

California Commission on Disability Access
721 Capitol Mall, Room 260
Sacramento, CA 95814
(916) 3199970 – www.ccda.ca.gov

May 3, 2012

The Honorable Darrell Steinberg
Senator, 6st District, Majority Leader
California State Senate
State Capitol, Room 5097
Sacramento, CA 95814

Re: SB 1186 (Steinberg/Dutton) – WATCH based on Commission Concerns

Dear Senator Steinberg:

Upon review of the proposed amendments, the California Commission on Disability Access (CCDA) would like to express the following concerns:

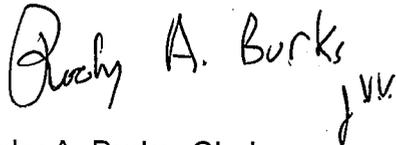
~~As is mandated in our charge per Government Code Sections 8299-8299.11, CCDA~~ shares your concern for a comprehensive resolution to the issue of lawsuits against businesses for non-compliance with civil rights afforded to all citizens under the federal Americans with Disabilities Act of 1990 and California's Unruh Civil Rights Act since 1992. The bill contains language of concern to the CCDA:

1. The proposed language of SEC.2. Section 55.31(c) requiring notice to the business at least 30 days prior to the filing of a claim is contrary to the language of Civil Code Section 52 (a) which requires no such notice; to do so designates those with disabilities as a separate and distinct class from all other citizens who are not required to give notice prior to filing an action for a violation of their civil rights. Additionally, this is just one element the CCDA has been asked to research and report back to the Legislature by July 2014.
2. SEC. 3, CCDA recommends CASp language be expanded to include a disclosure requirement of the status of accessibility compliance to codes and laws for businesses being sold or transferred and that real estate brokers and agents provide each buyer and seller with a document describing their responsibilities to provide and maintain access to their places of business.
3. SEC. 4. (b), the development of "tools" requires the participation and support of many state agencies including, but not limited to: the Department of Rehabilitation, Department of General Services, Division of the State Architect, Office of Statewide Health Planning and Design, Department of Housing and Community Development, State and Consumer Services Agency, California Building Standards Commission, and several state licensing agencies.

4. Lastly, review of available trainings by CCDA is one of its charges; however, facilitating a comprehensive program of statewide training, presently a responsibility of the Department of Rehabilitation per Government Code Section 4455, will have a budget and staffing impact on the CCDA that may well over extend CCDA's present capacity.

CCDA continues to proceed with its mandates to provide deliverables to the legislature, to provide additional information in support of the intent of this bill and to achieve tangible, measurable outcomes. Please contact me if you have any questions regarding our concerns.

Sincerely,

Handwritten signature of Rocky A. Burks in cursive script.

Rocky A. Burks, Chairperson
California Commission on Disability Access

CC: Honorable Members of the Senate Judiciary Committee

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Sacramento, CA 95814
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May 3, 2012

The Honorable Bob Dutton
Senator, 31st District
California State Senate
State Capitol, Room 5094
Sacramento, CA 95814

Re: SB 1186 (Steinberg/Dutton) – WATCH based on Commission Concerns

Dear Senator Dutton:

Upon review of the proposed amendments, the California Commission on Disability Access (CCDA) would like to express the following concerns:

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Sincerely,

Handwritten signature of Rocky A. Burks, Jr. in cursive script.

Rocky A. Burks, Chairperson
California Commission on Disability Access

CC: Honorable Members of the Senate Judiciary Committee