



GOVERNOR EDMUND G. BROWN JR.

CALIFORNIA COMMISSION ON DISABILITY ACCESS

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MEMBERS of the COMMISSION

Guy Leemhuis – Chair
Scott Hauge – Vice-Chair
Tom Ammiano – Assembly Member
Connie Conway – Assembly Member
Ellen Corbett – Senate Member
Chris Downey
Douglas Wiele

MEMBERS of the COMMISSION

Lilibeth Navarro
Greg Thompson
Anthony Seferian
Chester “Chet” Widom
Betty Wilson
Steve Dolim
Michael Paravagna

Commission Executive Staff

Stephan Castellanos – Executive Director

**MEETING NOTICE AND AGENDA
CALIFORNIA COMMISSION ON DISABILITY ACCESS**

EXECUTIVE COMMITTEE

CCDA wants to provide the highest level of accessibility for all meetings. We encourage you to look at the detailed information starting on page 3.

May 14th, 2014

1:30 PM to 3:30 PM

(The end time is an estimate, the meeting may conclude earlier)

**TELECONFERENCE # 1-866-662-5089
PARTICIPANT PASSCODE 24114538**

[Live Captioning](#)

<https://global.gotomeeting.com/join/244842589>

Meeting Site Location

**CITY OF LOS ANGELES DEPARTMENT ON DISABILITY
201 NORTH FIGUEROA ST. SUITE 100
LOS ANGELES, CA 90012**

Off-Site Meeting Locations (Teleconference Only)

**DEPARTMENT OF REHABILITATION
721 CAPITOL MALL
ROOM 244, 2ND FLOOR
SACRAMENTO, CA 95814**

**2311 TARAVAL ST.
SAN FRANCISCO, CA 94116**

Notice is hereby given that the California Commission on Disability Access (CCDA) Executive Committee will hear, discuss, deliberate and/or take an action upon the following items listed in this notice. The public is invited to attend and provide their input or comments.

ITEMS:

- 1) Call to Order/ Roll Call
- 2) Approval of Meeting Minutes (April 9th, 2014) – Action
- 3) **Comments from the Public on Issues not on this Agenda:** The Executive Committee will receive comments from the public at this time on matters not on the agenda. Matters raised at this time may be briefly discussed by the Executive Committee and/or placed on a subsequent agenda.
- 4) Action Items From Previous Meeting
- 5) Strategic Planning Report
 - Assessment
 - Process going forward/ schedule
- 6) Monthly Budget Update
- 7) Meeting Locations and Cost
- 8) Talking Points for Funding Research
- 9) Legislative Rubric
- 10) **CCDA Bill Tracking/ Analysis**
 - AB 1885 - Public Buildings: access: disabled persons - Bigelow R
 - AB 1991 - Construction-related accessibility claims - Morrell R
 - AB 2714 - Vehicles: disabled persons placard - Hernandez, Roger D

-AB 1612 - Accessible California Code of Regulations - Donnelly R

-AB 1848 - Public accommodations: construction-related accessibility claims - Allen R

11)Future Agenda Items: The Executive Committee may discuss and set for action on future agendas, procedural and substantive items relating to state buildings regulatory programs, Commission policy and administrative matters.

12)Closed Session – Personnel Matter

Executive Director Evaluation

(This closed session is conducted as authorized by Government Code §11126 (a))

13) Open Session

14) Adjourn

The Executive Committee meeting is operating under the requirements of the Bagley-Keene Open Meeting Act set forth in Govt. Code Section § 11120-11132. The Act generally requires the Executive Committee to publicly notice their meetings, prepare agendas, accept public testimony, and conduct their meeting in public unless specifically authorized by the Act to meet in closed session.

- ❖ Meetings are subject to cancellation; agenda items are subject to removal or items may be taken out of order.
- ❖ The CCDA Executive Committee meets under the authority of Government Code § 8299.
- ❖ The CCDA Executive Committee may hold a closed session on pending or proposed litigation involving the Commission [Govt. Code § 11126(e)] and personnel matters and performance review relating to the Commission [Govt. Code § 11126(a)].
- ❖ The meeting facilities and restrooms are accessible to individuals with disabilities.
- ❖ Each CCDA Committee meeting will provide a teleconference line, large print agendas, and captioning.
- ❖ Requests for accommodations for individuals with disabilities (sign-language interpreter, assistive listening device, Braille, or any other accommodation needed by an individual) should be made to the Commission office no later than 10 (ten) working days prior to the day of the meeting.
- ❖ Technical difficulties with equipment experienced prior to or during the meeting preventing or inhibiting accessibility accommodation is not cause for not holding or for terminating the scheduled meeting.
- ❖ If Para transit services are needed, they may be contacted at (916) 429-2744, TDD (916) 429-2568 in Sacramento. [Sacramento Regional Transit](http://www.sacrt.com) (www.sacrt.com) has public transit available the day of the meeting. For alternate routes contact Sacramento Regional Transit at (916) 321-BUSS (2877); for hearing impaired (916) 483-HEAR (4327).
- ❖ For [Los Angeles Public Transit](http://www.metro.net) (www.metro.net) or (323) 466-3876 for bus and rail transit information. Riders with hearing or speech impairments use the California Relay Service – dial 711, and then the number you need. For [Para transit services](http://www.asila.org) (www.asila.org) or if you ARE a certified access services rider within Southern

California and would like to make a reservation call: 1-800-883-1295, TDD 1-800-826-7280. If you ARE NOT a certified access services rider, contact customer service at 1-800-827-0829, TDD 1-800-827-1359.

- ❖ For the latest information on meeting status, check the [California Commission on Disability Access](http://www.cdda.ca.gov/) Web Site: <http://www.cdda.ca.gov/>
- ❖ Questions regarding this notice and agenda may be directed to [Steve Funderburk](#), Office Administrator at (916) 319-9974 or at 721 Capitol Mall, Room 250, Sacramento, California 95814.

2) Approval of Meeting Minutes (April 9th, 2014) – Action

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MEETING MINUTES**

April 9, 2014

1. CALL TO ORDER

Vice Chair Scott Hauge welcomed everyone and called the meeting of the Executive Committee of the California Commission on Disability Access (CCDA or Commission) to order at 1:30 p.m. at the City of Los Angeles Department on Disability, 201 North Figueroa Street, Suite 100, Los Angeles, California 90012.

The off-site meeting locations for teleconference were the Department of Rehabilitation, 721 Capitol Mall, Room 242, 2nd Floor, Sacramento, California 95814, and Cal Insurance and Associates Inc, 2311 Taraval Street, San Francisco, California 94116.

Vice Chair Hauge reviewed the meeting protocols.

ROLL CALL

Committee Members Present: Daniel Cucchi, Office of Senator Corbett
(Teleconference)
Daniel Torres, Office of Senator Corbett
(Teleconference)

Commissioners Present: Scott Hauge, Vice Chair (Teleconference)
Betty Wilson

Commissioners Absent: Guy Leemhuis, Chair

Staff Present: Stephan Castellanos, Executive Director
(Teleconference)
Angela Jemmott, Program Analyst (Teleconference)
Steven Funderburk, Office Technician
(Teleconference)

Also Present: Daniel Ballon, Office of Assemblymember Donnelly
(Teleconference)
Suzanne Goldman
Jake Wachtel
Helen Walsh (Teleconference)

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Staff Member Jemmott called the roll and announced a quorum was not yet present. A quorum was achieved after Committee Member Cucchi arrived.

2. APPROVAL OF MEETING MINUTES (February 19, 2014) – ACTION

MOTION: Commissioner Wilson moved to approve the February 19, 2014, California Commission on Disability Access Executive Committee Meeting Minutes as presented. Vice Chair Hauge seconded. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

Jake Wachtel stated he and Suzanne Goldman have been active in the Sacramento legislative process on the accessible parking issue. Their goal is to bridge the gap and bring people together so that progress can be made. They have been meeting with stakeholders on all sides of this issue. Mr. Wachtel noticed that people are not collaborating, but are remaining siloed in their own committees; there is no exchange of ideas and no place where compromise and constructive improvements can happen. He stated the importance of having an open dialogue so that the decision-makers can have a better understanding of who the stakeholders are and how they may be affected by these decisions.

Suzanne Goldman agreed that everyone has their own ideas but has been working in their own groups, not making it collaborative or finding areas of agreement. She pointed out the need to not only increase the number of accessible parking spaces, but to increase the accessibility of existing spaces with, for example, curb cuts.

Vice Chair Hauge agreed that open communication is beneficial and asked Mr. Wachtel what he would like the Commission to do.

Mr. Wachtel stated he would like the Legislature to hear from stakeholders in an open forum, where everyone can engage in a meaningful dialogue and learn who the interested parties are. He suggested looking at best practices in other states to find ways to craft bills that are beneficial to all parties.

Executive Director Castellanos welcomed Mr. Wachtel's and Ms. Goldman's participation and encouraged them to contact him to discuss their thoughts further and to learn what the Commission has been doing.

4. EXECUTIVE DIRECTOR'S REPORT

Budget Change Proposal

Executive Director Castellanos reported that the Senate Budget Subcommittee approved the Commission's Budget Change Proposal for an additional staff member to work on the data collection effort and to expand the Commissioner's ability to provide analysis; the Assembly Budget Subcommittee approved it on vote only.

CCDA Partners

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Executive Director Castellanos stated he had a positive meeting with the California Restaurant Association. They are interested in the restaurant guide and the lawsuit data collection analysis on lawsuits in California and its impact, which might lead to policy recommendations. They committed to learning more about what the Commission is doing on that project. Executive Director Castellanos stated he will continue reaching out to other industry organizations.

Executive Director Castellanos continues to meet with the Department of Rehabilitation (DOR) and the Division of the State Architect (DSA) in order to advance the Commission's efforts. He stated he will soon begin to meet with property owners to discuss the issues they are concerned about.

Speaker(s) for April 23rd Full Commission Meeting

a. Speaker(s) on the Topic of Usage of CASp Professionals

Executive Director Castellanos stated staff has a list of possible speakers to make a presentation in the April 23rd full Commission meeting on public awareness and use of Certified Access Specialists (CASps). He asked Commissioners for names of recommended speakers in the Los Angeles area to augment the presentation.

b. Speaker(s) in Response to the San Francisco MTA Task Group Presentation

Executive Director Castellanos stated the proponents of the San Francisco Municipal Transportation Agency (MTA) parking policy presented in the last full Commission meeting, wherein the Commission and the chair requested that the opposing voice be heard. Staff has contacted Margaret Johnson and her association to make a presentation at the April 23rd full Commission meeting.

Action Items

- Commissioners are to submit names of recommended speakers to augment the CASp presentation at the full Commission meeting.

5. STRATEGIC PLANNING - STATUS AND DISCUSSION

Executive Director Castellanos stated the statewide assessment interviews have been completed. The assessment report will be submitted to staff for review by April 15th, to the Design Team on April 23rd, and to the full Commission by the end of the month. It will report on the results of the interview process on the understanding of access, disability, and the law, which, combined with the data collection project findings, will provide a strong evidentiary foundation for development of the Commission's Strategic Plan.

Staff has received numerous requests for further analysis of the data and for answers to additional questions, such as why the lawsuits occur and what the possible outcomes may be. Staff will ask the consultant to support the expanded effort, and then bring it before the Education and Outreach Committee to set up a rubric for expanded research to answer future questions so the issues can appropriately be researched.

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Executive Director Castellanos stated the Statewide Strategic Planning Workshops will begin soon and are expected to be completed by the end of May or in June. The draft plan will be submitted to the full Commission for adoption in the third quarter of this year.

Executive Director Castellanos assured Commissioners that, although taking on these additional dimensions, staff continues to collect the lawsuit data. The one-and-a-half years of data collection and in-depth analysis will help the Commission learn what is necessary to align with the statutes that guide the Commission's activity. It will provide a stronger foundation and improved effectiveness for the Commission.

Public Comment

Mr. Wachtel asked if it was possible to see the survey and who it went to.

Executive Director Castellanos stated the Design Team, assembled last fall, consisted of a number of stakeholders who were broadly representative of the different interests in California. The consultant conducted personal interviews with roughly fifty people; the findings await review. The goal of the team was to form a collaboration between business and property interest and persons with disabilities as an opportunity to create a stronger dialogue. He offered to give Mr. Wachtel a copy of the draft when the full Commission gets it as part of the review process.

Action Items

- No action items.

6. MONTHLY BUDGET UPDATE

Staff Member Jemmott stated there was a small increase in printing this month due to a maintenance agreement update. Next month's budget will include a \$2,000 purchase of additional filing cabinets for management of the ongoing data collection project. With three months left in the funding year, the Commission is within budget, and staff will take the opportunity to encumber some contract services.

Action Items

- No action items.

7. DISCUSSION OF STATUS OF THE DATA COLLECTION PROJECT

a. Review of Total Received to Date

Executive Director Castellanos referred to a year-to-year comparison document titled CCDA Data Collection Totals. Staff updates the top ten violations, which are the basis for the training programs, every six months and quarterly updates the data on the numbers of cases received and the types of violations. Compared to last year, staff has received an increase in the number of lawsuits. He stated he hoped to see a reduction in the number of lawsuits as the Commission continues to expand its education efforts.

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b. Data Analysis Discussion

Vice Chair Hauge asked if staff has seen much interest outside of the Commission on the data that is being collected.

Executive Director Castellanos stated staff continues to receive a growing number of questions and demands for deeper analysis as organizations begin to realize there is more information that can be gathered from the data than what the statute requires.

Action Items

- No action items.

8. DISCUSSION OF SB 1608 COMMISSION DUTIES: SECTION 8299.05 (ORIGINAL LANGUAGE)

Executive Director Castellanos stated Senator Corbett, in the development of Senate Bill (SB) 1608, originally laid out the duties of the Commission. He recommended that Senator Corbett's founding legislation be used as a "road map"; the responsibilities that are laid out in SB 1608 should remain a focal point of the Commission in developing the strategic plan. Research and analysis efforts should be spent on the critical issues that SB 1608 determined were important for this Commission - issues regarding compliance of state laws and regulations that are raised by the disability and business communities. He stated the Commission needs to gain a better understanding of inspection programs, particularly CASp, training and continuing education requirements of the personnel involved in designing, planning, plan checking, and building inspection, and the application and regulation of building officials, architects, landscape architects, and engineers.

Executive Director Castellanos stated staff is learning from the data collection that there are impacts that precede lawsuits being filed, sometimes by years, and that the prevention of a small mistake can save time and money if the Commission can sort out what is happening with architects, contractors, building officials, inspectors, and others. He encouraged the interest of the Education and Outreach Committee and the full Commission to review the components of SB 1608 and to reinvigorate them to use them as a foundation for future work.

Commissioner Wilson stated one of the goals of the Education and Outreach Committee is to develop modules of training, seminars, and other methods of education. She expressed appreciation for everyone in attendance working towards documenting and resolving issues.

Vice Chair Hauge asked Committee Member Cucchi if Senator Corbett has any thoughts of what the Commission might be doing or doing differently.

Committee Member Cucchi stated he would follow up on that.

Executive Director Castellanos stated he will soon meet with Senator Corbett and will also follow up on that.

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Action Items

- Committee Member Cucchi and Executive Director Castellanos are to speak with Senator Corbett and report back to Vice Chair Hauge in answer to his question.

9. CCDA BILL TRACKING

A. AB 1885 - Public Buildings: Access: Disabled Persons - Bigelow R

Executive Director Castellanos stated Assembly Bill (AB) 1885 is a right to cure bill that states there should be a warning before a lawsuit and time provided to the defendant to repair.

Commissioner Wilson stated one of problems with AB 1885 among the disability community is the length of time the bill allows the defendant to respond.

Executive Director Castellanos stated another right to cure bill is AB 1848 - Public Accommodations: Construction-Related Accessibility Claims: Notice - Allen, which requires a shorter length of time.

B. AB 1991 - Construction-Related Accessibility Claims - Morrell R

Executive Director Castellanos stated AB 1991 appears to be a spot bill.

C. AB 2714 - Vehicles: Disabled Persons Placard - Hernandez, Roger D

Executive Director Castellanos stated AB 2714 appears to be a spot bill in response to the San Francisco proposals, that local jurisdictions cannot deny or alter the rights currently enjoyed by disabled placard holders.

D. AB 1612 - Accessible California Code of Regulations - Donnelly R

Executive Director Castellanos stated the Office of Administrative Law is required to post state regulation and make it accessible to all citizens. This bill concerns the denial of online access to state regulation for the visually impaired.

Public Comment

Daniel Ballon, from the Office of Assemblymember Donnelly, the author of AB 1612, stated this bill will be heard in Committee on April 30. The bill addresses the state Internet website ccr.oal.ca.gov, which the Office of Administrative Law is required to provide as the online portal to the California Code of Regulations. It is public law and it should be open and accessible to the public with an equal standard. They charge a fee for disabled people to access the site, and intentionally block search engines to ensure they are paid the fee. Mr. Ballon asked for the Commission's support.

Vice Chair Hauge and Executive Director Castellanos thanked Mr. Ballon for providing his insight into the bill. The Commission will meet before April 30th and will take this information into consideration.

Helen Walsh stated she informs the public in areas of disability access; she had difficulty accessing information on these AB bills. She asked if the CCDA website has

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information to make it easier for her to inform the public so that they are prepared for making comments.

Executive Director Castellanos stated staff will post at least the text of the bills to the website immediately. They will put the bill language as it currently stands and will keep it updated for the bills the Commission is tracking.

Action Items

- Staff is to post the bill language on the CCDA website.

10. FUTURE AGENDA ITEMS

Public Comment

Mr. Wachtel suggested, as a future agenda item, a discussion about ways to gather stakeholders together so they are not working at odds with one another, instead using a collaborative process to effect real change on the issues. He suggested holding public hearings across the state or one large public hearing to encourage the involvement of the Legislature.

Executive Director Castellanos agreed. That is what the Commission represents, and, as part of the strategic planning efforts, the Commission is setting up a series of forums throughout the state to bring stakeholders together to share thoughts, ideas, and best practices, and to foster collaboration. The CCDA website is another opportunity for stakeholders to collaboratively connect.

He encouraged Mr. Wachtel to contact him offline to continue this conversation. Commissioner Wilson asked to be included in that discussion.

Commissioner Wilson announced that the Education and Outreach Committee will be meeting with the Los Angeles State Architect from 10:00 a.m. to noon on April 18th. The meeting will be video linked, and will be a good opportunity for many people to participate. The meeting information is on the CCDA website under the meeting tab.

11. CLOSED SESSION - PERSONNEL MATTER

a. Executive Director Review

Vice Chair Hauge deferred the closed session to a future meeting.

12. OPEN SESSION

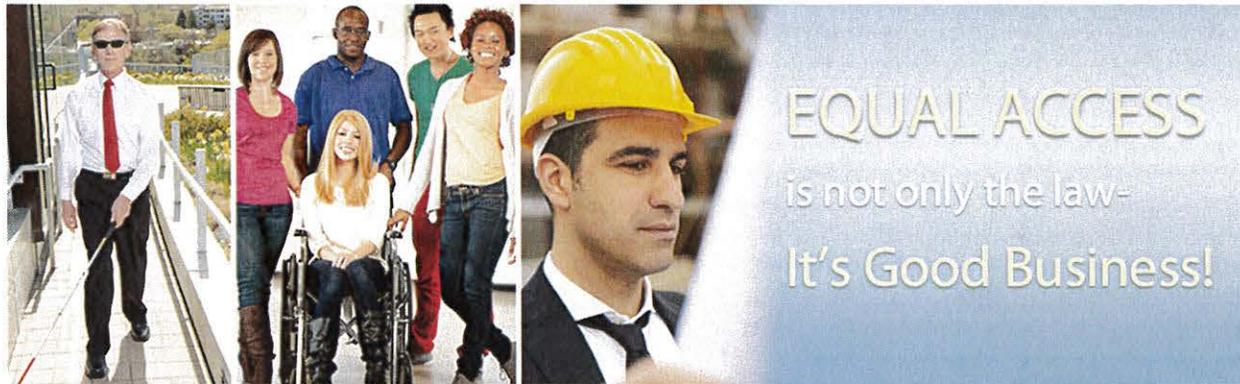
The closed session was deferred to a future meeting.

13. ADJOURN

There being no further business, the meeting was adjourned at 3:30 p.m.

5) Strategic Planning Report

California Commission on Disability



Assessment Summary Draft

April 2014



Prepared by:
California State University, Sacramento
Center for Collaborative Policy

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CALIFORNIA COMMISSION ON DISABILITY ACCESS

ASSESSMENT SUMMARY

April, 2014

The California Commission on Disability Access (CCDA) engaged the Center for Collaborative Policy (CCP) to conduct a strategic planning process. CCP is a unit of California State University, Sacramento and operates as a third party neutral to engage stakeholders in strategic planning and collaborative problem solving.

Strategic planning is an organization's process of defining its strategy, or direction, and making decisions on allocating its resources to pursue this strategy. To appropriately inform the process, stakeholder interviews were conducted to identify current issues, needs, challenges, and barriers regarding disability access. In addition, research was conducted to document CCDA and their state agency partners' (Division of the State Architect and the Department of Rehabilitation) authorities and responsibilities (see Appendix D). CCDA desires to include a broad range of perspectives in the development of CCDA's Strategic Plan.

Project Background

In 2008, the California State Legislature concluded that in many instances, persons with disabilities continued to be denied full and equal access to public facilities, even though that right is provided under state and federal law. The Legislature further concluded that businesses in California have the responsibility to provide full and equal access to public facilities as required in laws and regulations, but that compliance may be impeded, in some instances, by conflicting state and federal regulations resulting in unnecessary litigation.

The Legislature passed Senate Bill 1608 (Corbett) establishing the California Commission on Disability Access under Government Code Sections 8299 – 8299.11. The legislature envisioned that CCDA would develop recommendations to both enable persons with disabilities to exercise their right to full and equal access to public facilities and facilitate business compliance with the applicable laws, building standards and regulations. The goal was to avoid unnecessary litigation as well as addressing many other reforms related to access compliance.

The mission of the CCDA is to promote disability access in California through dialogue and collaboration with stakeholders including but not limited to the disability and business community and all levels of government. The CCDA is authorized 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 the stakeholders.

Much progress has been made by the Commission in the four years since it came into existence. However, January 2013 found the Commission with six members and not fully staffed, having been without an executive director for nearly nine months. While the Commission had established operating rules, no strategic plan existed. Senate Bill 1186 (Steinberg), adopted in 2012, altered the Commission's duties, emphasized a focus on education to promote and facilitate construction-related physical access compliance, established a data collection project requiring the Commission to collect data on all demand letters and filed claims related to construction-related physical access violations, and to report certain findings, including the top ten violations, on its website and to the Legislature.

The new Executive Director, Stephan Castellanos, FAIA, recognized the need to prepare a strategic plan to serve the Commission for the next three to five years. An important first step is determining current conditions and available resources. The information gained will be used in the development of CCDA's Strategic Plan.

Assessment Overview

Interviews were conducted with thirty-four key stakeholders (see Attachment A). Interviewees were selected to represent various constituencies from the disabled community, the business community, and local and state agencies. Interviewees were recommended by the Design Team (see Attachment B) and CCDA staff.

CCP was tasked with:

- Understanding access issues and challenges to both the disabled and business communities.
- Identifying opportunities for CCDA to create programs that increase compliance.
- Identifying opportunities to build relationships between the disabled and business communities.

Questionnaires were provided in advance to the interviewees (see Attachment C). All interviews were confidential. The assessment findings are based on stakeholder input; recommendations are based on a synthesis of research results and best practices. A summary of the key findings and recommendations follow.

Key Findings

Public awareness

When asked about disability access, the average person thinks of large bathroom stalls and designated parking spaces for people with disabilities. Path of travel, entry access and use of premises are generally not part of the public's awareness. In addition, equal access is not highly valued by our society. While the public would be appalled if service was denied to other protected groups, accessibility compliance is sometimes viewed as unnecessary and applicable to a very small minority of the population. In fact, statistics suggest 50 million Americans have some form of disability.

Attitudes

Small business owners often see access compliance as either an unfunded mandate or a nuisance – not a civil right. Businesses include staffing, customer service and hours of operation as a cost of doing business, but don't see disability access as yet another cost of doing business. Also, access is primarily seen only as an issue for a small number of people with obvious disabilities such as wheelchair users. However, a large number of members of the disability community are not readily identifiable. Several interviewees also pointed out that as our population ages, mobility issues are affecting a greater percentage of society. Access will become even more important in the near future.

Several interviewees commented that when barriers and obstacles were personalized, compliance was more likely to happen. One example cited involved an architect who was hired to make a business accessible. Instead of talking about compliance, the architect, a wheelchair user, attempted to navigate throughout the business. The obstacles were readily apparent. The business owner could see the barriers and the discussion then became all about access rather than technical requirements and cost of compliance.

Some respondents with disabilities also reported a positive experience engaging business owners – but typically after they had to “make a fuss.” Some reported they had to make a threat to get business owners to comply. Stigma often prevents people with disabilities from calling attention to violations. All agreed that compliance should not require a complaint.

Confusion about the access laws and regulations

Business owners, building officials and industry representatives reported that not all business owners are aware of Americans with Disabilities Act (ADA) requirements - or if they are, what compliance looks like. Those owners who attempted to understand the laws and requirements stated that information is difficult to find and understand. Information was frequently found to

be confusing, too technical, conflicting or inaccurate. One example of confusing information was the myriad of definitions of “reasonable and feasible.” Some business owners who sought expert assistance commented that they occasionally got conflicting information.

There is also misinformation about “unreasonable hardship” referenced in the state building code. Business owners report confusion about what constitutes unreasonable hardship. Current code is said to not define whether unreasonable hardship refers to cost of construction, building constraints or other parameters.

In addition, not all interviewees understood the difference between the federal Americans with Disabilities Act (ADA) laws (a civil rights law) and California laws and regulations (a building code). Prior to 2013, the federal Department of Justice rules were different from the California building codes. Many interviewees saw California amending state building codes in 2013 to match federal requirements as a positive step to reduce confusion over compliance.

Existing construction presents majority of compliance issues

There was general agreement that most large businesses have made modifications to comply with disability access laws and regulations. Large businesses were viewed as having both the budget to make modifications and the public visibility to require compliance. New construction was also thought to not be a major issue. Though some interviewees reported that access enforcement is sometimes lax, there was general agreement that existing laws provided for disability access in new construction. The main issue was seen to be existing buildings.

Compliance is seen as expensive

Conversely, most small business owners view access compliance as prohibitively expensive – particularly in older buildings. Because of the perceived cost, many business owners were thought to do a cost-benefit analysis and choose the risk of lawsuits over the cost to comply.

Limited enforcement

There are no triggers for enforcement unless a business owner applies for a building permit or receives a complaint. If the proposed construction is under the valuation threshold (currently reported to be \$143,303), California law requires business owners to only spend a maximum of 20% of the cost of construction on access modifications to certain accessible elements, referred to as Path of Travel elements, serving the area being altered. It was suggested that 20% seldom covers all the modifications needed. There is nothing within the building codes forcing business owners to complete the balance of the Path of Travel modifications at any specific time in the future. Also, while the 20% rule may meet California requirements, federal law requires full

compliance to the extent feasibly possible. Since building inspectors only enforce California codes, federal law is left to be enforced by lawsuit.

If a business does not apply for a building permit, compliance becomes, in essence, voluntary. The only other remedy for violations is a complaint. That puts the onus on the disability community to enforcement their rights. In general, most believe that enforcement by lawsuit is bad public policy. Of greatest concern is that lawsuits don't necessarily ensure compliance. Settlements are often negotiated and lawsuits are either not filed or withdrawn. Few settlements include any follow-up to ensure that the access violations are corrected. Business owners opined that they feel like victims.

Responsibility – Property Owner or Business Owner

Property owners and landlords frequently shift compliance responsibility to businesses, making it part of the lease. Small businesses may not appreciate the magnitude of the issue when they sign the lease. Those buying a turn-key business were reported to be most vulnerable. The new owners often incorrectly assume a going business is in compliance. One person noted that this issue was addressed in the recent SB 1186, but none of the interviewees were aware of the change.

Code Compliance

It was suggested that not all architects are concerned with access compliance. Even though architects are required to have five hours of accessibility training every 2 years, some architects were said to lean towards design over accessibility. It was also pointed out that only architects are required to take continuing education classes on access. Designers, engineers, landscape architects, contractors and other construction trades are not required to take the same training.

In some cases, access requirements are met in architectural drawings but the building owner, for whatever reason, chooses to not hire the architect to do construction management. This lessens the possibility the actual construction will be in compliance with the approved plans. It was also noted that accessibility requirements are found only in the building code – not in the electrical, plumbing, mechanical or fire code. Yet modifications done under these other code frequently impact accessibility.

Several respondents noted that there are gray areas in the building code that are subject to interpretation. The result is sometimes unclear direction or conflicting solutions to access problems. The issue was generally related to older buildings in a fully built-out environment.

Buildings on a slope (hill) were reported to present especially difficult problems. Existing infrastructure and zoning laws put owners in a Catch-22 situation when they attempted to make modifications.

California Access Specialist Program (CASp)

Most interviewees believe that CASp has the potential to offer small business owners a means to comply with accessibility requirements. However, several respondents commented that not all CASp inspectors are created equal. Some business owners have received conflicting recommendations from different inspectors. While a CASp inspection offers some protection from liability, the window is not long enough for small business owners to plan, fund and make modifications.

It was also noted by several interviewees that the CASp test focuses compliance with the Division of State Architects' (DSA) mission – K-12 schools, community colleges and various state-owned or leased facilities. Most CASp inspectors work with businesses with very different problems.

A few respondents mentioned that there were gaps of knowledge in some building departments. Others commented that there was inconsistent enforcement of accessibility requirements during inspections. City building departments are now required to have a minimum of one CASp inspector on staff or available by contract. A concern was expressed that this may not be enough.

Key Recommendations

- **Create equal access awareness so it becomes integrated in our culture.**

Equal opportunity, equal protection, and social equality have become part of society's social fabric. Yet members of disability communities do not enjoy this same equity. Compliance will only be achieved when the public demands it.

A public awareness campaign could be created to educate the public through Public Service Announcements, focused stories in television, radio and print media as well as through industry associations. A simple slogan such as "Access serves everyone" could become the rallying cry to effect change. Awareness also needs to be raised among government agencies and elected officials.

The campaign should personalize access and emphasize the intent of the law – not the building codes. The public must understand the needs of people with disabilities - and that people with disabilities are being deprived of their rights when, for example, able-bodied people park in an accessible stall designated for motorists with disabilities for "just a minute." Business owners need to understand the impact to a disabled person being prevented from using a bathroom when needed. A series of videos illustrating barriers would likely be more effective than a manual of technical specifications of sink heights and door widths.

Consideration should be given to developing a marketing program that "brands" accessibility as a socially responsible practice. As part of the program, increase the awareness of business owners on the placement of their goods and services to maximize accessibility. Business owners are more likely to comply when there is better understanding of the impact when their goods and services are not easily accessible to all customers. Publically recognizing businesses that are accessible could become a valued tool for business and could attract additional customers.

Consideration should also be given to developing a K-12 education program to raise awareness of people with disabilities. Such programs have proven to be effective in educating both students and their parents.

- **Education**

Education is key. There is a need to provide accurate information to business owners that is easy to understand. One example cited is the *Restaurant Accessibility Field Guide*

developed by Designing Accessible Communities. The Guide includes self-explanatory illustrations that provide guidance to business owners.

CCDA should also consider developing accessibility compliance workshop materials and curriculum that could be delivered by CCDA partners and business associations. The materials could include written materials, video of the workshop and on-line, self-paced learning. Partnering with the Small Business Administration, chambers of commerce and business associations could help distribute educational materials.

Education is also needed to make people with disabilities aware of their rights – and who to call in the government when those rights are violated. Many people with disabilities are hesitant to “make a fuss.” Stigma is a real issue and people with disabilities don’t necessarily choose to call attention to themselves.

- **Prioritize compliance over complaints.**

Federal law requires full compliance but does not assess penalties. State law assesses penalties for non-compliance and allows 30 days for compliance. While 30 days may be adequate for smaller violations, it does not allow adequate time to address larger issues such as path of travel and building modifications. If the priority is compliance, consider amending state code to allow businesses 90 days to comply before assessing penalties. Arguably such a policy could be a disincentive to voluntary compliance, but it could also allow money being spent to defend lawsuits to be redirected to correcting violations. It also has the potential to disincentivize targeted multiple lawsuits.

- **Incentivize compliance.**

Providing state tax credits, low cost loans for modifications, subsidized CASp inspections for small business owners or other business incentives should be considered. The availability of existing federal tax credits should be better advertised to the business community. CCDA might consider developing and maintaining a data base of grant opportunities for small business to comply. Compliance needs to be made easy and affordable.

- **Extend the state compliance law to provide a compliance plan, not just meet the 20% rule.**

According to state law, if the cost of building modifications is under the designated threshold (currently \$143,303), owners are only required to spent 20% of the construction budget on access modifications. There is no requirement to complete

additional upgrades in the future. If tenant improvements are made using the 20% rule, a follow-up plan with a defined time period should be required.

- **Create an enforcement body to ensure compliance.**

Enforcement is currently based on building modifications requiring a building permit or as a result of a complaint. Enforcement could be tied to application for a business license, business license renewals, fire marshal inspections, liquor licenses or annual health department inspections.

- **Create a single source of access compliance information for building departments.**

The building codes contain regulations that are not always clear – and subject to interpretation. Unique conditions sometimes require creative solutions. While DSA develops the accessibility building codes, current state law vests enforcement responsibility to local building departments. Creation of a single source of information that building departments can call to get reliable and implementable information would assist in resolving access issues – and would provide some consistency across the state. The single source could also document and distribute Best Management Practices (BMPs) to building departments.

- **Post the California State Building Code on the internet in an accessible format.**

Making information universally available can only serve everyone. Create these documents online in an accessible format that meets Government Code section 11135 and Section 508 of the Rehabilitation Act standards so that individuals with disabilities using assistive technology can navigate. In addition, provide a method to request these documents in an alternate format to allow access for everyone. Also, more effort is needed to ensure periodic errata, updates and amendments of the codes are quickly and accurately posted to these online documents.

- **Improve CASp.**

Initially, convene a panel of outside experts to review the CASp test to ensure it includes common commercial applications of accessibility requirements. Develop a “standard of care” for CASp inspectors that include guidelines for inspections and inspection reports. Create a body to review and audit both CASp inspection reports and complaints.

- **Enforce disclosure of accessibility issues when leasing commercial property; require disclosure of accessibility issues when selling commercial property.**

Require building owners, landlords and commercial realtors to disclose any non-compliant conditions when negotiating leases or sales of existing businesses occupying commercial spaces. Building owners and landlords could continue to require business owners to pay the cost of modifications, but potential owners would be able to make informed business decisions. Consider sponsoring legislation to impose the same requirements on commercial property sales.

- **Require anyone involved in construction or commercial real estate to have accessibility training.**

Currently only architects are required to take five hours of accessibility training every two years. Designers, engineers, landscape architects, contractors, other professionals in the building trades and commercial realtors should also be required to complete additional ADA compliance training. Also, review the minimum hours required. Is five hours every two years really enough?

To educate future construction professionals, encourage ADA construction accessibility and disability awareness modules in all post-secondary architect and construction management courses.

- **Convene an Advisory Board.**

Bring together members of the disability, business and enforcement providers as well as compliance providers in a public forum to collaboratively develop access solutions. The body could be advisory to the Commission and provide a less formal forum to discuss issues and brainstorm solutions. Stakeholders would benefit from discussions that highlight the use of a building by humans – a very different conversation from discussing building codes. Engaging the various communities in such a dialogue could build relationships and enhance cooperation and compliance.

ATTACHMENT A: ASSESSMENT INTERVIEWEES

Jim Baldwin
Bakersfield ARC

Todd Barr
Calaveras County

Stephen Beard
Keller Williams Realty

Dennis Berkowitz
Max's

Kim Blackseth
Kim Blackseth Interests

Rocky Burks
Rocky A. Burks Consulting

Christine Calabrese
City of Oakland

Steve Castellanos
CCDA

Mike Cole
Junior Blind of America

Regina Dick-Endrizzi
City and County of San Francisco

Chris Downey, AIA
Architecture for the Blind

Sally Dunker
Berkeley Board of Realtors

Christopher Eley
Attorney At Law

Marilyn Golden
Disability Rights Education and Defense
Fund

Angela Jermott
CCDA

Janis Kent
Stepping Through Accessibility

Erick Mikiten, AIA
Mikiten Architects

Donnalyn Murphy
SF Golden Gate Restaurant Association

Janet Neal
Los Angeles County Commission on
Disabilities

Dan Nygren
Calaveras County

Ewa O'Neal
City of Los Angeles

Mike Onufur
Vandermade

Walter Park
Disability Rights Consultant

Dhiru Patel
Hotel Owner

Paula Pearlman
Loyola Law Center

Gwen Sanderson
Video Wave

Omar Siller
Hortus Tulare

Richard Skaff
Designing Accessible Communities

Greg Thompson
CCDA Commissioner

Kevin Westlye
Golden Gate Restaurant Association

Jeff White
Calaveras County

Doug Wiele
California Business Property Association
CCDA Commissioner

Betty Wilson
City of Los Angeles Commission on Disability
CCDA Commissioner

Nate Wittasek
Exponet

ATTACHMENT B: DESIGN TEAM

Dennis Corelis
Deputy State Architect
Department of State Architect

Regina Dick-Endrizzi
Executive Director
Office of Small Business
City and County of San Francisco

Scott Hauge
Owner
CAL Insurance and Associates,
CCDA Commissioner

Wendy Hill
Sr. Legislative Assistant
Assembly Member Ammiano

Megan Juring
Deputy Director
Independent Living and Community Access
CA Department of Rehabilitation

Erick Mikiten, AIA
Mikiten Architects

Betty Wilson
Commissioner
Commission on Disability
City of Los Angeles,
CCDA Commissioner

Steve Castellanos, FAIA
CCDA Executive Director

Angela Jemmott
CCDA Program Analyst

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ATTACHMENT C: ASSESSMENT QUESTIONNAIRE

California Commission on Disability Access Stakeholder Assessment

Draft Questionnaire

V4 (10-21-13)

Introduction:

With a vision to developing recommendations that will enable persons with disabilities to exercise their right to full and equal access to public facilities, and that will facilitate business compliance with the applicable laws, building standards and regulations to avoid unnecessary litigation, the Legislature created the California Commission on Disability Access (CCDA). The mission of the CCDA is to promote disability access in California through dialogue and collaboration with stakeholders including but not limited to the disability and business community and all levels of government.

The CCDA is authorized 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 the stakeholders.

CCDA has asked the California State University, Sacramento's Center for Collaborative Policy (CCP) to assist with assessing the current issues, needs, challenges, and barriers experienced by stakeholders involved with disability access. The information gained will be used in the development of CCDA's Strategic Plan.

The assessment will include interviews with key stakeholders active in disability access issues.

The purpose of the interviews will be to:

- Understand access issues and challenges to both the disabled and business communities.
- Identify opportunities for CCDA to create programs that increase compliance.
- Identify opportunities to build relationships between the disabled and business communities.

Confidentiality:

All interviews are confidential. Nothing will be attributed to any individual. CCP will use the information gained to create a report to the CCDA. In addition, the findings will be discussed at the Strategic Planning meeting.

Assessment Questions

Overview

1. Are you familiar with the California Commission on Disability Access (CCDA)?
2. Please describe your knowledge of and experience with disability access overall.

Compliance

3. Are you familiar with the Americans with Disabilities Act (ADA) requirements and its relationship to the California Buildings Code?
4. In your opinion, what are the challenges to providing accessibility in California?

Business/Property Owners

5. How long have you been in business and/or owned your property?
 - a. Do you lease or own your facility?
 - b. If you have made – or tried to make – accessibility improvements, what was your experience?
 - c. If you did make accessibility improvements, what motivated you to make them?
6. What would motivate you to make your facility more accessible (i.e., financial incentives, protection from lawsuits, positive public recognition, technical assistance, expedited permitting, increased customers, mandated code compliance, or other)? What would you consider to be the most important motivators to you?
7. How can accessibility compliance information best be distributed to businesses and/or property owners?

Disability Community

8. Have you advocated for, or tried to educate businesses or property owners on improved access? If yes,
 - a. What motivated you?
 - b. What was your experience?
9. In your opinion, why so you think businesses and buildings are not more compliant with disability requirements?
10. Do you make an effort to shop at accessible businesses?

Wrap-up

11. What more could government do to better inform the business community and property owners about accessibility requirements – and promote accessibility?
12. In your opinion, are there additional strategies to enforce accessibility other than civil action?
13. Are there policies that California could enact or change that would quickly improve disability access and compliance?
14. How can the CCDA help advocate for and implement many of the changes discussed today?
15. Who else should we speak with to understand these issues? Any closing thoughts?

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ATTACHMENT D: CCDA AND STATE AGENCY PARTNERS' AUTHORITIES AND RESPONSIBILITIES

California Commission on Disability Access

Mission

The mission of the California Commission on Disability Access (CCDA) is to promote disability access in California through dialogue and collaboration with stakeholders including but not limited to the disability and business community and all levels of government.

Statute

Code	Section	Bill	Category	Topic	Task
GOV	8299.06 (c)	1608; 1186	Info/Edu	Compliance	Make info available on web for businesses to understand obligations under law and facilitate compliance with top 10 construction-related violations; make info available on web to educate businesses on accessibility requirements and facilitate compliance.
GOV	8299.06 (d)	1608; 1186	Info/Edu	Compliance	Make info available on web to assist bldg owners, tenants, bldg officials & inspectors understand disability accessibility requirements and facilitate compliance. Review materials at least annually.
GOV	8299.06 (e)	1608; 1186	Info/Edu	Compliance	Coordinate with state entities to ensure info to public on access requirements is uniform and complete.
GOV	8299.05 (a)	1608; 1186	Info/Edu	General	May recommend, develop materials/projects relating to any subject within its jurisdiction.
GOV	8299.05 (b)	1608; 1186	Info/Edu	General	Shall provide information regarding minimizing compliance problems by CA businesses by providing educational services and website; recommend programs to persons with disabilities to obtain access; provide information

Code	Section	Bill	Category	Topic	Task
					requested by legislature.
GOV	8299.06 (b)	1608; 1186	Info/Edu	Materials	Work with DSA and DOR to develop materials for businesses
GOV	8299.06 (a)	1608; 1186	Info/Edu	Priority	Priority - development and dissemination
GOV	8299.08	1608; 1186	Legal	Claim	Compile data with respect to demand letters or complaints sent to commission under Sec 53.32 Civil Code and post to the web.
GOV	8299.08 (a)	1608; 1186	Legal	Claim	Identify and tabulate construction-related physical access violations from demand letters and complaints.
GOV	8299.08 (b)	1608; 1186	Legal	Claim	Not less than every 6 months, post on web a list by type of 10 most frequent violation types alleged in demand letters and complaints and numbers of alleged violations for each type for prior two quarters.
GOV	8299.08 (c)	1608; 1186	Legal	Claim	Quarterly identify and tabulate number of demand letters and complaints received by CCDA; whether filed in state or federal court and numbers filed in each court; post to web not less than every 6 months.

Division of the State Architect

Mission

The Division of the State Architect provides design and construction oversight for K–12 schools, community colleges, and various other state-owned and leased facilities. The Division also develops accessibility, structural safety, and historical building codes and standards utilized in various public and private buildings throughout the State of California.

Statute

Code	Section	Bill	Category	Topic	Task
GOV	4450	1608	Access	Standards	Develop and submit proposed building standards to CA Building Standards Commission. Develop other regulations on accessibility. Consult with DOR, League of CA Cities, CSAC and private organization representing disability community. Submit certification proposed amendments to US DOJ.
GOV	4459.5	1608	CASp	Certification	Establish and publicize program for voluntary certification by the state of any person meeting specified criteria. Determine minimum criteria. May implement the program with startup funds.
GOV	4459.6		CASp	Certification	Appoint ad hoc committee to assist in developing certification requirements.
GOV	4459.7		CASp	Certification	Publish list of CASps. Perform periodic audits of work performed by CASps.
GOV	4459.8	1186	CASp	Certification	Suspend or deny renewal of CASp; require applicants to pay fees; review its fee schedule.
GOV	4465 (b) - (c)	1186	Info/Edu	Compliance	Emphasis on materials to facilitate commercial property owner/tenant understanding and compliance. Coordinate with DOR and CCDA.
GOV	4465 (a)	1186	Info/Edu	Fund	Fund established to increase compliance by increasing number of

Code	Section	Bill	Category	Topic	Task
					CASps; oversight of program; increasing outreach and education.
GOV	4470	1186	Info/Edu	Report	Annual report about fee transmittal, distribution, and expenditures.
CIV	55.53(d)	1608; 1186	Compliance	Certificates	Numbered disability access inspection certificates available for purchase by local govt.

Department of Rehabilitation

Mission

The California Department of Rehabilitation works in partnership with consumers and other stakeholders to provide services and advocacy resulting in employment, independent living and equality for individuals with disabilities.

Statute

Code	Section	Bill	Category	Topic	Task
GOV	4450	1608	Access	Standards	DSA - Develop and submit proposed building standards to CA Building Standards Commission. Develop other regulations on accessibility. Consult with DOR, League of CA Cities, CSAC and private organization representing disability community. Submit certification proposed amendments to US DOJ.
GOV	4465 (b) - (c)	1186	Info/Edu	Compliance	DSA - Emphasis on materials to facilitate commercial property owner/tenant understanding and compliance. Coordinate with DOR and CCDA.
GOV	8299.06 (b)	1608; 1186	Info/Edu	Materials	CCDA - Work with DSA and DOR to develop materials for businesses

6) Monthly Budget Update

Commission on Disability Access
 BUDGET AND EXPENDITURES SUMMARY
 July 1 2013-June 30 2014 FISCAL YEAR
 Reporting as of 04/30/14

Expenditure Category	Budget	Current Month	Year-to-Date Expenditures	Encumbrances *	Available Balance	% of Budget Available
Personnel Services						
Staff Salary/Wages & Staff Benefits	\$ 201,000.00	\$ 17,161.00	\$ 162,842.00		\$ 38,158.00	52.1%
	\$ 84,000.00	\$ 6,666.02	\$ 62,644.35		\$ 21,355.65	25.4%
Personnel Services Totals	\$ 285,000.00	\$ 23,827.02	\$ 225,486.35	\$ -	\$ 59,513.65	20.9%
Operating Expenses & Equipment						
General	\$ 15,000.00	\$ -	\$ 3,854.07		\$ 11,145.93	74.3%
Printing	\$ 1,500.00	\$ -	\$ 1,073.50	\$ 997.14	\$ (570.64)	-38.0%
Communications	\$ 3,000.00	\$ 397.10	\$ 2,332.50		\$ 667.50	22.3%
Postage	\$ 500.00	\$ 15.99	\$ 357.46		\$ 142.54	28.5%
Travel: In State	\$ 12,000.00	\$ 249.00	\$ 3,575.83		\$ 8,424.17	70.2%
Travel: Out-of-State	\$ -	\$ -	\$ -		\$ -	
Training	\$ 3,000.00	\$ -	\$ 1,015.00		\$ 1,985.00	66.2%
Facilities Operations	\$ 37,000.00	\$ -	\$ 24,966.00	\$ 12,483.00	\$ (449.00)	68.7%
Cons & Prof Svcs-Interdept.	\$ 38,000.00	\$ 23,264.40	\$ 27,616.20	\$ 3,828.00	\$ 6,555.80	93.6%
Cons & Prof Svcs-External(TEC)	\$ -	\$ -	\$ 10,067.69	\$ 4,880.00	\$ (14,947.69)	
Departmental Service					\$ -	
Consolidated Data Center	\$ 10,000.00	\$ 46.05	\$ 629.69		\$ 9,370.31	93.7%
Information Technology	\$ 20,000.00	\$ -	\$ -		\$ 20,000.00	100.0%
Other					\$ -	
					\$ -	
					\$ -	
					\$ -	
					\$ -	
Total O&E	\$ 140,000.00	\$ 23,972.54	\$ 75,487.94	\$ 22,188.14	\$ 42,323.92	30.2%
Total P Svcs. and OE&E	\$ 425,000.00	\$ 47,799.56	\$ 300,974.29	\$ 22,188.14	\$ 101,837.57	24.0%

7) Meeting Locations and Cost

CCDA Meeting Locations and Cost

January 8th in Sacramento

Travel \$1,166

Meeting room \$0

Free webcasting

Minutes \$850

Captioning \$1,000

Total actual cost **\$3,016**

Total potential cost including one commissioner who was absent **\$3,316**

April 23rd in Los Angeles

Travel (2 Commissioners from Sacramento absent*) \$2,322

Meeting Room \$460

No webcasting (would have added at least \$1,100)

Minutes \$850

Captioning \$1,000

Total actual cost **\$4,632**

Total potential cost including two commissioners who were absent **\$5,232**

8) Talking Points for Funding Research

The California Commission on Disability Access ,(CCDA) was formed by an act of the State Legislature in 2008 to promote compliance with state and federal disability access laws and regulations. The CCDA develops recommendations to enable persons with disabilities to exercise their right to full and equal access to public facilities and works to facilitate business compliance with the laws and regulations to avoid unnecessary litigation. The commission acts as an information center on the status of compliance with disability access laws and strives to coordinate with other state agencies and local building departments to ensure the uniformity of information provided to the public on disability access.

In addition in 2012 the CCDA initiated a data collection effort collecting all demand letters and lawsuits filed in California related to access compliance violations. We have learned that in 2013 plaintiffs and their attorneys filed over 2800 lawsuits. Nearly all are filed against California's small businesses. Beginning in 2013 the CCDA will engage in further analysis and research related to the data it is collecting, which will further lead to positive solutions to achieving compliance.

Partnership is an important and essential component adopted by the commission to pursue success in creating a more accessible California, informs the business community and the public regarding compliance and its benefits and reducing or need for litigation.

For this purpose we are reaching out throughout California with the goal of expanding our partnerships. As the central information center for access compliance, CCDA works to develop and disseminate information in a variety of modes. These may include the creation of a speaker's bureau, regional or local workshops and seminars, publication and video production and dissemination, research and analysis of data, and advocacy and regulatory participation.

What can you do to help? The Commission needs your organizations, networks and support to get the word out to many business owners who are at risk, often for violations that may be readily corrected. The Commission is looking for venues, support creating focused educational media of all types, sites and opportunities for speakers, seminars and workshops, opportunities to place articles and educational resources in your mailers, brochures, websites, etc. and more.

Please feel free to call or contact CCDA by////??

9) Legislative Rubric

LEGISLATIVE GOALS SHORT & LONG TERM

SHORT TERM

- MAINTAIN A FULLY SEATED BOARD OF APPOINTED MEMBERS
- STRATEGICALLY ESTABLISH RELATIONSHIPS WITH LEGISLATIVE MEMBERS ON THE BOARD
- STRATEGICALLY ESTABLISH RELATIONSHIPS WITH STATE APPOINTED MEMBERS ON THE BOARD
- STRATEGICALLY ESTABLISH RELATIONSHIPS WITH LEGISLATIVE MEMBERS ON THE BOARD

LONG TERM

- STRATEGICALLY ESTABLISH RELATIONSHIPS WITH LEGISLATIVE NON BOARD MEMBERS
- STRATEGICALLY ESTABLISH RELATIONSHIPS WITH LOCAL DISABILITY COMMISSIONS/BOARDS/AGENCIES
- STRATEGICALLY ESTABLISH RELATIONSHIPS WITH BUSINESS/PROPERTY IMPROVEMENT DISTRICTS
- LEGISLATIVE FUNDING SUPPORT IN SUPPORT OF OPERATIONAL AND PROGRAMMATIC GOALS OF CCDA EXECUTIVE STAFF

Rubric for responding to bills presented in legislation

It is important to measure all bills to the established mission of CCDA.

CCDA Mission Statement

The mission of the California Commission on Disability Access (CCDA) is to promote disability access in California through dialogue and collaboration with stakeholders including but not limited to the disability and business community and all levels of government.

In order to achieve this mission the CCDA is authorized by California Government Code Sections 8299-8299.11 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 the stakeholders

10) CCDA Bill Tracking/ Analysis

- AB 1885 - Public Buildings: access: disabled persons -
Bigelow R

- AB 1991 - Construction-related accessibility claims -
Morrell R

- AB 2714 - Vehicles: disabled persons placard -
Hernandez, Roger D

- AB 1612 - Accessible California Code of Regulations -
Donnelly R

- AB 1848 - Public accommodations: construction-related
accessibility claims - Allen R

Weekly Bill Tracking Report
5/13/2014

AB 1612 (Donnelly R) State government: regulations.

Current Text: Amended: 4/2/2014 [pdf](#) [html](#)

Current Analysis: 05/06/2014 [Assembly Appropriations](#) (text 4/2/2014)

Desk Policy Fiscal Floor Desk Policy Fiscal Floor Conf. Conc. Enrolled Vetoed Chaptered 1st House 2nd House
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Status

5/7/2014 - In committee: Set, first hearing. Referred to APPR. suspense file.

Summary

The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. The act requires the Office of Administrative Law to provide on its Internet Web site, free of charge, the full text of the California Code of Regulations, and a list of, and a link to the full text of, each regulation filed with the Secretary of State that is pending effectiveness, as specified. Existing law requires the Legislative Counsel to make specified information available to the public in electronic form, including, among other things, the legislative calendar, the text of each bill introduced in each current legislative session, the California Codes, and the California Constitution. This bill would require the Office of Administrative Law to make those regulations searchable in one or more formats and by one or more means in order to provide the greatest feasible access to the public, and also make those regulations available by other means, as specified. This bill would declare legislative intent to provide a level of public access to the California Code of Regulations that is equal to, or greater than, the level of access to the California Codes provided by the Legislative Counsel. (Based on text date 4/2/2014)

AB 1848 (Allen R) Public accommodations: construction-related accessibility claims: notice.

Current Text: Amended: 3/28/2014 [pdf](#) [html](#)

Current Analysis: 05/03/2014 Asm Comm Committee On Judiciary (*text*)

Desk Dead Fiscal Floor Desk Policy Fiscal Floor Conf. Conc. Enrolled Vetoed Chaptered 1st House 2nd House
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Status

5/9/2014 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was JUD. on 5/6/2014)

Summary

Existing law provides that a plaintiff may recover statutory damages in a construction-related accessibility claim against a place of public accommodation only if a violation of construction-related accessibility standards denied the plaintiff full and equal access to that site on a particular occasion, as specified. Existing law also requires a demand letter, as defined, alleging such a construction-related accessibility claim, to state facts sufficient to allow a reasonable person to identify the basis of the violation or violations supporting the claim. This bill would require an alleged aggrieved party to undertake prescribed notice procedures at least 30 days before filing an action against a business for an alleged violation of the above-described provisions. The notice would advise the recipient of the nature of the accessibility violation and that the recipient may be civilly liable for actual and statutory damages if the access barriers that constitute the basis of the construction-related accessibility claim are not removed during the 30-day time period. This bill would further specify the required content of the notice and would declare that a demand letter that includes specified prelitigation settlement negotiations, sent within the bill's 30-day time period, constitutes compliance with the requirements of the bill. (Based on text date 3/28/2014)

AB 1885 (Bigelow R) Special access: disabled persons: liability.

Current Text: Amended: 4/1/2014 [pdf](#) [html](#)

Current Analysis: 05/03/2014 [Asm Comm Committee On Judiciary \(text\)](#)

Desk Dead Fiscal Floor Desk Policy Fiscal Floor Conf. Conc. Enrolled Vetoed Chaptered 1st House 2nd House
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Status

5/9/2014 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was JUD. on 5/6/2014)

Summary

Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a business for an alleged violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred. The bill would require that owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. If that owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 90 days to do so. The bill would provide that its provisions do not apply to claims for recovery of special damages for an injury in fact, and would authorize the court to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury. The bill would further state the intent of the Legislature to institute certain educational programs related to special access laws. (Based on text date 4/1/2014)

AB 1991 (Morrell R) Construction-related accessibility claims.

Current Text: Introduced: 2/20/2014 [pdf](#) [html](#)

Dead Policy Fiscal Floor Desk Policy Fiscal Floor Conf.
Conc. Enrolled Vetoed Chaptered
1st House 2nd House

Status

5/9/2014 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was PRINT on 2/20/2014)

Summary

Existing law provides, upon being served with a summons and complaint asserting a construction-related accessibility claim, that specified defendants may file a request for a court stay and early evaluation conference in the proceedings, as specified. This bill would make technical, nonsubstantive changes to the above-described provision relating to the assertion of construction-related accessibility claims. (Based on text date 2/20/2014)

AB 2714 (Hernández, Roger D) Vehicles: disabled persons placard.

Current Text: Introduced: 2/21/2014 [pdf](#) [html](#)

Dead Policy Fiscal Floor Desk Policy Fiscal Floor Conf.
Conc. Enrolled Vetoed Chaptered
1st House 2nd House

Status

5/9/2014 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was PRINT on 2/21/2014)

Summary

Existing law authorizes a disabled person or disabled veteran displaying a special license plate or a distinguishing placard, as issued by the Department of Motor Vehicles or foreign jurisdiction, to park for unlimited periods in specified zones, including, but not limited to, any parking zone that is

restricted to the length of time parking is permitted, and to park in metered spaces without paying parking meter fees.

This bill would state the intent of the Legislature to protect the needs of disabled persons and veterans and would prohibit a city or county from adopting an ordinance or passing a resolution that limits in any way the authority for a disabled person or disabled veteran to park a vehicle pursuant to these provisions.

(Based on text date 2/21/2014)