



Honorable Mayor and Members of the Hermosa Beach City Council

**APPROVE A LETTER OF SUPPORT FOR SENATE BILL 84 DISABILITY ACCESS:
CONSTRUCTION-RELATED ACCESSIBILITY CLAIMS: NOTICE OF VIOLATION
AND OPPORTUNITY TO CORRECT**

(Senior Management Analyst Sara Russo)

Recommended Action:

Staff recommends City Council approve a letter of support for Senate Bill 84 (**Attachment 1**).

Executive Summary:

The City of Hermosa Beach regularly expresses its support or opposition regarding legislative matters that would have an impact on the City. As requested by the City Council at its January 27, 2026 meeting, staff presents the following item for consideration to provide a letter for support for Senate Bill 84 Disability Access: Construction-Related Accessibility Claims: Notice of Violation and Opportunity to Correct.

Background:

Senate Bill 84 (SB-84), was introduced on January 17, 2025, by Senator Niello, and aims to strike a balance of preserving the rights of individuals with disabilities while offering small businesses a fair opportunity to address violations before facing lawsuits.

This bill would prohibit a construction-related accessibility claim for statutory damages from being initiated in a legal proceeding against a defendant who employs 50 or fewer individuals, unless the defendant has been served with a letter specifying each alleged violation, and the alleged violations have not been corrected within 120 days of service of the letter. The bill would provide that a defendant is not liable for statutory damages, plaintiff's attorneys fees, or costs for an alleged violation that is corrected within 120 days of service of a letter alleging the violation. The bill would also prohibit a plaintiff from avoiding the notice and opportunity to correct provisions and the liability limitations by claiming they are seeking general discrimination damages based on a violation of the Americans with Disabilities Act (ADA) of 1990 if the underlying claim is based on a defendant's failure to comply with physical accessibility standards under California law.

Past Council Action

Meeting Date	Description
January 27, 2026	Mayor Rob Saemann requested, and Councilmembers Francois and Keegan supported a future agenda item to provide a letter of support for Senate Bill 84.

Analysis:

SB-84 seeks to amend Section 55.56 of the California Civil Code, which governs statutory damages in accessibility claims. The bill introduces a procedural safeguard for businesses employing 50 or fewer individuals: a mandatory notice-and-cure period. Under the proposed law:

1. Notice Requirement: A plaintiff cannot initiate a legal proceeding for statutory damages of a construction related accessibility claim unless they first serve the defendant with a letter detailing each alleged violation.
2. 120-Day Cure Period: The defendant then has 120 days from the date of service to correct the violations. If the issues are resolved within this timeframe, the defendant avoids liability for statutory damages, attorney’s fees, and costs.
3. Scope Limitation: This protection applies only to businesses with 50 or fewer employees, either at the time the letter is received or during the prior three years.

Additionally, SB-84 closes a potential loophole whereby a potential plaintiff tries to sidestep the notice requirement by framing their claims as general discrimination violations under the ADA rather than construction-related accessibility claims. The bill explicitly prohibits this tactic if the underlying issue stems from noncompliance with California’s physical accessibility standards.

The bill is currently in the 2nd House awaiting to be heard.

Fiscal Impact:

There is no fiscal impact associated with this action.

Attachment:

Letter of Support for Senate Bill 84

Respectfully Submitted by: Sara Russo, Senior Management Analyst

Approved: Steve Napolitano, City Manager