

CCDA Statewide Disability Access Business Survey Results

Survey Sample Size and Dates:

- 112 total responses (English and Spanish)
- Survey distribution start date: September 08, 2015
- Results tabulated: October 07, 2015

Respondent locations:

- Zip codes range from 91941 to 95926
- El Cajon to Chico, California, respectively

Reported Landlords, Tenants, or both. Forty-nine respondents provided this data. Of those respondents:

- Landlords – 12 respondents or 24%
- Tenants – 30 respondents or 61%
- Both – 7 respondents or 14%

Examples of reported business types include, but are not limited to:

Architectural Firm; Auto Mechanic; Print Shop; Public Non-Profit Company;
Restaurant; Law Firm; Strip Center; Bookstore; Insurance Brokerage; Real Estate
Sales.

Number of employees reported (values are based on the 87 responses to this question)

- Greatest number reported = 75
- Least number reported = 1
- Average = 10
- Median = 4
- Mode = 1
- 75 % of respondents employed 10 or fewer employees

Is your business a Place of Public Accommodation?

- Of 112 responses, 40 respondents (36%) reported that they were a Place of Public Accommodation
- Of 112 responses, 64 respondents (57%) did not report to be a Place of Public Accommodation
- Of 112 responses, 8 (7%) were undetermined

Discussion:

An analysis of the responses to this question compared to the business types and descriptions provided in other questions revealed that, contrary to the reported answers to this question, 61 respondents (54%) were in fact Places of Public Accommodation, versus the reported 40 (35%). Thus, the 64 respondents (57%) that initially *did not* report to identify as a Place of Public Accommodation were reduced to 43 (38%). This accounts for approximately 1-in-5 respondents (19%) misidentifying their business as *not* a Place of Public Accommodation.

Have you ever been approached regarding a physical barrier within your business or facility?

- 92% of respondents reported “No”
- 8% of respondents reported “Yes”

Have you personally encountered a physical barrier within a business or facility?

- 75% of respondents reported “No”
- 25% of respondents reported “Yes” (This indicates that more than two-thirds (2/3) of respondents who have encountered a barrier did not approach the business regarding that barrier.)

Have you ever received a demand letter alleging an Americans with Disabilities Act (ADA) violation within your business?

- 92% of respondents reported “No”
- 8% of respondents reported “Yes”

Have you ever been sued for an alleged Americans with Disabilities Act (ADA) violation within your business or facility?

- 91% of respondents reported “No”
- 9% of respondents reported “Yes”

Eighty-one respondents ranked the following five categories as their most urgent need:

- 28 indicated “Legal Information / How to Prevent a Lawsuit” as most urgent
- 23 indicated “Technical Information / Building Codes / Accessibility Requirements” as most urgent
- 14 indicated “Accountability / Who is Responsible for Code Compliance” as most urgent
- 8 indicated “Building Inspections and CASp Certification” as their most urgent need
- 8 Indicated the “Financial Information / Cost of Becoming Code Compliant” as most urgent

Have you used the services of a Certified Access Specialist (CASp) within your business? Of the 99 responses to this question:

- 17% reported “Yes”
- 67% reported “No”
- 15% reported “I don’t know what a CASp is”

Of the respondents that have used a Certified Access Specialist (CASp), below are their level of use and understanding of the report in percentages of those who have attained CASp services.

- 0% did not understand the CASp Report
- 47% indicated that the CASp Report recommended changes to their business
- 65% indicated that they understood the recommendations within the report
- 6% indicated they did *not* understand the recommendations within the report
- 12% indicated that the report did not recommend changes to their business
- 59% reported that they have completed or are in the process of completing the recommendations within the CASp report

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- 6% indicated that they could not afford to complete the recommendations
- 6% indicated that they did not know how to follow through with the recommendations
- 0% would rather risk a legal claim in the future than pay for a CASp report now
- 12% thought that the recommendations in the report were just suggestions
- 6% reported that their CASp report included only current code research
- 0% reported that their CASp report included permit research and analyzed the alteration history of the building to identify applicable codes

Of the respondents that have not elicited the services of a Certified Access Specialist (CASp), below are indicators as to why such services have not been secured. Values shown are percentages of total respondents who have reportedly not used a CASp.

- 5% reported that they could not locate a CASp
- 42% reported that they did not know of CASp services
- 5% reported that they could not afford the CASp services
- 18% concluded that they could bring their business into compliance without a CASp
- 3% reported that they would rather risk a legal claim in the future than pay for a CASp now
- 40% indicated that their business is already accessible

Of the 75 respondents that have not used a Certified Access Specialist (CASp) and reported an answer to this question, how many have reached out to a professional other than a CASp, such as an architect, building inspector, or ADA Coordinator?

- Eight (11%) have reached out to a professional other than a CASp
- Sixty-seven (89%) have *not* reached out to a professional other than a CASp

What type of financial incentives would be appealing to you to help you bring your business into compliance with state and federal disability access laws? Of the 89 responses to this question:

- 73% reported Annual Tax Credits
- 39% reported Subsidized Loans
- 36% reported Sales and Use Tax Exemptions

What do you find most confusing about becoming compliant with disability access laws? [OPEN ENDED] (Some responses have been edited for brevity, grammar, and punctuation.)

- Tenant v. Landlord obligations
- Current code v. applicable code compliance
- “Tolerances, ADA vs Title 24...”
- “The whole thing”
- “The laws and codes are confusing enough for architects and CASp’s, anything to simplify them for [businesses] would be great”
- “Keeping current on the amendments to state and federal laws is a challenge”
- Where do businesses go for reliable and affordable information?
- How to offset lost revenue due to smaller operating space after remodeling
- “All of it, have you read it? Who has the money, time, or lawyer to keep up with it?”
- How do Title II and 508 fit in with disability access laws?
- CBC v. ADA law
- Remodel triggers compliance?

What else would you like to share that will help us assist businesses bring their facilities into compliance? [OPEN ENDED] (Some responses have been edited for brevity, grammar, and punctuation.)

- Nation or statewide mandate followed with tax incentives
- General Building Official or Code Enforcement to enforce compliance, not lawsuit
- Communication between business and disability community
- Annual building inspections
- Single source of consistent information without legalese
- Education and assistance with phased implementation programs
- Notification of requirements when a business opens or relocates
- A public resource would be more affordable than private specialist
- A checklist and diagrams specific to California
- A One stop shop for information
- Mandate compliance through County permit process
- A need of time and money without paying an attorney