

Landlord Responsibility in ADA Lawsuits

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A federal district court in Northern California has [determined](#) that landlords need to be more proactive when it comes to the [accessibility](#) of their tenant spaces. Historically, commercial landlords have not concerned themselves with areas outside of their own exterior common area because their leases state that the tenant is responsible for [ADA compliance](#). In this case, the court agreed that although the ADA allows landlords and tenants to allocate the responsibility for compliance between themselves, both parties are liable for [violations in leased spaces](#) with respect to persons with disabilities who are denied access. Both the landlord and tenant were made to pay the entirety of the plaintiff's attorney's fees and costs awarded by the court.

Landlords should make themselves aware of whether or not their tenants are meeting the accessibility requirements, even if their leases put the burden of compliance on the tenant. **Be proactive to avoid costly litigation and court fees.** Here are a few things you can do to reduce your risk:

- - Ensure that lease agreements include a stipulation requiring all tenants to obtain a CASp inspection and that the results must be submitted to the landlord
- - Require all Tenant Improvements or exterior renovations to be reviewed by ADA consultants employed by the landlord
- - Have vacant spaces inspected prior to signing new tenants
- - Always be sure to have common areas [inspected](#)



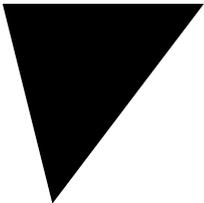
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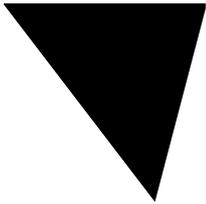
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