



February 14, 2014

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State Capitol
Room 205
Sacramento, California 95814-4900

Honorable Senator Hannah-Beth Jackson
Chair Senate Standing Committee on Judiciary
State Capitol
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Honorable Speaker of the Assembly
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Honorable Assembly Member Bob Wieckowski
Chair of the Judiciary Committee
Legislative Office Building
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Honorable Members of the California State Legislature:

The California Commission on Disability Access is pleased to provide the *2013 Annual Report to the California State Legislature in Compliance with Government Code Sections 8299.07 (a) and 8299.08 (d)*. Last year found CCDA vigorously moving forward in its efforts to provide much needed information, education, outreach and training targeted at making the state accessible for all its citizens including the nearly 6 million Californians who find themselves disabled.

Sincerely,

A handwritten signature in black ink, appearing to read "Guy A. Leemhuis".

Commissioner Guy A. Leemhuis
Chair

A handwritten signature in black ink, appearing to read "Scott Hauge".

Commissioner Scott Hauge
Vice Chair

A handwritten signature in blue ink, appearing to read "Stephan Castellanos".

Stephan Castellanos FAIA
Executive Director

Cc: Honorable Senator Noreen Evans

SUMMARY – California Commission on Disability Access (CCDA) Annual Report to the California State Legislature in Compliance with Government Code Sections 8299.07 (a) and 8299.08 (d)

Purpose of Report (1) Outlines the ongoing efforts of the CCDA to implement Government Code Sections 8299.05 and 8299.06. (2) Provides tabulated data on construction-related physical access violations alleged and complaints filed in state and federal courts.

Goal to reduce the number of claims through training, education and outreach. Improving disability access to places where we work, recreate and are entertained is good business. Public accommodations of all types are required by federal and California law to be accessible to persons with disabilities but still, 23 years after the passage of the Americans with Disabilities Act, many businesses across California remain inaccessible to those with disabilities. As a result of the adoption of Senate Bill 1186 in 2012, CCDA is collecting data on these claims, learning from the data collected and developing education modules targeted at those violations occurring most frequently. The Commission initiated a data gathering project and has reviewed over 3,000 claims, establishing for the first time a baseline and producing valuable evidence contributing to an even more effective education and outreach effort.

Need for other strategies to support compliance. While analysis of the data is in its infant stage, some issues have become apparent. Having learned from the experience of jurisdictions like San Francisco City and County, many small businesses find compliance difficult for more reasons than lack of information. Funding is often mentioned as a barrier, and access to low cost loans and better tax treatment are seen as a possible component to add to a more robust list of strategies that may result in increased compliance.

The use of Certified Access Specialists by business needs to be encouraged as well. Inspection and development of a correction plan is an important and effective process for achieving access. In fact, many see access compliance as a critical public safety issue. There is no trigger for business that requires review and compliance other than that imposed when obtaining a building for remodeling or reconstruction. The impact of lawsuits on California businesses is significant. More study is required on the role of state and local government beyond encouraging voluntary compliance.

Limited resources. A critical key to achieving a more robust program for CCDA clearly rests with availability of resources. CCDA is expanding and improving relationships with state agencies and professional and business organizations, creating collaborations leading to expanded opportunities to develop and disseminate useful information and educational tools, and developing a strategic plan. However, limited budgets for both the Commission and state agencies often hinder the Commission's ability to fulfill the great need for these types of educational resources.

Report available online at <http://www.cdda.ca.gov/Reports.htm> or by calling (916) 319-9974

CALIFORNIA COMMISSION ON DISABILITY
ACCESS: ANNUAL REPORT TO THE
CALIFORNIA STATE LEGISLATURE IN
COMPLIANCE WITH GOVERNMENT CODE
SECTIONS 8299.07 (A) AND 8299.08 (D)

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1.0 INTRODUCTION

HISTORY

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 was 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 (CCDA) under Government Code Sections 8299 – 8299.11 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, as well as addressing many other reforms related to access compliance.

MISSION

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

In order to achieve this mission 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.

PURPOSE OF REPORT

ONGOING EFFORTS OF CCDA - GOVERNMENT CODE SECTIONS 8299.07 (A)

This report outlines the ongoing efforts of the CCDA to implement Government Code Sections 8299.05 and 8299.06. In general these sections cover provision of information to businesses on compliance with disability access requirements; recommending programs to enable persons with disabilities to obtain full and equal access to public facilities; providing information to the

Legislature on access issues and compliance; and the development and dissemination of educational materials and information to promote and facilitate disability access compliance.

TABULATED DATA - GOVERNMENT CODE SECTION 8299.08 (D)

This report provides tabulated data including the various types of construction-related physical access violations alleged in demand letters and complaints; the number of claims alleged for each type of violation; a list, by type, of the 10 most frequent types of accessibility violations alleged; the numbers of alleged violations for each listed type of violation; and the number of complaints filed in state or federal court.

2.0 ACCOMPLISHMENTS AND PATH FORWARD

Great progress was made by the Commission in 2013. January 2013 found the Commission with six members, five of whom represented persons with disabilities and one representing business. The Commission was not fully staffed, having been without an executive director for nearly nine months. While the Commission had established operating rules, no strategic plan existed, a variety of standing committees were meeting without adequate staff support, and the Commission had not met many of its required mandates under Senate Bill 1608 (Corbett) adopted in 2008.

Senate Bill 1186 (Steinberg), adopted in 2012, altered Commission 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.

2013 ACCOMPLISHMENTS

COMMISSION ADMINISTRATION

- Recruited and supported the appointment process with the Office of the Governor and the State Legislature resulting in a nearly complete Commission (currently two seats remain vacant).
- Appointed an executive director, relocated to permanent offices and recruited to fill staff vacancies.
- Organized and held four Commission meetings and twelve Executive Committee meetings.

- In an attempt to streamline the CCDA committee structure and gain better focus and effectiveness, CCDA eliminated four of the five standing committees and created one new committee. This restructuring was necessary because results were not being produced as rapidly as needed.

<u>Previous Standing Committee Structure</u>	<u>Current Standing Committee Structure</u>
<ul style="list-style-type: none"> • Executive • CASP and Education • Accessibility Checklist • Accessibility Enhancement • Civil Enforcement 	<ul style="list-style-type: none"> • Executive • Education and Outreach

EDUCATIONAL MATERIALS AND INFORMATION

- Refocused activities to a single priority - the development and dissemination of educational materials and information to promote and facilitate disability access compliance.
- Posted training videos, addressing the top ten access violations in California, working in collaboration with the video producer California Department of Rehabilitation.

WEBSITE

- Redesigned the CCDA website to better serve educational needs and to post SB 1186 claims data, including the top ten construction-related physical access violations.
- Continued to identify and post educational resources from developers and producers nationwide to CCDA website.
- Began tracking CCDA website usage to help identify areas of interest.

DATA COLLECTION

- Implemented SB 1186 data collection project, resulting in review of 3,047 filed construction-related physical access violation claims and demand letters.

- Completed a budget change proposal for inclusion in the 2014-2015 Governor’s budget that allows for increased support of the data collection and analysis project.

PARTNERSHIPS

- Initiated a strategic planning process to be complete in mid-2014.
- Created effective collaborations with the California Department of Rehabilitation, the Division of the State Architect, the Building Standards Commission and numerous professional and industry organizations and local government.
- Worked to strengthen the Certified Access Specialist (CAsp) Program with the Division of the State Architect (DSA) and the Certified Access Specialist Institute (CASI).
- Together with the Department of Rehabilitation and the State Architect, co-hosted a meeting about disability access issues with Ms. Kelly Vincent, the youngest member of the South Australia (state-level) Parliament and the first member to use a wheelchair.
- Organizations with attendees at CCDA meetings or via teleconference included:

Accessible Technology Services
American Institute of Architects, California Council
Berkeley Commission on Disability
CA Attorney General’s Office
CA Department of Fair Employment and Housing
CA Department of Rehabilitation, Disability Access Services
Certified Access Specialist Institute
Designing Accessible Communities
Lawyers Against Lawsuit Abuse
Los Angeles County Commission on Disabilities
Office of Small Business Commission for the City of San Francisco
San Francisco Municipal Transportation Agency

- A sample listing of agencies with links to CCDA’s website include:
American Institute of Architects, California Council
CA Department of Housing and Community Development, Division of Codes and Standards State Housing Law Program
California Building Industry Association
California Building Officials
International Code Council

Building on the accomplishments of 2013, CCDA will focus on several key areas.

- **Strategic Planning.** CCDA will complete their first strategic planning process which will produce necessary information leading to an improved and more focused and effective communication and training program.
- **Educational Resources.** CCDA is currently completing the development of a memorandum of understanding with the Division of the State Architect and the California Department of Rehabilitation for the purpose of developing and disseminating educational resources on access compliance throughout California. The collection and use of business license fees will support this activity and it is critical that businesses, the disability community and the general public understand the benefits of this effort.
- **Outreach.** CCDA will be completing its efforts to fully refine and implement its outreach, publications, website, and conference seminar programs. The Education and Outreach Committee is currently focusing on developing its education and outreach plan for the next two years.
- **Certified Access Specialists.** The number of Certified Access Specialists is increasing towards the stated goal of 2,000. The Certified Access Specialist Program will continue to be a focus with the Division of the State Architect and the Certified Access Specialist Institute to encourage the expansion of the program and the use of CASp professionals. The ongoing information exchange with Certified Access Specialists sponsored by DSA and CASI provides an open forum for dialogue about construction-related physical accessibility interpretations and applications. It is critical to work with the business community to help them understand the value of the CASp Program and how working with the specialists will improve access and help businesses avoid claims being filed against them. The Certified Access Specialists have been invited to meet with CCDA in 2014. In addition, opportunities for inclusion of the disability and business communities in a variety of forums with the CASps will be also explored.
- **Data.** Data collection from claims will continue and analysis efforts will become a more significant program component with the second year of data. This analysis will support the focused development of educational resources and training to address and reduce the types of construction-related physical access claims that occur most often.
- **Partnerships.** CCDA will continue to strengthen and expand partnerships and collaborations with organizations representing the disability and business communities to promote the Commission's educational mission.

3.0 THE COMMISSION

New Executive Director. January 2013 found CCDA with six Commissioners and without an Executive Director – a situation that had existed since early 2012. A successful recruitment resulted in the appointment of former California State Architect Stephan Castellanos FAIA to serve as Executive Director. The Commission acknowledges Former Commissioner Rocky Burks who, while serving as chair of the Commission, provided leadership and stability, essentially acting as Executive Director.

Newly appointed Commissioners. Lacking a sufficient number of members during 2012 and extending into 2013, the Commission found it very difficult to advance an agenda. The Commission and the Executive Director focused on encouraging appointments and worked with leadership in the California Legislature and the Office of the Governor. This effort resulted in a nearly complete Commission with two seats open (see Appendix B – Commissioner Roster and Terms).

Focused organization and priorities. Established in 2009, CCDA took the necessary steps to establish an organization, create systems and policies necessary to operate, and identify a list of goals. Several standing committees were established to create implementation plans for each of the primary goals. In 2013, an emphasis was placed on the CCDA priority to educate and provide resources for business owners to encourage compliance with construction-related physical access standards. This focus resulted in the reorganization of the Commission’s activities through elimination of all standing committees with the exception of the Executive Committee, creation of an Education and Outreach Committee and initiation of a strategic planning process.

Emphasis on collaboration. CCDA has also placed a greater emphasis on the importance of collaboration. Throughout 2013, CCDA staff and Commissioners extended their reach by developing collaborative relationships, which include the Department of Rehabilitation and the Division of the State Architect. In addition CCDA has reached out to business and professional organizations such as the American Institute of Architects, the California Chamber of Commerce, the Building Owners and Managers Association, Certified Access Specialist Institute, City and County of San Francisco, California Chamber of Commerce, and the California Business Property Association.

4.0 EDUCATION AND OUTREACH

Website evaluation. A primary tool for education and outreach is the CCDA website. Early in 2013, CCDA evaluated the design and content of its website. CCDA determined the content was not sufficient and the design was not user friendly for the varied stakeholder groups that need

to understand construction-related physical access requirements. The website has been redesigned to better serve educational needs. The next iteration of the website to be implemented in 2014 will add social media allowing interaction and information sharing and an expanded FAQ site.

Educational modules for top ten violations. In 2013, CCDA embarked on a project pursuant to SB 1186 to collect data on lawsuits and demand letters filed in California that sought redress for construction-related physical access violations. From this data, CCDA is required to determine the top ten violations and prepare educational modules for each. This data collection project is current and information is included in this report. The top ten educational modules have been developed by the Department of Rehabilitation and posted to both the DOR and CCDA websites.

5.0 CLAIMS AND DEMAND LETTER DATA COLLECTION

BACKGROUND

With the passing of SB 1186 in September of 2012, the California Commission on Disability Access began collecting and reporting on the website the top ten most frequently alleged construction-related physical access violations. In the 16 months of data collection portrayed in this report, CCDA received a total of 3,047 records of court filings and/or demand letters - an average of 190 records per month.

CCDA was successful in managing this project with the assistance of volunteers from the Department of Rehabilitation, the Vocational Rehabilitation Modernization Project and a Department of Justice law intern who assisted in defining, categorizing, and updating the CCDA database of records. However, the use of legal interns who must be supervised by a lawyer is hampered by not having an attorney on staff. CCDA has also worked closely with the State Bar in comparing a database of demand/advisory letters on a quarterly basis.

TABULATED DATA

Construction-related physical access violations. A total of 9,043 construction-related physical access violations were alleged in the 3,047 state/federal cases and demand letters during the 16-month period from September 2012 – December 2013. The types of ADA alleged violations have been categorized using 51 key codes consistent with Title 24 of the California Code of Regulations (see Appendix C – ADA Violations Listing).

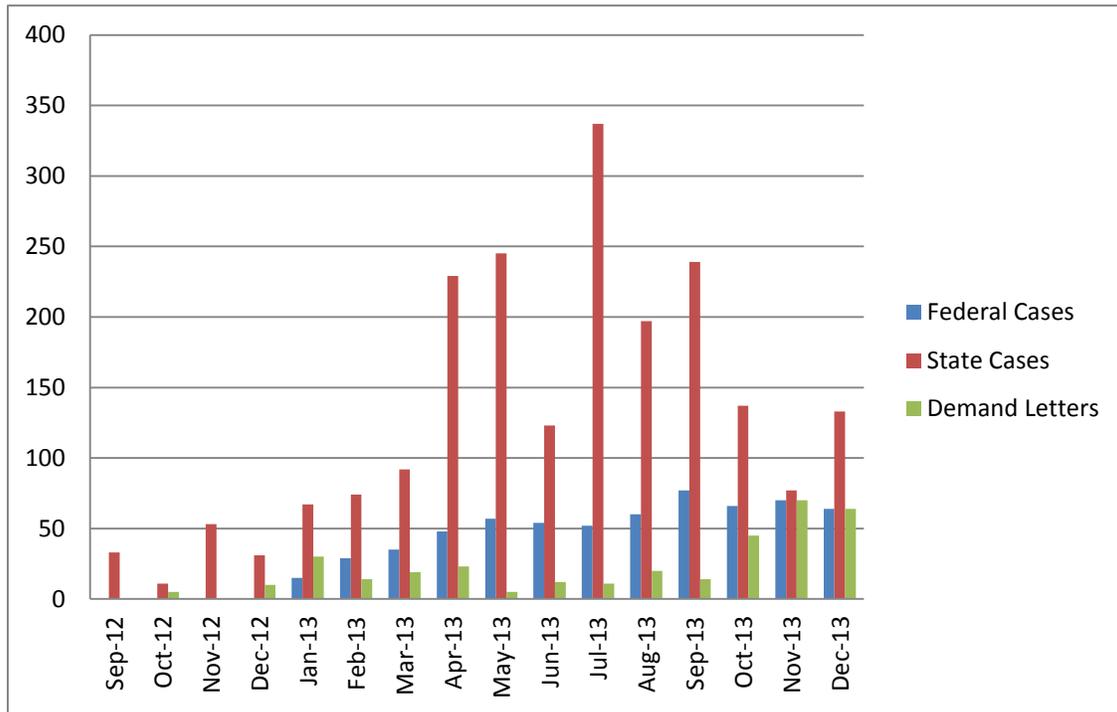
10 most frequent types of construction-related physical access violations alleged. The top two ranking alleged violations – loading zones/van access and parking spaces - composed 26% of the total reported violation types.

Category	Alleged ADA Violations	Rank	
		Reporting Period 1	Reporting Period 2
		Sept – June 2012	July 2012 - Dec 2013
Toilet Rooms - Bathrooms	Key Code 1 - Entry doors are not accessible or not on an accessible route.	N/A	10
	Key Code 5 - Lavatories and Mirrors are not accessible.	9	N/A
	Key Code 7 - Grab Bars. Grab bars in bathroom are non-existent, or existing grab bars are not compliant.	8	N/A
Parking	Key Code 11 - Number of spaces. Parking lot does not contain minimum number of accessible parking spaces.	4	4
	Key Code 12 - Parking Spaces. Existing parking spaces are not compliant.	2	2
	Key Code 13 - Signage. Signage in parking lot is not compliant. E.g., parking spaces need to be designated as reserved by a sign showing the symbol of accessibility.	5	3
	Key Code 14 - Loading zones/van access aisles are not compliant or non-existent	1	1
Accessible Route and Entry	Key Code 15 - Routes to and from parking lot or public right of way are not accessible. May include uneven surfaces.	3	5
	Key Code 16 - Ramps. Curb ramps or entrance ramps are not compliant or non-existing.	N/A	7
	Key Code 17 - General. Entry doors are not accessible or missing sign/symbol of accessibility.	10	6
Access within Public Facility	Key Code 20 - Access aisles within building are not accessible. E.g., dining or work surfaces are not on an accessible route.	7	9
	Key Code 26 - Access Height. Heights of surfaces such as counters, bars, or tables are not compliant.	6	8

Alleged construction-related physical access violations by type. Appendix D - Tabulation of Construction-Related Physical Access Violations includes data for the alleged violations for each of the 51 key codes used.

Number of complaints filed in state or federal court and demand letters. From September 2012 – December 2013, 627 Federal Cases, 2,078 State Cases and 342 Demand Letters were collected (see Appendix E – Complaints Filed in State/Federal Court and Demand Letters.) The graphs below illustrate (1) the monthly breakdown of complaints filed and demand letters and (2) a map portraying the combined data by zip code.

Complaints Filed in State/Federal Court and Demand Letters

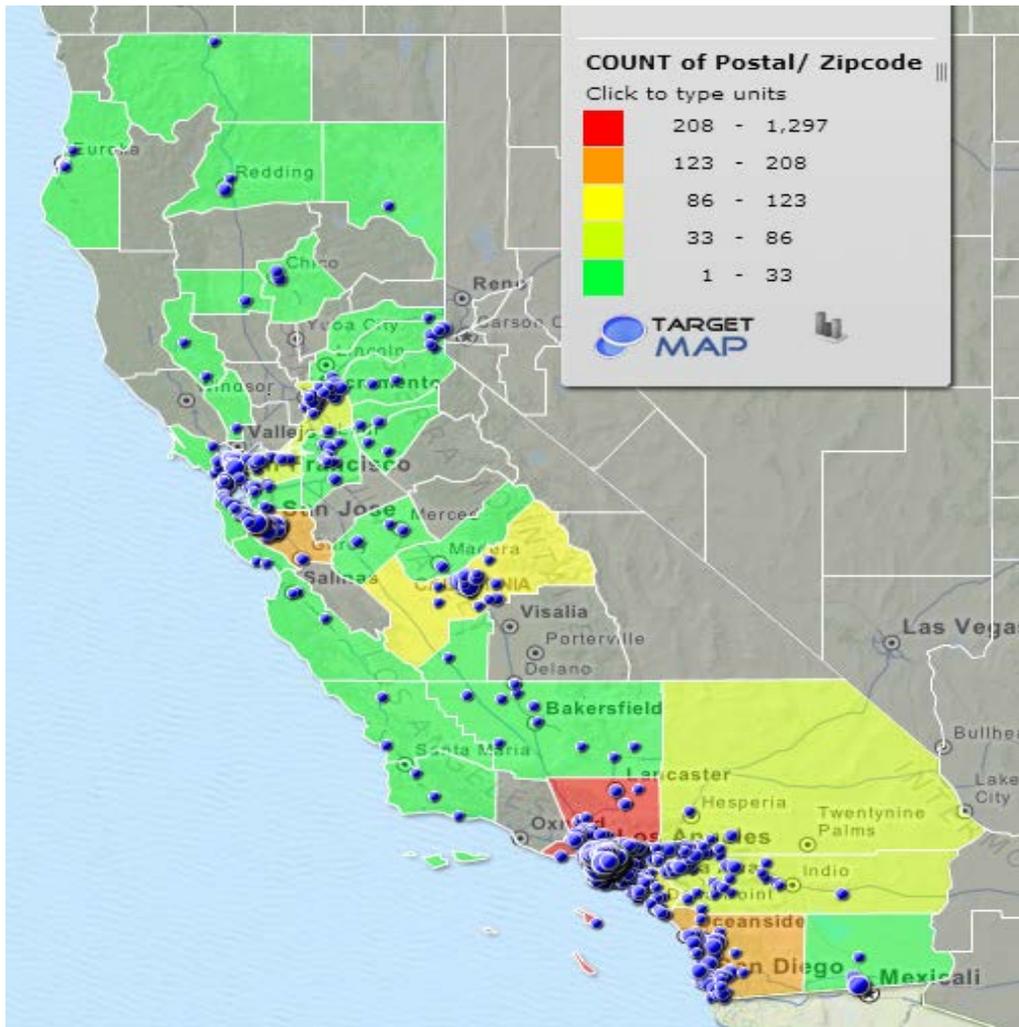


There were a total of 2,535 different zip codes and 46 counties impacted by the demand letters and/or case filings. The ten counties with the most demand letters and/or case filings include:

Top Ten Counties

COUNTY	NUMBER OF COMPLAINTS FILED/DEMAND LETTERS
Los Angeles	1,297
San Diego	208
Santa Clara	179
Orange	123
Fresno	120
Contra Costa	86
Riverside	74
San Bernardino	71
Sacramento	56
Alameda	33
San Mateo	33

Complaints Filed in State/Federal Court and Demand Letters by Zip Code



CHALLENGES AND SOLUTIONS

CCDA has identified both challenges and solutions in collecting and reporting the required data.

- **Challenge** - Increasing volume of cases
Solution - CCDA has secured a web consultant to streamline the data entry processes and to reduce some of the manual labor of the data entry. Additionally, the consultant is developing real time reporting of data on the web.
- **Challenge** – Dependency on volunteers to complete the project
Solution - CCDA wrote a BCP that was recently approved by the Department of Finance for one additional staff person. (Subject to Legislative approval.)

- **Challenge** - Development of educational modules
- **Solution** - CCDA is partnering with the Department of Rehabilitation and the Division of the State Architect through monthly meetings between the Executive Director and the Education and Outreach Committee to identify opportunities statewide. Additionally, CCDA coordinated with the Department of Rehabilitation, Disability Access Services Unit to develop and produce educational video presentations that address the top ten reported construction-related physical access violations.

6.0 STRATEGIC PLANNING

To achieve CCDA's mission of promoting disability access in California through dialogue and collaboration with stakeholders, the Commission will be preparing a Strategic Plan to guide their activities for the next three to five years. CCDA has hired the Center for Collaborative Policy, an off-campus unit of California State University, Sacramento, to assist with the development of the Strategic Plan.

GOALS AND DESIRED OUTCOMES

The goals of the Strategic Plan are to:

- Develop the organization to implement and achieve the goals of SB 1608 and SB 1186, particularly in regard to education and outreach.
- Create programs to assist with compliance.
- Build relationships with and between persons with disabilities and the business community.
- Reduce the number of claims.

The desired outcomes include:

- Creation of a governance structure to guide future work of CCDA.
- A prioritized Action Plan to implement compliance programs, educational programs, and outreach activities.
- Creation of next steps to bolster the efficacy of the Commission and the CCDA organization.
- Creation of programs to increase compliance and reduce claims and letters.

PROCESS

The strategic planning process includes:

- Conducting a stakeholder assessment to identify disability access issues, challenges and opportunities;
- Creation of a Summary Findings Report with review by with the Design Team and the Commission;
- Conducting a Strategic Planning Workshop develop a draft plan ;
- Holding Validation Workshops across the state to confirm the draft Strategic Plan and seek support to implement the recommendations;
- Approval of the Strategic Plan by the Commission; and
- Implementation of the Strategic Plan.

DESIGN TEAM

A Design Team was convened to provide advice on the strategic planning process. Members include:

- Betty Wilson, City of Los Angeles Commission on Disability
- Scott Hauge, CAL Insurance & Associates, Inc.
- Regina Dick-Endrizzi, San Francisco Office of Small Business
- Erick Mikiten, Mikiten Architecture
- Dennis Corelis, Division of the State Architect
- Megan Juring, Department of Rehabilitation
- Wendy Hill, staff to Assembly Member Tom Ammiano
- Steve Castellanos, CCDA
- Angela Jemott, CCDA

NEXT STEPS

The Center for Collaborative Policy is currently conducting stakeholder interviews with 30 stakeholders representing diverse perspectives on disability access. The Summary Findings Report will be completed by mid-February 2014. Planning for the Strategic Planning Workshop will commence in February. The Strategic Plan Workshop is expected to be held in March. The draft Strategic Plan will be available for review by the Design Team and CCDA staff in April. Validation Workshops will be conducted in three locations in California during the month of May. The Strategic Plan will be finalized and brought to the Commission for their approval in June 2014. Implementation of the Strategic Plan is expected to commence immediately after approval.

7.0 ESTABLISHMENT OF METRICS

The work accomplished in 2013 on the demand letter and claims data collection project is valuable and will contribute in a significant way to future CCDA programs and projects. In addition to determining the top ten most frequent construction-related physical access violations, the data collection has created for the first time a baseline by which the Commission will be able to judge the effectiveness of its education and outreach efforts.

CCDA is committed to the goal of reducing lawsuits through education and outreach. It remains very difficult to draw a direct connection between data, education and outreach and reducing claims. Encouraging property and business owners to voluntarily seek compliance requires additional methods of determining program effectiveness. The Commission shall explore what additional metrics may be applied. The Commission remains hopeful that a better understanding on the part of the business community on how to avoid costly lawsuits while improving business will result in fewer claims.

To that end, and with its partners and collaborators, CCDA is in process of implementing strategies that include (but are not limited to) publications, expanded use of its website and social media, development of video presentations, conferences and seminars, and establishing a speakers bureau.

MEASURING EFFECTIVENESS

CCDA will measure effectiveness in a number of ways.

PUBLICATIONS

CCDA has identified existing publications developed by a variety of sources including the US Access Board, the California Department of Rehabilitation, the California State Architect, and the California Chamber of Commerce. CCDA worked directly with the Office of Senator Ellen Corbett to develop a brochure for placement in legislative members' offices. The brochure is near completion and currently under review by Senate staff. CCDA will continue to review annually the use and effectiveness of these publications and will add to their number and expand their distribution.

WEBSITE AND SOCIAL MEDIA

In 2013, CCDA redesigned its website to be a more effective communications and education tool for its stakeholders. CCDA is working to direct those seeking information to the Commission's website and have started to collect information on the number of visitors to the

site. The updated version of the website will include features that allow dialogue, social media, hosted exchanges and conversations which should result in increased usage and effectiveness of the site.

VIDEO PRESENTATIONS

CCDA has worked very successfully with its partner, the California Department of Rehabilitation, utilizing their ability to produce video education tools. Two DOR videos are currently posted on the CCDA website, and conversations are underway with the Division of the State Architect, the American Institute of Architects California Council and others to fund additional video presentations. CCDA will collect data on the use of these educational tools, how often they are utilized and viewed, and how best to modify them, or develop new presentations.

CONFERENCES AND SEMINARS

CCDA holds twenty public meetings per year throughout the state. These sessions should be considered learning opportunities. Planning is underway to use these meeting opportunities in part as seminar or conference session opportunities. The newly formed Education and Outreach Committee of the Commission addressing the need for direct communication opportunities and will determine a strategy that includes types of events and frequency. The events themselves will include an element of evaluation. In addition, CCDA scheduled meetings will include an evaluation tool.

SPEAKERS BUREAU

CCDA has developed an effective partnership with the Certified Access Specialist Institute. The CCDA Executive Director has spoken to the group in southern and northern California and has discussed with them the need for a speaker's bureau made up from their members - California Certified Access Specialists. These CASps would be available to speak at public gatherings of business owners and operators throughout California. Some of this activity is already occurring and CCDA will work with CASI to develop the resource, market the availability and collect information on effectiveness.

SELF-EVALUATION

Any effective organization routinely engages in self-evaluation. The current strategic planning process in part will fulfill this need for 2014. In future years the Commission members will schedule at a minimum an annual evaluation of its Executive Director, as well as an evaluation of its own performance.

8.0 STAFFING AND RESOURCES

CCDA began 2013 in temporary quarters with limited furnishing, fixtures and equipment and without an Executive Director.

CCDA is currently housed in the Department of Rehabilitation offices at 721 Capitol Mall. Until April of 2013 the Commission was located in a temporary space and has moved to a dedicated suite of its own. DOR has been a very supportive partner and landlord. CCDA is located on the training and conference level of the building allowing access to a large array of spaces useful for its program. The new space is now fully equipped and allows a small amount of additional space for volunteers.

On January 4, CCDA's second executive director, Stephan Castellanos FAIA began his tenure. This appointment completed the CCDA staff make up of one office technician, one associate governmental program analyst and one executive director. Within one month, the office technician succeeded in progressing to the next level and moved to another state job. This position was refilled in June.

Volunteers have been a large component of the CCDA program and will continue to provide much needed support. The Department of Rehabilitation, through their program, referred four volunteers to CCDA in 2013. In addition, the Attorney General, through Deputy Attorney General and CCDA Commissioner, has made the part time use of a law intern available to the Commission. These volunteers contribute primarily toward implementation and analysis of the demand letter and claims data collection project.

Lastly, CCDA was successful in having a Budget Change Proposal accepted and included in the Governor's 2014-2015 budget. The proposal requests one additional staff member to focus on the demand letter and claims data collection project, primarily in providing and coordinating legal input, analysis, management of volunteer participation and reporting.

APPENDICES

Appendix A – Acronyms

Appendix B – Commissioner Roster and Terms

Appendix C – ADA Violations Listing

Appendix D – Tabulation of Construction-Related Physical Access Violations

Appendix E – Complaints Filed in State/Federal Court and Demand Letters

APPENDIX A - ACRONYMS

CCDA	California Commission on Disability Access
CASp	Certified Assess Specialist
DSA	Division of the State Architect
DOR	California Department of Rehabilitation
CASI	Certified Access Specialist Institute

APPENDIX B – COMMISSIONER ROSTER AND TERMS

Name	Represents	Original Appointment	Current Appointment	Appointed By
Vacant	Public/Disability			Governor
Douglas Wiele	Public/Business Properties Association	9/19/2013	09/19/2013 - 01/01/2014	Governor
Stephen Dolim	Public/General Business	12/10/2013	12/10/2013-01/01/2015	Governor
Vacant	Public/General Business			Governor
R. Michael Paravagna	Public/Disability	9/19/2013	09/19/2013 - 01/01/2014	Governor
Betty Wilson	Public/Disability	05/26/2009	02/28/2013 - 01/01/2016	Governor
Christopher Vaughn Downey	Public/Disability	9/19/2013	09/19/2013 - 01/01/2015	Governor
Guy A. Leemhuis	Public/Disability	05/8/2013	05/08/2013-01/01/2015	Senate
Scott Hauge	Public/General Business	07/02/2012	07/02/2013-01/01/2017	Senate
Lilibeth Navarro	Public/Disability	10/16/2009	01/27/2013 - 01/01/2017	Assembly
Greg Thompson	Public/General Business	10/07/2013	10/07/2013-01/01/2015	Assembly
Tom Ammiano	Assembly/Ex-Officio			
Connie Conway	Assembly/Ex-Officio			
Ellen Corbett	Senate/Ex-Officio			
Jean Fuller	Senate/Ex-Officio			
Anthony Seferian	Attorney General's Office/Ex-Officio			
Chester Widom	Division of the State Architect/Ex-Officio			

APPENDIX C - ADA VIOLATIONS LISTING

The types of ADA alleged violations have been categorized using 51 key codes consistent with Title 24 of the California Code of Regulations.

Category	Key Code	Description
Toilet Rooms and Bathrooms	1	Entry doors are not accessible or not on an accessible route.
	2	Clear Floor Space. Non-accessible fixtures and controls or insufficient turn around space.
	3	Doors [Toilet stalls]. Non-accessible doors to toilet stalls
	4	Door space is not compliant.
	5	Lavatories and mirrors are not accessible.
	6	The location/height of toilets, urinals, flush controls, or toilet paper dispensers is not compliant.
	7	Grab Bars. Grab bars in bathroom are non-existent, or existing grab bars are not compliant.
	8	Insufficiently covered, coat racks too high, light switch too high.
	9	Faucets. Non-accessible lever-operated, push-type, or electronically controlled mechanisms.
	10	Bathtubs or showers are not accessible.
	39	Toilet seat cover dispenser not accessible.
	40	Hand sanitizer, liquid soap or paper towel dispenser not accessible.
	46	Lack of unisex ADA bathrooms or any accessible bathrooms.
Parking	11	Number of spaces. Parking lot does not contain minimum number of accessible parking spaces.
	12	Parking Spaces. Existing parking spaces are not compliant.
	13	No sign showing the symbol of accessibility.
	14	Loading zones/van access aisles are not compliant or non-existent
Accessible Route and Entry	15	Routes to and from parking lot or public right of way are not accessible. May include uneven surfaces.
	16	Ramps. Curb ramps or entrance ramps are not compliant or non-existing.
	17	General. Entry doors are not accessible or missing sign/symbol of accessibility.

Category	Key Code	Description
Accessible Route and Entry (continued)	18	Door Hardware. Thresholds, handles, pulls, latches, locks, or other operating devices are not accessible.
	45	Accessible path is too far away or path is not clear for the accessible route.
Access within Public Facility	19	General. Objects projecting from walls.
	20	Access aisles within building are not accessible. E.g., dining or work surfaces are not on an accessible route.
	21	Maneuvering Clearances at Doors. Required clearances are not compliant.
	22	Stairs or Guardrails. Stairs are not compliant or lack guardrails.
	23	Handrails non-existent or not accessible.
	24	Route with inadequate signage.
	25	Wheelchair spaces in assembly areas are non-existent or not compliant.
Equipment within Public Facility	26	Access Height. Heights of surfaces such as counters, bars, or tables are not compliant.
	27	Audible signals.
	28	Public telephones are not wheelchair accessible.
	29	Public telephones do not have accessible volume control.
	30	General Public Equipment. Gas pumps, automatic teller machines, or fare machines are not compliant.
	37	General Pool. Pool lifts, sloped entries, transfer walls, transfer systems, and pool stairs are not accessible.
General Violations	38	Drinking Fountains and water coolers are not accessible.
	31	Dressing, fitting, or locker rooms are not compliant.
	32	Sleeping rooms, units or suites are not accessible or insufficient number of accessible guest rooms.
	33	Patient bedrooms or baths are not accessible.
	34	Audible and visual alarms and notification appliances are not compliant.
	35	Amusement rides are not accessible.
	36	Bus stop, bus stop pad, station, terminal, building or other transportation facility is not accessible.
41	Service dog not allowed in building.	

Category	Key Code	Description
General Violations (continued)	42	Lamp not accessible.
	43	Shuttle van/bus not accessible.
	44	Accessible features not maintained.
	47	Website does not offer ADA options or is not accessible.
	48	Lack of separate call button.
	49	Insufficient documentation/lack of ADA access issue
	50	Lack of temporary hand controls to test drive vehicles
	51	Staff provided barrier to access

APPENDIX D – TABULATION OF CONSTRUCTION-RELATED PHYSICAL ACCESS VIOLATIONS

The table below provides a summary of all construction-related physical access violations by category for a 16-month period (see Appendix C for a listing of all violation descriptions). The tables on the following pages of this appendix provide a detailed breakdown of specific violations alleged for each of the six categories. The violation data was pulled from the complaints filed in state/federal court and in demand letters (see Appendix E for statistics on those filings). A total of 9,043 violations were alleged in the 3,047 complaints and demand letters filed.

SUMMARY OF ALLEGED CONSTRUCTION-RELATED PHYSICAL ACCESS VIOLATIONS BY CATEGORY

CATEGORY	2012				2013												Totals
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	
Toilet Rooms and Bathrooms	83	12	76	35	74	71	154	194	256	133	178	109	209	260	65	202	2,111
Parking	4	27	44	48	160	168	200	297	276	241	517	319	652	301	106	315	3,675
Accessible Route and Entry	24	12	2	9	59	87	98	159	146	91	322	116	240	190	56	166	1,777
Access within Public Facility	1	4	1	3	31	84	76	106	103	68	89	75	112	128	26	101	1,008
Equipment within Public Facility	-	-	-	-	14	34	37	10	29	40	32	12	25	45	6	12	296
General Violations	-	2	1	6	7	9	12	20	12	13	19	6	19	20	5	25	176
Totals	112	57	124	101	345	453	577	786	822	586	1,157	637	1,257	944	264	821	9,043

Category: Toilet Rooms/Bathrooms

Key Code	ADA Alleged Violation	2012				2013												Total
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	
1	Entry doors are not accessible or not on an accessible route.	0	2	0	3	8	12	19	39	44	19	24	14	34	43	9	43	313
2	Clear Floor Space. Non-accessible fixtures and controls or insufficient turn around space.	0	2	0	2	3	7	12	26	24	14	21	12	18	26	5	20	192
3	Doors [Toilet stalls]. Non-accessible doors to toilet stalls	0	0	0	0	0	0	7	11	15	1	13	8	9	7	4	6	81
4	Door space is not compliant.	22	2	1	3	13	12	16	2	4	9	8	7	2	0	1	1	103
5	Lavatories and mirrors are not accessible.	16	1	30	8	9	13	19	15	23	15	13	19	22	41	7	23	274
6	The location/height of toilets, urinals, flush controls, or toilet paper dispensers are not compliant.	0	0	4	4	3	6	13	15	19	9	13	9	24	15	2	11	147
7	Grab Bars. Grab bars in bathroom are non-existent, or existing grab bars are not compliant.	19	3	23	8	16	7	19	29	41	21	22	7	21	43	6	25	310
8	Insufficiently covered, coat racks too high, light switch too high.	1	0	0	0	3	3	7	22	32	13	28	10	20	35	14	34	222
9	Faucets. Non-accessible lever-operated, push-type, or electronically controlled mechanisms.	7	0	0	0	0	2	3	9	19	3	6	1	3	5	1	6	65
10	Bathtubs or showers are not accessible.	0	0	0	0	1	3	3	5	1	2	6	2	3	3	2	6	37
39	Toilet seat cover dispenser not accessible.	18	2	18	7	18	1	8	8	14	15	12	7	16	14	8	10	176
40	Hand sanitizer, liquid soap or paper towel dispenser not accessible.	0	0	0	0	0	5	9	13	19	12	12	8	26	26	6	17	153
46	Lack of unisex ADA bathrooms or any accessible bathrooms.	0	0	0	0	0	0	19	0	1	0	0	5	11	2	0	0	38
TOTALS		83	12	76	35	74	71	154	194	256	133	178	109	209	260	65	202	2,111

Category: Parking

Key Code	ADA Alleged Violation	2012				2013												Total Per Violation
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	
11	Number of spaces. Parking lot does not contain minimum number of accessible parking spaces.	1	5	10	15	46	46	50	50	62	26	76	51	73	66	20	44	641
12	Parking Spaces. Existing parking spaces are not compliant.	1	8	12	15	40	54	62	98	81	20	109	81	247	54	24	73	979
13	No sign showing the symbol of accessibility.	1	8	11	9	27	15	32	60	50	38	105	34	107	68	22	58	645
14	Loading zones/van access aisles are not compliant or non-existent	1	6	11	9	47	53	56	89	83	157	227	153	225	113	40	140	1,410
Totals		4	27	44	48	160	168	200	297	276	241	517	319	652	301	106	315	3,675

Category: Accessible Route and Entry

Key Code	ADA Alleged Violation	2012				2013												Total Per Violation
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	
15	Routes to and from parking lot or public right of way are not accessible. May include uneven surfaces.	0	6	1	6	30	38	39	71	71	51	75	36	92	81	9	43	649
16	Ramps. Curb ramps or entrance ramps are not compliant or non-existing.	0	1	0	0	7	13	14	48	30	16	115	39	53	35	12	36	419
17	General. Entry doors are not accessible or missing sign/symbol of accessibility.	0	1	0	1	12	16	34	28	35	20	85	20	61	56	13	65	447
18	Door Hardware. Thresholds, handles, pulls, latches, locks, or other operating devices are not accessible.	24	4	1	2	8	8	10	5	3	2	29	6	11	9	6	9	137
45	Accessible path is too far away or path is not clear for the accessible route.	0	0	0	0	2	12	1	7	7	2	18	15	23	9	16	13	125
Totals		24	12	2	9	59	87	98	159	146	91	322	116	240	190	56	166	1,777

Category: Accessible within Public Facility

Key Code	ADA Alleged Violation	2012				2013												Total Per Violation
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	
19	General. Objects projecting from walls.	0	0	0	0	0	0	0	1	0	1	0	0	2	3	0	1	8
20	Access aisles within building are not accessible. E.g., dining or work surfaces are not on an accessible route.	1	0	0	0	18	42	26	44	49	16	34	27	38	38	10	30	373
21	Maneuvering Clearances at Doors. Required clearances are not compliant.	0	0	0	0	0	9	6	4	0	3	1	1	6	1	2	2	35
22	Stairs or Guardrails. Stairs are not compliant or lack guardrails.	0	0	0	0	0	2	14	0	1	2	0	2	1	3	0	0	25
23	Handrails non-existent or not accessible.	0	0	0	0	1	0	1	2	1	0	0	2	0	3	0	4	14
24	Route with inadequate signage.	0	0	0	0	0	0	2	3	1	2	0	0	1	1	1	1	12
25	Wheelchair spaces in assembly areas are non-existent or not compliant.	0	1	0	1	4	3	6	4	1	1	1	9	10	5	0	3	49
26	Access Height. Heights of surfaces such as counters, bars, or tables are not compliant.	0	3	1	2	8	28	21	48	50	43	53	34	54	74	13	60	492
Totals		1	4	1	3	31	84	76	106	103	68	89	75	112	128	26	101	1,008

Category: Equipment within Public Facility

Key Code	ADA Alleged Violation	2012				2013												Total Per Violation
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	
27	Audible signals	0	0	0	0	0	2	10	0	1	14	9	4	15	38	2	7	102
28	Public telephones are not wheelchair accessible.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
29	Public telephones do not have accessible volume control.	0	0	0	0	0	0	4	0	0	0	0	0	0	1	0	0	5
30	General Public Equipment. Gas pumps, automatic teller machines, or fare machines are not compliant.	0	0	0	0	13	30	19	6	26	26	19	6	7	3	2	3	160
37	General Pool. Pool lifts, sloped entries, transfer walls, transfer systems, and pool stairs are not accessible.	0	0	0	0	1	2	4	3	0	0	3	2	3	3	2	1	24
38	Drinking Fountains and water coolers are not accessible.	0	0	0	0	0	0	0	1	2	0	1	0	0	0	0	0	4
Totals		0	0	0	0	14	34	37	10	29	40	32	12	25	45	6	12	296

Category: General Violations

Key Code	ADA Alleged Violation	2012				2013												Total
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	
31	Dressing, fitting, or locker rooms are not compliant.	0	0	0	0	0	0	0	1	2	0	0	0	0	0	1	0	4
32	Sleeping rooms, units or suites are not accessible or insufficient number of accessible guest rooms.	0	0	0	0	0	3	0	4	3	1	12	0	13	3	1	6	46
33	Patient bedrooms or baths are not accessible.	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
34	Audible and visual alarms and notification appliances are not compliant.	0	0	0	0	0	0	0	1	0	0	1	0	0	1	1	0	4
35	Amusement rides are not accessible.	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	2
36	Bus stop, bus stop pad, station, terminal, building or other transportation facility is not accessible.	0	0	0	0	0	0	1	0	2	0	1	0	1	0	0	0	5
41	Service dog not allowed in building.	0	0	1	4	1	2	8	1	3	0	0	0	0	0	1	1	22
42	Lamp not accessible.	0	0	0	0	1	1	0	1	0	0	1	0	0	0	0	0	4
43	Shuttle van/bus not accessible.	0	0	0	0	2	1	0	1	1	1	0	0	0	0	0	1	7
44	Accessible features not maintained.	0	1	0	0	2	1	2	10	1	9	0	1	0	10	0	15	52
47	Website does not offer ADA options or is not accessible.	0	1	0	1	0	0	0	0	0	0	0	1	0	0	0	0	3
48	Lack of separate call button.	0	0	0	1	0	0	0	1	0	0	1	0	1	0	0	0	4
49	Insufficient documentation/lack of ADA access issue	0	0	0	0	0	1	1	0	0	1	2	1	3	1	0	1	11
50	Lack of temporary hand controls to test drive vehicles	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	2
51	Staff provided barrier to access	0	0	0	0	0	0	0	0	0	0	1	2	1	3	1	1	9
Totals		0	2	1	6	7	9	12	20	12	13	19	6	19	20	5	25	176

APPENDIX E – COMPLAINTS FILED IN STATE/FEDERAL COURT AND DEMAND LETTERS

MONTH	FEDERAL CASES	STATE CASES	DEMAND LETTERS	TOTAL PER MONTH
12-Sep	0	33	0	33
12-Oct	0	11	5	16
12-Nov	0	53	0	53
12-Dec	0	31	10	41
13-Jan	15	67	30	112
13-Feb	29	74	14	117
13-Mar	35	92	19	146
13-Apr	48	229	23	300
13-May	57	245	5	307
13-Jun	54	123	12	189
13-Jul	52	337	11	400
13-Aug	60	197	20	277
13-Sep	77	239	14	330
13-Oct	66	137	45	248
13-Nov	70	77	70	217
13-Dec	64	133	64	261
TOTAL	627	2078	342	3047

NOTE: The total number of complaints and letters is less than the total number of alleged violations since a single complaint or letter may allege multiple violations.