

2021 ANNUAL REPORT TO THE LEGISLATURE

California Commission on Disability Access



January 31, 2022



Table of Contents

| | |
|---|-----------|
| Summary Highlights | 5 |
| Accessible Parking Campaign Development | 5 |
| Redistribution of <i>Open-air Dining and Curbside Pickup Disability Access Considerations</i> | 5 |
| Importing Historical Data to CCDA Legal Portal | 5 |
| Introduction | 6 |
| History | 6 |
| Mission | 7 |
| Vision..... | 7 |
| Reporting Requirements | 7 |
| Accomplishments | 8 |
| Accessible Parking Campaign Questionnaire | 8 |
| Redistribution of <i>Open-air Dining and Curbside Pickup Disability Access Considerations</i> | 9 |
| Migrating Historical Data (2012-2020) to CCDA Legal Portal | 10 |
| Path Forward | 11 |
| Historical Data Migration and Reporting Tools | 11 |
| Accessible Parking Campaign | 11 |
| Meeting and Forming Partnerships with California Cities | 11 |
| Commission Activities | 12 |
| Legislative Committee | 12 |
| One-page Legislative Brochure..... | 12 |
| Title III Alleged Disability Access Violations | 12 |
| Checklist Committee..... | 13 |
| Working Groups for Questionnaire for Accessible Parking Campaign | 13 |
| Education and Outreach Committee..... | 13 |
| CCDA Meets with California Cities..... | 13 |
| Commissioners Downey and Paragavna on Community Today | 14 |
| External Commission Outreach and Partnerships | 15 |

| | |
|--|-----------|
| Commissioners in The News | 15 |
| Executive Director Jemmott Participates in Access Webinars..... | 15 |
| Organization Update | 17 |
| Complaints and Prelitigation Letter Data Collection | 18 |
| Data Overview | 18 |
| Table 1: Complaints and Prelitigation Letters Received by Year (2016-2021)..... | 18 |
| Court Filing Trends | 19 |
| Table 2: 2019-2021 Filings Received by Commission (Federal vs. State)..... | 19 |
| Alleged Construction-Related Physical Access Violations..... | 19 |
| Table 3: Total Number of Alleged Construction-Related Physical Access Violations Received (2016-2021) | 20 |
| Alleged Non-Construction-Related Physical Access Violations | 20 |
| Table 4: Total Number of Alleged Non-Construction-Related Physical Access Violations Received (2021)..... | 21 |
| Highlights of the Top Five Alleged Construction-Related Physical Access Violations | 21 |
| Top 10 Most Frequent Defendants with Alleged Violations | 22 |
| Table 5: Top 10 Most Frequent Defendants with Alleged Violations (2021) | 23 |
| Top 10 ZIP Codes of Complaints Received..... | 24 |
| Table 6: Top 10 ZIP Codes of Complaints Received (2021)..... | 24 |
| Inset 1: Map of Top 10 Lawsuits by ZIP Code in California - 2021 | 25 |
| Inset 2: Map of Number of Lawsuits by ZIP Code - 2021 | 26 |
| Volume of State and Federal Complaints Received from Law Firms..... | 27 |
| Table 7: Volume Ranking of State and Federal Filings by Top 10..... | 27 |
| Law Firms (2021)..... | 27 |
| Case Resolution Reports | 28 |
| Data Overview - Case Resolution Reports | 28 |
| Table 8: Case Resolution Reports Received by Type of Court Filing (2016-2021).... | 28 |
| Manner of Case Resolution Types..... | 28 |
| Table 9: Percentage of Case Resolution Reports by Type (2021)..... | 29 |
| Construction-Related Access Barrier Remediation..... | 29 |
| Supplemental Case Resolution Report Information | 29 |
| Conclusion | 30 |

| | |
|--|-----------|
| Appendices | 31 |
| Appendix A: 2016-2021 Case Files & Prelitigation Letters Received by Commission | 31 |
| Appendix B: 2021 Top 10 Alleged Violations..... | 32 |
| Appendix C: Place of Public Accommodation Categories..... | 33 |
| “Place of Public Accommodation.” | 33 |
| Appendix D: Complaints and Prelitigation Letters Received by Places of Public Accommodation (2018-2021) | 35 |
| Appendix E: Case Resolution Report Questions and Responses (2020-2021) | 37 |
| 2021 Case Resolution Report Responses | 37 |
| 2020 Case Resolution Report Responses | 37 |
| Appendix F: Commissioner Roster | 38 |
| Appendix G: Commission Subcommittees..... | 40 |
| Appendix H: Summary of Five-Year Strategic Goals..... | 41 |
| Appendix I: Summary of 2021 One-Year Strategic Goals..... | 42 |
| References | 43 |

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.

Accessible Parking Campaign Development

The Commission continued efforts to develop a toolkit focused on accessible parking. In 2021, the Commission created a survey to determine the medium and content for this toolkit that would best address the needs of three key groups: Business Owners and Operators, Construction Specialists, and Americans with Disabilities Act (ADA) Coordinators/Local Governments. Twenty thousand surveys were sent out to members of those communities to collect data for this ongoing toolkit creation process.

Redistribution of Open-air Dining and Curbside Pickup Disability Access Considerations

In 2021, the Commission continued to support the needs of Californians for accessible outdoor dining during the COVID-19 pandemic by redistributing its [Open-air Dining and Curbside Pickup Disability Access Considerations](#) to additional stakeholders and local governments. Efforts included publication of the *Open-air Dining and Curbside Pickup Disability Access Considerations* in *California Economic Development Journal*, as well as staff participation in a panel hosted by the Governor's Office of Business and Economic Development (GO-Biz).

Importing Historical Data to CCDA Legal Portal

The California Commission on Disability Access (CCDA) launched the [CCDA Legal Portal](#) in December 2019. In 2021, CCDA staff – in conjunction with a consultant and the Department of General Services' Enterprise Technology Solutions (ETS) – were able to import 3,896 complaints that were originally received in 2019 and 2020.

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 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, [Senate Bill 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. [Senate Bill 1186](#) also established annual reporting of prelitigation letters and complaints to the Legislature by the Commission.

In October 2015, [Assembly Bill 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, [Senate Bill 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, [Assembly Bill 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 incorporated with the Department of General Services (DGS), resulting in the Commission's initial governing statutes, Government Code 8299 – 8299.11, being replaced by Government Code 14985 – 14985.11 ([Assembly Bill 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 Sections 14985.5 and 14985.6](#). In general, these sections mandate 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; 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 of the 10 most frequent types of accessibility violations alleged.
- The numbers of alleged violations for each listed type.
- 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 2021, under the leadership of the executive director and the Commission's subcommittees, CCDA continued its mission 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.

Accessible Parking Campaign Questionnaire

The Commission continued to work on an Accessible Parking Campaign toolkit to address the needs and challenges of providing accessible parking to the people of California. With the aid of a consultant, the Commission created and distributed three questionnaires. Each questionnaire focused on one of the following communities: Business Owners and Operators, Construction Specialists, and ADA Coordinators/Local Governments. More than 20,000 questionnaires were sent to individuals within the aforementioned groups to collect data on specific resources each community would require in the final toolkit to maximize its effectiveness.

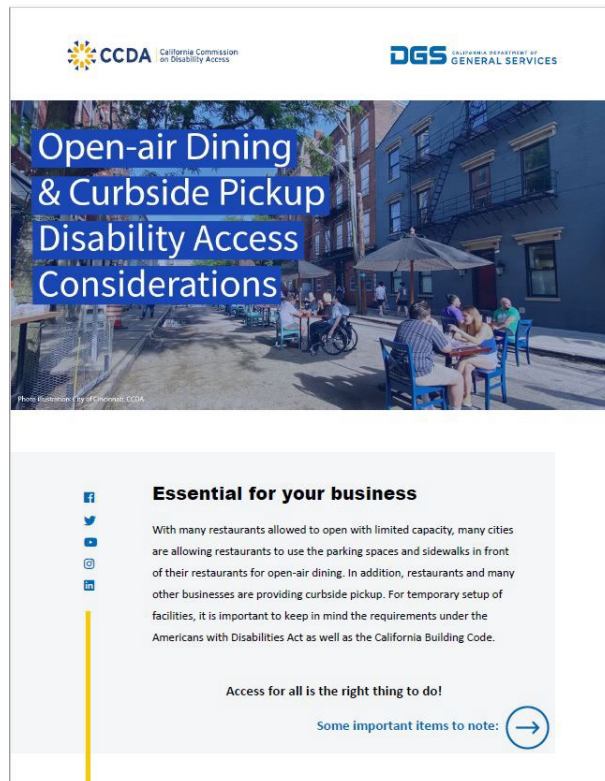
The results of the questionnaires indicated that the majority of responders requested illustrated examples of parking challenges and solutions. The questionnaires also indicated demand for the toolkit to be available in a digital format that can be downloaded and printed. These responses will aid the Commission in creating the final Accessible Parking Campaign toolkit.

Redistribution of Open-air Dining and Curbside Pickup Disability Access Considerations

The California Commission Disability Access developed the [Open-air Dining and Curbside Pickup Disability Access Considerations](#) in 2020 to meet the urgent stakeholder needs created by the COVID-19 pandemic. Throughout California, open-air dining has remained important to businesses and this guide served as an informational tool to consider when conducting operations outdoors.

In a continuation of that effort, the Commission connected with additional local governments and partners in 2021. One such partnership was with The Governor’s Office of Business and Economic Development (GO-Biz) and the Division of the State Architect (DSA). As part of that cooperative effort, Executive Director Angela Jemmott participated in a webinar panel hosted by GO-Biz with State Architect Ida Clair and Office of the Small Business Advocate Northern California Regional Advisor Clair Whitmer.

Furthermore, the [Open-air Dining and Curbside Pickup Disability Access Considerations](#) was published in the Summer 2021 edition of the *California Economic Development Journal*.



Pictured above: Front cover of Open-air Dining & Curbside Pickup Disability Access Considerations

Migrating Historical Data (2012-2020) to CCDA Legal Portal

In collaboration with the ETS Service Now Information Technology and Development team, the 2021 Historical Data Migration Project successfully transferred over 3,000 complaints from 2019 and 2020 into CCDA's portal database. The immediate impact enabled the Commission to process 91 Case Resolution Reports (CRRs) submitted in 2021.



Pictured above: The Historical Data Migration Project Team
(From left to right): Top row: Sonja Montgomery (ETS Service Now Information Technology Technical Analyst), Nancy Smith (ETS Service Now Information Technology Supervisor)
Middle row: Andre Gardiner (ETS Service Now Development Supervisor), Weston Jones (ETS Service Now Developer), Chanakya Para (CCDA Consultant)
Bottom row: Stephanie Groce (CCDA, Disability Access Technician), Theresa Brown (CCDA, Data and Research Analyst)

Path Forward

Historical Data Migration and Reporting Tools

Pursuant to [California Civil Code Section 55.32](#) that mandates attorneys submit construction-related disability access complaints and case resolution reports to CCDA within five business days of a court filing, the Commission had collected over 20,000 prelitigation letters and case filings between 2012-2019. Variations in case file data submitted by law firms required a rigorous effort by CCDA staff to synchronize the prior databases that housed this case information with CCDA's current [Legal Portal](#). Launched in December 2019, the portal has been utilized as a research device that helps to store and provide documentation on alleged public accommodation violations. The Commission's 2022-23 DGS Strategic Plan goal includes executing the remaining transfer of this historical data. Completion of this goal will help support the development of a publicly accessible database that will serve as an educational tool.

Accessible Parking Campaign

In 2022, the Commission will utilize responses gathered from the 2021 questionnaire to develop the Accessible Parking Campaign. Meetings have been scheduled for 2022 to further enhance the toolkits tailored to the Business Owners and Operators, Construction Specialists, and ADA Coordinators in California. The Commission plans to host webinars on the Accessible Parking Campaign that will be open to the public and include presentations by various subject matter experts.

Meeting and Forming Partnerships with California Cities

In 2021, Executive Director Angela Jemmott met with various cities throughout California to offer resources, toolkits, and information based on issues they encountered regarding Americans with Disabilities Act (ADA) Title III alleged violations. Moving forward into 2022, the Commission is planning to meet with more cities to increase awareness of CCDA as a resource and partner as well as to facilitate open dialogue between California cities and the Commission.

Commission Activities

Legislative Committee

One-Page Legislative Brochure

In 2020, Executive Director Angela Jemmott and members of the Executive Committee established a goal to build a stronger relationship with the California State Legislature. The Commission enlisted the help of CCDA staff and the members of the Commission's Legislative Committee to draft a brochure describing what functions CCDA performs and the benefits it can provide.

CCDA staff and the Legislative Committee continued efforts on this draft in 2021 by working together to create an informational brochure on the Commission. This one-page brochure included an introduction to the Commission, goals and abilities of the Commission, published educational materials and toolkits, future projects, and outreach opportunities. The brochure was completed and approved in 2021 with plans to distribute it in 2022.

Title III Alleged Disability Access Violations

During its April meeting, the Commission hosted a roundtable composed of plaintiff and defense attorneys to discuss complaints filed under Title III alleged disability access violations in the state of California and maintaining compliance with access-related statutes. Chief Magistrate Judge of the United States District Court for the Northern District of California Joseph Spero provided the opening remarks and set the tone for the conversation. Immediate Past Commission Chair Guy Leemhuis was the moderator and guided the conversation on topics including:

- “To Plaintiffs Attorney(s): What are your current experiences in filing Title III disability access cases in the state of California?”
- “To Defense Attorney(s): What have been your most common interactions defending clients of Title III disability access cases or preigation letters?”
- “To both Defense and Plaintiff Attorneys: [Civil Code 55.32](#) also requires Title III complaints, resolutions and preigation letters to be sent within five business days to CCDA in the format determined by the CCDA... How many of you were aware of this submission requirement? And how were you informed? For those of you who were not aware of this requirement, what tools/communication vehicles do you depend on to inform you of this type of update in law?”

The roundtable provided valuable information and feedback from the legal community to the Commission to help make improvements.



Pictured above to the left: The Honorable Joseph Spero, Chief Magistrate Judge of the United States District Court for the Northern District of California

Pictured above to the right: Immediate Past Commission Chair Guy Leemhuis

Checklist Committee

Working Groups for Questionnaire for Accessible Parking Campaign

Based on the results of the 2021 Accessible Parking Campaign questionnaire, the Commission created three working groups of subject matter experts. The members of the Checklist Committee serve as subject matter experts and, with the assistance of the toolkit consultant, have begun the process of creating an Accessible Parking Toolkit. Each of the three working groups are focused on one of the following communities: Business Owners and Operators, Construction Specialists, and ADA Coordinators and Local Governments. Each specialized version of the Accessible Parking Campaign toolkit will feature information targeted toward these communities and will include the information requested in the responses submitted to the Checklist Committee.

Education and Outreach Committee

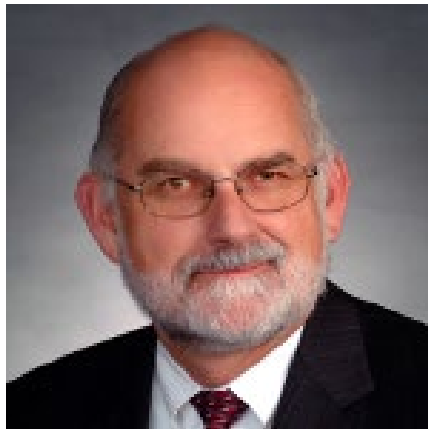
CCDA Meets with California Cities

In accordance with the Commission's goal to promote disability access in California, the Commission met with two California cities via Zoom. During this meeting, Executive Director Angela Jemmott addressed the concerns of the cities' representatives and provided information and tools that could promote accessibility by aiding businesses in addressing construction-related barriers to access before they become the subject of litigation.

Specifically, San Jose was interested in utilizing this information to shape future program policies, while promoting accessibility in their city. Continuous dialogue has helped form a new partnership with the city of San Jose and has empowered them to use the Commission's knowledge, data and toolkits.

Commissioners Downey and Paravagna on Community Today

In October 2021, Commission Chair Christopher Downey was joined by Commissioner R. Michael Paravagna on the public radio program, *Community Today*. Chair Commissioner Downey and Commissioner Paravagna spoke at length about the Commission's toolkits and mission, and how they pertain to the importance of working with both the business and the disability communities to encourage cooperation and overall success. *Community Today* also broadcasted a Public Service Announcement (PSA), detailing the importance of maintaining parking lot compliance, accessibility maintenance, and how COVID-19 has affected business accessibility.



Pictured Above: Commissioner R. Michael Paravagna

External Commission Outreach and Partnerships

Commissioners in The News

In March 2021, Commission Chair Christopher Downey was interviewed by the British Broadcasting Company (BBC) about his journey as an architect who lost the ability to see. The interview covered his challenges adapting to his blindness while still working as a successful architect.

During Disability Awareness Month, October 2021, Commissioner Souraya Sue ElHessen spoke to Spectrum News about challenges and barriers that people with disabilities face on a daily basis, with a focus on accessibility and education.



*Pictured above to the left: Commission Chair Christopher Downey
Pictured above to the right: Commissioner Souraya Sue ElHessen*

Executive Director Jemmott Participates in Access Webinars

In 2021, CCDA expanded our partnerships throughout California. One such partnership was with the Governor's Office of Business and Economic Development (GO-Biz). As part of this partnership, Executive Director Angela Jemmott took part in a panel discussion during a webinar hosted by GO-Biz.

In addition to the panel hosted by GO-Biz, Executive Director Jemmott participated at the Annual California Lawyers Association Conference hosted by the California Law Association. Executive Director Jemmott, along with Rachelle Taylor Golden from Golden Law A.P.C. and David LoPresti, co-owner of ADA Compliance Professionals,

gave a presentation titled “The ‘New Frontier’ of Disability Access Laws.” This webinar discussed recent changes to ADA requirements and the perspectives of the attorneys in representing businesses and public entities in Title III construction-related access barrier cases.

These partnerships broadened the reach of CCDA’s informational and educational outreach throughout the state.



This picture was taken during the Annual California Lawyers Association Conference webinar on September 24, 2021.

Pictured above in top row: David LoPresti, co-owner of ADA Compliance Professionals, and CCDA Executive Director Angela Jemmott

Pictured above in bottom row: Rachelle Taylor Golden, Esq., Golden Law A.P.C.

Organization Update

For fiscal year 2020-21, CCDA maintained seven total positions. Currently, there are five filled positions and two vacancies. CCDA staff includes the executive director, an operations manager, an associate governmental program analyst, a staff services analyst, and a program technician. There were no changes to staffing in 2021.

CCDA, in an effort to assist in development of the Accessible Parking Campaign, hired two consultants to assist staff. The first consultant was charged with the technical development of the Accessible Parking Campaign toolkit and the development of the questionnaire that was sent to stakeholders in 2021. The second consultant worked in conjunction with CCDA staff and ETS to help generate the data migration of historical data submitted to CCDA before the [CCDA Legal Portal](#) went live in December of 2019.

Concurrent with staff positions, the Commission itself is made up of 17 total members: 11 public members and six ex-officio, nonvoting members. The nonvoting members include the state architect, the attorney general, and four members of the California Legislature. The Commission's total operating budget is \$1,508,000 for 2020-21.

There were three changes in membership in 2021. Commissioner Karla Prieto was replaced by Commissioner Ashley Leon-Vazquez. Additionally, Assembly Member Jim Frazier and Assembly Member Tom Lackey departed from the Commission. They were replaced by Assembly Member Janet Nguyen and Assembly Member Brian Maienschein.

Complaints and Prelitigation Letter Data Collection

Data Overview

[California Civil Code Section 55.32](#) requires attorneys to submit construction-related disability access complaints and prelitigation letters to the Commission within five business days of a court filing. In 2021, the Commission received approximately 3,835 ADA Title III state and federal complaints. This total represented a 6% increase from 2020, during which the Commission received 3,621 complaints. *Table 1* outlines the total number of complaints and prelitigation letters submitted to the Commission over the past six years. See *Appendix A* for further information on complaints and prelitigation letters received by CCDA.

Table 1: Complaints and Prelitigation Letters Received by Year (2016-2021)

| Year | Complaints (State & Federal) | Prelitigation Letters | Total |
|---------------|------------------------------|-----------------------|---------------|
| 2021 | 3,835 | 15 | 3,850 |
| 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 |
| Total: | 20,123 | 2,349 | 22,472 |

Court Filing Trends

The Commission experienced a 1% decrease in the total number of federal case filings submitted in 2021. However, compared to the 2021 state court filing counts, CCDA received five times more federal case filing submissions. Notably, compared to 2020, during 2021, state case filings increased by 60%. Another interesting finding for *Table 2* in 2021 was the 17% submission rate for state filings compared to 2020, which only yielded 11%.

For more detailed analysis on these filing trends, refer to the *Case Resolution Reports* section starting on page 28. *Table 2* outlines the number of federal and state filings received by the Commission from 2019 through 2021, including the corresponding percentages of the total.

**Table 2: 2019-2021 Filings Received by Commission
(Federal vs. State)**

| Type of Filing Received | 2019 Total | 2019 Percent | 2020 Total | 2020 Percent | 2021 Total | 2021 Percent |
|-------------------------|--------------|--------------|--------------|--------------|-------------|--------------|
| Federal | 3,213 | 91% | 3,210 | 89% | 3,176 | 83% |
| State | 309 | 9% | 411 | 11% | 659 | 17% |
| Total: | 3,522 | 100% | 3,621 | 100% | 3835 | 100% |

Alleged Construction-Related Physical Access Violations

Approximately 8,596 Title III disability access violations were alleged from the 3,850 complaints and prelitigation letters received by the Commission in 2021. This amount represented a 10% decrease in reported alleged violations to CCDA, compared to the approximate 9,533 in 2020. CCDA has considered that its legal portal enhancement updates – which provided more specific examples of alleged violations, gave frequent feedback to attorneys and their legal assistants regarding incorrect data entries, seized opportunities to train the legal community on how to properly use the [CCDA Legal Portal](#), and limited access to places of public accommodation venues due to the COVID-19 pandemic – may explain the variance between 2021 and 2020. *Table 3* outlines the total number of alleged Title III disability access violations received by the Commission between 2016-2021.

Table 3: Total Number of Alleged Construction-Related Physical Access Violations Received (2016-2021)

| Year | Number of Alleged Construction-Related Physical Access Violations |
|---------------|--|
| 2021 | 8,596 |
| 2020 | 9,533 |
| 2019 | 7,507 |
| 2018 | 11,197 |
| 2017 | 10,608 |
| 2016 | 11,468 |
| Total: | 58,937 |

Alleged Non-Construction-Related Physical Access Violations

In 2020, the most identifiable website violations included, but were not limited to: concerns pertaining to whether the defendants provided large-print options, sign-language interpreters, access to screen readers, screen caption options, and reasonable accommodation policies. Unlike 2020 – during which 21 alleged website violations were reported – in 2021, the Commission identified a significant 76% decrease with only five alleged website case filing submissions. Another interesting finding was the addition of 24 alleged program access violations based on plaintiff issues with disability access company policies. For example, several allegations were related to inaccessible online insurance licensing exams and an online vaccination and diagnostic/screening test with inaccessible scheduling technology, among others.

Table 4: Total Number of Alleged Non-Construction-Related Physical Access Violations Received (2021)

| Non-Construction-Related Physical Access Violation | Number of Instances |
|---|---------------------|
| Website Violation | 5 |
| Mobile Application Violation | 0 |
| Service Animal Violation | 0 |
| Program Access (rideshare, hand-control, rental bike service) | 0 |
| Program Access (company policy) | 24 |
| Total: | 29 |

Highlights of the Top Five Alleged Construction-Related Physical Access Violations

In 2021, the total number of alleged Title III disability access violations was approximately 8,596. This sum represented a 10% decrease from 9,533 in 2020. The Commission observed that in 2021, similar to 2020, there were several description types of alleged inaccessible *Path of Travel Exterior* violations that ranked within the top five categories of all alleged violation claims received.

The highest yielding alleged violation was *Access to Goods, Support, Services, and Equipment: Surface heights and space requirements for counters, tables, bars, or seating are non-ADA compliant*, and it accounted for over 1,700 claims (See Appendix B). This occurrence represented a 65% increase from 2020 (1,076 claims), when the same alleged violation held the second-ranked position. Interestingly, the *Parking: Existing spaces are non-compliant* category moved from the first-ranked position in 2020 to the second-ranked in 2021.

Top 10 Most Frequent Defendants with Alleged Violations

CCDA identified several noteworthy circumstances among the litigated defendants that changed from 2020, based on the case files received in 2021. The top three defendants with alleged violations included a sandwich shop, a coffee shop franchise (*Establishments Serving Food and Drink*), and a franchise hotel chain (*Places of Lodging*). Notably, unlike 2020, which retained the *Franchise Drug Store Chain (Service Establishment)* as the top-ranked position, in 2021, *Table 5: Top 10 Most Frequent Defendants with Alleged Violations* illustrated that this category was eliminated from the reported claims.

Additionally, in 2020, the Commission identified three ranked positions that included a *Franchise Hotel Chain (Places of Lodging)* classification. However, in contrast, 2021 represented an additional shift, in which more alleged violations involved *Establishments Serving Food and Drink* case submissions to CCDA, rather than predominant reports of alleged ADA hotel inaccessibility. The Commission has considered that the change may have been influenced by the COVID-19 pandemic, including business closures and telework mandates increasing the frequency of food and drink purchases. The impact of COVID-19 travel and tourism restrictions was also considered as a possible factor contributing to the change.

Table 5: Top 10 Most Frequent Defendants with Alleged Violations (2021)

| Rank | General Description of Business and Place of Public Accommodation Category | Number of Filings Received |
|---------------|---|-----------------------------------|
| 1 | Franchise Fast Food Chain (Establishment Serving Food or Drink) | 33 |
| 2 | Franchise Fast Food Chain (Establishment Serving Food or Drink) | 30 |
| 3 | Franchise Hotel Chain (Places of Lodging) | 23 |
| 4 | Franchise Gas Station (Service Establishment) | 18 |
| 5 | Franchise Gas Station (Service Establishment) | 17 |
| 6 | Franchise Fast Food Chain (Establishment Serving Food or Drink) | 16 |
| 7 | Franchise Gas Station (Service Establishment) | 15 |
| 8 | Franchise Retail Establishment (Sales or Rental Establishment) | 14 |
| 9 | Franchise Fast Food Chain (Establishment Serving Food or Drink) | 11 |
| 10 | Franchise Gas Station (Service Establishment) | 11 |
| Total: | | 188 |

Top 10 ZIP Codes of Complaints Received

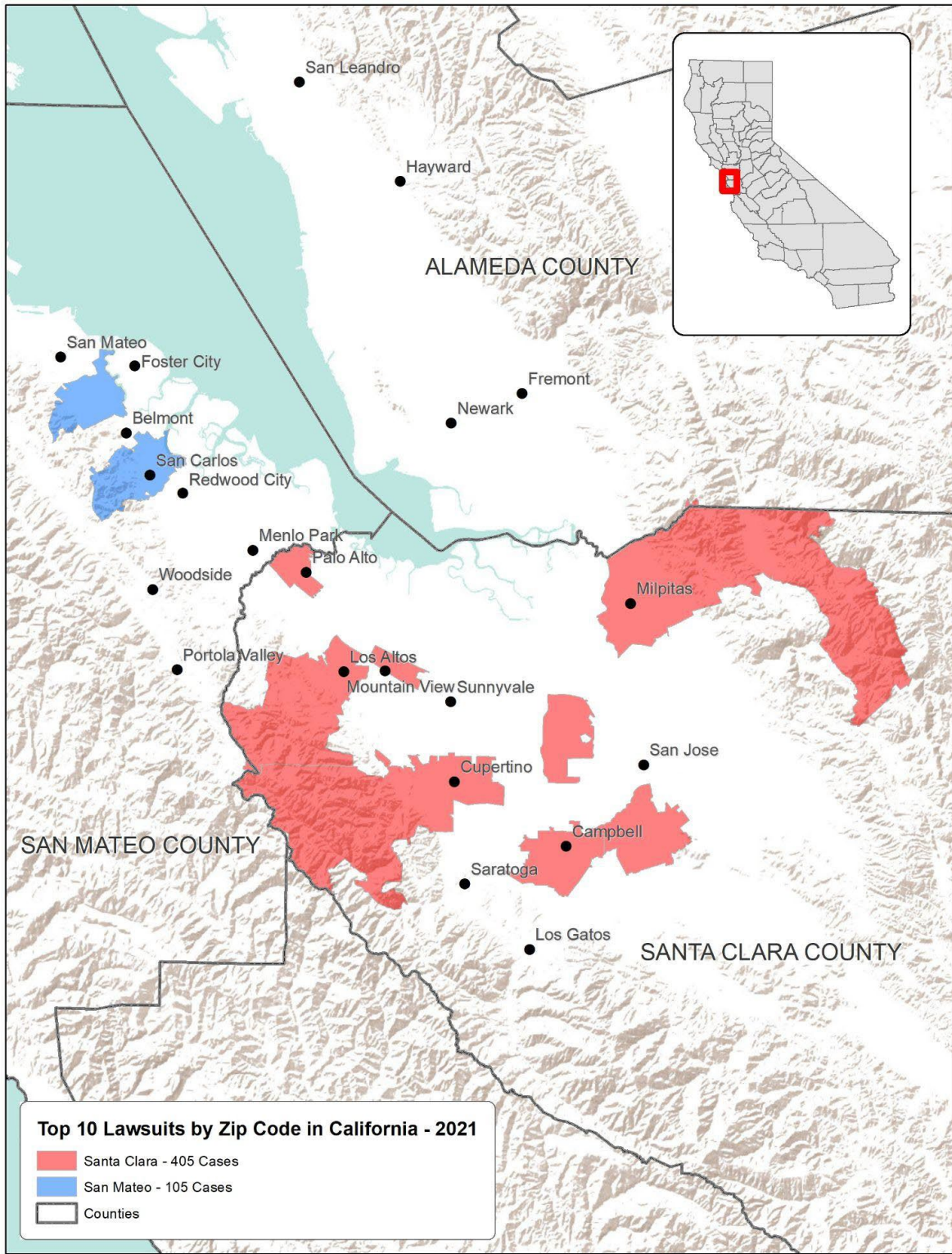
In 2021, the Commission reviewed the top five ranked ZIP codes reported. They were the following: 94301, 95050, 94403, 95125 and 95014. Notably, CCDA also identified that as they reviewed the top 10 and the top 15 ZIP codes, they recognized that all of the city regions were located within close proximity of each other. The top 10 ZIP codes are outlined in *Table 6*, along with their corresponding local neighborhoods.

Table 6: Top 10 ZIP Codes of Complaints Received (2021)

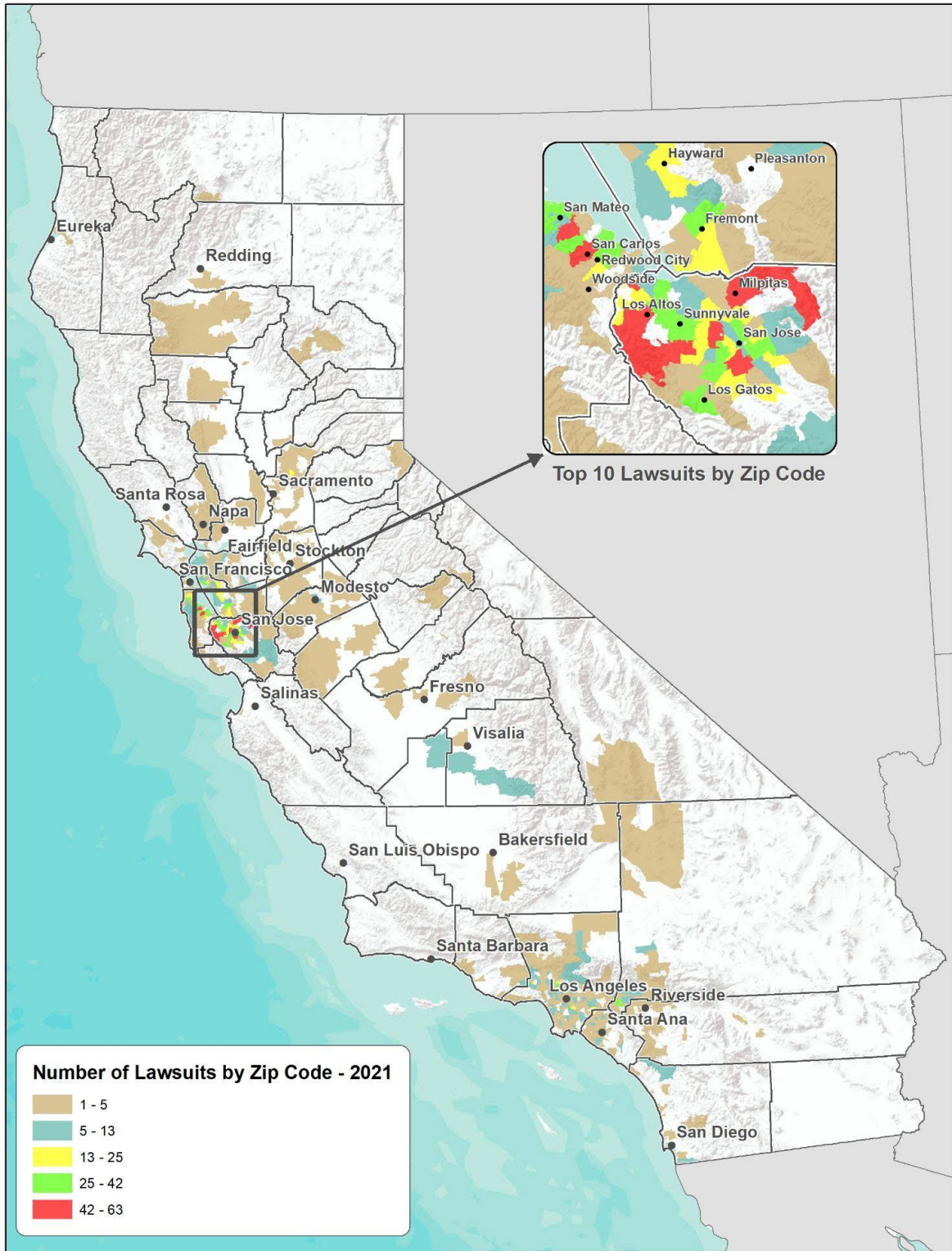
| Ranking | ZIP Code | City (Region) | Corresponding Local Neighborhoods (Districts) |
|---------|----------|---------------|---|
| 1 | 94301 | Palo Alto | Professorville |
| 2 | 95050 | Santa Clara | Santa Clara |
| 3 | 94403 | San Mateo | Hillsdale, Laurel |
| 4 | 95125 | San Jose | Willow Glen, Dry Creek |
| 5 | 95014 | Cupertino | Monta Vista, Seven Springs |
| 6 | 94070 | San Carlos | Palomar Park, Inner Bair Island |
| 7 | 95035 | Milpitas | North San Jose |
| 8 | 94022 | Los Altos | North Los Altos, Loyola Corners |
| 9 | 95008 | Campbell | San Tomas |
| 10 | 94041 | Mountain View | North Whisman, Castro City |
| 11 | 94087 | Sunnyvale | Gavello Glen, Sunnyarts |
| 12 | 94133 | San Francisco | Marina District |
| 13 | 95112 | Luna Park | Japantown, San Jose, Little Portugal |
| 14 | 95122 | San Jose | Mayfair, Little Italy, Little Saigon |
| 15 | 94002 | Belmont | San Carlos |

The map located below, *Inset 1*, depicts the *Top 10 Lawsuits by ZIP Codes in California* where lawsuits for alleged ADA construction-related violations occurred.

Inset 1: Map of Top 10 Lawsuits by ZIP Code in California - 2021



Inset 2: Map of Number of Lawsuits by ZIP Code - 2021



The map for *Inset 2* represents the number of frequent lawsuits by ZIP code. The top most frequently ranked ZIP code for complaints received by the Commission was 94301, located in the Northern California city of Palo Alto. The second highest ranking ZIP code was in the Bay Area region of Santa Clara, California. Unlike 2020, which was represented by both Northern and Southern California counties, in 2021, the alleged construction-related violations were located solely in the Bay Area region of Northern California.

Volume of State and Federal Complaints Received from Law Firms

There were approximately 3,850 state and federal complaints, including prelitigation letters received by the Commission in 2021; an estimated 2,934 complaints (92%) were filed by five law firms. Three of the top five law firms filing state and federal complaints were based in Southern California. The third one corresponded to the Bay Area region of Northern California. The fifth one corresponded to an out-of-state law firm.

Table 7: Volume Ranking of State and Federal Filings by Top 10 Law Firms (2021)

| Ranking | Percentage of 2021 Filings Received |
|--------------|-------------------------------------|
| 1 | 67% |
| 2 | 12% |
| 3 | 5% |
| 4 | 4% |
| 5 | 4% |
| 6 | 3% |
| 7 | 1% |
| 8 | 1% |
| 9 | 1% |
| 10 | 1% |
| Other | 1% |
| Total | 100% |

Case Resolution Reports

Data Overview - Case Resolution Reports

In 2021, the Commission received approximately 2,324 state and federal case resolution reports. This total represented a 77% increase from 2020, during which 1,310 reports were received. *Table 8*, below, provides further information.

Table 8: Case Resolution Reports Received by Type of Court Filing (2016-2021)

| Type of Complaint | 2021 | 2020 | 2019 | 2018 | 2017 | 2016 |
|-------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Federal | 1,979 | 954 | 1,397 | 1,403 | 1,308 | 1,391 |
| State | 275 | 341 | 276 | 413 | 468 | 483 |
| Not Stated | 7 | 15 | 12 | 16 | 22 | 184 |
| Not Processed | 63 | N/A | 10 | 57 | N/A | N/A |
| Total: | 2,324 | 1,310 | 1,695 | 1,889 | 1,870 | 2,058 |

Manner of Case Resolution Types

Three types of case resolution categories are routinely examined by the Commission. They include settlements, judgments, or dismissals. In 2021, the Commission recognized that 84% of the case resolution reports (CRRs) received were settled, showing a 69% increase in comparison to 2020. Additionally, CCDA's rate of dismissal submissions increased by 421% in 2021. Lastly, CRRs resulting in judgments were identified as increasing by 15%. *Table 9* illustrates the total number of settlements, dismissals, and judgments. Furthermore, the Commission reviewed multiple manner of resolution types from the same complaint. The high percentage of settlements compared to the low rate of judgments may indicate that most plaintiffs and defendants chose to resolve their disputes prior to reaching an official court judgment.

**Table 9: Percentage of Case Resolution Reports by Type
(2021)**

| Manner of Resolution | Instances | Percentage |
|-----------------------------|------------------|-------------------|
| Only Settlement | 1,065 | 47% |
| Settlement, Dismissal | 834 | 37% |
| Only Dismissal | 249 | 11% |
| Only Judgment | 110 | 5% |
| Judgment, Settlement | 3 | 0.1% |
| Total: | 2,261 | 100% |

Construction-Related Access Barrier Remediation

In 2021, CCDA identified 8,596 alleged construction-related physical violations from 3,850 case files. While considering the COVID-19 pandemic effects on case filing submissions, the Commission collected multiple case resolution reports that included the business status of the defendant(s), which indicated permanent closures to the public. The Commission also examined multiple clauses in the CRR injunctive relief agreements that indicated that defendants would be subject to an extension – for any period of time that the federal, state, or local authorities would require – to implement a shelter-in-place order or address issues that would otherwise interfere with their ability to perform the designated changes.

Supplemental Case Resolution Report Information

In 2019, the Commission considered that a possible explanation for low request percentage rates regarding a stay in proceedings and early evaluation conferences were based on the difficulties in fulfilling the mandated requirements corresponding to [California Civil Code Section 55.54](#). Under this provision, defendants are only eligible for an early evaluation conference if they obtain a Certified Access Specialist (CASp) report prior to their lawsuit, they are a small business, or their facility contains new construction. Furthermore, regardless of eligibility, the defendant would still need to provide evidence demonstrating remediation of the alleged violation(s) within a designated time frame.

In 2020, only 14 defendants requested an early evaluation conference, whereas in 2021, 24 defendants utilized the option, representing a 71% increase for affirmative requests. 2021 also included a 48% decrease in defendants requesting a site inspection by a CASp, with only 59 requests, compared to 114 in 2020. Furthermore, CCDA noted an 86% increase (2,202) for individuals not requesting to utilize CASp site inspection services, in contrast to the 1,185 in 2020. For more details, refer to *Appendix E*.

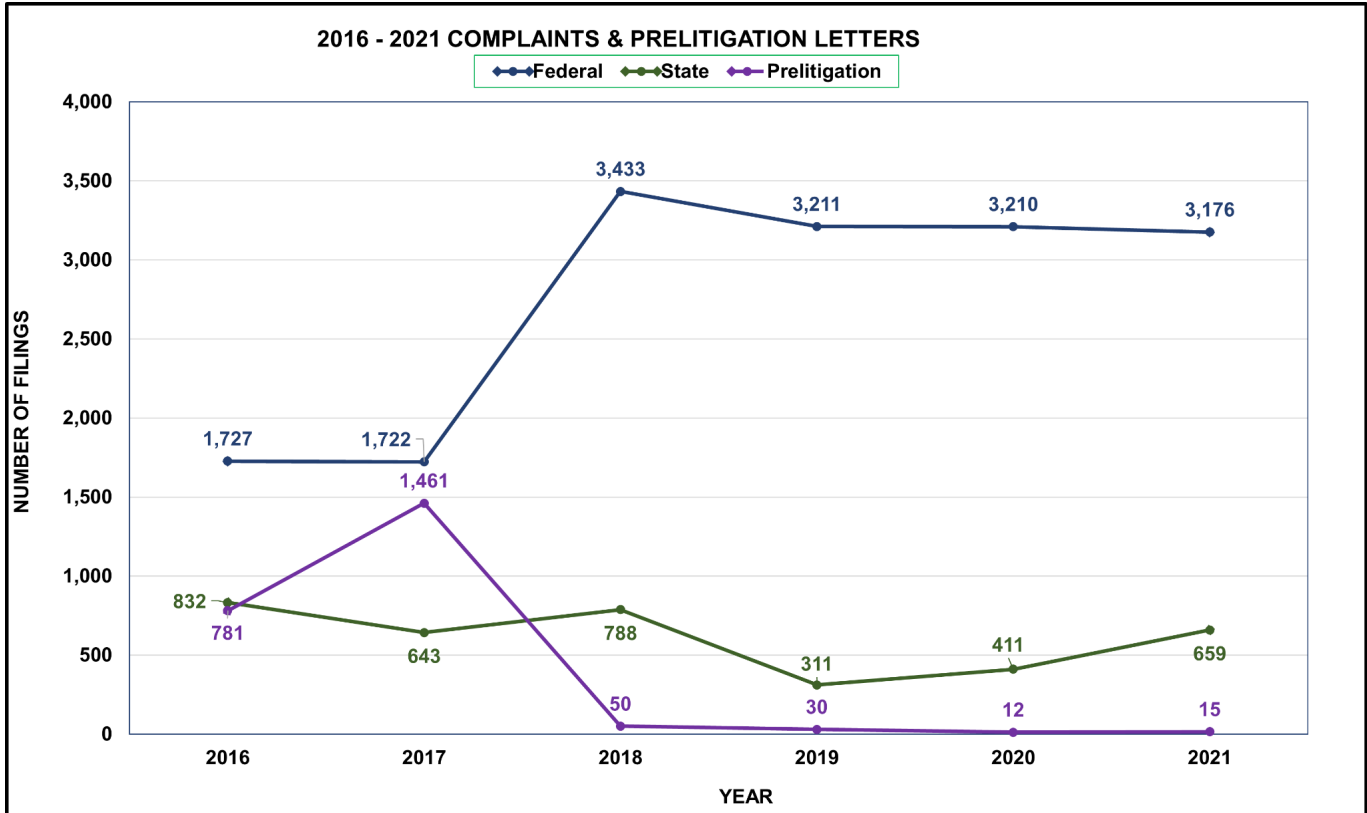
Conclusion

The significance of the Commission's 2021 achievements and completed goals has been defined by diverse and successful collaborations with multiple stakeholders, including innovative business partnerships, cooperative work efforts with local and state entities, and focused internal agency guidance, expertise, and support. CCDA's Education and Outreach accomplishments continued utilization of the *Accessible Parking Campaign* toolkit with the development of several questionnaires targeting over 20,000 business owners and operators, construction specialists, ADA coordinators, and local governments. Based on the responses and recommendations, the Commission looks forward to further refinement of this learning tool's informational enhancements, followed by consistent distribution throughout local cities and the state. Additionally, the Commission's [Open-air Dining and Curbside Pickup Disability Access Considerations](#) continues to address and emphasize an adaptable disability access resource option, while helping business owners and local communities to navigate through the COVID-19 pandemic.

The Commission's Data Analysis and Research division also celebrated notable contributions. In partnership with ETS' Service Now associates, a hired consultant helped facilitate the Commission's complete migration of 2019 and 2020 historical complaints into CCDA's legal portal. The Commission was also able to further examine the complexities of attorney compliance with [California Civil Code Section 55.32](#) through its 2021 DGS Strategic Plan goal. This endeavor provided an opportunity for CCDA's staff to conduct a data collection review within the 62 court systems (four federal district courts and 58 state superior courts) located in California, to determine compliance levels for ADA Title III legal portal complaint filings from 2020. The research, analysis, and development of post-project commission recommendations will continue to assist in creating barrier-free awareness for businesses and legal communities.

Appendices

Appendix A: 2016-2021 Case Files & Prelitigation Letters Received by Commission



| Type of Filing | Year of 2016 | Year of 2017 | Year of 2018 | Year of 2019 | Year of 2020 | Year of 2021 |
|----------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Federal | 1,727 | 1,722 | 3,433 | 3,211 | 3,210 | 3,176 |
| State | 832 | 643 | 788 | 311 | 411 | 659 |
| Prelitigation | 781 | 1,461 | 50 | 30 | 12 | 15 |

Appendix B: 2021 Top 10 Alleged Violations

| Rank | Violation Description | Total Number of Violations | Percent of Total |
|---------------|--|----------------------------|------------------|
| 1 | Access to Goods, Support, Services, and Equipment: Surface heights and space requirements for counters, tables, bars, or seating are not compliant. | 1,779 | 21% |
| 2 | Parking: Existing spaces are noncompliant (e.g., excessive slopes/cross-slopes, improper dimensions, striping, etc.). | 1,386 | 16% |
| 3 | Path of Travel Exterior: 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.). | 921 | 11% |
| 4 | Path of Travel Exterior: An obstacle in the accessible path of travel creates an access barrier. | 580 | 7% |
| 5 | Path of Travel Exterior: Routes to and from parking lot or right of way are not accessible (e.g., noncompliant surfaces, excessive slope/cross-slope, lack of detectable warnings, not protected from traffic, etc.). | 534 | 6% |
| 6 | Path of Travel Exterior: Doors are not accessible (e.g., the thresholds, handles, pulls, latches, locks, or clearances are noncompliant). | 503 | 6% |
| 7 | Parking: Van-accessible and/or loading zones are noncompliant or nonexistent. | 486 | 6% |
| 8 | Parking: Designated accessible directional and/or parking signage is missing or noncompliant. | 372 | 4% |
| 9 | Parking: Insufficient number of designated accessible spaces. | 292 | 3% |
| 10 | Path of Travel Interior: Path of travel is not accessible (e.g., noncompliant surfaces, excessive slope/ cross-slope, etc.). | 287 | 3% |
| Total: | | 7,140 | 83% |

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.

Appendix C: Place of Public Accommodation Categories Continued

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 Preigation Letters Received by Places of Public Accommodation (2018-2021)

| Place of Public Accommodation Category | 2021 Total | 2021 Percent | 2020 Total | 2020 Percent | 2019 Total | 2019 Percent | 2018 Total | 2018 Percent |
|--|------------|--------------|------------|--------------|------------|--------------|------------|--------------|
| Sales or Rental Establishments | 1,042 | 26.5% | 1,358 | 35.7% | 1,261 | 35.0% | 1,334 | 30.8% |
| Establishments Serving Food or Drink | 1,899 | 48.3% | 1,317 | 35.7% | 1,180 | 32.7% | 1,189 | 27.5% |
| Service Establishments | 746 | 19% | 602 | 16.3% | 748 | 20.7% | 1,030 | 23.9% |
| Places of Lodging | 208 | 5.3% | 294 | 8.0% | 259 | 7.2% | 661 | 15.4% |
| Other ^[1] | 5 | 0.1% | 23 | 0.6% | 52 | 1.4% | 4 | 0.1% |
| Public Transportation Terminals, Depots, or Stations | 1 | 0.0% | 7 | 0.2% | 20 | 0.6% | 28 | 0.7% |
| Place of Exhibition or Entertainment | 7 | 0.2% | 9 | 0.2% | 17 | 0.5% | 19 | 0.4% |
| Places of Exercise or Recreation | 7 | 0.2% | 2 | 0.1% | 16 | 0.4% | 26 | 0.6% |
| Places of Recreation | 5 | 0.1% | 6 | 0.2% | 9 | 0.4% | 12 | 0.3% |
| An Office Building | 7 | 0.2% | 31 | 0.8% | 6 | 0.2% | N/A | N/A |

^[1] This category includes non-construction-related business categories such as website, mobile apps or business categories not listed under Title 24 of the California Building Standards, such as marijuana or cannabis dispensaries.

Appendix D: Complaints and Preigation Letters Received by Places of Public Accommodation (2018-2021) Continued

| Place of Public Accommodation Category | 2021 Total | 2021 Percent | 2020 Total | 2020 Percent | 2019 Total | 2019 Percent | 2018 Total | 2018 Percent |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Places of Education (Non-Title II) | 1 | 0.0% | 4 | 0.1% | 3 | 0.1% | 3 | 0.1% |
| Places of Education (Title II) | 0 | 0.0% | 0 | 0.0% | 3 | 0.1% | 4 | 0.1% |
| Social Service Center Establishments | 0 | 0.0% | 2 | 0.1% | 1 | 0.0% | 3 | 0.1% |
| Places of Public Gathering | 3 | 0.1% | 10 | 0.3% | 1 | 0.0% | 4 | 0.1% |
| Places of Public Display or Collection | 0 | 0.0% | 1 | 0.0% | 1 | 0.0% | 3 | 0.1% |
| Public Curb or Sidewalk | 3 | 0.1% | 18 | 0.5% | 1 | 0.0% | N/A | N/A |
| Religious Facility | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | N/A | N/A |
| Total: | 3,935 | 100% | 3,685 | 100% | 3,606 | 100% | 4,320 | 100% |

Appendix E: Case Resolution Report Questions and Responses (2020-2021)

2021 Case Resolution Report Responses

| Questions | Yes | Percent Yes | No | Percent No |
|--|-------|-------------|-------|------------|
| Defendant requested an early evaluation conference | 24 | 1% | 2,237 | 99% |
| Defendant requested a site inspection by a Certified Access Specialist | 59 | 3% | 2,202 | 97% |
| Plaintiff received injunctive relief | 2,024 | 90% | 237 | 10% |
| Another favorable result was achieved | 420 | 20% | 1,707 | 80% |
| Plaintiff received damages or monetary settlement | 825 | 38% | 1,319 | 62% |

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 |
|--|--|--------------------|--------------------------|--------------|
| Christopher Downey (Chair) ^[2] | Public/ Disability | 9/19/2013 | 1/1/2021- 1/1/2024 | Governor |
| Douglas Wiele (Vice Chair) | Public/ Business Properties Association | 9/19/2013 | 1/1/2020- 1/1/2023 | Governor |
| Guy Leemhuis (Immediate Past Chair) | Public/ Disability | 5/8/2013 | 1/1/2021- 1/1/2024 | Senate |
| M. Scott Lillibridge | Public/General Business | 2/14/2018 | 1/1/2021- 1/1/ 2024 | 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 |
| Drake Dillard | Public/General Business | 12/15/2020 | 1/1/2020- 1/1/2022 | Governor |
| Brian Holloway | Public/General Business | 2/16/2017 | 1/1/2020- 1/1/2023 | Senate |

^[2] 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. As of October 21, 2020, during the full Commission meeting, Commissioner Christopher Downey was appointed as chair of the Commission and Commissioner Guy Leemhuis became immediate past chair of the Commission.

Appendix F: Commissioner Roster Continued

| Name | Represents | Original Oath Date | Current Appointment Term | Appointed By |
|---------------------|--|--------------------|--------------------------|--------------|
| Ashley Leon-Vazquez | Public/General Business | 1/27/2021 | 1/1/2021-1/1/2024 | Assembly |
| Tiffany Allen | Public/Disability | 7/26/2017 | 1/1/2017-1/1/2020 | Assembly |
| Anthony Seferian | Attorney General Office/ Ex-Officio | 5/26/2009 | N/A | N/A |
| Ida Clair | Division of the State Architect/ Ex-Officio | 1/18/2019 | 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 |
| Janet Nguyen | Assembly/ Ex-Officio | 9/28/2021 | N/A | N/A |
| Brian Maienschein | Assembly/ Ex-Officio | 9/28/2021 | N/A | N/A |

Appendix G: Commission Subcommittees

Christopher Downey – Commission Chair

Douglas Wiele – Commission Vice Chair

| Committee Name | Committee Chair | Committee Vice Chair |
|-------------------------|----------------------|----------------------|
| Executive | Christopher Downey | Douglas Wiele |
| Legislative | R. Michael Paravagna | N/A |
| Research ^[3] | Vacant | Vacant |
| Education & Outreach | Souraya Sue ElHessen | N/A |
| Checklist | Brian Holloway | Vacant |

^[3] Meetings of the Research Committee were placed on hold in 2019. During the full Commission meeting on Oct. 21, 2020, the following members were elected: Commissioner Christopher 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 immediate past chair of the Commission.

Appendix H: Summary of Five-Year Strategic Goals 2020-2024 Goals

| Goal | Purpose |
|--|---|
| <p>1. Increase disability access awareness.</p> | <p>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.</p> |
| <p>2. Continue to provide training programs and toolkits for targeted stakeholders.</p> | <p>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.</p> |
| <p>3. Identify and promote revenue streams to fund physical access compliance.</p> | <p>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.</p> |
| <p>4. Maintain data on status of access compliance.</p> | <p>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.</p> |

Appendix I: Summary of 2021 One-Year Strategic Goals

| Goal | Purpose |
|---|---|
| Evaluate attorney compliance with the California Commission on Disability Access data collection mandate (California Civil Code Section 55.32) by researching Title III construction-related American with Disabilities Act court filings and submission practices within the California federal district and state superior court systems. | California Commission on Disability Access will conduct a data collection review within the 62 court systems (four federal district courts and 58 state superior courts) in California to determine compliance levels for ADA Title III construction-related, attorney-submitted legal complaint filings in 2020. |

References

Table 6: Top 10 ZIP Codes of Complaints Received (2021)

ZIP Code: 94301 (Palo Alto)

[Palo Alto, CA - United States Zip Codes.Org](https://www.zipcodes.org/usa/94301)

ZIP Code: 95050 (Santa Clara)

[Santa Clara, CA - United States Zip Codes. Org](https://www.zipcodes.org/usa/95050)

ZIP Code: 94403 (San Mateo)

[San Mateo, CA - United States Zip Codes.Org](https://www.zipcodes.org/usa/94403)

ZIP Code: 95125 (San Jose)

[San Jose, CA - United States Zip Codes.Org](https://www.zipcodes.org/usa/95125)

ZIP Code: 95014 (Cupertino)

[Cupertino, CA - United States Zip Codes.Org](https://www.zipcodes.org/usa/95014)

ZIP Code: 94070 (San Carlos)

[San Carlos, CA - United States Zip Codes. Org](https://www.zipcodes.org/usa/94070)

ZIP Code: 95035 (Milpitas)

[Milpitas, CA - United States Zip Codes.Org](https://www.zipcodes.org/usa/95035)

ZIP Code: 94022 (Los Altos)

[Los Altos, CA -United States Zip Codes.Org](https://www.zipcodes.org/usa/94022)

ZIP Code: 95008 (Campbell)

[Campbell, CA - United States Zip Codes.Org](https://www.zipcodes.org/usa/95008)

ZIP Code: 94041 (Mountain View)

[Mountain View, CA - United States Zip Codes.Org](https://www.zipcodes.org/usa/94041)

ZIP Code: 94087 (Sunnyvale)

[Sunnyvale, CA - United States Zip Codes.Org](https://www.zipcodes.org/usa/94087)

ZIP Code: 94133 (San Francisco)

[San Francisco, CA - United State Zip Codes.Org](https://www.zipcodes.org/usa/94133)

References Continued

Table 6: Top 10 Zip Codes of Complaints Received (2021)

ZIP Code: 95112 (Luna Park)

[Luna Park, CA - United States Zip Code.Org](#)

ZIP Code: 95122 (San Jose)

[San Jose, CA - United States Zip Codes.Org](#)

ZIP Code: 94002 (Belmont)

[Belmont, CA - United States Zip Code.Org](#)

[Belmont City Parks Projects](#)

Inset 1: Map of Top 10 Lawsuits by ZIP Code in California - 2021

Designed by Department of General Services, California Government Operations Agency, Geographical Information Systems

Inset 2: Map of Number of Lawsuits by ZIP Code in California - 2021

Designed by Department of General Services, California Government Operations Agency, Geographical Information Systems

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