

# 2020 ANNUAL REPORT TO THE LEGISLATURE

CALIFORNIA COMMISSION ON DISABILITY ACCESS

January 31, 2021



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## Summary Highlights

This California Commission on Disability Access (Commission) Annual Report to the California State Legislature is submitted in compliance with Government Code Sections 14985.7 (a) and 14985.8 (d). This year's report highlights the following activities aligned with the Commission's legislative mandates.

### ***Shifted Educational Needs of Stakeholders in Response to the Pandemic***

Prior to the pandemic, the Commission began an educational campaign on the alleged parking violations within cases filed in both state and federal courts. Parking has been a consistent complaint since 2013. With many businesses moving operations outdoors in 2020, the Commission pivoted the accessible parking campaign to produce the [Open-air Dining and Curbside Pickup Disability Access Considerations](#) guide for businesses to reference when conducting operations outdoors and when they are serving people with disabilities. The guide was shared with various business associations, local governments, and strategic partners.

### ***Updated and Distributed Accessibility Construction Inspection Checklist***

In an effort to reduce compliance problems in California, the Commission, with support from external partnerships, updated the [Accessibility Construction Inspection Checklist](#) for builders and inspectors. This checklist was originally developed in 2015. The Commission revised and shared a new version of the checklist with building departments throughout the state in 2020 to assist with reducing the number of compliance issues in 2021.

### ***Established Electronic Claim Collection System***

In 2018, the Commission created what would become a three-phase project to improve and digitize complaint reporting. The first phase was to develop the Electronic Data Management System (EDMS). EDMS is an electronic data collection system that law firms use to submit complaints. The database provides information about alleged construction-related violations in the State of California. The second phase was to launch the [claims system web portal](#). In 2020, the Commission completed the third and final phase of the project to attain an electronic submissions rate of at least 40%. The Commission plans to meet and exceed this 40% threshold again in 2021.

## **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.

Senate Bill (SB) 1608 (Corbett, Chapter 549, Statutes of 2008) established the California Commission on Disability Access (Commission) with a vision toward developing recommendations to the Legislature. These recommendations would help enable persons with disabilities to exercise their right to full and equal access to public facilities while facilitating business compliance with applicable laws, building standards and regulations to avoid unnecessary litigation.

In September 2012, SB 1186 (Steinberg, Chapter 383, Statutes of 2012) revised and recast the Commission's duties by making it a priority to develop and disseminate educational materials and information to promote and facilitate disability access compliance. SB 1186 also established annual reporting of prelitigation letters and complaints to the Legislature by the Commission.

In October 2015, Assembly Bill (AB) 1521 (Committee on Judiciary, Chapter 755, Statutes of 2015) was signed into law as an urgency measure and required the Commission to collect, study, and report on case outcomes.

In September 2016, SB 1406 (Mendoza, Chapter 892, Statutes of 2016) added review and reporting on prelitigation letters and complaints served on educational entities to the Commission's existing obligation to review those served on public accommodations. Also, AB 54 (Olsen, Chapter 872, Statutes of 2016) was enacted, giving the Commission the authority to establish a standard report format for receiving complaints and prelitigation letters.

On July 1, 2017, the Commission became part of the Department of General Services (DGS), resulting in the Commission's initial governing statutes, Government Code (GC) § 8299 – 8299.11, being replaced by GC § 14985 – 14985.11 (AB 111, Committee on Budget, Chapter 19, Statutes of 2017).

## **Mission**

The mission of the Commission is to promote disability access in California through dialogue and collaboration with stakeholders, such as the disability and business communities, and all levels of government. In order to achieve this mission, the Commission 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**

The Commission, together with key partners, adopted a vision statement to reflect the ideal future state when the Commission's mission is accomplished:

***An Accessible, Barrier-Free California***  
=  
***Inclusive and Equal Opportunities and Participation for All Californians!***

## **Reporting Requirements**

This report outlines the Commission's ongoing efforts to implement Government Code § 14985.5 and 14985.6. In general, these sections obligate the Commission to provide information to businesses on compliance with disability access requirements; recommend programs to enable persons with disabilities to obtain full and equal access to public facilities; provide information to the Legislature on access issues and compliance; and develop and disseminate educational materials and information to promote and facilitate disability access compliance.

This report also provides tabulated data, including:

- The various types of ADA construction-related physical access violations alleged in prelitigation letters and complaints.
- The number of complaints 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.
- The number of complaints received that were filed in state or federal court.
- Filing frequencies and location frequencies.
- The ZIP codes of complaints received.
- The percentage of attorney, plaintiff, and defendant filings.
- The resolution reached on complaints submitted.

## Accomplishments

During 2020, under the leadership of the executive director and the Commission's subcommittees, the Commission moved forward in its efforts to provide much-needed information, education, and outreach targeted at making the state accessible for all its citizens, including more than 4 million Californians who have a disability and/or provide support for this community. With support from stakeholders, commissioners, and legislative partners, the Commission continued to promote disability access through education, outreach and stakeholder engagements.

### Created Accessibility Inspection Construction Checklist, 2020 Edition

Based on the 2019 California Building Code (CBC), Part 2, Title 24, California Code of Regulations, the Accessibility Inspection Construction Checklist was created to be used in conjunction with the regulations found in Chapter 11B of the CBC. Trained building code officials and building inspectors can utilize the tool as a reference guide to assist them with on-site inspection of accessibility features and construction elements affecting accessibility compliance. The checklist was produced in print, as a fillable PDF, and as a web-based application allowing individuals to access and complete the checklist through any mobile device. The 2020 edition checklist was mailed to over 290 local jurisdictions, emailed to California Building Officials (CALBO), distributing our toolkits to strategic partners. The checklist was developed to provide guidance for access barrier remediation and to decrease the number of alleged construction-related physical access violations claims.



(Left) Front cover of Accessibility Construction Inspection Checklist 2020 Edition.  
(Right) Front cover of Open-air Dining & Curbside Pickup Disability Access Considerations.



## **Developed Access Tips in Response to Outdoor Dining and Curbside Services**

To meet urgent needs of stakeholders created by the COVID-19 pandemic, the California Commission on Disability Access (CCDA) developed the [Open-Air Dining and Curbside Pickup Disability Access Considerations](#) informational tool as a guide for businesses to consider when conducting business operations outdoors. This effort was led by the Commission's Checklist Committee and subject matter partners. The tool provides recommendations and simple access solutions for businesses to implement in order to adequately serve customers with disabilities. This informational tool was distributed to various business districts and associations, as well as local building jurisdictions. With support from CCDA's strategic partners, this tool was shared on various social media platforms and newsletters. The creation and distribution of this tool was timely as business establishments shifted to outdoor operations due to COVID-19. As a result of this tool, the Commission received positive feedback from stakeholders and has translated the document into Spanish, traditional Chinese, and simplified Chinese.

During the full Commission meeting in October 2020, a stakeholder forum was held to collect feedback and understand three key aspects of the tool's impact:

- How the information was shared and used in communities and industries.
- How the tool impacted communities or industries.
- Suggestions for further promotion of disability access education that is applicable to stakeholders' individual communities.

The following is an excerpt of feedback the Commission received regarding the tool's impact:

*"It is exactly this type of concise and explanatory tool that is needed in these less-than-optimal business times. The less-is-more approach is always more successful in helping businesses, especially small businesses, understand compliance. This one-page handout covers all the basic requirements without being overwhelming to someone whose primary attention is typically on other aspects of their operation. As such, it is much more likely to be kept handy, and to be used, than something that might be more comprehensive but would have the perception of being overly complicated and foreboding. I have forwarded this to our city hall for business distribution and have also forwarded it to our Community Services Department for staff use, as many of their public social services programs are being temporarily conducted in similar outdoor environments. Thank you for this much-needed outreach and for this guideline's excellent presentation."*

–Resident of Chino, Accessibility Advocate

## **Increased Electronic Data Collection to 40%**

In 2018, the Commission created what would become a three-phase project to improve and digitize complaint reporting. The first phase was to develop the Electronic Data Management System (EDMS) for law firms to use to submit complaints. The second phase was to launch the [claims system web portal](#).

In 2020, the Commission completed the third and final phase of the project with the goal to collect 40% of all submissions using the web portal. The Commission surpassed the goal and received over 80% of submissions electronically. Implementation of this collection system allows the Commission to operate more efficiently, while reducing our carbon footprint. The Commission hopes to continue to collect the majority of submissions electronically from law firms in 2021.

## **Path Forward**

### **Continue Historical Data Project**

Since its inception, CCDA has collected 20,490 prelitigation letters and complaints from 2012-2018, as well as 6,464 Case Resolution Reports (CRR) from 2015-2018. Because the historical case file data submitted by law firms varied from year to year, the formats of the data became incompatible, thus creating a substantial workload to synchronize. CCDA's data research team in collaboration with DGS Enterprise Technology Solutions (ETS) are continuing to work toward finding a solution for importing the historical data.

### **Evaluate Data Collection Compliance**

In October 2020, the Commission established the 2021 strategic goal in support of its five-year strategic plan as follows:

*"Evaluate compliance with CCDA's data collection mandate by researching filings and submission practices within court systems in California."*

This goal will allow further understanding of claims submitted within California's courts and will help the Commission to better fulfill its legislative mandate to make recommendations that will enable persons with disabilities to obtain full and equal access to public facilities, as well as address many of the unanswered questions asked by stakeholders.

## Commission Operations

### Celebrating Seven Years of Board Leadership

Under the leadership of Commissioner Guy Leemhuis, who served for seven years as chair, the Commission has made numerous accomplishments. Accomplishments include resolutions from the California State Senate and California State Assembly that were issued upon the Commission's 10-year anniversary. The Commission has been recognized for service in addressing the complexities of disability access and for its focus on developing recommendations that will enable persons with disabilities to obtain full and equal access to public facilities. Additionally, the Commission has increased data collection of alleged violations through the Electronic Data Collection Project, conducted outreach and partnerships with various cities and organizations, and led research efforts to understand stakeholders. The Commission honored Commissioner Leemhuis' service with an Excellence in Board Leadership Certificate of Recognition. Subsequently, Commissioner Leemhuis began his transition to become the past-immediate chair, the first ex-officio position of its kind. Commissioner Christopher Downey was elected as the new chair in October 2020.



*Commission Executive Director Angela Jemmott presenting Commission Chair Guy Leemhuis with an Excellence in Board Leadership Certificate of Recognition during a virtual public meeting of the full commission in October 2020.*

### Organizational Growth

Upon a budget increase for fiscal year (FY) 2020-21, the Commission was able to create two new staff positions: a program technician, which eliminated the Commission's dependence on staff interns, and an education and outreach coordinator, which allowed the Commission to increase outreach efforts statewide. With the addition of the two positions, CCDA staffing grew to seven total positions. As a result, CCDA was able to establish the Data and Research Team and the Education and Outreach Team to support the Commission's mission and legislative mandates.

Concurrent with staff positions, the Commission itself is comprised of 17 members: 11 public members and six ex-officio non-voting members, comprised of the state architect, the

attorney general, and four members of the California Legislature. The Commission's total operating budget is \$1,508,000 for fiscal year 2020-21.

Governor Gavin Newsom appointed Dr. Souraya Sue ElHessen, Jacqueline Jackson, and Drake Dillard as commissioners. The Commission also welcomed Senator Brian Jones from the Legislature. The Commission's membership is further outlined in Appendix F.

## **Education and Outreach**

### **Reaching Diverse Communities**

The Commission strives to reach diverse communities by making it a goal to produce educational tools in various languages and formats. In April 2020, the Commission translated the informational tool "[Myths and Misconceptions on Disability Access for Businesses](#)" into Spanish and traditional Chinese. The Commission also translated the tool "[Open-air Dining and Curbside Pickup Disability Access Considerations](#)" into Spanish, traditional Chinese, and simplified Chinese.

Additionally, the Commission has made educational tools available in text-only formats, electronically accessible formats such as PDF and Word, web-based formats, and in print. Providing tools in various languages and formats benefits members of the business communities and general public who require alternative formats or translations to effectively access and read educational materials.

## Celebration of the Americans with Disabilities Act 30th Anniversary

Since being signed into law on July 26, 1990, the Americans with Disabilities Act (ADA) increases the inclusion of people with disabilities in all aspects of life and prohibits discrimination. People with disabilities are protected by the ADA in areas such as employment, education, transportation, and all public and private places open to the general public.

To celebrate the event, the Commission shared several responses from commissioners, businesses, architects, state and local leaders, and the disability community who answered the question:

***“What does the ADA mean to you and how would you like to see us become a barrier-free California?”***

Additionally, the Commission shared various accessible virtual events and resources on its [website](#) for the general public to visit.



Screenshot of ADA30 feature on CCDA website.

## External Outreach and Partnership Efforts

The Commission and staff participated in virtual outreach events organized by external partners and agencies. To expand outreach and education, the Commission achieved widespread impact through support from more than 20 partners statewide.

In November 2020 at the California Network of ADA Coordinators Forum, Commission Executive Director Angela Jemmott made a presentation on access education and common barriers that local communities face. Executive Director Jemmott encouraged ADA coordinators and local leaders to employ resources to promote access education and Certified Access Specialist (CASP) training by utilizing funds made available through Senate Bill 1186 and Assembly Bill 1379. Executive Director Jemmott presented alongside ADA Coordinator Shannon Mulhall, representing the City of Fresno, and Rhea Aguinaldo, representing the City and County of San Francisco Office of Small Business.





*Commission Executive Director Angela Jemmott presenting the topic of local access education programs during a virtual panel discussion held by the California Network of ADA Coordinators.*

In October 2020, Commissioner Souraya Sue ElHessen spoke on Spectrum News One regarding barriers that people with disabilities are facing in employment and in various aspects of life. During the interview, Commissioner ElHessen mentioned the Commission's work in promoting access for all.

Additionally, Commissioner ElHessen, along with Commissioner Michael Paravagna, gave a presentation during an internal webinar for the Governor's Office of Emergency Services (Cal OES) 2020 National Disability Employment Awareness Month (NDEAM) to discuss increasing employment access and opportunity.



*Commissioner Souraya Sue ElHessen participating in a virtual interview with Spectrum News One.*

## Checklist Committee: Posthumous Tribute to Key Contributor



Terry McLean served as a licensed California architect and CASp. As a corporate interiors architect, she provided a significant number of paths of travel upgrades for tenant improvement projects. McLean founded TJ McLean Associates, Inc., in 2013. Her organization prepared numerous access and CASp reports for a variety of building types and clients. She served as a subject matter expert for the Division of the State Architect and California Commission on Disability Access.

In October 2020 during the Full Commission Meeting, Commission staff presented a Certificate of Achievement in remembrance of Certified Architect and CASp Terry McLean.

McLean was a key founder and contributor to the Open-air Dining and Curbside Pickup Disability Access Considerations tool and was actively involved with the Commission. The certificate was delivered to her family.



*Left to Right: Commission Executive Director Angela Jemmott and staff members Stephanie Groce, Davina Saenz, and Theresa Brown holding a Certificate of Achievement awarded posthumously to Certified Architect and CASp Terry McLean.*

## Complaints and Prelitigation Letter Data Collection

### Data Overview

[California Civil Code § 55.32](#) requires attorneys to submit construction-related physical access complaints and prelitigation letters to the Commission within five business days of filing. In 2020, the Commission received 3,621 ADA Title III state and federal complaints. This total represented a 3% increase from 2019, during which the Commission received 3,522 complaints. Table 1 outlines the total number of complaints and prelitigation letters received by the Commission over the past six years. Complaints and prelitigation letters received are further visualized in Appendix A's graph.

**Table 1: Complaints and Prelitigation Letters Received by Year (2015-2020)**

Year	Complaints (State & Federal)	Prelitigation Letters	Total
2020	3,621	12	3,633
2019	3,522	30	3,552
2018	4,221	50	4,271
2017	2,365	1,461	3,826
2016	2,559	781	3,340
2015	2,323	623	2,946
Total:	18,611	2,957	21,568



## Prelitigation Letters

The Commission found that as state and federal case filing submissions increased, considerably fewer prelitigation letters were received by CCDA. In comparison to 30 prelitigation letters received in 2019, the Commission recognized a 60% decrease with only 12 submissions in 2020. This significant decline in prelitigation letters is also illustrated in Table 1.

As noted in the Commission's 2019 Annual Report, the Commission speculates that the reason behind the apparent decline in prelitigation letters may be an unintended consequence of California Civil Code § 55.3, which required attorneys to file litigation complaints rather than serving prelitigation letters. Additionally, effective Jan. 1, 2019, attorneys are no longer required to submit copies of filed prelitigation letters to the State Bar of California. To maintain consistency with data reported in previous years, the Commission included a numerical summary of prelitigation letters it received in Table 1.

## Court Filing Trends

In 2020, the Commission experienced a slight decrease (0.1%) in the total number of federal case filings. In contrast to state filings, the Commission received eight times more federal case filings, which still represented a 2% decrease in federal case filings from 2019. Interestingly, Table 2 for 2020 also indicates a 33% increase in state filings compared to 2019.

For more detailed analysis on these filing trends, refer to the Case Resolution Reports section starting on page 26. Table 2 outlines the number of federal and state filings received by the Commission from 2018 through 2020, including the corresponding percentages of the total.

**Table 2: 2018-2020 Filings Received by Commission (Federal vs. State)**

Type of Filing Received	2018 Total	2018 Percent	2019 Total	2019 Percent	2020 Total	2020 Percent
Federal	3,433	81%	3,213	91%	3,210	89%
State	788	19%	309	9%	411	11%
<b>Total:</b>	<b>4,221</b>	<b>100%</b>	<b>3,522</b>	<b>100%</b>	<b>3,621</b>	<b>100%</b>

## Electronic Portal System

In December 2019, the Commission launched the Electronic Portal System, which represented the completion of the Commission's 2019 phase two strategic goal to develop an automated public recording tool for evaluation of accessible barrier case filings and Case Resolution Reports (CRRs) throughout the state of California.

The Commission transitioned into the 2020 strategic goal that evaluated the efficiency of case filing and CRR submissions to measure the usage of the electronic filing portal through a digital submission system. Table 3 illustrates completion of phase three from the Commission's 2020 strategic goal to acquire 40% compliance with lawsuit complaint submissions by attorneys in the Electronic Portal System. The Commission surpassed its 40% submission goal with attorneys averaging an 84% compliance rate in their portal submissions.

**Table 3: Electronic Portal System Percentage of Compliance from Law Firms**

<b>Total Submissions</b>	3,633
<b>Total Percentage of Compliance</b>	84%

### **Alleged Construction-Related Physical Access Violations**

A total of 9,533 construction-related physical access violations were alleged from the 3,633 complaints and prelitigation letters received by the Commission in 2020. This total represented a 27% increase when compared to the 7,507 alleged violations received in 2019. The increase is also proportional to the overall increase in the number of complaints received. Table 4 outlines the total number of alleged construction-related physical access violations received by the Commission from 2015-2020.

**Table 4: Total Number of Alleged Construction-Related Physical Violations Received (2015-2020)**

<b>Year</b>	<b>Number of Alleged Construction-Related Physical Violations</b>
<b>2020</b>	9,532
<b>2019</b>	7,507
<b>2018</b>	11,197
<b>2017</b>	10,608
<b>2016</b>	11,468
<b>2015</b>	9,643
<b>Total:</b>	<b>59,955</b>

### **Alleged Non-Construction-Related Physical Access Violations**

Inaccessible websites accounted for all non-construction-related violations received in 2020. Current industry standards have been established by the [World Wide Web Consortium \(W3C\)](#) for Web Content Accessibility Guidelines (WCAG). Unlike in 2019, the Commission did not receive any filings for mobile applications, service animal and program access violations.

The total number of alleged non-construction-related physical violations received in 2020 came solely from 21 website violations. The most identifiable website violations included, but were not limited to, concerns regarding alleged issues pertaining to whether the defendants provided large print, sign language interpreters, access to screen readers, screen caption options, reasonable accommodation policies (including those for service and therapy animals) and required reasonable modification policies.

In several cases sent to the Commission, the plaintiffs alleged that the defendants failed to provide a teletypewriter (TTY) number or the text messaging system for plaintiffs or other individuals who were deaf, hearing impaired, or retained a speech condition. Moreover, the Commission was able to identify alleged violations that also cited that defendants did not modify their websites to eliminate non-readable text that would assist legally blind or visually impaired individuals to use screen reader software, helping to access information on a company's website.

**Table 5: Total Number of Alleged Non-Construction-Related Physical Violations Received (2020)**

Non-Construction-Related Violation	Number of Instances
Website Violation	21
Mobile Application Violation	N/A
Service Animal Violation	N/A
Program Access (rideshare, hand- control, rental bike service)	N/A
<b>Total:</b>	<b>21</b>

### **Highlights of the Top Five Alleged Construction-Related Physical Access Violations from Appendix B's Top 10**

The most frequently alleged construction-related physical access violations comprised a total of 7,048 alleged violations received by the Commission in 2020, representing a 26% increase from 5,614 in 2019. The Commission observed that there were several categories of alleged accessible parking violations ranked within the top five categories of all alleged violations received. The most commonly alleged violation accounted for 1,488 claims. It included noncompliant existing spaces (e.g., excessive slopes/cross-slopes, improper dimensions, etc.). The Commission also identified an 88% increase from 2019, during which there were 791 alleged violations. Appendix B further details the top 10 alleged violations received.

**The Top Five Places of Public Accommodation Where Alleged Access Violations Occurred**  
Based on the case files received by the Commission in 2019, the top five places of public accommodation where alleged violations occurred, as outlined in Appendix D, were: 1) sales and rental establishments, 2) establishments serving food and drink, 3) service establishments, 4) places of lodging and 5) office buildings. In 2019, Commission staff improved the internal categorization of places of public accommodation by including additional categories consistent with the California Building Code. The places of public accommodation categories are detailed in Appendix C.

The Commission also found several trends among the litigated defendants based on the case files received in 2020. The top three defendants with alleged violations included a franchise drug store chain (service establishment), a franchise sandwich shop (establishment serving food and drink), and a franchise hotel chain (place of lodging). These parties coincided with the top five places of public accommodation where alleged violations occurred. Table 6 outlines the ranking of the top 10 litigated defendants. Rank 10 in the top 10 list represents three different categories, with four separate defendants, that accrued the same total number of alleged violations for 2020.

**Table 6: Top 10 Most Frequent Defendants with Alleged Violations**

<b>Rank</b>	<b>General Description of Business and Place of Public Accommodation Category</b>	<b>Number of Filings Received</b>
1	Franchise Drug Store Chain (Service Establishment)	31
2	Franchise Fast Food Chain (Establishment Serving Food or Drink)	31
3	Franchise Hotel Chain (Places of Lodging)	26
4	Franchise Hotel Chain (Places of Lodging)	20
5	Franchise Hotel Chain (Places of Lodging)	14
6	Franchise Gas Station (Service Establishment)	14
7	Franchise Gas Station (Service Establishment)	14
8	Franchise Gas Station (Service Establishment)	13
9	Franchise Gas Station (Service Establishment)	13
10	Gas Station (Service Establishment) Gas Station (Service Establishment) Franchise Retail Establishments (Sales or Rental Establishment) Franchise Grocery Chain (Sales or Rental Establishment)	12
<b>Total:</b>		<b>224</b>

Although the top five alleged places of public accommodation filings only accounted for 224 out of the 3,633 (6%) total case files received, the Commission notes that several of these businesses were comprised of franchises that corresponded to larger corporations throughout California. A current reporting distinction between the parent corporations and/or other corporation relationships is not available.

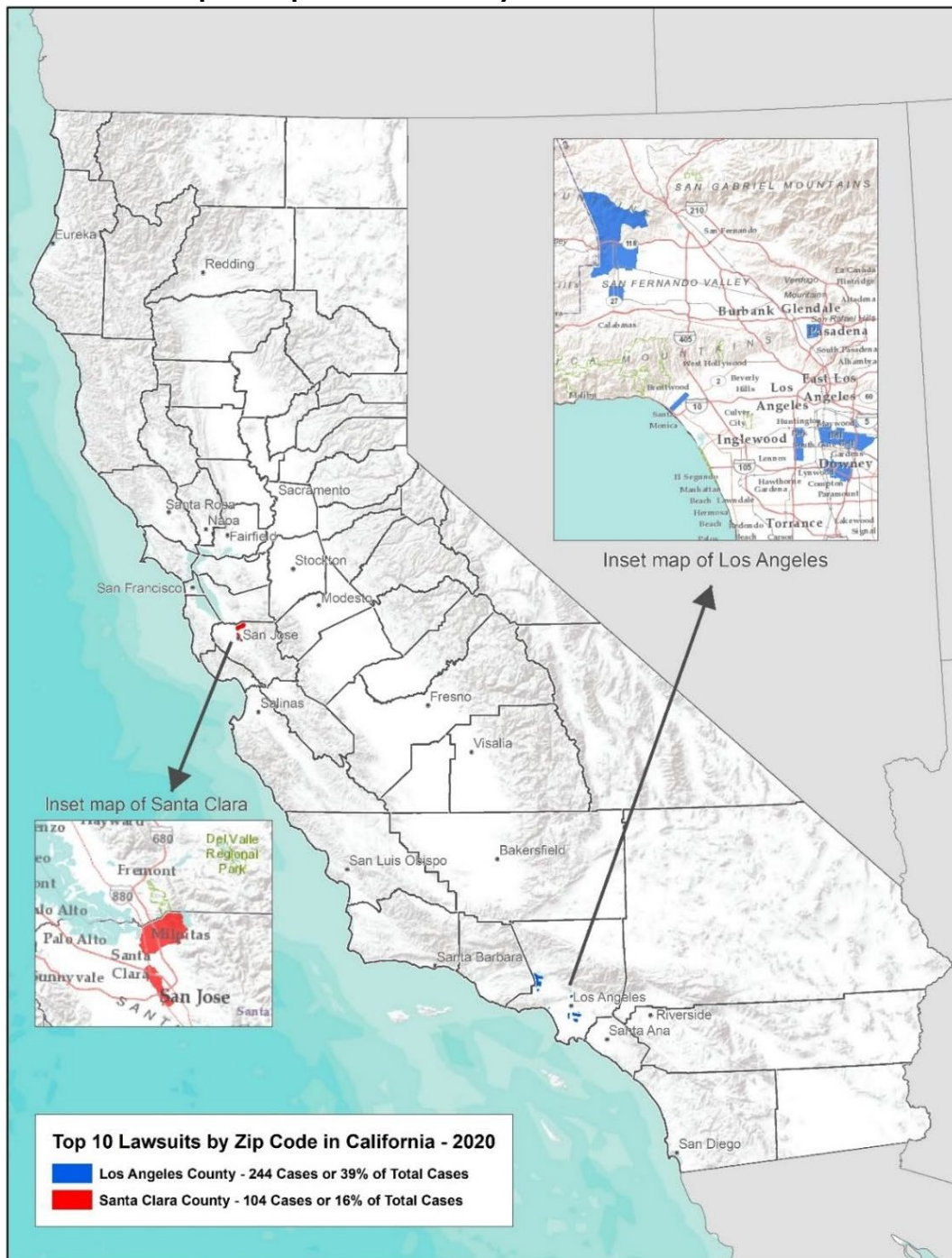
In 2020, the top five ranked ZIP codes that reported alleged disability access violations were in both Santa Clara and Los Angeles counties. They included: 95112, 95035, 90201, 90262 and 90255. The top 10 ZIP codes from which complaints were received are outlined in Table 7, along with their corresponding cities and neighborhoods.

**Table 7: Top 10 Zip Codes of Complaints Received (2020)**

Ranking	Zip Code	City (Region)	Corresponding Local Neighborhoods (Districts)
1	95112	San Jose	Almaden Valley, Alviso, Evergreen, Mayfair, Naglee Park, Willow Glen
2	95035	Milpitas	Fremont, San Jose
3	90201	Bell Gardens	Bell, Commerce, Cudahy, Downey, Maywood, South Gate
4	90262	Lynwood	Compton, East Compton, Florence-Firestone, Paramount, South Gate, Watts, Willowbrook
5	90255	Huntington Park	Bell, Central-Alameda, Cudahy, Florence-Firestone, Maywood, South Gate, Vernon, Walnut Park
6	90403	Santa Monica	Downtown Santa Monica, Mid-City, North of Montana, Northeast Santa Monica, Wilshire-Montana, Brentwood
7	90003	Florence	Broadway-Manchester, Central-Alameda, Florence-Firestone, Green Meadows, South Park, Vermont Knolls, Vermont-Slauson, Vermont Square, Vermont Vista
8	91205	Glendale	Atwater Village, Burbank, Eagle Rock, Glassell Park, Griffith Park, La Cañada Flintridge, La Crescenta-Montrose, Pasadena, Shadow Hills, Tujunga, Tujunga Canyons
9	91311	Chatsworth	Canoga Park, Chatsworth Reservoir, Northridge, Porter Ranch, Unincorporated Santa Susana Mountains, West Hills, Winnetka
10	91303	Canoga Park	Chatsworth, Chatsworth Reservoir, West Hills, Winnetka, Woodland Hills

The map below, Inset 1, depicts the top 10 ZIP codes where alleged violations occurred.

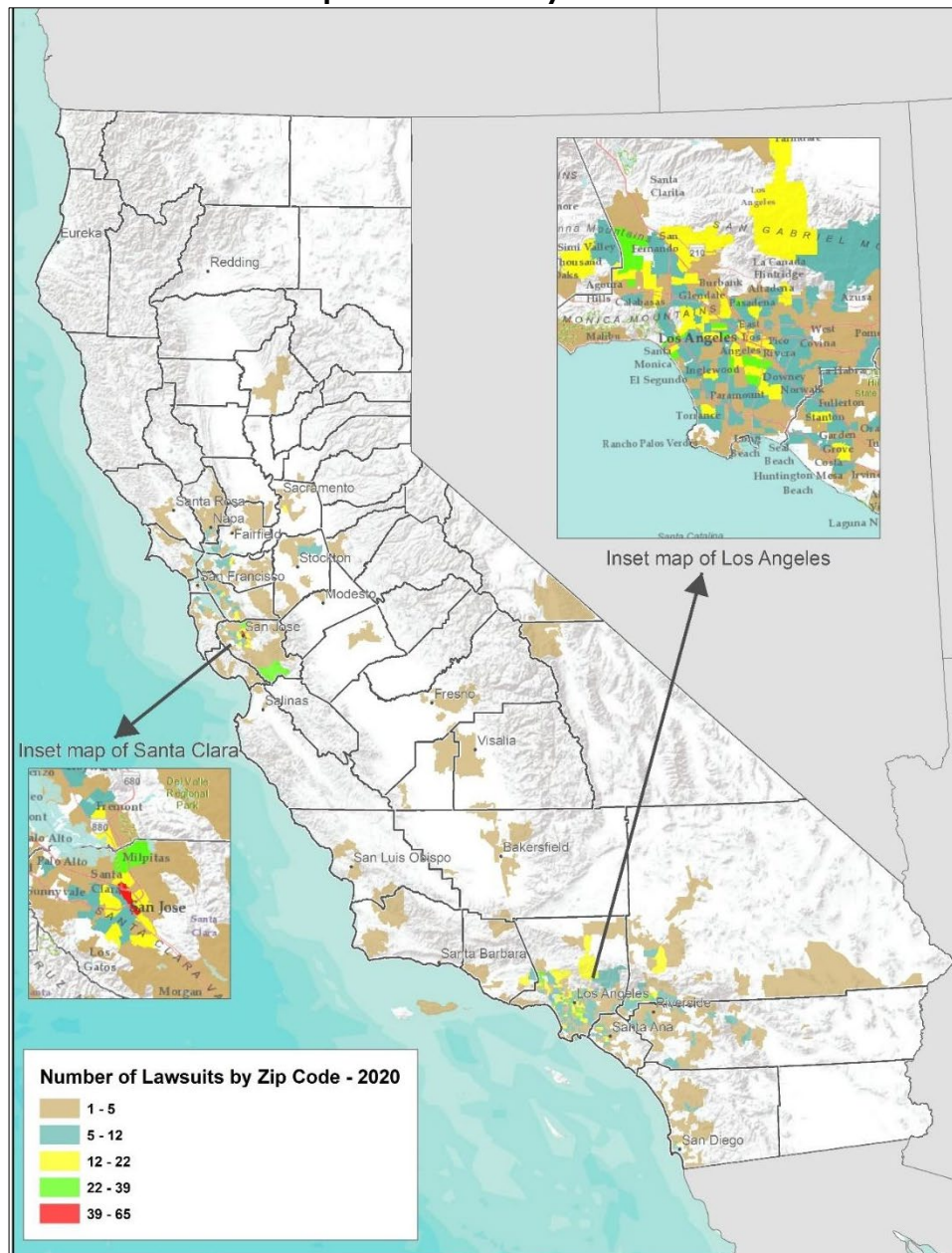
**Inset 1: Map of Top 10 Lawsuits by ZIP Code in California – 2020**





The map for Inset 2 represents the number of frequent lawsuits by ZIP code. The most frequently ranked ZIP code for complaints received by the Commission was 95112 in Northern California's City of San Jose. The second-highest ranking ZIP code, 95035, was in the Bay Area region of Milpitas, California. Similar to the 2019 complaints received by the Commission, the remaining regions that corresponded to frequently received complaints resided in various Southern California urban cities. The top-ranking Southern California ZIP code was 90201, which is based in Bell Gardens.

**Inset 2: Map of Lawsuits by ZIP Code – 2020**





### Volume of State and Federal Complaints Received from Law Firms

There were 3,633 state and federal complaints received by the Commission in 2020, of which 2,883 (79%) were filed by five law firms. Four of the five law firms (the top ranking representing over half of the state and federal submitted complaints) were based in Southern California, while the fifth was attributed to an out-of-state law firm.

**Table 8: Volume Ranking of State and Federal Filings by Top Five Law Firms**

Ranking	Percentage of 2020 Filings Received
1	51%
2	12%
3	7%
4	5%
5	4%
<b>Total:</b>	<b>79%</b>

### Case Resolution Reports

#### Data Overview – Case Resolution Reports

In 2020, the Commission received 1,295 state and federal CRRs that represented a 23% decrease from 2019, which totaled 1,673. The year 2020 also experienced a 32% decline in federal CRR submissions to the Commission, compared to 2019, retaining only 1,397 CRRs. However, in 2020 the Commission also identified a 24% increase in state CRR submissions. Table 10 outlines the number of CRRs received by type of court filing between 2015-2020.

**Table 9: Case Resolution Reports Received by Type of Court Filing (2015-2020)**

Type of Complaint	2020	2019	2018	2017	2016	2015
Federal	954	1,397	1,403	1,308	1,391	285
State	341	276	413	468	483	111
Not Stated	15	12	16	22	184	142
Not Processed	N/A	10	57	N/A	N/A	N/A
<b>Total:</b>	<b>1,310</b>	<b>1,695</b>	<b>1,889</b>	<b>1,870</b>	<b>2,058</b>	<b>538</b>

Based on information collected from the CRRs received in 2020, the federal cases submitted in California district courts generally had higher and faster settlement rates compared to the complaints filed within the state courts. In 2020, the Commission was able to identify that the federal cases submitted took an average of four months to resolve.

**Table 10: 2020 Federal and State Average Time for Case Resolution (in Months)**

Month of Resolution	Federal Average of Time for Case Resolution (in Months)	State Average of Time for Case Resolution (in Months)
January	4.27	6.77
February	4.32	6.81
March	5.21	5.41
April	3.98	10.06
May	3.78	6.25
June	5.07	4.93
July	5.67	5.03
August	4.07	6.00
September	4.11	5.63
October	3.12	4.31
November	4.98	6.42
December	3.44	8.05
<b>Average:</b>	<b>4.33</b>	<b>6.30</b>

### **Manner of Case Resolution Type**

Construction-related access claim resolutions fall into one of three categories: settlement, judgment, or dismissal. In 2020, the Commission recognized that settlements were reached in 78.6% of the CRRs received. Dismissals were granted in 14.5% of case filings, and judgments were handed down in 6.8% of the CCRs received (see Table 11). The high percentage of settlements compared to the low rates of judgments indicate that most plaintiffs and defendants chose to resolve their dispute prior to reaching an official court judgment.

**Table 11: Percentage of Case Resolution Reports by Type (2020)**

<b>Manner of Resolution</b>	<b>Instances</b>	<b>Percentage</b>
Settlement	1,127	78.6%
Dismissal	208	14.5%
Judgment	98	6.8%
<b>Total:</b>	<b>1,433</b>	<b>100%</b>

## **Construction-Related Access Barrier Remediation**

In 2020, the Commission identified 9,532 alleged construction-related physical violations from 3,633 case files. In consideration of the COVID-19 pandemic's effects on case filing submissions, the Commission identified multiple case resolution reports wherein the business status of the defendant(s) indicated permanent closure to the public. The Commission also identified multiple clauses in the CRR injunctive relief agreements that indicated they would be subject to an extension for any period of time during which the federal, state, or local authorities implement a shelter-in-place order, or otherwise interfere with the defendant's ability to perform the designated changes.

## **Supplemental Case Resolution Report Information**

In 2019, only 1% of the defendants requested an early evaluation conference after being served a construction-related access claim. In 2020, the Commission did not see a change from the amount that was initially reported in 2019. Therefore, the total has remained at 1%. In 2019, the Commission speculated that a possible reason for this small percentage of requests for a stay in proceedings and an early evaluation conference may be due to the difficulty of fulfilling the requirements of California Civil Code §55.54. Under this provision, defendants are only eligible for an early evaluation conference if they obtained a Certified Access Specialist (CAsp) report prior to the lawsuit, they are a small business, or their facility contains new construction. Even if eligible, the defendant would still need to provide evidence demonstrating correction of the alleged violation(s) within a certain time frame.

## **Conclusion**

In 2020, the Commission was able to capture and analyze a variety of complaints and CRR data that will continue to help support the disability access learning opportunities for businesses of public accommodation. Interestingly, the Commission was able to identify only slight reduction shifts in COVID-19 pandemic case filing submission behavior.

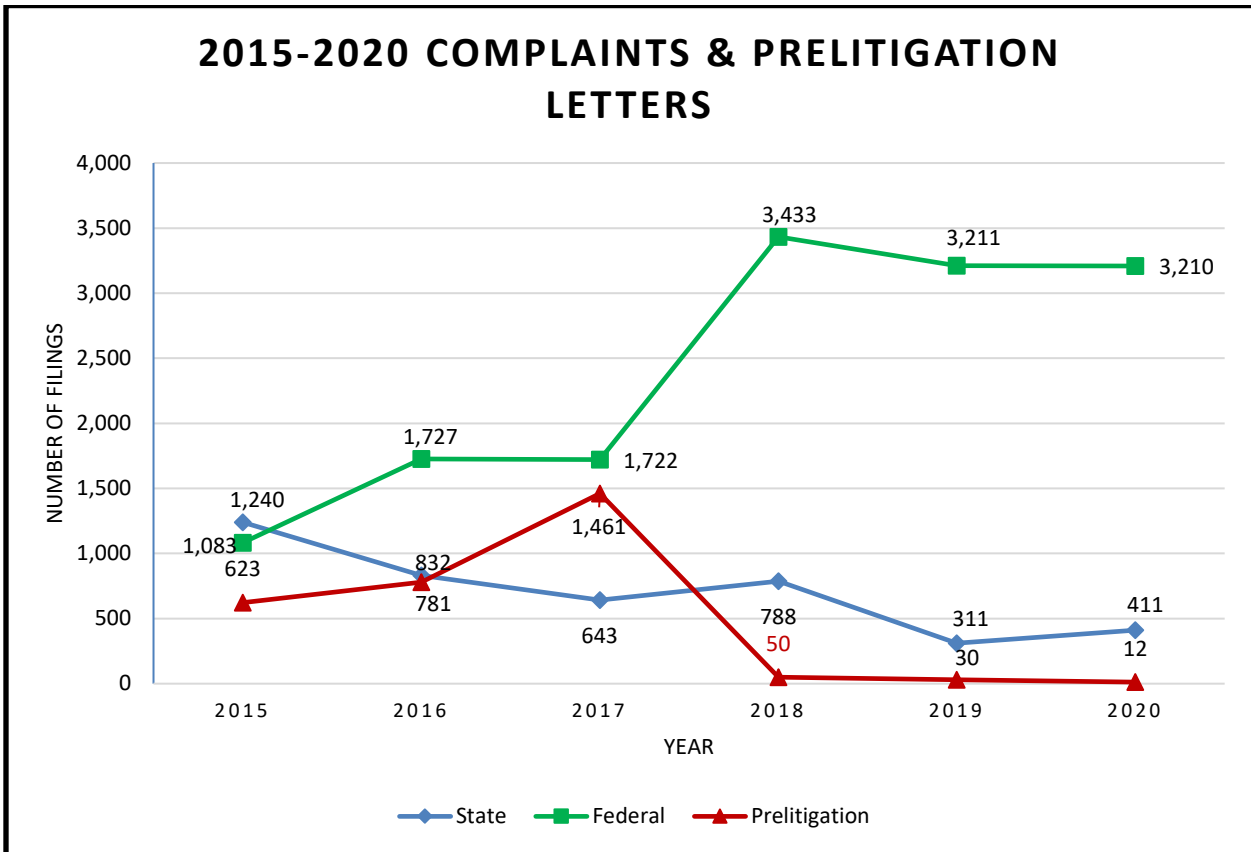
A compelling shift in report findings was also evident in examining the predominant ZIP code regions where most of the public accommodation violations occurred. In 2020, the alleged violations were divided between Northern and Southern California; San Jose retained the first rank for the top 10 ZIP codes of complaints received, and Bell Gardens – in southeast Los Angeles – represented its Southern California counterpart. Another significant revelation was that the most frequent alleged violation was attributed to the parking category. These occurrences were derived specifically from a total of 9,553 documented violations, and noncompliant existing spaces (e.g., excessive slopes/cross-slopes, improper dimensions, and striping, among others) ranked the highest.

Finally, a major accomplishment was the completion of the Commission's phase three 2020 strategic goal of testing the automated electronic portal system via attorney case filings and CRRs. This process remained consistent throughout the beginning stages of the COVID-19 pandemic. The Commission recognized an average 84% submission rate for attorneys who remained in compliance with submitting complaints to the Commission within five business days. The Commission has completed the development of a revised strategic direction to guide its efforts over the next five years. This direction is reflective of the Commission's strengths, opportunities, and aspirations.

In summary, the Commission will continue to increase disability access awareness through

training and toolkit development – including providing data on access compliance – and to seek the promotion of funding to remove physical access barriers within our communities. The Commission looks forward to partnerships and outcomes from these efforts to achieve an accessible, barrier-free California for all.

## Appendix A: 2015-2020 Case Files & Prelitigation Letters Received by Commission



Since 2015, the Commission has observed a steady decrease in the number of state complaints received and significant increases in the number of federal complaints received. The amount of prelitigation letters received saw a sharp decline in 2017.

## Appendix B: 2020 Top 10 Alleged Violations

Rank #	Violation Description	Total Number of Violations	Percent of Total
1.	<b>Parking:</b> Existing spaces are noncompliant (e.g., excessive slopes/cross-slopes, improper dimensions, striping, etc.).	1,488	16%
2.	<b>Access Within Public Facility:</b> Access height. Heights of surfaces such as counters, bars, or tables are not compliant.	1,076	11%
3.	<b>Parking:</b> Van-accessible and/or loading zones are noncompliant or nonexistent.	924	10%
4.	<b>Path of Travel – Exterior:</b> Vertical transitions (ramps and/or stairs) are not compliant (e.g., excessive slope/cross-slope; landings are noncompliant; lack of guardrails and/or wheel guard, etc.)	798	8%
5.	<b>Path of Travel – Exterior:</b> Routes to and from parking lot or public right-of-way are not accessible (e.g., noncompliant surfaces; excessive slope/cross-slope; lack of detectable warnings; not protected from traffic, etc.).	627	7%
6.	<b>Parking:</b> Designated accessible directional and/or parking signage is missing or noncompliant.	613	6%
7.	<b>Path of Travel – Interior:</b> Path of travel is not accessible (e.g., noncompliant surfaces, excessive slope/cross-slope, etc.).	455	5%
8.	<b>Path of Travel – Exterior:</b> An obstacle is in the accessible path of travel that creates an access barrier.	429	5%
9.	<b>Parking:</b> Insufficient number of designated accessible spaces.	367	4%
10.	<b>Path of Travel – Exterior:</b> Accessible path of travel is too far away or segregated from the main public entry.	271	3%
<b>Total:</b>		<b>7,048</b>	<b>74%</b>

## Appendix C: Place of Public Accommodation Categories

**“PLACE OF PUBLIC ACCOMMODATION.”** According to the 2019 California Building Code, Title 24, Part 2, Volume 1 of 2, Chapter 2 (Section 202; Definitions), a place of public accommodation is a facility operated by a private entity whose operations affect commerce and fall within at least one of the following categories:

1. **Places of Lodging:** Except for an establishment located within a facility that contains not more than five rooms for rent or hire and that is occupied by the proprietor of the establishment as the residence of the proprietor. For purposes of this code, a facility is a “place of lodging” if it is
  - a. An inn, hotel or motel; or
  - b. A facility that
    - i. Provides guest rooms for sleeping for stays that primarily are short term in nature (generally 30 days or less) where the occupant does not have the right to return to a specific room or unit after the conclusion of his or her stay; and
    - ii. Provides guest rooms under conditions and with amenities similar to a hotel, motel, or inn, including the following:
      1. On- or off-site management and reservations service;
      2. Rooms available on a walk-up or call-in basis;
      3. Availability of housekeeping or linen service; and
      4. Acceptance of reservations for a guest room type without guaranteeing a particular unit or room until check-in, and without a prior lease or security deposit.
2. **Establishments Serving Food or Drink:** A restaurant, bar, or other establishment serving food or drink.
3. **Places of Exhibition or Entertainment:** A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment.
4. **Places of Public Gathering:** An auditorium, convention center, lecture hall, or other place of public gathering.
5. **Sales or Rental Establishments:** A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment.
6. **Service Establishments:** A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment.
7. **Public Transportation:** A terminal, depot, or other station used for specified public transportation.
8. **Places of Public Display or Collection:** A museum, library, gallery, or other place of public display or collection.
9. **Places of Recreation:** A park, zoo, amusement park, or other place of recreation.
10. **Places of Education:** A nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education.
11. **Social Service Center Establishments:** A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment.
12. **Places of Exercise or Recreation:** A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.
13. **A Religious Facility**
14. **An Office Building**
15. **A Public Curb or Sidewalk**



## Appendix D: Complaints and Prelitigation Letters Received by Places of Public Accommodation (2017-2020)

Place of Public Accommodation Category	2020 Total	2020 Percent	2019 Total	2019 Percent	2018 Total	2018 Percent	2017 Total	2017 Percent
Sales or Rental Establishments	1,358	35.7%	1,261	35.0%	1,334	30.8%	1,453	38.0%
Establishments Serving Food or Drink	1,317	35.7%	1,180	32.7%	1,189	27.5%	727	19.0%
Service Establishments	602	16.3%	748	20.7%	1,030	23.9%	1,343	35.1%
Places of Lodging	294	8.0%	259	7.2%	661	15.4%	250	6.5%
Other <sup>1</sup>	23	0.6%	52	1.4%	4	0.1%	N/A	N/A
Multifunctional Categories (e.g., Cellular provider/store, Casinos, etc.)	0	0.0%	28	0.8%	N/A	N/A	N/A	N/A
Public Transportation Terminals, Depots, or Stations	7	0.2%	20	0.6%	28	0.7%	2	0.1%
Place of Exhibition or Entertainment	9	0.2%	17	0.5%	19	0.4%	12	0.3%
Places of Exercise or Recreation	2	0.1%	16	0.4%	26	0.6%	31	0.8%
Places of Recreation	6	0.2%	9	0.4%	12	0.3%	2	0.1%
An Office Building	31	0.8%	6	0.2%	N/A	N/A	N/A	N/A

<sup>1</sup>This category includes non-construction-related business categories, such as websites, mobile apps or business categories. These are not listed under Title 24 of the California Building Standards, such as marijuana or cannabis dispensaries

Place of Public Accommodation Category	2020 Total	2020 Percent	2019 Total	2019 Percent	2018 Total	2018 Percent	2017 Total	2017 Percent
Places of Education (Non-Title III)	4	0.1%	3	0.1%	3	0.1%	2	0.1%
Places of Education (Title II)	0	0.0%	3	0.1%	4	0.1%	N/A	N/A
Social Service Center Establishments	2	0.1%	1	0.0%	3	0.1%	1	0.0%
Places of Public Gathering	10	0.3%	1	0.0%	4	0.1%	1	0.0%
Places of Public Display or Collection	1	0.0%	1	0.0%	3	0.1%	2	0.1%
Public Curb or Sidewalk	18	0.5%	1	0.0%	N/A	N/A	N/A	N/A
Religious Facility	0	0.0%	0	0.0%	N/A	N/A	N/A	N/A
<b>Total:</b>	<b>3,685</b>	<b>100%</b>	<b>3,606</b>	<b>100%</b>	<b>4,320</b>	<b>100%</b>	<b>3,826</b>	<b>100%</b>

## Appendix E: Case Resolution Report Questions and Responses (2019-2020)

### 2019 Case Resolution Report Responses

Questions	Yes	Percent Yes	No	Percent No
Defendant requested an early evaluation conference	21	1%	1,659	99%
Defendant requested a site inspection by a Certified Access Specialist	134	8%	1,537	92%
Plaintiff received injunctive relief	1,352	83%	278	17%
Another favorable result was achieved	612	43%	807	57%
Plaintiff received damages or monetary settlement	899	90%	97	10%

### 2020 Case Resolution Report Responses

Questions	Yes	Percent Yes	No	Percent No
Defendant requested an early evaluation conference	14	1%	1,289	99%
Defendant requested a site inspection by a Certified Access Specialist	114	9%	1,185	91%
Plaintiff received injunctive relief	992	77%	296	23%
Another favorable result was achieved	367	34%	716	66%
Plaintiff received damages or monetary settlement	980	90%	109	10%

## Appendix F: Commissioner Roster

Name	Represents	Original Oath Date	Current Appointment Term	Appointed By
Guy Leemhuis (Chair)	Public/Disability	5/8/2013	1/1/2018 - 1/1/2021	Senate
Douglas Wiele (Vice Chair)	Public/Business Properties Association	9/19/2013	1/1/2020- 1/1/2023	Governor
Christopher Downey <sup>2</sup>	Public/Disability	9/19/2013	1/1/2018 - 1/1/2021	Governor
M. Scott Lillibridge	Public/General Business	2/14/2018	1/1/2018 - 1/1/2021	Governor
Souraya Sue ElHessen	Public/Disability	3/10/2020	1/1/2020 – 1/1/2022	Governor
R. Michael Paravagna	Public/Disability	9/19/2013	1/1/2020 - 1/1/2023	Governor
Jacqueline Jackson	Public/Disability	10/13/2020	1/1/2020 - 1/1/2022	Governor
Dillard Drake	Public/General Business	12/15/2020	1/1/2020 - 1/1/2022	Governor

<sup>2</sup> The Commission is required by law to annually elect from its membership a chairperson who must, as required by Government Code § 14985.2 (b), be a representative from the disability community and a vice chairperson who also must be elected from the membership as a representative of the business community. On Oct. 21, 2020, during the full Commission Meeting, Commissioner Christopher Downey was elected as chair of the Commission and Commissioner Douglas Wiele was re-elected as vice chair.

<b>Name</b>	<b>Represents</b>	<b>Original Oath Date</b>	<b>Current Appointment Term</b>	<b>Appointed By</b>
Brian Holloway	Public/General Business	2/16/2017	1/1/2020 - 1/1/2023	Senate
Tiffany Allen	Public/Disability	7/26/2017	1/1/2017 - 1/1/2020	Assembly
Karla Prieto	Public/General Business	6/20/2018	1/1/2018 - 1/1/2021	Assembly
Jim Frazier	Assembly/ Ex- Officio	2/14/2018	N/A	N/A
Tom Lackey	Assembly/ Ex- Officio	2/29/2016	N/A	N/A
Melissa Hurtado	Senate/Ex-Officio	3/13/2019	N/A	N/A
Brian Jones	Senate/Ex-Officio	7/1/2020	N/A	N/A
Anthony Seferian	Attorney General Office/Ex-Officio	5/26/2009	N/A	N/A
Ida Clair	Division of the State Architect/Ex- Officio	1/8/2019	N/A	N/A

## Appendix G: Commission Subcommittees

**Guy Leemhuis – Commission Chair**  
**Douglas Wiele – Commission Vice Chair**

Committee Name	Committee Chair	Committee Vice Chair
Executive	Guy Leemhuis	Douglas Wiele
Legislative	R. Michael Paravagna	N/A
Research <sup>3</sup>	Vacant	Vacant
Education & Outreach	Christopher Downey	N/A
Checklist	Brian Holloway	Vacant

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<sup>3</sup> Meetings of the Research Committee were placed on hold in 2019. During the full Commission Meeting on Oct. 21, 2020, the following were elected: Commissioner Chris Downey was elected chair of both the Commission and the Executive Committee; Commissioner Douglas Wiele was re-elected as vice chair of the Commission, thus remaining vice chair of the Executive Committee; Commissioner Souraya Sue ElHessen was elected as chair of the Education and Outreach Committee; and Commissioner Guy Leemhuis accepted the ex-officio seat of past-immediate chair of the Commission.

## Appendix H: Summary of Five-Year Strategic Goals

### 2020-2024 Goals

Goal	Purpose
1. Increase disability access awareness.	Many members of the disability community are not readily identifiable and disability types come in all forms—visible and nonvisible. As California's diverse population continues to grow and change, a greater percentage of society will need built environments that are barrier-free. Accessibility compliance is sometimes viewed as unnecessary and applicable to a very small minority of entities. Business owners, nonprofits, and other organizations are often unaware of applicable state and federal compliance requirements—or if they are aware, they may be unsure of what compliance looks like. This goal seeks to raise awareness of access issues and the availability of tools to support accessibility in the built environment.
2. Continue to provide training programs and toolkits for targeted stakeholders.	This goal seeks to address the need for providers of places of public accommodation to learn about access issues, including available resources and support to make disability access modifications.
3. Identify and promote revenue streams to fund physical access compliance.	There are limited resources available to offset the financial cost of access compliance issues. This goal speaks to the need to identify available programs that support efforts to mitigate accommodation costs and incentivize access compliance.
4. Maintain data on status of access compliance.	Information on the status of access compliance will help stakeholders be more aware of ADA requirements and what compliance looks like. There are questions as to what information exists on compliance successes and where opportunities exist to create greater access, not to mention outcomes from state and federal accessibility lawsuits. The purpose of this goal is to provide relevant information and data on the status of access compliance throughout California.

## Appendix I: Summary of 2020 One-Year Strategic Goals

Goal	Purpose
1. Develop educational tools for small businesses to promote and facilitate disability access compliance.	In support of CCDA's legislative mandate to prioritize the development and dissemination of educational materials and information, CCDA will complete two educational tools for small businesses to promote and facilitate disability access compliance. The key customer products from this effort will be a comprehensive disability access toolkit and short-form informational sheets for businesses seeking accessibility compliance. These educational tools, including versions in alternative formats, will be made available on the CCDA website. This goal will benefit the business community and local government agencies by promoting disability access at places of public accommodation.
2. Implement phase three of the Electronic Data Collection Project; increase electronic submissions to 40% (2,978).	CCDA developed the Electronic Data Collection Project to make its review of prelitigation letters, complaints, and case resolution reports for construction-related accessibility claims more efficient and environmentally friendly, and to promote better data analysis. In 2018 and 2019, CCDA completed phase 1 and phase 2 of the project by implementing an electronic transfer and storage process for previously reviewed files, as well as launching a web-based portal that allows the legal community to submit claims electronically to CCDA.  In 2020, CCDA will enter the third phase of this effort through a multi-pronged marketing strategy to reduce the amount of paper submissions via U.S. mail and email.



## References

Top 10 ZIP Codes of Complaints Received (2020)

ZIP Code: 95112 (San Jose)  
[San Jose.Org Neighborhoods](#)

ZIP Code: 95035 (Milpitas)  
[United States Zip Codes.Org](#)

ZIP Code: 90201 (Bell Gardens)  
[Los Angeles Times – Bell Gardens – Mapping Los Angeles - Southeast](#)

ZIP Code: 90262 (Lynwood)  
[Los Angeles Times – Lynwood – Mapping Los Angeles -Southeast](#)

ZIP Code: 90255 (Huntington Park)  
[Los Angeles Times – Huntington Park- Mapping Los Angeles - Southeast](#)

ZIP Code: 90403 (Santa Monica)  
[Los Angeles Times – Santa Monica – Mapping Los Angeles- Westside](#)

ZIP Code: 90003 (Florence)  
[Los Angeles Times – Florence – Mapping Los Angeles – South Los Angeles](#)

ZIP Code: 91205 (Glendale)  
[Los Angeles Times – Glendale – Mapping Los Angeles - Verdugos](#)

ZIP Code: 91311 (Chatsworth)  
[Los Angeles Times – Chatsworth – Mapping Los Angeles – San Fernando Valley](#)

ZIP Code: 91303 (Canoga Park)  
[Los Angeles Times – Canoga Park - Mapping Los Angeles – San Fernando Valley](#)

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<https://www.dgs.ca.gov/CCDA>

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[California Commission on Disability Access website](https://www.dgs.ca.gov/CCDA):  
<https://www.dgs.ca.gov/CCDA/Resources>.