

Current Five-Year Strategic Plan Goals Evaluated using Governing Statutes

Goals to Delete/Discontinue in 2019

Goal 1: Advocate for access curricula for all school programs.

Corresponding governing statute(s): None tangible enough to support goal.

Staff Recommendation: CCDA staff recommends to discontinue efforts on this goal in 2019. There are no corresponding governing statutes, and CCDA does not have the resources to continue this goal.

Goal 5: Create financial and other incentives for access compliance.

Corresponding governing statute(s): None tangible enough to support goal.

Staff Recommendation: CCDA staff recommends to discontinue efforts on this goal in 2019. CCDA has in the past partnered with other state agencies and the Legislature in support of financial access projects (California Capital Access Program (CalCAP) Americans With Disabilities Act (ADA) Financing Program and Assemblymember Thurmond on [AB 1379, Chapter 667, Statutes of 2017.](#))

There are no corresponding governing statutes, and CCDA does not have the legislative authority to create financial and other incentive programs.

Goal 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.

Corresponding governing statute(s): None tangible enough to support goal.

Staff Recommendation: CCDA staff recommends to discontinue efforts on this goal in 2019. There are no corresponding governing statutes, and CCDA does not have the resources to continue this goal in examining policy issues.

Goal 9: Expand methods of identification, obligation, and enforcement of barrier removal in the built environment.

Corresponding governing statute(s): None tangible enough to support goal.

Staff Recommendation: CCDA staff recommends to discontinue efforts on this goal in 2019. There are no corresponding governing statutes, and the Certified Access Specialist (CASP) program is managed by the Division of the State Architect (DSA). State legislation has also been passed in recent years to address this goal (e.g. [AB 2093, Chapter 379, Statutes of 2016](#) and [AB 1148, Chapter 87, Statutes of 2017](#)).

Goals to Continue in 2019/Move Forward to New Strategic Plan

Goal 2: Increase disability access awareness.

Corresponding governing statute(s): Government Code section [14985.5](#)

14985.5.

(a) The commission may recommend, develop, prepare, or coordinate materials, projects, or other activities, as appropriate, relating to any subject within its jurisdiction.

(b) The commission shall provide, within its resources, information regarding any of the following:

(1) Preventing or minimizing problems of compliance by California businesses by providing educational services, including outreach efforts, and by preparing and hosting on its Internet Web site a Guide to Compliance with State Laws and Regulations Regarding Disability Access Requirements.

(2) Recommending programs to enable persons with disabilities to obtain full and equal access to public facilities.

(3) Providing information as requested by the Legislature on disability access issues and compliance.

(Added by Stats. 2017, Ch. 19, Sec. 15. (AB 111) Effective June 27, 2017. Pursuant to Section 14985.11, continuing operation is contingent upon funding.)

Staff Recommendation: CCDA staff recommends the Commission continue this goal in 2019 and carry it forward to a new strategic plan.

Who: CCDA would fulfill this goal through its staffing, membership, and subcommittee resources.

Implementation Methods and Frequency: CCDA staff is seeking guidance from Commissioners on how often material coordination, projects, and other activities should occur. The Legislative, Checklist, and Education & Outreach subcommittee currently have activities planned in support of Goal 1.

Why: CCDA staff is seeking feedback from Commissioners on the statewide impact(s) of this goal and specific measurable objectives. While we recommend this goal to remain, there is opportunity to remove this goal as it is an overarching goal for every effort of CCDA.

Goal 3: Create training programs for targeted constituencies.

Corresponding governing statute(s): Government Code section [14985.6](#)

14985.6.

(a) A priority of the commission shall be the development and dissemination of educational materials and information to promote and facilitate disability access compliance.

(b) The commission shall work with other state agencies, including the Division of the State Architect and the Department of Rehabilitation, to develop educational materials and information for use by businesses to understand its obligations to provide disability access and to facilitate compliance with construction-related accessibility standards.

(c) The commission shall develop and make available on its Internet Web site, or make available on its Internet Web site if developed by another governmental agency, including Americans with Disabilities Act centers, toolkits or educational modules to assist a California business to

understand its obligations under the law and to facilitate compliance with respect to the top 10 alleged construction-related violations, by type, as specified in subdivision (a) of Section 14985.8. Upon completion of this requirement, the commission shall develop and make available on its Internet Web site, or work with another agency to develop, other toolkits or educational modules that would educate businesses of the accessibility requirements and to facilitate compliance with that requirement.

(d) The commission shall post the following on its Internet Web site:

(1) Educational materials and information that will assist building owners, tenants, building officials, and building inspectors to understand the disability accessibility requirements and to facilitate compliance with disability access laws. The commission shall at least annually review the educational materials and information on disability access requirements and compliance available on the Internet Web site of other local, state, or federal agencies, including Americans with Disabilities Act centers, to augment the educational materials and information developed by the commission.

(2) A link to the Internet Web site of the Division of the State Architect's certified access specialist (CAsp) program to assist building owners and tenants in locating or hiring a CAsp.

(e) The commission shall, to the extent feasible, coordinate with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete, and make its educational materials and information available to those agencies and departments.

(Added by Stats. 2017, Ch. 19, Sec. 15. (AB 111) Effective June 27, 2017. Pursuant to Section 14985.11, continuing operation is contingent upon funding.)

Staff Recommendation: CCDA staff recommends the Commission continue this goal in 2019 and carry it forward to a new strategic plan.

Who: CCDA would fulfill this goal through its staffing, membership, and subcommittee resources with technical expertise needed to develop educational modules and toolkits.

Implementation Methods and Frequency: CCDA staff is seeking guidance from Commissioners on how often educational materials will be developed and how often the Commission will coordinate with other state agencies and local building departments. Statute requires educational materials posted on CCDA's website to be reviewed annually.

Why: CCDA staff is seeking feedback from Commissioners on the statewide impact(s) of this goal.

Goal 4: Create and identify revenue streams to fund access needs (subject to increased CCDA staffing).

Corresponding statute(s): Government Code section [14985.4](#)

14985.4.

The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter, including, but not limited to, the following:

(e) To accept any federal funds granted by an act of Congress or by executive order for any purpose of this chapter.

(f) To accept any gift, donation, grant, or bequest for any purpose of this chapter.

(Added by Stats. 2017, Ch. 19, Sec. 15. (AB 111) Effective June 27, 2017. Pursuant to Section 14985.11, continuing operation is contingent upon funding.)

Staff Recommendation: CCDA staff recommends the Commission continue this goal in 2019 and carry it forward to a new strategic plan.

Who: CCDA would fulfill this goal through local-private partnerships.

Implementation Methods and Frequency: CCDA has a temporary Special Fund account authorized by the Department of Finance to accept federal funds, gifts, donations, and other grants would be accepted.

Why: CCDA staff is seeking feedback from Commissioners on the statewide impact(s) of this goal and establishing a permanent fund for CCDA.

Goal 6: Explore the development of a state level Americans with Disabilities Act (ADA) Access office.

Corresponding statute(s): Government Code sections [14985.4](#), [14985.6](#), [14985.9](#), [14985.10](#)

14985.4.

The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter, including, but not limited to, the following:

(b) To hold hearings, make and sign any agreement, and do or perform any act, including the collection of relevant information, that may be necessary, desirable, or proper to carry out the purposes of this chapter.

(c) To cooperate with, and secure the cooperation of, any department, division, board, bureau, commission, or other agency of the state to facilitate the proper execution of its powers and duties under this chapter.

(d) To appoint advisers or advisory committees from time to time when the commission determines that the experience or expertise of those advisers or advisory committees is needed for projects of the commission. Section 11009 shall apply to advisers or advisory committees.

(Added by Stats. 2017, Ch. 19, Sec. 15. (AB 111) Effective June 27, 2017. Pursuant to Section 14985.11, continuing operation is contingent upon funding.)

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(c) The commission shall develop and make available on its Internet Web site, or make available on its Internet Web site if developed by another governmental agency, including Americans with Disabilities Act centers, toolkits or educational modules to assist a California business to understand its obligations under the law and to facilitate compliance with respect to the top 10 alleged construction-related violations, by type, as specified in subdivision (a) of Section

14985.8. Upon completion of this requirement, the commission shall develop and make available on its Internet Web site, or work with another agency to develop, other toolkits or educational modules that would educate businesses of the accessibility requirements and to facilitate compliance with that requirement.

(d) The commission shall post the following on its Internet Web site:

(1) Educational materials and information that will assist building owners, tenants, building officials, and building inspectors to understand the disability accessibility requirements and to facilitate compliance with disability access laws. The commission shall at least annually review the educational materials and information on disability access requirements and compliance available on the Internet Web site of other local, state, or federal agencies, including Americans with Disabilities Act centers, to augment the educational materials and information developed by the commission.

(2) A link to the Internet Web site of the Division of the State Architect's certified access specialist (CASp) program to assist building owners and tenants in locating or hiring a CASp.

(e) The commission shall, to the extent feasible, coordinate with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete, and make its educational materials and information available to those agencies and departments.

(Added by Stats. 2017, Ch. 19, Sec. 15. (AB 111) Effective June 27, 2017. Pursuant to Section 14985.11, continuing operation is contingent upon funding.)

14985.9.

With respect to its duties, the commission shall be an advisory commission only, and there shall be no right or obligation on the part of the state to implement the findings of the commission without further legislation that specifically authorizes that the evaluations, determinations, and findings of the commission be implemented.

(Added by Stats. 2017, Ch. 19, Sec. 15. (AB 111) Effective June 27, 2017. Pursuant to Section 14985.11, continuing operation is contingent upon funding.)

14985.10.

The commission shall hire staff or contract for those experts or technical and professional services that may be required for the completion of any task authorized or study required by this chapter. Staff hired pursuant to this section shall be hired in compliance with the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2). Contracts awarded pursuant to this section shall be in compliance with Section 19130. The commission is expressly encouraged and authorized to seek the technical and legal assistance of other state agencies and departments in fulfilling its statutory responsibilities.

(Added by Stats. 2017, Ch. 19, Sec. 15. (AB 111) Effective June 27, 2017. Pursuant to Section 14985.11, continuing operation is contingent upon funding.)

Staff Recommendation: CCDA staff recommends the Commission continue this goal in 2019 and carry it forward to a new strategic plan. This goal is also aligned with CCDA's one-year strategic goal for DGS to conduct a research study on State accessibility and compliance coordination efforts.

Who: CCDA would fulfill this goal through partnership with a research university and members of the Legislative Committee.

Implementation Methods and Frequency: CCDA has identified this as a two-year goal for DGS. Phase 1 would be completed by December 31, 2019 and Phase 2 would be completed by December 31, 2020.

Why: CCDA staff is seeking feedback from Commissioners on the statewide impact(s) of this goal and advisory recommendations for the Legislature.

Goal 8: Maintain data on status of access compliance.

Corresponding statute(s): Government Code section [14985.8](#), Civil Code section [55.32](#)

14985.8.

The commission shall compile the following data with respect to any demand letter or complaint sent to the commission pursuant to Section 55.32 of the Civil Code and post the information on its Internet Web site, pursuant to the following:

(a) The commission shall identify the various types of construction-related physical access violations alleged in the demand letters and in the complaints, respectively, and shall tabulate the number of claims alleged for each type of violation in the demand letters and complaints, respectively. For purposes of this subdivision, any demand for money letters shall be grouped as demand letters.

(b) Periodically, but not less than every six months beginning July 31, 2013, the commission shall post on its Internet Web site a list, by type, of the 10 most frequent types of accessibility violations alleged in the demand letters and in the complaints, respectively, and the numbers of alleged violations for each listed type of violation for the prior two quarters.

(c) The commission shall, on a quarterly basis, identify and tabulate the number of demand letters and complaints received by the commission. The commission shall further ascertain whether a complaint was filed in state or federal court and tabulate the number of complaints filed in state or federal court, respectively. This data shall be posted on the commission's Internet Web site periodically, but not less than every six months beginning July 31, 2013.

(d) Commencing in 2014, and notwithstanding Section 10231.5, the commission shall make an annual report to the Legislature and the Chairs of the Senate and Assembly Committees on Judiciary by January 31 of each year of the tabulated data for the preceding calendar year as set forth in subdivisions (a) to (c), inclusive. A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795.

(Added by Stats. 2017, Ch. 19, Sec. 15. (AB 111) Effective June 27, 2017. Pursuant to Section 14985.11, continuing operation is contingent upon funding.)

55.32.

(a) An attorney who provides a demand letter, as defined in subdivision (a) of Section 55.3, shall do all of the following:

(1) Include the attorney's State Bar license number in the demand letter.

(2) Within five business days of providing the demand letter, send a copy of the demand letter, and submit information about the demand letter in a standard format specified by the California Commission on Disability Access on the commission's Internet Web site pursuant to Section 8299.08.1 of the Government Code, to the commission.

(b) An attorney who sends or serves a complaint, as defined in subdivision (a) of Section 55.3, shall do both of the following:

(1) Send a copy of the complaint and submit information about the complaint in a standard format specified by the California Commission on Disability Access on the commission's Internet Web site pursuant to Section 8299.08.1 of the Government Code to the commission within five business days of sending or serving the complaint.

(2) Notify the California Commission on Disability Access within five business days of judgment, settlement, or dismissal of the claim or claims alleged in the complaint of the following information in a standard format specified by the commission on the commission's Internet Web site pursuant to Section 8299.08.1 of the Government Code:

(A) The date of the judgment, settlement, or dismissal.

(B) Whether or not the construction-related accessibility violations alleged in the complaint were remedied in whole or in part after the plaintiff filed a complaint or provided a demand letter, as defined by Section 55.3.

(C) If the construction-related accessibility violations alleged in the complaint were not remedied in whole or in part after the plaintiff filed a complaint or provided a demand letter, as defined by Section 55.3, whether or not another favorable result was achieved after the plaintiff filed the complaint or provided the demand letter.

(D) Whether or not the defendant submitted an application for an early evaluation conference and stay pursuant to Section 55.54, whether the defendant requested a site inspection, the date of any early evaluation conference, and the date of any site inspection.

(c) A violation of paragraph (2) of subdivision (a) or subdivision (b) shall constitute cause for the imposition of discipline of an attorney if a copy of the demand letter, complaint, or notification of a case outcome is not sent to the California Commission on Disability Access in the standard format specified on the commission's Internet Web site pursuant to Section 8299.08.1 of the Government Code within five business days. In the event the State Bar receives information indicating that an attorney has failed to send a copy of the demand letter, complaint, or notification of a case outcome to the California Commission on Disability Access in the standard format specified on the commission's Internet Web site pursuant to Section 8299.08.1 of the Government Code within five business days, the State Bar shall investigate to determine whether paragraph (2) of subdivision (a) or subdivision (b) has been violated.

(d) Notwithstanding subdivisions (a) and (b), an attorney is not required to send to the California Commission on Disability Access a copy of any subsequent demand letter or amended complaint in the same dispute following the initial demand letter or complaint, unless that subsequent demand letter or amended complaint alleges a new construction-related accessibility claim.

(e) A demand letter or notification of a case outcome sent to the California Commission on Disability Access shall be for the informational purposes of Section 8299.08 of the Government Code. A demand letter received by the State Bar from the recipient of the demand letter shall be reviewed by the State Bar to determine whether subdivision (b) or (c) of Section 55.31 has been violated.

(f) (1) Notwithstanding Section 10231.5 of the Government Code, on or before April 30, 2019, and annually as part of the Annual Discipline Report, no later than April 30 thereafter, the State Bar shall report to the Legislature and the Chairs of the Senate and Assembly Judiciary Committees, both of the following with respect to demand letters received by the State Bar:

(A) The number of investigations opened to date on a suspected violation of subdivision (b) or (c) of Section 55.31.

(B) Whether any disciplinary action resulted from the investigation, and the results of that disciplinary action.

(2) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(g) The California Commission on Disability Access shall review and report on the demand letters, complaints, and notifications of case outcomes it receives as provided in Section 8299.08 of the Government Code.

(h) The expiration of any ground for discipline of an attorney shall not affect the imposition of discipline for any act prior to the expiration. An act or omission that constituted cause for imposition of discipline of an attorney when committed or omitted prior to January 1, 2019, shall continue to constitute cause for the imposition of discipline of that attorney on and after January 1, 2019.

(i) Paragraph (2) of subdivision (a) and subdivision (b) shall not apply to a demand letter or complaint sent or filed by an attorney employed or retained by a qualified legal services project or a qualified support center, as defined in Section 6213 of the Business and Professions Code, when acting within the scope of employment in asserting a construction-related accessibility claim. The Legislature finds and declares that qualified legal services projects and support centers are extensively regulated by the State Bar of California, and that there is no evidence of any abusive use of demand letters or complaints by these organizations. The Legislature further finds that, in light of the evidence of the extraordinarily small number of construction-related accessibility cases brought by regulated legal services programs, and given the resources of those programs, exempting regulated legal services programs from the requirements of this section to report to the California Commission on Disability Access will not affect the purpose of the reporting to, and tabulation by, the commission of all other construction-related accessibility claims.

(j) This section shall become operative on January 1, 2019.

(Amended (as amended by Stats. 2016, Ch. 872, Sec. 2) by Stats. 2018, Ch. 659, Sec. 147. (AB 3249) Effective January 1, 2019.)

Staff Recommendation: CCDA staff recommends the Commission continue this goal in 2019 and carry it forward to a new strategic plan. This goal is also aligned with CCDA's one-year strategic goal for DGS to create an online database of case files received.

Who: CCDA would fulfill this goal through its staffing and members of the Research Committee.

Implementation Methods and Frequency: Statute requires CCDA to post the 10 most frequent types of accessibility violations alleged on its website every six months, to identify and tabulate the number of demand letters and complaints received by the Commission on a quarterly basis (every three months), and make an annual report to the Legislature and the Chairs of the Senate and Assembly Committees on Judiciary by January 31 of each year.

Why: CCDA staff is seeking feedback from Commissioners on the statewide impact(s) of this goal and recommendations on strengthened legislative language needed.