



CCDA

California Commission
on Disability Access

2015 Annual Report to the California State Legislature

**in compliance with Government
Code Sections 8299.07(a) and
8299.08(d)**



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 2032
Sacramento, California 95814

Honorable Speaker of the Assembly
Toni G. Atkins
State Capitol
Room 219
Sacramento, California 94249

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 2015 Annual Report to the California State Legislature in Compliance with Government Code Sections 8299.07 (a) and 8299.08 (d). In 2015, CCDA continued its focus on education, outreach, training, and materials that support and facilitate access compliance. In 2015, the Commission launched our Five-Year Strategic Plan—which was developed at the end of 2014 through the creative and thoughtful input from the disability community, government, business, non-governmental organizations and partners and affiliates— which further support the mission and ongoing efforts of CCDA.

Sincerely,

Commissioner Guy A. Leemhuis

Chair

Commissioner Douglas Wiele

Vice Chair

Angela Jemmott

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.

Preventing or minimizing problems of compliance is the Commission ongoing education and outreach efforts as directed in Government code 8299.05. (b.1). Toward this endeavor of prevention and/or minimizing problems of compliance; the Commission completed the development of a tool in which local building and construction professionals could reference. Indeed, 2014 marked the highly successful completion of the Accessibility Construction Inspection Guild by the Checklist Committee, and became the driving force in 2015 for the Education and Outreach Committee of ensuring that all Building Code Officials and trained Building Inspectors throughout the State received a laminated version of the guide and the awareness of the accessible downloadable version of the guide on the Commission's website. The delivery of the tool created a tremendous networking opportunity for the Commission and dialogue of best practices within the various jurisdictions were shared.

The creation of the Consumer Guide led to the reconfiguration of the Checklist Committee. Similarly as in the creation of the Construction Inspection Checklist, the Commission sought out the appropriate stakeholders and building professionals to craft the "Business Consumer Guide". Recognizing the strongest approach in achieving the appropriate educational tool for a consumer guild, the Commission crafted a survey that was distributed through the gracious use of databases held by *GoBiz*, *Small Business California*, *DGS Small Business/Veterans Division*, and a host of business associations. The rich results of the survey will be used to formulate the educational messages within CCDA Consumer Guide.

Legislative collaboration in 2015 substantially marked a stronger alliance between the Commission and Legislation. The Executive Director, Chairman of the Board, and a few of the members of the Commission met throughout the year to share thoughts and recommendation on pending legislation. Many of the authors use actual CCDA data findings to assist in drafting the language of their bills. The Commission expects to continue to build upon what has begun in 2015 with legislative alliances through the use of Town Hall meetings. These meetings are formatted to bring together the disability and business communities to better understand each other values and issues and to find together workable solutions that would benefit both communities.

Limited Resources. A critical key to achieving a more robust program for the Commission clearly rests with availability of resources. The Commission heavily relies on volunteer staffing and support for critical components of its mission. While the Commission was authorized for one additional staff in the 16-17 FY to carry out the statutory requirements of AB 1521, additional resources (funds and staffing) are still needed to carry out existing statutory requirements executable through the Strategic Plan (APPENDIX J) developed by the Commission's key stakeholders and Board.

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

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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. In 2012, SB1186 (Steinberg) established additional review and reporting of demand letters by the Commission. And at the end in 2015, AB 1521 (Committee on Judiciary) was signed into law as an urgency measure with the requirement for the Commission to additionally collect and study case outcomes.

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

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.

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; the number of complaints filed in state or federal court; filing frequencies; and location frequencies.

2.0

Accomplishments by Committee and Path Forward

EXECUTIVE COMMITTEE

The Executive Committee continues to meet monthly to address operational needs and establish the Commission's agenda. The Executive Committee is made up of the standing committees and Commissioners from our legislative body or their representatives. Currently, that position is vacant and the board is seeking to fill that critical role for the Executive Committee.

EDUCATION AND OUTREACH COMMITTEE

To launch the year, the Committee participated in the Pacific ADA Conference in Oakland to be trained in facility accessibility, emergency preparedness, and accessible information technology, among other topics. A key outcome of the event was meeting individuals, organizations, and companies promoting disability access awareness. The Commission in support of the Department of Rehabilitation (DOR), provided a Spanish translation of the "Boost Your Business" manual and accompanying DVD. The publication is designed to assist small business owners in making businesses accessible to people with disabilities. The Commission maintains a video on our website and will feature the Spanish publication on its website in the near future.

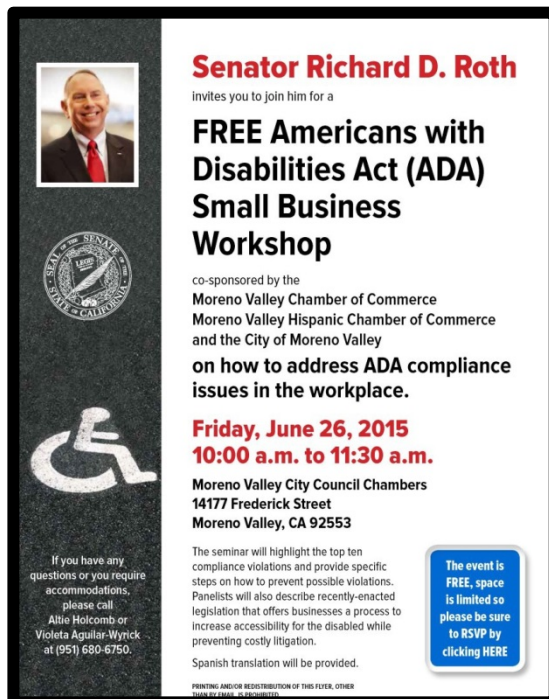
LEGISLATIVE BUSINESS WORKSHOPS

The Commission makes every effort to support legislators to educate their stakeholders throughout California. This year, the Commission supported Northern and Southern California during three events. At the ADA Small Business Workshop hosted by Commissioner Senator Roth in Moreno Valley, the Commission delivered in Spanish in support of educational outreach efforts, while the second workshop was held in Riverside. Both events were in collaboration with the local Chambers. The Commission was also present and provided additional support at the Modesto Chambers Alliance to educate businesses on accessibility.

INVITATIONS

This year was the Commission's first to attend the annual DGS California Construction Exposition, which was held in Long Beach this year. The Commission hosted an educational booth with the assistance of Tangikina Moimoi from the Asians and Pacific Islanders with Disabilities of California, APIDC. The Commission met with many construction professionals, members of the business community, and state agencies in efforts to inform the public of the Commission's many responsibilities and discuss common interests for potential future partnerships and collaborations. In a concerted effort of the 25th Anniversary of the passage of the Americans with Disabilities Act, the Commission supported strategic partners Department of Rehabilitation's and the City of Los Angeles' celebration and commemoration of this historical landmark.

Everyday our Commissioners do their best to play an active role in the communities. To highlight one effort, Commissioner Michael Paravagna was interviewed by Disability Radio on KTYM and answered a series of questions regarding the Commission's mission, current issues, and opportunities moving forward. The Commission Executive Director has been participating on Senator Pan's Community Advisory Committee and has had the opportunity to provide a presentation before the committee.



Senator Richard D. Roth
invites you to join him for a

FREE Americans with Disabilities Act (ADA) Small Business Workshop

co-sponsored by the
Moreno Valley Chamber of Commerce
Moreno Valley Hispanic Chamber of Commerce
and the City of Moreno Valley

on how to address ADA compliance issues in the workplace.

**Friday, June 26, 2015
10:00 a.m. to 11:30 a.m.**

**Moreno Valley City Council Chambers
14177 Frederick Street
Moreno Valley, CA 92553**

The seminar will highlight the top ten compliance violations and provide specific steps on how to prevent possible violations. Panelists will also describe recently-enacted legislation that offers businesses a process to increase accessibility for the disabled while preventing costly litigation.

Spanish translation will be provided.

The event is FREE, space is limited so please be sure to RSVP by clicking [HERE](#)

If you have any questions or you require accommodations, please call
Altie Holcomb or
Violeta Aguilar-Wyrick
at (951) 680-6750.

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Advertisement June 26, 2015 of the ADA Workshop in Moreno Valley



Executive Director Angela Jemmott at the educational booth with Tangikina Moimoi from the Asians and Pacific Islanders with Disabilities of California, APIDC, at the California Construction Exposition

EDUCATION & OUTREACH EFFORTS OF CHECKLIST

To mark the release of the Accessibility Construction Instruction Checklist, the Education and Outreach Committee brought together Building Officials from across the state for a combined symposium at the San Francisco City Hall led by Yomi Wrong, former Director of Independent Living Center. The event was followed by a rich outpour of information by Regina Dick- Endrizzi, Executive Director, Office of Small Business San Francisco, and Jesse Torres, Deputy Director of Go- Biz. The entire event was hosted by the Office of Small Business of San Francisco and their Access Advisory Committee.

CHECKLIST COMMITTEE

This year marked the completion and release of the Accessibility Construction Inspection Checklist for trained building inspectors and subsequent delivery of the tool. The checklist was designed to increase awareness of the appropriate accessibility checkpoints relative to various stages at the construction site.

The document was produced with the cooperation of many highly dedicated professionals from the California Building Standards Commission, Department of Housing and Community Development, Division of the State Architect, California Building Officials, American Institute of Architects, and the Certified Access Specialist Institute.

The committee delivered two hundred copies of the checklist to local jurisdictions throughout California in order to ensure that Building Inspectors across the state are informed about parts of the California Building Code (CBC) related to state compliance. The committee began the monitoring and evaluation of the checklist and will survey the utility of the document in six months to a year. The checklist is featured on the website of the Building Standards Commission, California Building Official, and Division of the State Architect. In addition, the checklist has been discussed by the American Institute of Architects, Certified Access Specialist Institute, and national practitioners.



CCDA Accessibility Construction
Inspection Checklist



Commissioners honoring Checklist Committee
members at the San Francisco City Hall

RESEARCH COMMITTEE

In response to new legislation, the committee was able to quickly roll out a case resolution reporting form which allows for consistent, reliable reporting of complaint outcomes in accordance with the legislature's requirements. By using this information in tandem with the required complaint reporting information, the Commission was able to track cases from beginning to end, which in turn should provide valuable insight into the benefits and challenges of the current legal process, as well as any shortcomings and abuses in the system. In addition, the committee was able to develop a more refined, streamlined complaint intake form which will allow the Commission in the future to better track and assess information in initial disability access filings.

Unfortunately, the legislature did not pass legislation which allows the Commission to mandate the use of this form, but CCDA is hopeful that such approach soon will be enforceable, enabling the Commission to expedite development of reliable statistical information and data related to repeated issues and challenges.

In addition to allowing the Commission to generate and maintain data regarding the status of ADA compliance on a state-wide and regional basis, both of these new forms function as valuable tools to allow the Commission to increase disability awareness among the business community.

LEGISLATIVE COMMITTEE

The legislative collaboration has been one of the Commission's main focal points of 2015. It began by increasing the Commission's relationship and communication with the legislative body and by meeting with members of the legislation. In addition to meeting with members of the legislature and legislative branches, the Commission hosted an outreach event with the Restaurant Association at the Commission's office. In late 2015, the committee has been working towards more collaborative efforts and has begun the development of Town Hall Meetings to bring the disability and business communities together. The objective is to better understand each community's mission and values, discuss urgent issues, and find workable solutions that would be mutually beneficial to both communities.

PATH FORWARD

Throughout 2015, the Commission spent valuable time and resources identifying committee specific targeted objectives, establishing benchmarks, and creating measurable outcomes derived from the Commission's 3-5yrs Strategic Plan formed in 2014.

The vision for 2016 is to generate a consumer tool that will truly match the needs of the disability and business communities, seek stronger diagnostic analytics in order to provide more substantive information from the data collection efforts, and to continually seek educational and outreach alliances with strategic partners and legislative supporters who shares in the goal of an "Accessible California For All" .



California State Capitol, Sacramento

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 thru December 2015. In the twelve months of data collection in 2015, the Commission received a total of 2,946 records of court filings and/or demand letters, an average of 246 records per month.

2015 TABULATED DATA

ALLEGED CONSTRUCTION- RELATED PHYSICAL ACCESS VIOLATIONS

A total of 9,643 construction-related physical access violations were alleged in the 2,946 state/federal complaints and demand letters during the 12-month period from January to December 2015 (see Appendix G). The types of ADA alleged violations have been categorized using fifty-one key codes consistent with the Title 24 of the California Code of Regulations (see Appendix D).

TEN MOST FREQUENT TYPES OF ALLEGED CONSTRUCTION- RELATED ACCESS VIOLATIONS

The top two ranking violations remain the same in 2015 from 2014 – they are loading zones/van access and parking space/parking lot signage. These alleged violations continue to comprise 25% (2,403) of the total alleged violations. The data spanning over the past three years regarding the alleged violations of “Parking” has consistently surpassed the other categories for all three years of data collection. “Accessible Route and Entry” has ranked second to “Parking” for the past two years (see Appendix F).

TRENDS

ATTORNEYS AND PLAINTIFFS

There were 2,323 federal and state complaints submitted to the Commission during the 2015 year (this number does not include demand letters). Forty percent (40%) of those complaints were filed by two law firms. Seventy percent (70%) of the complaints filed during 2015 were filed by six law firms (see Appendix I).

There were a total of 623 demand letters submitted to the Commission during 2015. One law firm submitted sixty-four percent (64%) of those demand letters. Four law firms were responsible for eighty-five percent (85%) of demand letters submitted to CCDA in 2015.

According to data submitted to the Commission, an annual average of sixty-nine percent (69%) of plaintiffs involved in construction-related accessibility complaints in California during 2015 filed ten or more complaints, or had ten or more complaints filed on their behalf during the 2015 year. These statistics are presented as an observation of legal filings in California, not as a statement on the complaints themselves.

COMPLAINTS FILED

From January to December 2015, there were a total of 2,946 complaints and demand letters submitted to the Commission. State complaints were most frequent at forty-two percent (42%), but only by five percent (5%) more than federal complaints. There was a thirteen percent (13%) increase in the frequency of demand letters submitted to the Commission from the prior year (see Appendix G). The average number of complaints filed (federal, state, and demand letters) decreased slightly from 257 per month in 2014 to 246 per month in 2015. There is not much of a change between 2014 and 2015 in regards to total state and federal complaints – both years demonstrate a five percent (5%) difference between the two. Data from January to December 2013 shows a large frequency in state complaints at sixty-six percent (66%), however only a three percent (3%) displacement in the frequency of demand letters between 2014.

TOP TEN ALLEGED ADA VIOLATIONS

The 2015 #1 ranking violation was non-compliant loading zones / van access aisles (Key Code 14). Non-compliant parking lot signage (Key Code 13) is the #2 ranking violation. These remain the top two violations from 2014. The top three violations are parking-related followed by two accessible route and entry violations (see Appendix E).

LOCATION CATEGORIES

Since 2014, the Commission has paired the data submitted to location categories as defined in the ADA Title III Technical Assistance Manual. The three categories, sales or rental establishments, establishments serving food or drink, and service establishments, represent ninety-one percent (91%) of all location types where alleged violations occurred (see Appendix H).

CHALLENGES AND SOLUTIONS

The Commission has identified various challenges and solutions to the collection, management, and analysis of reporting the required data.

Challenge: The Commission is literally running out of physical space in which to operate. Because the Commission receives data in various formats, the management thereof is not efficient. The Commission has no authority to regulate the format of complaint and demand letter submissions and we frequently receive single documents in excess of fifty and one-hundred pages. This makes for a cumbersome and labor-intensive manual process of data management.

Solution: With appropriate funding, the Commission could employ software to digitize past and future data. This would partly resolve the lack of physical space as well as create a much more manageable process by which the Commission retrieves data. In addition to collecting, managing, and analyzing data the Commission is frequently responding to Public Records Act requests. Without the technology to digitally search for and locate data, our response time can be months.

Challenge: The Commission receives demand letters and legal complaints alleging violations from attorneys. Staff must then review these documents, glean and interpret information, then manually enter the information in a matrix. This is labor-intensive and in order to carry out these tasks, the Commission must rely on interns, volunteers, and law clerks from stakeholder agencies to donate their time.

Solution: The Commission offers recommendations to the Legislature based on our data collection and analysis. In streamlining our data collection efforts and requiring attorneys to deliver specific information on a form specified by the Commission rather than sending in the entire complaint, the Commission would have more time and resources to prepare in-depth analyses to provide to the legislature. With the passing of AB 1521, the process of standardization has begun. Most certainly, the Commission will continue to work with Legislation to address the components missing that affect our data collection efforts.

Challenge: Currently, the Commission collects all data manually. With the passing of AB 1521, the quantity and frequency of data that we manually collect has grown substantially and immediately, as AB 1521 was an urgency bill. The collection of case resolution data, along with the synthesis of resolutions with the initial complaints, requires more legal training to assist the Commission.

Solution: With the passing of AB 1521, the Commission was provided with one additional employee to collect and manage data, which does provide some additional help needed to oversee this process. A holistic solution to this challenge is additional funding for advance tools as well as staff so that the Commission staff may perform advanced analysis on the data collected. Also beneficial would be voluntary legal support, a part-time legal staff member, or funding for a contractual legal professional.

APPENDIX A – ACRONYMS / ASSOCIATED LINKS

ADA – Americans with Disability Act / www.ada.gov

ADA Title III Technical Assistance Manual <http://www.ada.gov/taman3.html>

CalCAP – California Pollution Control Financing Authority / www.treasurer.ca.gov/cpcfca/calcap

CALIF – Communities Actively Living Independent & Free/ www.calif-ilc.org

CASp – Certified Access Specialist / www.apps2.dgs.ca.gov/dsa/casp/casp_certified_list.aspx

CCDA – California Commission on Disability Access / www.cdda.ca.gov

DSA– Division of the State Architect / www.dsa.ca.gov

DOR – Department of Rehabilitation / www.dor.ca.gov

MALDEF – Mexican American Legal Defense and Educational Fund / www.maldef.org

APPENDIX B (cont'd): GLOSSARY OF TERMS

ADA Coordinator

This position is required for state and local government entities that have 50 or more employees. Initially, position was envisioned to coordinate the grievance process. The national trend is that this position is now used to coordinate a variety of matters relative to ADA implementation and administration. Caution must be exercised concerning an appropriate separation of duties. It is inappropriate to have the ADA Coordinator engaged in both providing reasonable accommodations through the interactive process, and investigating issues concerning the accommodations that have been provided or denied.

ADA Grievance Procedure

A grievance process that is published, within state or local government and capable of addressing issues that may arise from access policies that impact the delivery of programs, services and activities. The grievance procedure must be widely disseminated, offer a second level review, notify the grievant of the outcome, state the ADA coordinator's name and contact information and offer assistance to a person with a disability who may not be able to complete the grievance document independently due to their disability.

Auxiliary Aids and Services

These are measures provided to ensure that appropriate access to programs and services and activities is in place upon request. Auxiliary aids and services include, but are not limited to providing documents in an alternative format such as Braille, providing sign language interpreting services, note takers, real-time captioning services or assistive listening devices.

California Relay Service

The California Relay Service was created by ADA, Title IV. It is a free service to facilitate effective telephone communication between persons who are deaf and hard of hearing and persons who are hearing. This is done via a relay operator who uses both a teletype device and a telephone. The California Relay service may be reached at 711.

Note: Some entities have chosen to include "California Relay Service 711" on business cards and letter heads to facilitate communication.

APPENDIX B (cont'd): GLOSSARY OF TERMS

CASp

The **Certified Access Specialist Program (CASp)** is a program administered by the State of California. CASp members have been tested and certified related to physical access requirements within the State of California. CASp members are often retained by a business to evaluate the physical access status of the sites from which goods and services are sold. To obtain more information or locate a CASp member, visit https://www.apps2.dgs.ca.gov/dsa/casp/casp_certified_list.aspx

Definition of Disability

Under California State law, Government Code Section 12926, a person with a disability is:

A person having a physical or mental impairment that limits a major life activity. This limitation must be considered in the unmitigated status. This means that the determination of whether the limitation exists would be considered in terms of how the individual would function without the use of medication, personal devices or habits that have been formed to mitigate the disability.

A person who has a record of a disability, such as described in number one.

A person who is regarded as having a disability, such as described in number one.

Note: *This is an abridged definition of disability under California State law. For further information, please see California Government Code 12926. The California definition of disability is being used, as it is more stringent than the definition found under the Americans with Disabilities Act of 1990 or the Americans with Disabilities Amendments Act of 2008.*

Direct Threat

Direct threat is a significant risk of substantial harm that cannot be mitigated through policy modification or reasonable accommodation. The danger must be real and not speculative or remote.

APPENDIX B (cont'd): GLOSSARY OF TERMS

Interactive Process

The interactive process is required in the state law and federal case law, yet neither defines it clearly. Problems have occurred when disputes have arisen and the employer has not clearly documented the interactive process. For that reason, the following steps are recommended:

The employer becomes aware that there is a disability that impacts elements of the employment relationship.

The employer and employee/applicant meet to discuss the barrier in question and potential resolutions. In this stage if needed data is gathered from medical providers, consultants or the Jobs Accommodation Network.

After giving primary consideration to what the employee/applicant is requesting, the employer makes a prompt decision regarding what effective accommodation will be provided. Or, if the accommodation in question would result in an undue hardship the employer is not obligated to provide said accommodation.

The employer promptly implements the reasonable accommodation.

The employer initiates follow up discussions with the recipient of reasonable accommodation to ensure that the accommodation was in fact effective.

Note: *The reasonable accommodation process is ongoing and may need to be revisited at any point in the employment relationship, as disabilities and technology may change.*

Maintenance of Accessible Features Policy

This relates to the requirement set by 28 CFR 35.133 and 28 CFR 36.211 in which an entity must maintain accessible features. Policy and procedure in this area is designed to give staff guidance unifying, repairing or reporting issues within access elements on sites where programs, services and activities are conducted.

APPENDIX B (cont'd): GLOSSARY OF TERMS

Medical Inquiry

Medical inquiry is the acquisition of pertinent medical information to determine whether a bona fide legal disability exists and what limitations it may present that necessitates a reasonable accommodation. Medical inquiry should be limited in scope. Data related to genetic characteristics should not be solicited, obtained or retained. Medical information may not be lawfully stored in an employee's personnel file.

Notice of ADA Compliance

A Notice of ADA Compliance is a widely disseminated notice, within state or local government, that provides information concerning the elements of ADA compliance that the entity has in place. It is recommended that the notice of ADA compliance be accompanied by a dissemination plan.

Policy Modification Request and Fundamental Alteration

A qualified person with a disability may request that an entity modify its policies to create an appropriate level of access. A system must be in place for entertaining these requests and determining whether said request would result in a fundamental alteration of the programs, services and activities impacted. Should there be an inability to grant the initial request, other measures must be considered, if available, to address the access issue in question. Should it be determined that the request results in the fundamental alteration, a senior official should expeditiously sign off on the determination.

Program Access

A designated alternative manner in providing programs, services and activities in order to ensure that appropriate access is in place. For example, accessible meeting space may be secured on the ground floor of the building to hold meetings with people who have mobility impairments, who are not able to go to the second floor because of the absence of an elevator.

Qualified Person with a Disability

A qualified person with a disability has a disability as described above and is qualified to receive the programs, services or activities of the entity in question.

Reasonable Accommodation

Reasonable accommodation technically refers to the employment relationship. It is an adjustment that provides the employee or applicant an opportunity to participate in: the performance of essential functions of the job, the selection process or to receive benefits and privileges offered to other employees in the work situation. Reasonable accommodation solutions often vary widely. Accommodation request must be handled through an "interactive process".

Self - Evaluation

A comprehensive evaluation of all programs, services and activities, required by Title II, to ensure that access for qualified persons with disabilities is in place. The self-evaluation must be vetted with interested stakeholders. The self- evaluation was due in 1993.

Service Animal

A service animal is a dog or miniature horse that has specifically been trained to perform tasks for a person with a disability that they are not able to perform for themselves due to their disability.

Note: *This is a subject that generates the highest number of complaints received by the US Department of Justice*

Transition Plan

A physical access evaluation, required by Title II, of all sites from which programs, services and activities are provided. The transition plan contains four parts:

1. A list of physical barriers
2. A statement of method to be utilized for mitigation of barriers
3. A statement regarding the schedule of barrier mitigation
4. The designation of an official who is responsible for the administration of the transition plan. The transition plan was due in 1992. The transition plan must be vetted with interested stakeholders.

Note: *The intent was to create access within facilities that were online in 1992 and that new construction or remodels would be accessible.*

Undue Hardship

An undue hardship would be the provision of a reasonable accommodation that is extensive, disruptive, fundamentally alter the nature of the program or is unduly expensive. It is important to note that the expense issue is extremely difficult for a state or local government entity to use as a defense. In doing so, one would need to consider the total budget of the entity in question. For business, one would look at the resources of the business. Other resources should also be explored if applicable.

Video Remote Interpreting (VRI)

VRI is permitted in the 2010 Title II ADA regulations. It provides a system in which sign language interpreting can be conducted via video with the interpreter offsite. Caution needs to be exercised to ensure that the technical quality of the system is sufficient to appropriately transmit the information being communicated.

APPENDIX C: COMMISSIONER ROSTER AND COMMITTEE NAMES

Name	Represents	Original Appointment	Current Appointment	Appointed By
Celia McGuinness	Public/Disability	02/06/15	01/01/2016 - 01/01/2019	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	01/13/2015 - 01/01/2018	Governor
Laurie Cohen Yoo	Public/General Business	10/08/2014	01/01/2016 - 01/01/2019	Governor
R. Michael Paravagna	Public/Disability	09/19/2013	01/01/2014 - 01/01/2017	Governor
Betty Wilson	Public/Disability	05/26/2009	01/01/2016 - 01/01/2019	Governor
Christopher Vaughn Downey	Public/Disability	09/19/2013	01/13/2015 - 01/01/2018	Governor
Guy A. Leemhuis	Public/Disability	05/08/2013	01/07/2015 - 01/01/2018	Senate
Scott Hauge	Public/General Business	07/02/2012	01/01/2014 - 01/01/2017	Senate
Lilibeth Navarro	Public/Disability	10/16/2009	01/01/2014 - 01/01/2017	Assembly

APPENDIX C (cont'd): COMMISSIONER ROSTER AND COMMITTEE NAMES

Name	Represents	Original Appointment	Current Appointment	Appointed By
Vacant	Public/General Business			Assembly
Chad Mayes	Assembly/Ex-Officio	01/28/2015		
Tony Thurmond	Assembly/Ex-Officio	01/30/2015		
Richard Roth	Senate/Ex-Officio	09/02/2015		
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 (cont'd): COMMISSIONER ROSTER AND COMMITTEE NAMES

Guy Leemhuis

Board Chair

Doug Wiele

Board Vice Chair

Committee Name	Committee Chair	Committee Vice Chair
Executive	Guy Leemhuis	Doug Wiele
Legislative	Michael Paravagna	Doug Wiele
Research	Laurie Cohen Yoo	Celia McGuinness
Education/ Outreach	Betty Wilson	Christopher Downey
Checklist	Steve Dolim	-

APPENDIX D: ADA VIOLATIONS LIST

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 Cod	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.

APPENDIX D (cont'd): ADA VIOLATIONS LIST

Access within Public Facility	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 E: CCDA TOP 10 VIOLATIONS LIST

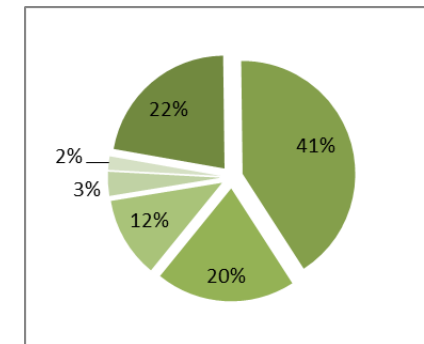
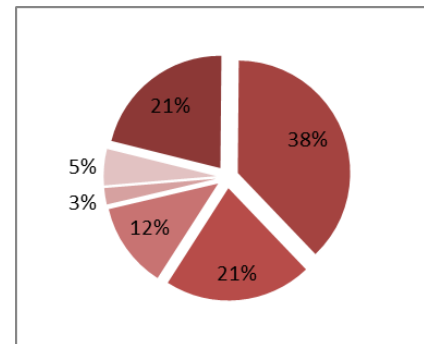
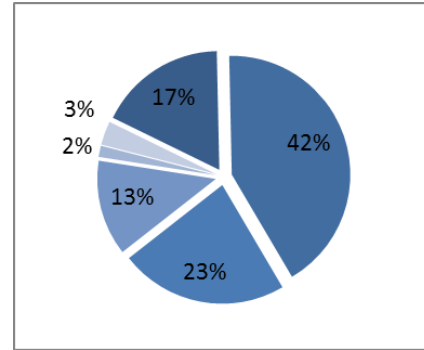
Rank #	Key Code	Violation Description
1	14	Parking: van-accessible parking, van access aisles, and/or loading zones are non-compliant or non-existent.
2	13	Parking: signage in parking lot is non-compliant. For example, spaces need to be designated as reserved by a sign showing the symbol of accessibility.
3	11	Parking: parking lot does not contain the minimum number of accessible parking spaces.
4	15	Accessible Route and Entry: routes to and from the parking lot or public right-of-way are not accessible.
5	16	Accessible Route and Entry: curb ramps or entrance ramps are non-compliant or non-existent.
6	26	Access within Public Facility: heights of surfaces such as counters, bars, and tables, for example, are non-compliant.
7	12	Parking: the existing parking spaces are not compliant.
8	17	Accessible Route and Entry: entry doors are not accessible or are missing the sign / symbol or accessibility.
9	45	Accessible Route and Entry: accessible path of travel is too far away, the path is obstructed, or the path is not apparent.
10	1	Toilet Rooms and Bathrooms: entry doors are not accessible or are not on an accessible route.

APPENDIX F: 2015 TABULATION OF ALLEGED VIOLATIONS BY LOCATION CATEGORY

2015	Category	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total	Percent of Total
	Toilet Rooms and Bathrooms	254	167	249	76	74	95	91	76	105	153	186	155	1681	17%
	Parking	455	284	468	393	260	154	225	374	265	409	211	539	4037	42%
	Accessible Route and Entry	298	184	304	271	119	86	148	161	109	212	111	207	2210	23%
	Access within Public Facility	197	131	296	57	144	59	110	37	48	53	50	74	1256	13%
	Equipment within Public Facility	16	9	23	1	10	7	10	9	6	20	28	8	147	2%
	General Alleged Violations	69	44	104	25	5	8	10	5	13	13	9	7	312	3%
	Total	1289	819	1444	823	612	409	594	662	546	860	595	990	9643	
	Percent of Total	13%	9%	15%	9%	6%	4%	6%	7%	6%	9%	6%	10%		

2014	Category	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total	Percent of Total
	Toilet Rooms and Bathrooms	258	130	152	166	187	181	136	180	240	245	216	121	2212	21%
	Parking	383	366	355	327	285	256	215	332	406	384	362	255	3926	38%
	Accessible Route and Entry	216	201	125	152	177	193	209	156	201	244	152	180	2206	21%
	Access within Public Facility	124	111	79	102	94	105	113	89	128	151	93	87	1276	12%
	Equipment within Public Facility	26	24	19	35	19	16	27	9	5	28	30	7	245	3%
	General Alleged Violations	26	18	52	20	16	20	6	25	36	139	125	59	542	5%
	Total	1033	850	782	802	778	771	706	791	1016	1191	978	709	10407	
	Percent of Total	10%	8%	8%	8%	7%	7%	6%	8%	10%	11%	9%	7%		

2013*	Category	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total	Percent of Total
	Toilet Rooms and Bathrooms	74	71	154	194	256	133	178	109	209	260	65	202	1905	22%
	Parking	160	168	200	297	276	241	517	319	652	301	106	315	3552	41%
	Accessible Route and Entry	59	87	98	159	146	91	322	116	240	190	56	166	1730	20%
	Access within Public Facility	31	84	76	106	103	68	89	75	112	128	26	101	999	12%
	Equipment within Public Facility	14	34	37	10	29	40	32	12	25	45	6	12	296	3%
	General Alleged Violations	7	9	12	20	12	13	19	6	19	20	5	25	167	2%
	Total	345	453	577	786	822	586	1157	637	1257	944	264	821	8649	
	Percent of Total	4%	5%	7%	9%	10%	7%	13%	7%	15%	11%	3%	10%		



*Sep. through Dec. of 2012 data has been omitted from this report to provide consistency across a three-year time period.

APPENDIX G: NUMBER OF FEDERAL / STATE COMPLAINTS AND DEMAND LETTERS SUBMITTED TO CCDA

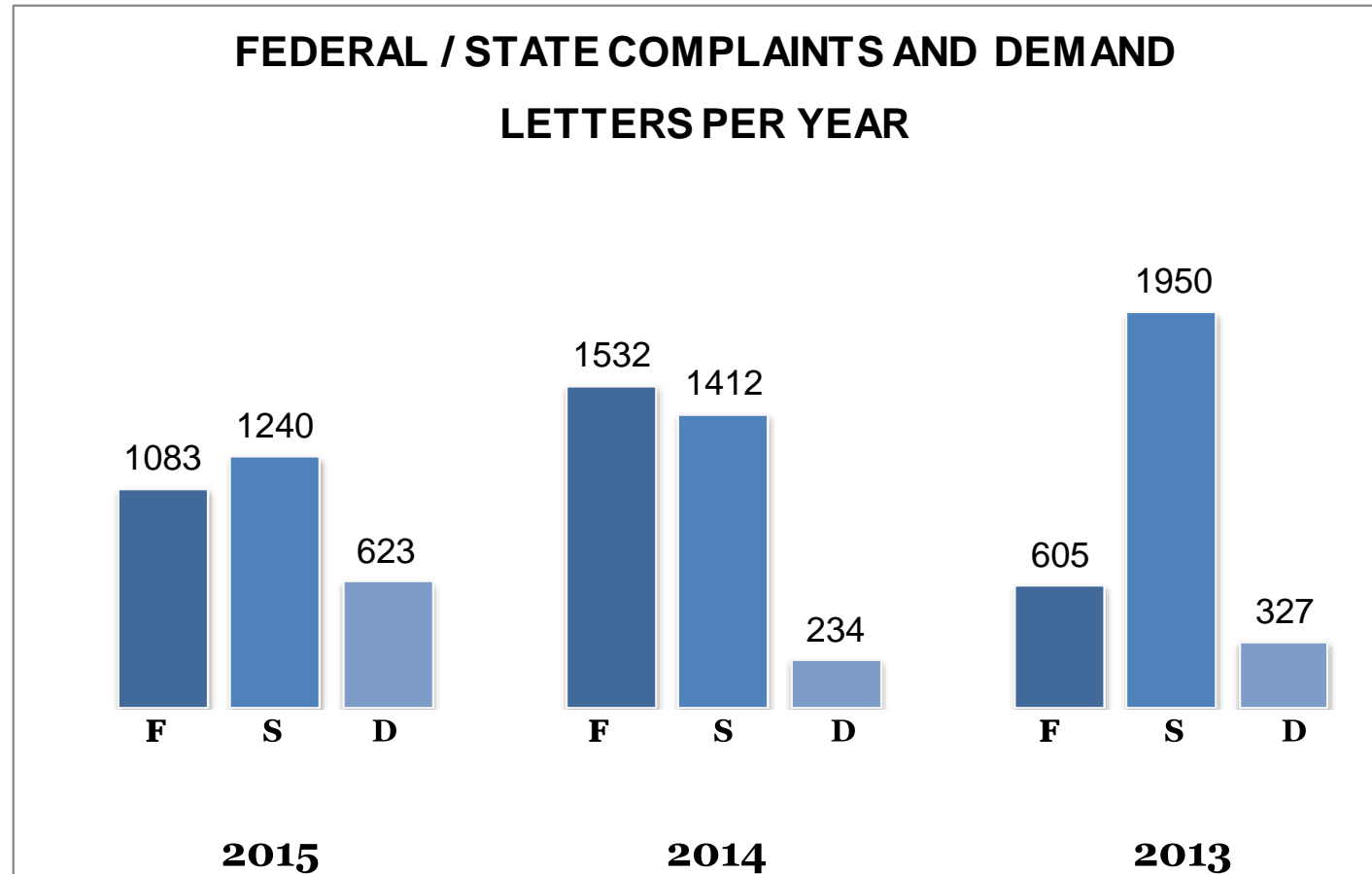
2015	Category	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total	Percent of Total
	Federal	138	67	128	76	61	74	83	66	67	112	116	95	1083	37%
	State	140	79	124	65	154	82	106	67	106	131	104	82	1240	42%
	Demand Letter	15	17	58	93	55	70	19	78	17	62	13	126	623	21%
	Total	293	163	310	234	270	226	208	211	190	305	233	303	2946	
	Percent of Total	10%	6%	11%	8%	9%	8%	7%	7%	6%	10%	8%	10%		

2014	Category	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total	Percent of Total
	Federal	128	85	96	154	109	79	76	80	97	268	260	100	1532	48%
	State	127	82	128	167	111	112	104	159	112	84	153	73	1412	44%
	Demand Letter	31	30	5	9	10	16	21	24	48	19	6	15	234	8%
	Total	286	197	229	330	230	207	201	263	257	371	419	188	3178	
	Percent of Total	9%	6%	7%	10%	7%	7%	7%	8%	8%	12%	13%	6%		

2013	Category	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total	Percent of Total
	Federal	15	29	35	48	57	54	52	60	77	44	70	64	605	21%
	State	67	74	92	229	245	123	337	197	239	137	77	133	1950	68%
	Demand Letter	30	14	19	23	5	12	11	20	14	45	70	64	327	11%
	Total	112	117	146	300	307	189	400	277	330	226	217	261	2882	
	Percent of Total	4%	4%	5%	10%	11%	7%	14%	10%	11%	8%	7%	9%		

APPENDIX G (cont'd): NUMBER OF FEDERAL / STATE COMPLAINTS AND DEMAND LETTERS SUBMITTED TO CCDA

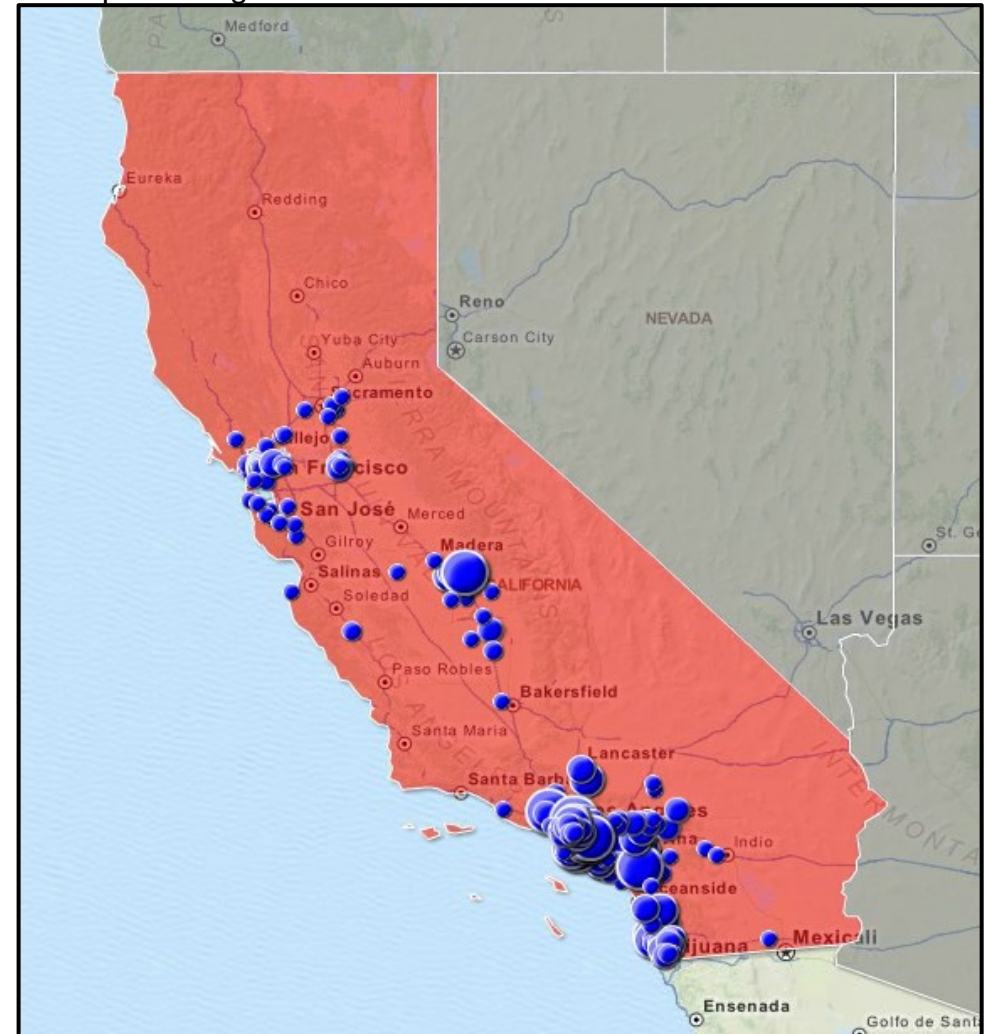
The graph below compares the federal and state complaints, as well as demand letters, across the past three years. Initially, state complaints were by far the most frequent. Since 2013, state complaints have declined, however, the frequency of federal complaints and demand letters has increased. The frequency of demand letters reported to CCDA was nearly twice as much in 2015 than any other year.



APPENDIX H: LOCATION CATEGORIES AND LOCATION / FREQUENCY OF COMPLAINTS FILED

This chart and map demonstrate the frequency by which various types of businesses were alleged to be in violation. Sales and rental establishments, as well as restaurants, continue from 2014 to be the two most common business types to be involved in a complaint or receive a demand letter. The map depicts the various ZIP codes where alleged violations have occurred - the larger the blue circle, the more frequent alleged violations occur within that ZIP code.

2015	Key Code / Category	Total	Percent of Total
	1. Places of Lodging	113	4%
	2. Establishments Serving Food or Drink	810	27%
	3. Places of Exhibition or Entertainment	3	0%
	4. Places of Public Gathering	1	0%
	5. Sales or Rental Establishments	1240	42%
	6. Service Establishments	657	22%
	7. Public Transportation Terminals, Depots, or Stations	50	2%
	8. Places of Public Display or Collection	4	0%
	9. Places of Recreation	34	1%
	10. Places of Education	10	0%
	11. Social Service Center Establishments	4	0%
	12. Places of Exercise or Recreation	20	1%
	Total	2946	100%



Map courtesy of www.targetmap.com

APPENDIX I: ATTORNEYS AND PLAINTIFFS

This chart shows the percent of plaintiffs per month who filed a state and/or federal complaint in 2015 who also filed 10 or more complaints in 2015. For example, 73% of the plaintiffs involved in legal complaints in January 2015 filed 10 or more complaints in 2015 alleging construction-related accessibility violations. The data below this, the Commission has accounted for the six attorneys/law firms who filed the most complaints per month (please note that this calculation will not total 100% because it only references the top six in the data collection).

2015	Category	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	Percent of Plaintiffs in 2015 Involved in Ten or More Complaints in 2015 (State and Federal)	73	64	70	78	71	69	80	70	67	67	64	54
	Percent of Complaints Filed per Month by Law Firm in Order of Frequency (from 1 to 6)	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	1	28	25	34	45	33	31	19	20	23	22	25	26
	2	11	17	14	17	28	15	16	19	21	21	24	16
	3	9	12	13	14	12	14	15	15	20	14	13	8
	4	9	11	11	7	10	9	14	8	8	12	10	7
	5	8	11	7	5	6	8	6	8	6	8	9	7
	6	8	5	5	4	3	8	6	8	6	5	6	7

APPENDIX J: STRATEGIC GOALS

Strategic Goals created by the Commission in 2014 Summary of Goals 1-6

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 mod-
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

APPENDIX J (cont'd): STRATEGIC GOALS

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

Strategic Goals created by the Commission in 2014 Summary of Goals 7-9



CCDA

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