

California Commission on Disability Access All Access CCDA Summer Newsletter

Upcoming Public Meetings

July 28, 2021 10:00 a.m. – 4:00 p.m. Full Commission

August 25, 2021 1:30 – 3:00 p.m. Education & Outreach Committee

September 8, 2021 10:00 – 11:30 a.m. Legislative Committee

September 29, 2021 1:30 – 3:00 p.m. Checklist Committee

Message from the Chair

Welcome to the California Commission on Disability Access (CCDA). As chair of this commission, I am so pleased to see how far we have come. Since CCDA was established in 2009, we have developed various access compliance toolkits for businesses and building professionals, and have conducted listening forums, stakeholder discussions, and outreach with various groups. Regardless, we can always do more. As a professional architect who lost my sight at age 45, I personally understand the need for inclusivity and have dedicated my career to create enriching environments for accessible universal design. Thank you for taking the time to read our message and we encourage you to get involved with us and to invite anyone who would appreciate CCDA's mission. Take a look at our upcoming meetings and visit our website for more events and information. It is our hope that this newsletter acts as a vehicle of sharing CCDA's latest projects and endeavors in this journey of access for all.
-Commissioner Chris Downey

New Employee Spotlight

Phil McPhaul, CCDA Operations Manager

Start Date: March 1, 2021.

As operations manager, Phil manages budget tracking, strategic goal planning, staff development training, and oversees all commission operations. Welcome Phil!

Announcements

CCDA's Accessibility Construction Inspection Checklist 2020 Edition has a new look! In partnership with DGS Enterprise Solutions, CCDA has revamped the Checklist into a new digitally accessible web form. The form can be accessed from your smart phone or portable device. View it on CCDA's website under "[Resources](#)" www.dgs.ca.gov/CCDA/resources.

CCDA's Legal Web Portal for attorney case file submissions has a new location on the website- CCDA has moved the portal login button from the home page to a tab labeled "[Legal Portal](http://www.dgs.ca.gov/CCDA/ccda-legal-portal)" www.dgs.ca.gov/CCDA/ccda-legal-portal. The tab was created for ease of user navigation and provides a central location for the legal portal login button and associated resources for attorneys and law firms.

A Legal Portal Quick Reference Guide has been published on CCDA's website- To assist attorneys in submitting complaints, prelitigation letters, and case resolutions of alleged physical access barriers, CCDA has created a Quick Reference Guide in reference to CCDA's submission process and portal navigation. The guide can be accessed from the "legal portal" tab mentioned in the previous announcement.

2021 Strategic Goal Update

CCDA has begun cross-referencing legal files submitted to CCDA in 2020, against external designated legal data bases. The goal is to evaluate attorney compliance of submitting alleged construction-related Title III Americans with Disabilities Act (ADA) state and federal court cases to CCDA (California Civil Code 55.32 et seq.) Since the goal's initiation in January 2021, the research effort is intended to be completed by December 31, 2021. Learn more about this goal on CCDA's [website](http://www.dgs.ca.gov/CCDA) www.dgs.ca.gov/CCDA.

Myth or Misconception?

Question: "My business does not need to be compliant because the building is old and therefore it is grandfathered." - MISCONCEPTION Answer: "Grandfathering" is the notion that the Americans with Disabilities Act (ADA) and state law access requirements do not apply to buildings constructed prior to the effective date of these statutes. This is false with a few exceptions. If the facility was altered or built-in accordance to the 1991 Americans with Disabilities Act Accessibility Guidelines (ADAAG), a "Safe Harbor" is allowed for elements that are compliant with the 1991 ADAAG. Otherwise, if the building is open to the public, a place of public accommodation must provide access to goods and services. All accessibility barriers that are readily achievable must be removed. In other words, easily accomplished and able to be carried out without much difficulty or expense. If full accessibility is found to be technically infeasible, the alteration must provide equivalent facilitation or comply with requirements to the maximum extent feasible. The process of determining readily achievable alterations is not a one-time effort and should be re-evaluated annually. Barrier removal that might be difficult now may be readily achievable later.

#1 Alleged Construction Related Access Violation in California: PARKING

Among alleged construction related access violations CCDA records, the category of parking has been the #1 violation since January 2020 and has been in the top 3 since 2018.

What does this mean for you as a business owner or property owner? Utilize your resources. See the list below as a guide to becoming compliant with local, state, and federal access laws.

Let's Get Access Compliant Quick Resources for your Business/Property

- [Certified Access Specialist \(CAsp\) Property Inspection – Department of General Services – Division of the State Architect](http://www.dgs.ca.gov/DSA/Resources) www.dgs.ca.gov/DSA/Resources
- [California Capital Access Program \(CalCAP\) for Small Business \(California State Treasurer\)](http://www.treasurer.ca.gov/cpcf/calcap/index.asp) www.treasurer.ca.gov/cpcf/calcap/index.asp
- [California Business Portal \(Governor's Office of Business and Economic Development\)](http://www.businessportal.ca.gov) www.businessportal.ca.gov
- [Access Compliance Reference Materials \(Department of General Services Division of the State Architect\)](http://www.dgs.ca.gov/DSA/Resources) www.dgs.ca.gov/DSA/Resources

Access Tips for Outdoor Operations:

- Follow the guidelines of your local building department.
- Be aware your city or county may have requirements more restrictive than state or federal requirements.
- Prepare to make accommodations for individuals with disabilities.
- Access compliance still applies to parklets or areas of public accommodation.
- Download Open-air Dining & Curbside Pickup Disability Access Considerations to view additional tips for parklet structures and disability access.

Commission Highlights

Commissioner Chris Downey in BBC Interview- Chair Commissioner Downey shares his experience losing his vision at the age of 45, and his success in designing accessible spaces as an architect. To listen to the full interview, find it on our website under "[News](http://www.dgs.ca.gov/CCDA/News)" www.dgs.ca.gov/CCDA/News

Stakeholder Roundtable with Chief U.S Magistrate Judge of U.S District Court, Northern District of CA Joseph Spero- Shared his insights oh how ADA cases are reported within court systems. CCDA continues research efforts of filing compliance. To listen to the segment, find it on our website under "[News](#)" www.dgs.ca.gov/CCDA/News

Want to get involved with CCDA? Attend our public meetings and events to learn about our latest activities. To view the latest event calendar, visit our [website](#) www.dgs.ca.gov/CCDA/events

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