014, by Dan Ballesteros and Justine Cannon.

Read about our Real Estate and Land Use practice.

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Dan Ballesteros is an aggressive litigator, with the knowledge and experience to create leverage for your case. Dan's practice focuses on real estate disputes, frequently arising out of the ownership and/or use of real property. Dan represents businesses, LLCs, partnerships and individuals in all phases of litigation, arbitration and mediation and in both state and federal courts.

Related Attorneys

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