



January 31, 2015

Honorable Senate President Pro Tempore
Kevin de León
State Capitol
Room 205
Sacramento, California 95814

Honorable Senator Hannah-Beth Jackson
Chair, Senate Standing Committee on Judiciary
State Capitol
Room 2187
Sacramento, California 95814

Honorable Speaker of the Assembly
Toni G. Atkins
State Capitol
P.O. Box 942849
Sacramento, California 94249-0078

Honorable Assembly Member Mark Stone
Chair of the Judiciary Committee
1020 N Street
Room 104
Sacramento, California 95814

Honorable Members of the California State Legislature:

The California Commission on Disability Access is pleased to provide the *2014 Annual Report to the California State Legislature in Compliance with Government Code Sections 8299.07 (a) and 8299.08 (d)*. In 2014, CCDA continued its focus on education, outreach, training, and materials that support and facilitate access compliance. The Commission's Five-Year Strategic Plan—developed in 2014 with input from the disability community, government, business, non-governmental organizations and partners and affiliates—will further support the mission and ongoing efforts of CCDA.

Sincerely,

Commissioner Guy A. Leemhuis
Chair

Commissioner Scott Hauge
Vice Chair

Stephan Castellanos FAIA
Executive Director

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.

Education, Outreach and Tools to Support Compliance. Education and outreach will be the primary focus of the Commission in 2015 to support improvement in access compliance. The entire community which includes business owners, disability advocates, state and local government, building officials and legal representatives, benefits from understanding their own and each other's roles in access compliance. Networking events have proved valuable in facilitating this understanding and these types of events will continue. In addition, the Commission is developing tools that can be used in compliance. Examples of these tools include an accessibility checklist for local building inspectors (to be released in 2015) and a "consumer guide" to access compliance that will also be released this year. CCDA has now collected data on over 5,000 access violation claims. This data will continue to be used to support focused education and outreach activities.

A Strategic Plan to Support the Commission's Mission. To improve the Commission's focus and effectiveness, a strategic planning initiative was undertaken in 2014. A Strategic Planning Team with members from the Commission, Legislature, private sector, and state and local government provided guidance for the planning process. Two workshops were held with key stakeholder representatives from the disability community, government, business, non-governmental organizations and CCDA partners and affiliates. The resulting "CCDA Five-Year Strategic Plan" identifies nine goals addressing access curricula, disability access awareness, targeted training programs, revenue streams to fund access needs, financial and other incentives for access compliance, exploration of a state level Americans with Disabilities Act (ADA) Access office, jurisdictional accountability for the built environment, access compliance data maintenance, and expansion of methods and enforcement of barrier removal in the built environment. The Commission will develop a tiered approach to implementing the plan. This tiered approach will help identify activities to be accomplished in the near future, as well as needed resources.

Limited Resources. CCDA has relied heavily on volunteers and its partner organizations to carry out its responsibilities. In 2014, the Administration and Legislature authorized one additional staff analyst position for the Commission. While, this position will assist the Commission in carrying out its legislative mandates, additional resources (funding and staffing) are still needed to, not only to carry out existing statutory requirements, but to address goals and activities identified by the Commission's key stakeholders.



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)

January 31, 2015

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

TABLE OF CONTENTS

1.0	Introduction	1
	History	1
	Mission	1
	Vision	1
	Purpose of Report	2
2.0	Accomplishments and Path Forward	3
	2014 Accomplishments	3
	Path Forward	8
3.0	Claims and Demand Letter Data Collection	9
	Background.....	9
	Tabulated Data for 2014.....	9
	Trends.....	11
	Challenges and Solutions.....	12
	Appendices.....	13
	Appendix A - Acronyms	14
	Appendix B – Commissioner Roster and Terms	15
	Appendix C - ADA Violations Listing	16
	Appendix D – Tabulation of Construction-Related Physical Access Violations	18
	Appendix E – Complaints Filed in State/Federal Court and Demand Letters.....	25
	Appendix F – Type of Location	26

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 of 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.

VISION

In its Five-Year Strategic Plan (December 2014), CCDA, together with key partners, adopted a vision statement to reflect the ideal future state when the agency's mission is accomplished.

*An accessible, barrier-free California =
Inclusive and equal opportunities and participation for all Californians.*

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

In 2014, CCDA built on the progress experienced in 2013. The Commission now operates with a nearly full roster and has successfully completed a much needed strategic plan. A new staff position has been added. Data collection of filed claims continues to reveal valuable information to support focused education and outreach.

2014 ACCOMPLISHMENTS

COMMISSION ADMINISTRATION

MEMBERSHIP AND STAFF

In January 2013, the Commission was without an Executive Director and 5 members. The Office of the Governor and the Legislature focused on achieving a fully functioning Commission. The Commission is now nearly complete, with two vacancies, allowing the Commission for the first time in two years an opportunity for greater effectiveness. The Commission will be working with the Legislature to appoint the ex officio legislative member positions. The Commission is grateful to both the Governor and the Legislature for the appointment of a diverse, qualified group of appointees. This has greatly contributed to a renewed energy and expanded the importance of the Commission statewide.

The California 2014-15 budget included an additional analyst position for CCDA. This position adds capacity to the Commission in the area of collection, analysis and research of data on access claims filed in California. This position also adds significantly to the educational mission of the Commission.

COMMITTEES

In 2014, the Commission completed a review of their organization and the effectiveness of their committee structure. A new structure is emerging based on the implementation of the newly adopted strategic plan.

Current Standing/Ad Hoc Committee Structure	Pending Committees
<ul style="list-style-type: none">• Executive• Education and Outreach• Checklist	<ul style="list-style-type: none">• Data Collection• Legislative

Executive. The Executive Committee continues meeting monthly to address operational needs and establish the Commission's agenda.

Education and Outreach. The Commission is focusing significant energy on education and outreach with the ongoing efforts of the Education and Outreach Committee - a 2014 newly established Standing Committee of CCDA. This committee establishes strategies for the development and dissemination of effective education modules and will work closely with the Data Collection Committee once it is established. Dissemination will also rely on the increasing network of agencies and organizations statewide, many of whom are noted in other sections of the report.

The Education and Outreach Committee produced the first Community Stakeholders Gathering, October 21st in Southern California. The event was held in Los Angeles at the Mexican American Legal Defense and Educational Fund (MALDEF) building and conference center. This was a successful public outreach activity which included partnerships with business owners, disability advocates, Americans with Disabilities Act (ADA) experts, architects, contractors, builders, Certified Access Specialists (CASp), state and local government representatives, building officials, the legal communities, and the general public. The Committee targeted the diverse communities which represent the mosaic characteristics of the population of the State of California.

The Education and Outreach Committee will work to establish a goal for the number of outreach activities conducted (e.g., seminars, conferences, publications) and the number of people served by these methods. Two upcoming activities include planning an outreach event for the second quarter of 2015 and completion of a "consumer guide" this year to assist local government, business associations, professionals, property owners and tenants with access compliance.

Checklist. The Checklist Committee was formed in July 2014 in accordance with Government Code Section 8299.06 (SB 1608.) The Checklist Committee is composed of experienced professionals who developed a master checklist for disability access compliance that may be used by building inspectors. In early 2015, the Checklist Committee will determine the most effective means of disseminating the checklist. The checklist will also be used in training modules and will be additionally available for the Commission's partners to post on their websites and to use in their own organizations. This committee has also been tasked to provide editorial oversight of an access compliance guide for business owners.

STRATEGIC PLAN

In 2014, CCDA oversaw the development of a five-year strategic plan. The focus was on transparency and openness to ensure important issues were addressed in a constructive manner leading to realistic future work efforts. The intent was to identify what can be achieved in the near future given the right combination of commitment, time, and resources. (The plan is available on CCDA's website.)

Process. With the help of Sacramento State University's Center for Collaborative Policy, a stakeholder interview and assessment effort was undertaken to learn what important information

and perspectives were held by key players in the field. The resulting information was brought into the strategic planning dialogue and helped to identify critical gaps that needed to be addressed.

Two stakeholder workshops (one in northern California and one in southern California) were held to identify and validate the plan’s goals and objectives. A group of key stakeholder representatives from the disability community, government, business, non-governmental organizations and CCDA partners and affiliates came together and worked diligently to make this document happen. Organizations participating at the workshops are listed below.

Category	Organizations
Disability Community	California Council of the Blind Communities Actively Living Independent & Free (CALIF), Los Angeles Disability Rights California As It Stands Southern California Resource Services for Independent Living Californians for Disabilities Rights, and Designing Accessible Communities Designing Accessible Communities Disability Rights Legal Center
Private Sector/ Non-Governmental Organizations	California Hotel & Lodging Association California Business Properties Association American Institute of Architects, California Council Valley Economic Alliance Rocky A. Burks Consulting Law Office of Jamie R. Schloss Pacific Clinics Law Offices of Melinda G. Wilson Westfield, LLC
Local Government	City of Oroville, Building Division Office of Small Business, City and County of San Francisco Los Angeles Department on Disability Disability Commission, City of Compton Los Angeles Department of Water and Power City of Orville Los Angeles County Commission on Disabilities
State Government	CCDA CCDA Commissioners California Department of Rehabilitation California Office of Emergency Services Division of State Architect California Department of General Services
Legislature	Office of Senate Majority Leader

The CCDA Strategic Planning Team provided guidance throughout the project. Members included:

CCDA Commissioners	Betty Wilson Scott Hauge
Private Sector	Erick Mikiten, AIA, LEED-AP, Mikiten Architecture
Local Government	Regina Dick-Endrizzi, Office of Small Business, City and County of San Francisco
State Government	Dennis Corelis, Division of the State Architect Megan Juring, Department of Rehabilitation Vienalyn Tankiamco, Department of Rehabilitation Steve Castellanos, FAIA, Executive Director, CCDA Angela Jemmott, CCDA
Legislature	Wendy Hill, Senior Legislative Assistant, Assembly Member Ammiano

Outcomes. Consensus was reached on nine goals; the goals and their purpose are listed in the table below. Several objectives/strategies were also developed for each of the identified goals.

Goal	Purpose
1: Advocate for access curricula for all school programs	To raise awareness of and increase training around accessibility design and construction
2: Increase disability access awareness	To raise awareness of access issues and the tools available to assist businesses, nonprofits, schools, and the community to support changes to the built environment
3: Create training programs for targeted constituencies	To address the lack of opportunity for businesses, nonprofits, schools, professionals in the planning, design, property, construction and other sectors to learn about and to engage with resources around access issues and find support to make accommodation modifications
4: Create and identify revenue streams to fund access needs (subject to increased CCDA staffing)	To identify and secure a revenue stream to support efforts to mitigate accommodation costs and incentivize access compliance
5: Create financial and other incentives for access compliance	To support and encourage access compliance through new and creative incentive programs
6: Explore the development of a state level Americans with Disabilities Act (ADA) Access office	To address the disparate levels of resources and information at various state offices by providing a single access point that can guide people in the process of access mitigation and compliance

Goal	Purpose
7: Advocate to hold authorities having jurisdiction accountable for the built environment (both public and private) to avoid passive non-compliance for architectural and program access	To seek out ways to educate and support public and private entities on their responsibilities for access compliance
8: Maintain data on status of access compliance	To provide relevant information and data on the status of access compliance throughout California
9: Expand methods of identification, obligation, and enforcement of barrier removal in the built environment	To facilitate awareness of current and potential gaps and inconsistencies in policy at the state and local levels

Implementation Plan. Again, the Strategic Plan was written to identify what can be achieved in the near future given the right combination of commitment, time, and resources. The next step in the process will be to develop a tiered approach to the activities that need to be undertaken. This approach will help to prioritize activities and identify the resources needed to carry them out.

EDUCATIONAL RESOURCES

The Commission continues to focus on development and dissemination of a variety of educational materials and information. Limited resources require the Commission to identify materials developed by other organizations. The Commission’s website continues to be the most effective educational resource and will undergo another redesign and improvement in 2015.

CCDA expects that assistance will be provided through the Disability Access Education Fund, managed by the State Architect, in 2015. These funds, collected from local government through an additional \$1.00 on business license renewal, support the Certified Access Specialist program, in part, and public education required to aid compliance. Proposals have been submitted to the State Architect from CCDA and the Department of Rehabilitation for use of a portion of the Education Fund to develop and disseminate educational materials.

OUTREACH

Of primary importance in improving outreach to local government, business associations, professionals, property owners and tenants is the development of a California specific guide for access compliance. As mentioned in the Committee section of this report, this compliance tool will be completed in 2015, and will form the basis for expanded outreach. Due to CCDA’s staffing limitations, the success of these outreach efforts rely on the generous and continuing support of the Commission’s partners.

CERTIFIED ACCESS SPECIALISTS

The Certified Access Specialist Institute, together with the State Architect, continues to work with their CASp members to improve performance and consistency. CCDA has been advised that there is some resistance expressed by the business community to seek CASp services because of the current statutory requirement. This requirement to disclose whether a CASp report has been generated when entering a new lease for business property has been viewed as an invitation to increased liability and therefore has been discouraged by business property owner associations. CCDA will assist with building relationships to support lessening the resistance and barriers for this highly effective and necessary tool for the community.

In 2015, CCDA will continue to work with the State Architect, business property landlords and tenants on the development of education modules focused on the importance of obtaining reports that lead to the correction of access violations.

DATA COLLECTION/ANALYSIS

CCDA is required to collect data from claims filed and demand letters related to disability access. The data collected has revealed much more than the top ten violations (see Section 3 for 2014 data and trends). The questions that have arisen have led the commission to begin more significant analysis and consequent research that will include regional variation, most significantly impacted public accommodations, and factors contributing to lack of compliance.

PARTNERSHIPS

As a result of the Strategic Plan development process, CCDA increased the number of effective partnerships with local government, service agencies and organizations eager to work with the Commission. Of primary importance to the Commission is the development of toolkits and training modules for dissemination in 2015. The inspection checklist for local building officials is complete and the Commission has begun development of a California specific access compliance guide for business owners with anticipated completion scheduled for midyear 2015. The success of both of these efforts is dependent on the continued support of the Commission's partners.

PATH FORWARD

Training and education is the primary focus for 2015. As mentioned above, completion of a training guide and toolkit will be a priority of the Commission and its Education and Outreach Committee. CCDA has also formed a Legislative Committee which will assume the responsibility of monitoring proposed legislation affecting access as well as using collected data, analysis and research to propose, along with partners, policy that can improve universal access. The development of a tiered approach to implementing the Commission's Strategic Plan is also a high priority in 2015. This tiered approach will help CCDA identify activities to be accomplished in the near future, as well as identifying resources that will be needed to complete those activities.

3.0 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. This report provides detailed tabulations for the reporting periods from January – October 2014.¹ In the ten months of data collection in 2014, CCDA received a total of 2,571 records of court filings and/or demand letters - an average of 257 records per month.

CCDA was successful in managing this project. However, due to staff turnover, CCDA was not able to tabulate data from November – December 2014.

TABULATED DATA FOR 2014

CONSTRUCTION-RELATED PHYSICAL ACCESS VIOLATIONS

A total of 8,720 construction-related physical access violations were alleged in the 2,571 state/federal cases and demand letters during the 10-month period from January - October 2014. 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 in 2014 – loading zones/van access and parking space signage - comprise 25% of the total reported violations. Information from last year's report is shown here for comparison.

¹ Tabulated data on alleged violations from September 2012 – December 2013 is available in CCDA's 2013 Annual Report (<http://www.ccda.ca.gov/Reports.htm>).

Top 10 Violation Rankings						
Category	Alleged ADA Violations (See Annex C for full description)	Sept – June 2012	July 2012 – Dec 2013	Jan – Mar 2014	Apr – June 2014	July - Oct 2014
Toilet Rooms - Bathrooms	Key Code 1 - Entry doors not accessible or on accessible route.	N/A	10	10	N/A	10
	Key Code 5 - Lavatories and mirrors not accessible.	9	N/A	N/A	N/A	N/A
	Key Code 7 - Grab bars in bathroom non-existent or not compliant.	8	N/A	N/A	8	N/A
Parking	Key Code 11 – Below minimum number of accessible parking spaces.	4	4	4	10	6
	Key Code 12 - Parking spaces not compliant.	2	2	3	3	3
	Key Code 13 – Signage not compliant.	5	3	2	2	2
	Key Code 14 - Loading zones/van access aisles not compliant or non-existent.	1	1	1	1	1
Accessible Route and Entry	Key Code 15 - Routes to/from parking lot or public rights of way not accessible.	3	5	5	6	7
	Key Code 16 – Curb/entrance ramps not compliant or non-existent.	N/A	7	8	5	5
	Key Code 17 - Entry doors not accessible or missing accessibility sign/symbol.	10	6	7	N/A	8
	Key Code 18 - Door hardware not accessible.	N/A	N/A	N/A	9	N/A
Access within Public Facility	Key Code 20 - Access aisles within building not accessible.	7	9	9	7	N/A
	Key Code 26 - Heights of surfaces not compliant.	6	8	6	4	4
General Violations	Key Code 44 - Accessible features not maintained.	N/A	N/A	N/A	N/A	9

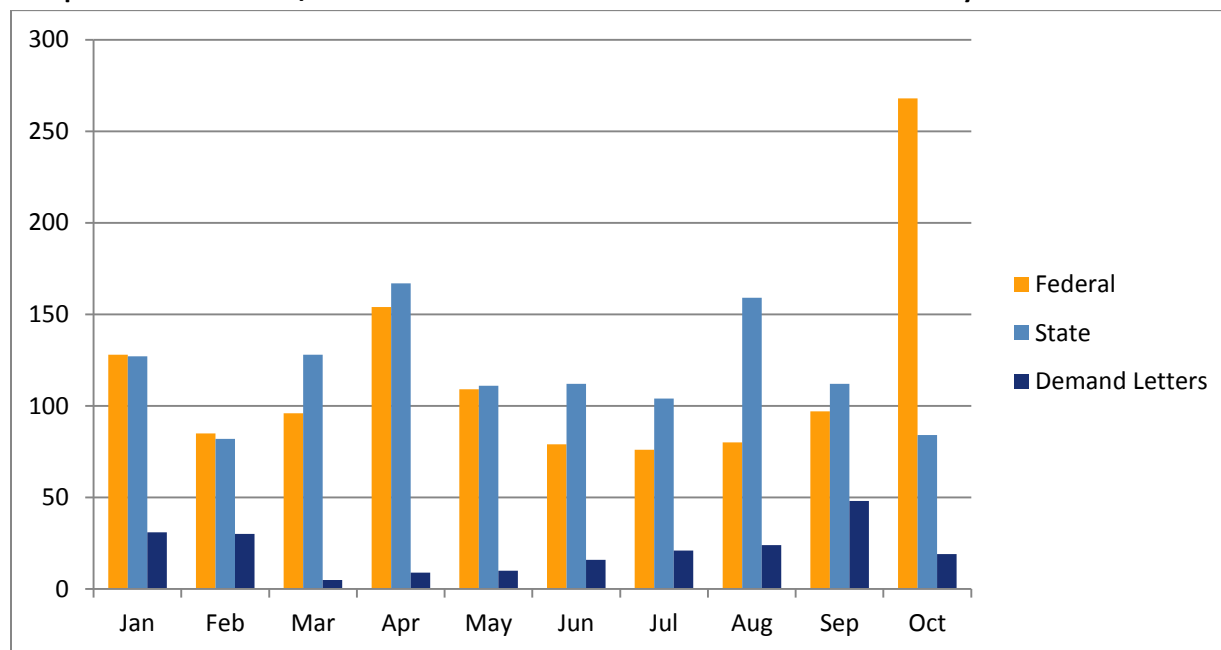
ALLEGED CONSTRUCTION-RELATED PHYSICAL ACCESS VIOLATIONS BY TYPE

Appendix D - Tabulation of Construction-Related Physical Access Violations includes data from January – October 2014 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 January - October 2014, a total of 2,571 complaints were filed--1,172 Federal Cases, 1,186 State Cases and 213 Demand Letters (see Appendix E – Complaints Filed in State/Federal Court and Demand Letters.) The graph below illustrates the monthly breakdown of complaints filed and demand letters.

Complaints Filed in State/Federal Court and Demand Letters for the Period January – October 2014



TRENDS

- **Attorneys and Plaintiffs** | There were 5,392 complaints (demand letters and state/federal cases) filed from Sep 2012 – Oct 2014. 54% of the complaints were filed by two law firms. Fourteen plaintiffs were involved in 46% of the complaints. These statistics are presented as an observation of legal filings in California, not as a statement on the complaints themselves.
- **Complaints Filed** | The average number of complaints filed (demand letters/state-federal cases) rose from 190 per month from Sep 2012 – Dec 2013 to 257 per month from Jan – Oct 2014. Federal cases rose from 21% of the total complaints from Sep 2012 – Dec 2013 to 46% from Jan – Oct 2014. Conversely, there was a drop in state cases from 68% of the total complaints from Sep 2012 – Dec 2013 to 46% from Jan – Oct 2014.
- **Top Ten Alleged ADA Violations** | For the entire Sep 2012 – Oct 2014 period, the #1 ranking violation was non-compliant loading zones/van access isles (Key Code 14). A non-compliant parking space (Key Code 12) trended downward from the #2 ranking violation to #3 and was replaced by parking lot signage (Key Code 13) as the #2 ranking violation in 2014.
- **Location Categories** | In 2014, CCDA added a “location” category component to its alleged violations database. The categories are taken from the listing of “place(s) of public accommodation” in the ADA Title III Technical Assistance Manual (2/21/14) (see Appendix F).

From April – October 2014, there were 1,858 complaints filed. Four categories (#1/Lodging; #2/Food-Drink; #5/Sales-Rentals; #6/Service) accounted for 98% of the locations with alleged violations.

Types of Locations: April - October 2014

#	Category	Apr	May	Jun	Jul	Aug	Sep	Oct	Total	% of total
1	Lodging	31	26	27	43	11	17	16	171	9.2%
2	Food - Drink	80	65	67	50	89	76	104	531	28.6%
3	Exhibition - Entertainment	2	0	1	1	0	2	3	9	0.5%
4	Public Gathering	0	0	0	0	0	1	0	1	0.1%
5	Sales - Rental	124	84	64	56	134	123	163	748	40.3%
6	Service	83	50	43	47	27	38	79	367	19.8%
7	Public Transportation	0	1	2	0	0	0	2	5	0.3%
8	Public Display - Collection	0	0	0	0	0	0	1	1	0.1%
9	Recreation	3	5	1	2	2	0	3	16	0.9%
10	Education	2	1	1	0	0	0	0	4	0.2%
11	Social Service	2	0	0	2	0	0	0	4	0.2%
12	Exercise - Recreation	1	0	0	0	0	0	0	1	0.1%
	Total	328	232	206	201	263	257	371	1858	100.0%

CHALLENGES AND SOLUTIONS

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

- **Challenge** | Currently CCDA receives demand letters and court cases alleging violations from attorneys. Staff must then review these documents, glean information, and manually enter the information in its database. This is labor-intensive and CCDA has had to rely on interns and volunteers to carry out these activities.
- **Solution** | To streamline data collection efforts, attorneys could be required to deliver specific information to CCDA rather than sending in the entire case or demand letter. CCDA is also in the process of forming a Data Collection Committee to provide input in this area.
- **Challenge** | A missing data component is the outcome of state and federal cases and the linkage of demand letters to those cases. Having this data would provide a picture of how and to what level violations are resolved. CCDA is not currently authorized or funded to collect this information.
- **Solution** | CCDA will explore the most efficient way to obtain this information. Working with the Commissioners, CCDA will prepare a proposal to address this issue.

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 F – Type of Location

APPENDIX A - ACRONYMS

ADA Americans with Disabilities Act

CALIF Communities Actively Living Independent & Free

CASp Certified Access Specialist

CCDA California Commission on Disability Access

MALDEF Mexican American Legal Defense and Educational Fund

APPENDIX B – COMMISSIONER ROSTER AND TERMS

TO BE UPDATED

Name	Represents	Original Appointment	Current Appointment	Appointed By
Vacant	Public/Disability			Governor
Douglas Wiele	Public/Business Properties Association	09/19/2013	01/01/2014 - 01/01/2017	Governor
Stephen Dolim	Public/General Business	12/10/2013	12/10/2013 - 01/01/2018	Governor
Laurie Cohen Yoo	Public/General Business	10/08/2014	01/01/2013 – 01/01/2016	Governor
R. Michael Paravagna	Public/Disability	09/19/2013	01/01/2014 - 01/01/2017	Governor
Betty Wilson	Public/Disability	05/26/2009	02/28/2013 - 01/01/2016	Governor
Christopher Vaughn Downey	Public/Disability	09/19/2013	09/19/2013 - 01/01/2018	Governor
Guy A. Leemhuis	Public/Disability	05/08/2013	05/08/2013-01/01/2018	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
Vacant	Public/General Business			Assembly
Chad Mayes	Assembly/Ex-Officio	01/28/2015		
Vacant	Assembly/Ex-Officio			
Vacant	Senate/Ex-Officio			
Vacant	Senate/Ex-Officio			
Anthony Seferian	Attorney General's Office/Ex-Officio	05/26/2009		
Chester Widom	Division of the State Architect/Ex-Officio	12/06/2009		

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.
	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.

Category	Key Code	Description
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.
	26	Access Height. Heights of surfaces such as counters, bars, or tables are not compliant.
Equipment within Public Facility	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.
	38	Drinking Fountains and water coolers are not accessible.
General Violations	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.
	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 ten-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 8,720 violations were alleged in the 2,571 complaints (demand letters; state and federal cases) filed from January – October 2014.

SUMMARY OF ALLEGED CONSTRUCTION-RELATED PHYSICAL ACCESS VIOLATIONS BY CATEGORY

CATEGORY	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Totals
Toilet Rooms and Bathrooms	258	130	152	166	187	181	136	180	240	245	1875
Parking	383	366	355	327	285	256	215	332	406	384	3309
Accessible Route and Entry	216	201	125	152	177	193	209	156	201	244	1874
Access within Public Facility	124	111	79	102	94	105	113	89	128	151	1096
Equipment within Public Facility	26	24	19	35	19	16	27	9	5	28	208
General Violations	26	18	52	20	16	20	6	25	36	139	358
Totals	1033	850	782	802	778	771	706	791	1016	1191	8720

CATEGORY: TOILET ROOMS/BATHROOMS

January – October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
1	Entry doors are not accessible or not on an accessible route.	35	25	29	23	28	22	37	31	45	31	306
2	Clear Floor Space. Non-accessible fixtures and controls or insufficient turn around space.	34	16	10	17	26	22	14	15	35	31	220
3	Doors [Toilet stalls]. Non-accessible doors to toilet stalls	9	6	7	9	7	4	3	6	3	8	62
4	Door space is not compliant.	5	3	1	3	1	2	0	0	3	8	26
5	Lavatories and mirrors are not accessible.	29	11	25	22	26	21	14	25	34	38	245
6	The location/height of toilets, urinals, flush controls, or toilet paper dispensers are not compliant.	26	7	11	5	13	12	9	13	12	8	116
7	Grab Bars. Grab bars in bathroom are non-existent, or existing grab bars are not compliant.	27	21	22	46	28	31	23	27	46	41	312
8	Insufficiently covered, coat racks too high, light switch too high.	36	20	18	26	34	25	17	27	35	39	277
9	Faucets. Non-accessible lever-operated, push-type, or electronically controlled mechanisms.	8	5	2	1	3	3	1	2	3	4	32
10	Bathtubs or showers are not accessible.	1	5	2	0	1	4	0	0	2	2	17
39	Toilet seat cover dispenser not accessible.	22	3	11	6	12	11	10	11	10	14	110
40	Hand sanitizer, liquid soap or paper towel dispenser not accessible.	26	5	10	7	4	11	8	14	11	16	112
46	Lack of unisex ADA bathrooms or any accessible bathrooms.	0	3	4	1	4	13	0	9	1	5	40
TOTALS		258	130	152	166	187	181	136	180	240	245	1875

CATEGORY: PARKING

January – October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
11	Number of spaces. Parking lot does not contain minimum number of accessible parking spaces.	65	82	71	32	25	33	8	30	99	87	532
12	Parking Spaces. Existing parking spaces are not compliant.	73	87	83	61	56	63	53	69	90	113	748
13	No sign showing the symbol of accessibility.	91	92	78	63	75	64	82	59	113	78	795
14	Loading zones/van access aisles are not compliant or non-existent.	154	105	123	171	129	96	72	174	104	106	1234
Totals		383	366	355	327	285	256	215	332	406	384	3309

CATEGORY: ACCESSIBLE ROUTE AND ENTRY

January – October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
15	Routes to and from parking lot or public right of way are not accessible. May include uneven surfaces.	67	70	40	32	56	59	43	50	76	53	546
16	Ramps. Curb ramps or entrance ramps are not compliant or non-existing.	49	46	26	45	53	66	71	47	54	89	546
17	General. Entry doors are not accessible or missing sign/symbol of accessibility.	62	44	17	15	27	25	43	39	34	40	346
18	Door Hardware. Thresholds, handles, pulls, latches, locks, or other operating devices are not accessible.	22	15	25	28	30	35	40	18	27	14	254
45	Accessible path is too far away or path is not clear for the accessible route.	16	26	17	32	11	8	12	2	10	48	182
Totals		216	201	125	152	177	193	209	156	201	244	1874

CATEGORY: ACCESSIBLE WITHIN PUBLIC FACILITY

January – October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
19	General. Objects projecting from walls.	6	5	3	0	0	3	6	0	5	33	61
20	Access aisles within building are not accessible, e.g., dining or work surfaces are not on an accessible route.	41	29	24	44	40	30	31	23	23	34	319
21	Maneuvering Clearances at Doors. Required clearances are not compliant.	8	12	1	5	1	2	0	0	4	3	36
22	Stairs or Guardrails. Stairs are not compliant or lack guardrails.	0	3	2	2	0	1	0	0	1	0	9
23	Handrails non-existent or not accessible.	1	0	0	1	0	0	1	0	0	0	3
24	Route with inadequate signage.	1	2	1	1	0	1	2	0	2	0	10
25	Wheelchair spaces in assembly areas are non-existent or not compliant.	9	11	3	2	0	4	0	1	5	12	47
26	Access Height. Heights of surfaces such as counters, bars, or tables are not compliant.	58	49	45	47	53	64	73	65	88	69	611
Totals		124	111	79	102	94	105	113	89	128	151	1096

CATEGORY: EQUIPMENT WITHIN PUBLIC FACILITY

January – October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
27	Audible signals.	19	19	14	8	8	5	14	3	0	7	97
28	Public telephones are not wheelchair accessible.	0	1	0	0	0	0	0	0	0	1	2
29	Public telephones do not have accessible volume control.	1	0	0	0	0	0	0	0	0	0	1
30	General Public Equipment. Gas pumps, automatic teller machines, or fare machines are not compliant.	6	2	5	25	10	10	13	4	3	19	97
37	General Pool. Pool lifts, sloped entries, transfer walls, transfer systems, and pool stairs are not accessible.	0	1	0	0	1	1	0	1	1	1	6
38	Drinking Fountains and water coolers are not accessible.	0	1	0	2	0	0	0	1	1	0	5
Totals		26	24	19	35	19	16	27	9	5	28	208

CATEGORY: GENERAL VIOLATIONS

January – October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
31	Dressing, fitting, or locker rooms are not compliant.	0	3	0	0	0	0	0	0	1	0	4
32	Sleeping rooms, units or suites are not accessible or insufficient number of accessible guest rooms.	3	3	6	3	13	9	5	2	6	6	56
33	Patient bedrooms or baths are not accessible.	0	0	0	0	0	0	0	0	1	1	2
34	Audible and visual alarms and notification appliances are not compliant.	0	0	0	2	0	0	0	0	0	0	2
35	Amusement rides are not accessible.	0	0	0	0	0	0	0	0	0	0	0
36	Bus stop, bus stop pad, station, terminal, building or other transportation facility is not accessible.	0	1	0	0	0	0	0	0	0	1	2
41	Service dog not allowed in building.	1	0	0	0	1	2	0	0	0	1	5
42	Lamp not accessible.	0	0	0	0	0	2	0	0	0	0	2
43	Shuttle van/bus not accessible.	0	2	0	0	0	0	0	0	0	3	5
44	Accessible features not maintained.	10	1	38	8	0	3	1	23	22	105	211
47	Website does not offer ADA options or is not accessible.	1	1	0	1	1	0	0	0	0	1	5
48	Lack of separate call button.	0	0	0	0	0	0	0	0	0	0	0
49	Insufficient documentation/lack of ADA access issue.	1	1	0	1	0	1	0	0	0	3	7
50	Lack of temporary hand controls to test drive vehicles.	1	1	0	0	0	0	0	0	0	4	6
51	Staff provided barrier to access.	9	5	8	5	1	3	0	0	6	14	51
Totals		26	18	52	20	16	20	6	25	36	139	358

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

January – October 2014

Month	Federal	State	Demand Letters	Monthly Total
Jan	128	127	31	286
Feb	85	82	30	197
Mar	96	128	5	229
Apr	154	167	9	330
May	109	111	10	230
Jun	79	112	16	207
Jul	76	104	21	201
Aug	80	159	24	263
Sep	97	112	48	145
Oct	268	84	19	371
Total by Type	1172	1186	213	2571

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.

APPENDIX F – TYPE OF LOCATION

CCDA added a “type of location” category to its alleged violations database in 2014. These categories are taken from the listing of “place(s) of public accommodation in the ADA Title III Technical Assistance Manual (2/21/14).

#	Category	Examples
1	Places of lodging	Inns, hotels, motels (except for owner-occupied establishments renting fewer than six rooms)
2	Establishments serving food or drink	Restaurants and bars
3	Places of exhibition or entertainment	Motion picture houses, theaters, concert halls, stadiums
4	Places of public gathering	Auditoriums, convention centers, lecture halls
5	Sales or rental establishments	Bakeries, grocery stores, hardware stores, shopping centers
6	Service establishments	Laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals
7	Public transportation	Terminals, depots, or stations (not including facilities relating to air transportation)
8	Places of public display or collection	Museums, libraries, galleries
9	Places of recreation	Parks, zoos, amusement parks
10	Places of education	Nursery schools, elementary, secondary, undergraduate, or postgraduate private schools
11	Social service center establishments	Day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies
12	Places of exercise or recreation	Gymnasiums, health spas, bowling alleys, golf courses