
SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair
2015 - 2016 Regular Session

AB 54 (Olsen) - Disability access: construction-related accessibility claims: demand letters

Version: May 24, 2016

Urgency: No

Hearing Date: June 27, 2016

Policy Vote: JUD. 7 - 0

Mandate: No

Consultant: Jolie Onodera

This bill meets the criteria for referral to the Suspense File.

Bill Summary: AB 54 would modify existing requirements related to the reporting of information about demand letters and complaints regarding construction-related accessibility violations to the California Commission on Disability Access (CCDA). Specifically, this bill would require the information about demand letters and complaints to be submitted in a standard format as specified by the CCDA.

Fiscal Impact: One-time costs to the CCDA of \$90,000 to \$110,000 (General Fund) which includes (1) \$40,000 to \$60,000 for the development and implementation of a digital data capture format necessary to collect and conduct analysis of the reported information, and, (2) a \$50,000 limited-term contract to transition the data to the automated system. Ongoing costs for the revised data collection process are estimated at about \$15,000 per year. Potential future cost savings are likely to be realized through administrative efficiencies created by streamlining the existing manual process of data entry and storage of these public records.

Background: The California Commission on Disability Access (CCDA) was established pursuant to SB 1608 (Corbett) Chapter 549/2008, to act as an information resource; to research and prepare advisory reports of findings to the Legislature on issues related to disability access, compliance inspections and continuing education; to increase coordination between stakeholders; to make recommendations to promote compliance with federal and state laws and regulations; and to provide uniform information about programmatic and architectural disability access requirements to stakeholders.

In 2012, SB 1186 (Steinberg) Chapter 383/2012 established the additional review and reporting of demand letters by the CCDA. Subsequent legislation, including AB 1521 (Committee on Judiciary) Chapter 755/2015 was signed into law as an urgency measure with the requirement for the CCDA to additionally collect and study case outcomes.

Existing law requires an attorney who serves a demand letter and/or files a complaint alleging a violation of any construction-related accessibility standard, to submit a copy of the letter and/or complaint to the CCDA within five business days of serving or sending the letter or complaint on the defendant. (Civil Code § 55.32.)

The CCDA currently has limited resources to fulfill its numerous duties and obligations. This bill seeks to aid the CCDA in its charge to collect and analyze data obtained from construction-related accessibility claims through a more efficient data collection process.

Proposed Law: This bill would require an attorney serving a demand letter or complaint to send a copy to the CCDA and submit information in a standard form as specified by the CCDA on its internet website. Additionally, this bill would require the CCDA to, at least 30 days before requiring a new standard format, post on its internet website the new standard format and the start date that the CCDA will begin requiring that information sent to the CCDA be submitted in the new standard format.

Related Legislation: SB 1406 (Mendoza) 2016 would require an attorney who sends or serves a complaint alleging a construction-related accessibility violation against a public entity to send a copy of the complaint and submit the notification of judgment, settlement, or dismissal to the CCDA, as specified. This bill is pending hearing in the Assembly Judiciary Committee.

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