



CCDA

California Commission
on Disability Access

2017 Annual Report to the Legislature

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State of California

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SUMMARY

The California Commission on Disability Access (CCDA) Annual Report to the California State Legislature is submitted in compliance with Government Code Sections 14985.7(a) and 14985.8(d).

CCDA Transition to the Department of General Services (DGS) on July 1, 2017. The past six months have been a transitional phase with ongoing meetings and discussions. The aim of these discussions has been to lay a foundation for collaborating, educating Commission staff on new administrative requirements and processes; and addressing concerns that the CCDA noted in previous annual reports to the Legislature.

Preventing or Minimizing Problems of Compliance through ongoing education and outreach to promote and facilitate disability access compliance, as directed in Government Code Section 14985.6, remains a priority for CCDA. In 2017, CCDA conducted its first Listening Forum on the topic of the Department of Motor Vehicles Disabled Parking Placard Program. The Listening Forum targeted businesses, nonprofits, governmental entities, disability advocates, and the public. CCDA continued to participate in outreach events and work with existing partners such as the Division of the State Architect (DSA), the California Capital Access Program (CalCAP), and the Governor's Office of Business and Economic Development (GO-Biz) to increase disability access awareness. Also, CCDA began developing a strategy to explore the development of a state-level Americans with Disabilities Act function/policy to address the disparate levels of resources and information at various state offices.

Reports of the top 10 Americans with Disabilities Act (ADA) construction-related physical access violations are posted on CCDA's website throughout the year. To improve CCDA's ability to more efficiently and effectively track, analyze, and report on prelitigation letters, complaints and case outcomes, CCDA is on track to implement a web-based database system in 2018 for attorneys to submit complaints, prelitigation letters, and case resolution information.

Legislative Collaboration continued to be a priority for CCDA in 2017, as it worked to build upon alliances formed with legislative members. The executive director, along with commission leadership, met throughout the year with legislative members and their staff to share thoughts and recommendations on proposed and/or pending legislation. In 2018, CCDA plans to begin hosting periodic town halls. These meetings will be designed to bring together the disability and business communities to better understand each other's values and issues and work together to find workable solutions that will benefit both communities.

This report is available online at <https://www.dgs.ca.gov/Resources/Legislative-Reports> or by calling (916) 319-9974.

INTRODUCTION

In 2008, the California State Legislature concluded that in many instances persons with disabilities continued to be denied full and equal access to public facilities even though that right was provided under state and federal law. The Legislature further concluded that businesses in California have the responsibility to provide full and equal access to public facilities as required in laws and regulations, but that compliance may be impeded, in some instances, by conflicting state and federal regulations, resulting in unnecessary litigation.

Senate Bill (SB) 1608 (Corbett, Chapter 549, Statutes of 2008) established the California Commission on Disability Access (CCDA) under Government Code (GC) Sections 8299-8299.11 with a vision toward developing recommendations to the Legislature that would enable persons with disabilities to exercise their right to full and equal access to public facilities and that would facilitate business compliance with applicable laws, building standards and regulations to avoid unnecessary litigation.

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

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

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

CCDA currently has five authorized personnel and the commission is comprised of 17 members: 11 public members and six ex-officio, non-voting, members comprised of the State Architect, the Attorney General and four members of the California Legislature. The commission's total operating budget is \$680,000.

On July 1, 2017, CCDA became part of the Department of General Services (DGS) resulting in CCDA's initial governing statutes, GC Sections 8299-8299.11, being replaced by GC Sections 14985-14985.11 (added by Statutes 2017, Chapter 19, Section 15).

Mission

The mission of CCDA 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, 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 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!*

Reporting Requirements

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

This report also provides tabulated data including:

- The various types of ADA construction-related physical access violations alleged in prelitigation letters and complaints.
- The number of complaints alleged for each type of violation.
- A list, by type, of the 10 most frequent types of accessibility violations alleged.
- The numbers of alleged violations for each listed types of violation.
- The number of complaints received that were filed in state or federal court; filing frequencies, and location frequencies.
- The zip codes of complaints received.
- The percentage of attorney and plaintiff filings.
- The resolution reached on complaints submitted.

ACCOMPLISHMENTS AND PATH FORWARD

During 2017, under the leadership of the executive director and the executive committee, CCDA continued to work toward achieving the mission and strategic goals set by the commission. Highlights of 2017 accomplishments include:

CCDA Operations

The partnership of CCDA and the Financial Information System for California (FI\$Cal) demonstrated state government collaboration at its best. Due to budget constraints in 2017, CCDA was unable to replace the staffing to manage the fiscal operations of the commission. Through an informal agreement, the leadership of FI\$Cal provided limited staffing for accounting and procurement support. With this informal collaboration, CCDA was able to maintain timely invoicing payments and secure all necessary contracts through FI\$Cal, a new accounting system for state agencies. Through the hiring of two highly skilled retired annuitants and the continued use of trained volunteers, the executive director was able to provide a substantive level of administrative and program support for the commission. The use of retired annuitants and volunteers was in response to CCDA's budget constraints. CCDA commenced hiring permanent staff the latter part of 2017. Filling one remaining vacancy will coincide with CCDA's relocation to facilities that can accommodate increased personnel.

Transition to DGS

Since CCDA's transition to DGS on July 1, 2017, it has been working closely with DGS to address concerns previously reported to the Legislature. The most significant of these concerns are the necessity to relocate the office to accommodate CCDA's authorized staff levels and program obligations; the requirement to increase the baseline budget to fulfill the statutory mandates; and the need to implement an automated database system to track, analyze and report on prelitigation letters, case filings and case resolutions. As of the date of submission of this report, budget review exercises are nearly completed, the office relocation is expected to occur in early 2018, and implementation of a web-based database system is on target for implementation in 2018. CCDA and DGS continue to focus on creating relationship that will conserve CCDA's autonomy while allowing it to operate within the structure of DGS.

Strategic Goals

Despite staffing and budgetary limitations in 2017, CCDA successfully addressed three of the nine goals included in its five-year strategic plan. In general, the strategic plan is part of an effort to find ways for CCDA to continue to reach out, educate and promote better disability access in California and to create an environment that values and practices communication and collaboration across the wide spectrum of interests in the disability, government, business, educational and nonprofit communities.

Strategic Goal: Increase Disability Access Awareness

During 2017, CCDA focused on increasing disability access awareness through the use of city business portals. Business portals are generally created to provide business owners with all of the information they need to plan, start, manage, and grow their business. CCDA sought this perfect union of providing disability access awareness and

resources through a successful partnership with the California Governor's Office of Business and Economic Development (GO-Biz) business portal. After developing language for GO-Biz, we provide resource information for the San Francisco and Los Angeles business portals.

Also to increase disability access awareness, CCDA developed language for the State Bar to place in its news journal and website regarding SB 1406 (Mendoza, Chapter 892, Statutes of 2016) which required CCDA to track and report on educational entities.

Strategic Goal: Create Training Programs for Targeted Constituencies

A hallmark of success was on July 18, 2017, when CCDA held its first Listening Forum in Southern California on the topic of the Department of Motor Vehicles (DMV) Disabled Parking Placard Program. The objectives of the listening forum were to:

- Identify what is currently working and not working in the placard program.
- Develop recommendations to improve the placard program.

The listening forum addressed the California State Auditor's Report (#2016-121) on the DMV Disabled Parking Placard Program, proposed SB 611 vehicles (Hill, 2017-18), and disability rights issues related to the program and legislation. A range of individuals participated in the forum, including staff representatives from city governments, county governments, state government, state universities, disability services and advocacy groups, and the public at large. The forum included a panel presentation with representatives from DMV, the Legislature, the city council, and a disability rights advocate, followed by questions and answers and small group discussions. This forum was recorded and is now viewable on CCDA's website.

In 2018, CCDA plans to host another listening forum on the same topic in the northern part of the state, with the goal of taking information received at both listening forums and developing suggestions and recommendations to advance disability access in California.

CCDA was also instrumental in distributing the "ADA Myths & Misconceptions Toolkit," the "CCDA Accessibility Construction Inspection Checklist for Building Inspectors/ Officials," "Top Ten Construction-Related Access Violations," and other informational pamphlets for use at the Abilities Expo in Los Angeles. In partnership with the Los Angeles Disability Department, Commissioner Betty Wilson represented CCDA at the informational booth to improve disability access. The Abilities Expo is held nationwide and is the go-to source for the community of people with disabilities, their families, caregivers, seniors, wounded veterans and health care professionals. The event features new technologies new possibilities, new solutions and new opportunities to change the lives of people with disabilities.

Pictures of the events on the following page.



The top portion of the above image features a presentation given at the DMV Disabled Parking Placard Program Listening forum. The lower left image is of the panel from the forum, and the lower right image is of a small group discussion from the forum.



The images above are from the Los Angeles Abilities Expo. On the left is a picture of the display table; on the right is a picture of Commissioner Wilson.

Strategic Goal: Development of a State-Level ADA Access Function/Policy
Information, resources, and compliance support for access and accommodation

requests are found at varying levels throughout state and local government. The inconsistency of response and availability of informational resources is a challenge for those who seek to identify and implement solutions to compliance issues. This goal seeks to address the disparate levels of resources and information at various state offices. CCDA surveyed state ADA coordinators in 2017. Although CCDA received a low response from the 83 agencies reporting to have an ADA coordinator, the effort has cultivated relationships with various local ADA coordinators from throughout California and has provided CCDA tremendous insight into the workings of full time ADA coordinators. Based on the feedback received thus far regarding the low response, CCDA plans to reissue the survey in 2018. The survey results are critical to CCDA's research effort and will help shape CCDA's understanding of the need to proceed with this strategic goal.



The picture above features a panel who were presenting information at a commission meeting. Included on the panel were Mary Wolford (City of San Diego), Shannon Mulhall (City of Fresno) and Bruce Souble, Sr. (City of Richmond)

Partnerships/Presentations

CCDA believes to fulfill its mission 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 2017, CCDA had a significant amount of success in this endeavor.

In the area of collaboration, in August 2017, CCDA was given an opportunity to support the Division of the State Architect (DSA) in its effort to create the Access Code Collaborative (ACC), a standing body of diverse representative stakeholders organized to assist DSA with the regulatory process related to proposed amendments to the accessibility provisions of the California Building Code. CCDA presented a slate of candidates to DSA to serve on the ACC.

The executive director and the commissioners actively participated in and attended outreach events regarding ADA throughout California that were hosted by various organizations and governmental entities. Additionally, several commissioners had the

opportunity to attend conferences to enhance their knowledge on ADA laws, regulations, and issues impacting people with disabilities. To highlight a few:

- Commissioner R. Michael Paravagna spoke to city officials in Humboldt County; the California State Independent Living Council; and the State Council on Developmental Disabilities regarding disability access with highlights of CCDA's DMV Disabled Parking Placard Program Listening Forum and CCDA's planned future listening forums.
- Commissioner Douglas Wiele, Vice Chair, was a guest lecturer for the "Forum Webinar Series" hosted by the National Trust for Historic Preservation Leadership Forum.
- Commissioner Christopher Downey was a keynote speaker at the 2017 Accessibility Codes and Standards Summit held in San Francisco. The summit is designed for expert-level Certified Access Specialists (CAsp) and building officials, architects and inspectors to learn accessibility codes and standards.



Pictured above is Commissioner Downey

- Commissioner Celia McGuinness represented CCDA at events hosted by the Hearing Loss Association of America (East Bay Chapter). This has resulted in the creation of a new stakeholder connection for CCDA.
- Executive Director Angela Jemmott contributed her expertise and talents at workshops while expanding her knowledge about ADA and issues impacting people with disabilities. Highlights include:
 - Attending the Accessibility Codes and Standards Summit (ACSS). The ACSS is mainly attended by Certified Access Specialists and various other California building officials;
 - Attending the National Association of ADA Coordinators Conference. The purpose of the conference is to bring ADA coordinators together and to provide a forum for the most up-to-date information on ADA issues and enforcement; and

- Attending the annual California Public Parking Association Conference and Trade Show. This year's conference offered multiple training and networking opportunities. One of the featured sessions was a Roundtable Legislative Update on the DMV Disabled Parking Placard Program.

Path Forward

Operational

In 2018, CCDA will be relocating to a new facility and hiring permanent staff, representing an exciting yet extremely time-consuming undertaking. A significant amount of time during 2018 will be dedicated to staff training and development, including getting organized in the new office. This operational undertaking can and will be successful thanks to the dedicated leadership within CCDA.

Automation of Data Collection

During 2017, CCDA met on an ongoing basis with DGS' Office of State Publishing (OSP) and DGS' Enterprise Technology Solutions (ETS) to address CCDA's automation needs. CCDA will continue to work closely with these DGS programs to complete the scanning and web-based database projects, with anticipated implementation in 2018. Partnering with OSP will enable paper records dating back to 2012 to be scanned for electronic storage and retrieval. Partnering with ETS to create the web-based database system will allow CCDA to realize several efficiencies including reduced personnel hours from entering manually submitted complaints; prelitigation letters and case resolutions; reduced need for storage space for paper files; and reduced data entry errors. In addition, this web-based database will enhance CCDA's ability to perform more complex data analytics essential for making recommendations to the Legislature designed to promote disability access compliance and reduce litigation.

Educational Outreach

Scheduled in Sacramento is the follow-up to the Listening Forum launched in Southern California in 2017. CCDA's legislative committee will decide on the next series of discussion topics for 2018. Additionally, the checklist committee is preparing its series of discussions that will target specific industries. This committee is working toward creating additional industry-specific ADA toolkits for businesses that address their daily, monthly, annual, and new construction-related access issues.

Website Redesign

Combined with the plans to increase disability access awareness through the collaboration with state and local business portals, CCDA is working with DGS' Office of Public Affairs on a website redesign. Increasing CCDA's public visibility is one of the advantages of the 2017 transition to DGS.

Developing New Partnerships

The State Bar has reached out to CCDA to participate in educational outreach to its members. The executive director is scheduled to present on a panel discussion via webinar in 2018. The first webinar is entitled *Understanding and Complying with ADA Issues Involving Real Property in California*. This webinar seeks to educate attorneys on the fundamentals of ADA law in the state of California.



Pictured above are new partners to CCDA. On the left is Brian Bashin, CEO of Lighthouse for the Blind and Visually Impaired; on the right is Nicole Bohn, Executive Director of the San Francisco Mayor's Office on Disability

COMPLAINTS AND PRELITIGATION LETTER DATA COLLECTION

Overview

This report provides detailed tabulations for federal and state construction-related physical access ADA complaints and prelitigation letters reported to CCDA.

The law requires attorneys to submit construction-related physical access complaints and prelitigation letters to CCDA within five business days of filing. In 2017, 3,826 records of complaints and prelitigation letters were received. This is a 14.2 percent increase over the 3,349 records reported in 2016.

In 2017, the number of prelitigation letters reported increased by 87 percent, from 780 in 2016 to 1,461. A prelitigation letter is required to be sent before a case is filed in state court; however, such a requirement does not apply to federal court filings. Multiple prelitigation letters may be sent for a single case if multiple defendants are named. CCDA has not ascertained the reason for the substantial increase in prelitigation letters over prior years.

Table #1: Complaints & Prelitigation Letters from 2013-2017

Year	Complaints	Prelitigation Letters	Total
2017	2,365	1,461	3,826
2016	2,569	780	3,349
2015	2,323	623	2,946
2014	2,944	234	3,178
2013	2,555	327	2,882
TOTAL	12,756	3,425	16,181

SB 1186 requires a lawyer to timely submit a copy of a prelitigation letter (excludes complaints) to the California State Bar (Civil Code 55.32 subdivision (a)(2) and (c)). The State Bar indicated it received 377 prelitigation letters in 2017 in comparison to the 1,461 received by CCDA. CCDA has not ascertained the reason for the discrepancy.

It should be noted that CCDA is unable to verify whether all Title III Americans with Disabilities Act (ADA) complaints filed have been reported to CCDA. For example, periodically, through third-party requests for public records, CCDA has become aware of complaints that have not been reported to CCDA as required by statute.

The data further reveals that 72 percent of the complaints and prelitigation letters submitted in 2017 were received by CCDA within five business days of filing, as required by law.

Court Trends

Of the 2,365 federal and state complaints (excludes prelitigation letters) submitted in 2017, federal complaints accounted for 73 percent of the complaints received.

The number of federal case filings has steadily increased since 2013. Since 2016, federal case filings have been more than double state case filings (see Appendix A). CCDA is unable to ascertain at this time the factors contributing to the growth in federal complaints. Additional staff and resources would be needed to undertake the necessary research to determine the factors contributing to the increase.

Table #2: 2017 Court Filings

Category	Total	Percent
Federal complaint	1,722	73%
State complaint	643	27%
TOTAL	2,365	100%

Alleged Construction-Related Physical Access Violations

A total of 10,608 construction-related physical access violations were alleged in the 3,826 complaints and prelitigation letters reported to CCDA in 2017 (see Appendix B). This is an 8 percent decrease in comparison to 11,468 violations alleged in 2016.

Table #3: Number of Alleged Construction-Related Violations

Year	Alleged Violations
2017	10,608
2016	11,468
2015	9,643
2014	10,407
2013	8,649
Total	50,775

CCDA categorizes the violations using 51 key codes consistent with Title 24 of the California Code of Regulations (see Appendix C).

Place(s) of Public Accommodation

CCDA uses 12 public location categories taken from the “Place(s) of Public Accommodation” in the ADA Title III Technical Assistance Manual to further categorize alleged construction-related physical access violations. The top three places of public accommodation where violations occurred continue to be sales establishments, service establishments, and food or drink establishments as indicated in the chart below.

Table #4: Public Places of Accommodation Where Violations Most Frequently Occur

Location	Percentage
Sales/rental establishments	38%
Service establishment	35%
Food or drink establishment	19%

These categories are consistent with 2016 reported violations (see Appendix F).

Plaintiffs and Attorneys

Of the 2,365 federal and state complaints reported to CCDA in 2017, 98 (4 percent) were from self-identified high frequent litigants (HFLs), which are defined in GC 425.55 as plaintiffs that have filed 10 or more complaints alleging a construction-related accessibility violation within a 12-month period.

In 2017, complaints received from HFLs averaged 81 percent of the complaints reported to CCDA; in 2016, such complaints constituted 75 percent.

Of the 2,365 federal and state complaints (excludes prelitigation letters) reported to CCDA in 2017, 1,747 (74 percent) were filed by four law firms.

See Appendix D for the data pertaining to plaintiffs and attorney filings.

Top 10 Alleged Construction-Related Access Violations

CCDA further organizes alleged constructed-related physical access violations into the following six categories:

1. Toilet Rooms and Bathrooms
2. Parking
3. Accessible Route and Entry
4. Access within Public Facility
5. Equipment within Public Facility
6. General Alleged Violations

The 10 most frequently alleged construction-related physical access violations totaled 7,623 (or 72 percent) of the 10,608 alleged violations reported in 2017. Within the top 10, four categories were represented:

- Parking.....51 percent
- Accessible Route and Entry.....30 percent
- Access within Public Facility.....13 percent
- General Violations.....6 percent

Parking and Access Route and Entry violations have been on the top 10 list since July 2014. Examples of parking violations include: the minimum number of disabled parking stalls is noncompliant, nonexistent van-accessible parking, and noncompliant signage in parking lot. Examples of accessible route and entry violations include noncompliant ramps, nonaccessible routes and entry doors.

The top 10 violations for the preceding six-month period are posted on CCDA's website at least twice a year, as required by GC Section 14985.8.

See Appendix E for a list of the top 10 violations reported to CCDA.

CASE RESOLUTIONS

Background

In October 2015, AB 1521 (Committee on Judiciary, Chapter 755, Statutes of 2015) was enacted as an urgency measure requiring CCDA to collect, study and report on construction-related physical access case outcomes.

Tabulated Data

Attorneys use the Case Resolution Report (CRR 001) created by CCDA to report on outcomes of complaints filed in federal and state court. In 2017, CCDA received 1,870 (CRR 001). Of those, 92 percent were reported within five business days as required by law.

Table #5: 2015-2017 Case Resolutions by Court Filings

Court	2017	2016	2015*
Federal	1,380	1,391	285
State	468	483	111
Not Stated**	22	184	142
TOTAL	1,870	2,058	538

*Data includes October-December 2015 only. **Reporting party did not select an answer.

The manner of case resolution can be settlement, judgement or dismissal. Settlements were reached in 78 percent of the reported complaints.

Table #6: 2017 Case Resolutions

Resolution	Percentage
Settlement	78%
Dismissal	13%
Judgment	9%

The (CRR 001) requests attorneys to provide additional information such as whether the plaintiff received damages, a monetary settlement or other favorable result, and whether a site inspection was requested and held. See Appendix H for a summary of the responses.

EDUCATIONAL ENTITIES

In September 2016, SB 1406 (Mendoza, Chapter 892, Statutes of 2016) was enacted, requiring CCDA to collect, review, and report on prelitigation letters, complaints, and case outcomes pertaining to educational entities, effective January 1, 2017.

In 2017, CCDA received and tabulated two alleged complaints pertaining to educational

entities. One complaint involved a community college and the other involved a private local education agency. Four additional complaints were received; however, they reflected alleged violations pertaining to Title II of the Americans with Disabilities Act and therefore were not recorded into CCDA's database.

CCDA is unable to determine at this time the reason for the low reporting of complaints related to educational entities. As part of CCDA's 2017 outreach effort, educational information pertaining to SB 1406 requirements was submitted to the California State Bar to share with attorneys.

CHALLENGES AND SOLUTIONS UPDATE

This section provides an update to the two major challenges identified in the 2016 annual report that impacts CCDA's ability to promote disability access awareness and compliance.

Challenge: CCDA is running out of physical space in which to accommodate staff and house a large volume of complaint records received since 2012.

Update: Lease negotiations are underway for the new office space with plans to relocate CCDA before the end of the fiscal year. With the implementation of the scanning project this fiscal year, paper complaints, prelitigation letters and case resolutions received to date will be scanned, thereby eliminating the need for additional filing space.

Challenge: With the passage of AB 1521 in October 2015, the collection of case resolution data, along with the synthesis of resolutions with the initial complaints, requires additional staffing to perform these functions, in addition to educational outreach to increase disability access and awareness.

Update: A budget review exercise is nearing completion. The budget exercise is designed to project CCDA's baseline budget needs for fiscal year 2017-18 and determine its estimated budget needs for future years. CCDA continues to work closely with DGS' ETS on a web-based database system. We anticipate implementation in 2017-18.

APPENDIX A: FEDERAL/STATE COMPLAINTS AND PRELITIGATION LETTERS RECEIVED

In 2017, federal complaints accounted for 73 percent of the case filings (complaints received excluding prelitigation letters), in comparison to 67 percent in 2016; 47 percent in 2015; 52 percent in 2014; and 24 percent in 2013. At this time, CCDA is unable to ascertain the factors that are contributing to the growth in federal complaints. Prelitigation letters continue to grow substantially for reasons unknown. They accounted for 38 percent of the 3,826 letters received in 2017 and grew by 87 percent over 2016.

2017

Category	Total	Percent
Federal Complaint	1,722	45%
State Complaint	643	17%
Prelitigation Letter*	1,461	38%
Total	3,826	

2016

Category	Total	Percent
Federal Complaint	1,730	52%
State Complaint	839	25%
Prelitigation Letter*	781	23%
Total	3,340	

2015

Category	Total	Percent
Federal Complaint	1,083	37%
State Complaint	1,240	42%
Prelitigation Letter*	623	21%
Total	2,946	

2014

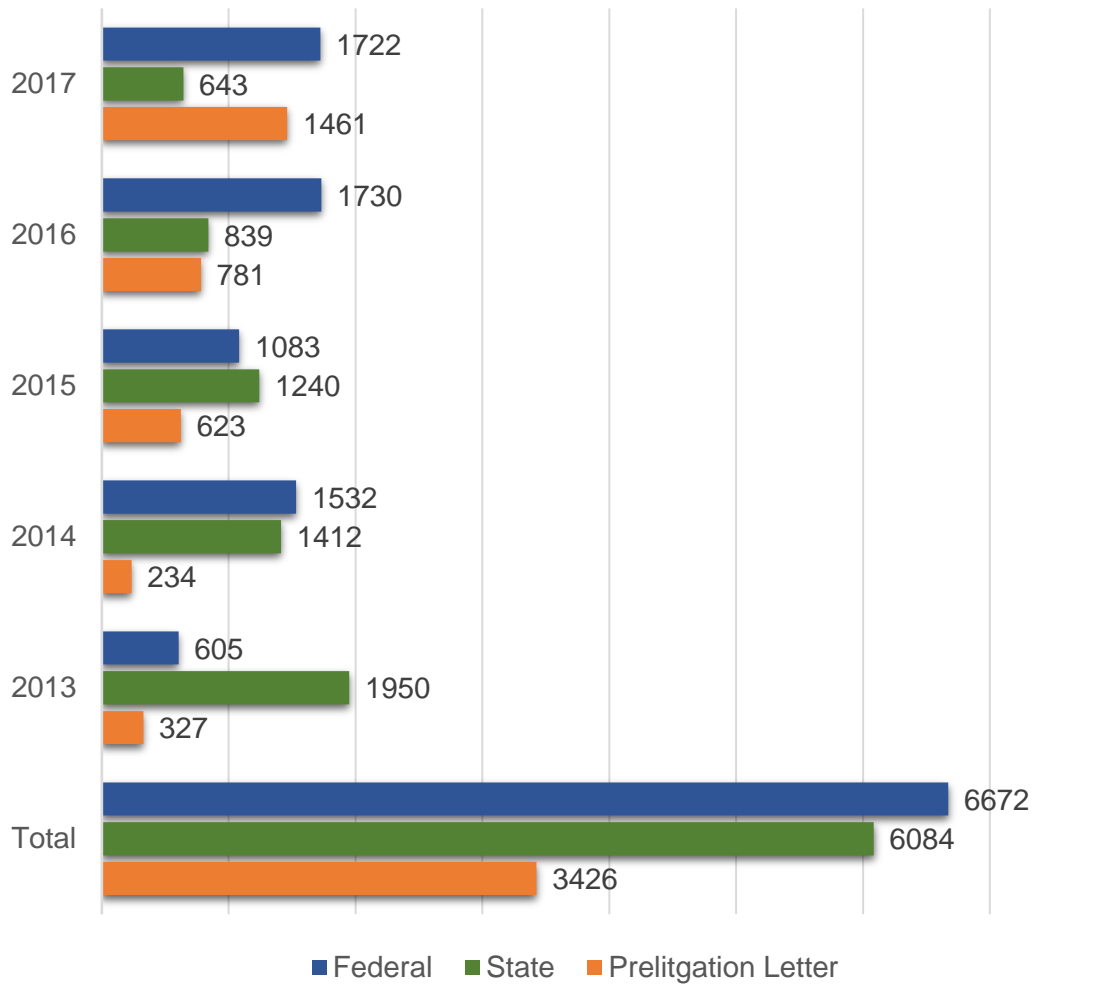
Category	Total	Percent
Federal Complaint	1,532	48%
State Complaint	1,412	44%
Prelitigation Letter*	234	8%
Total	3,178	

2013

Category	Total	Percent
Federal Complaint	605	21%
State Complaint	1,950	68%
Prelitigation Letter*	327	11%
Total	2,882	

*CCDA is unable to ascertain whether prelitigation letters resulted in actual cases being filed in federal or state court.

2013-2017 Complaints & Prelitigation Letters



APPENDIX B: FEDERAL/STATE COMPLAINTS AND PRELITIGATION LETTERS RECEIVED BY CATEGORY

CCDA organizes alleged construction-related access violations into six categories. As indicated by the table below, parking-related violations are the largest category and represented 37 percent of the 10,608 alleged violations in 2017; 44 percent of the 11,468 alleged violations in 2016; and 42 percent of the 9,643 alleged violations in 2015.

2017

Category	Total	Percent
Toilet Rooms and Bathrooms	1,497	14%
Parking	3,888	37%
Accessible Route and Entry	2,705	26%
Access within Public Facility	1,304	12%
Equipment within Public Facility	573	5%
General Alleged Violations	641	6%
Total	10,608	

2016

Category	Total	Percent
Toilet Rooms and Bathrooms	1,756	15%
Parking	5,047	44%
Accessible Route and Entry	2,801	24%
Access within Public Facility	1,214	11%
Equipment within Public Facility	219	2%
General Alleged Violations	431	4%
Total	11,468	

2015

Category	Total	Percent
Toilet Rooms and Bathrooms	1,681	17%
Parking	4,037	42%
Accessible Route and Entry	2,210	23%
Access within Public Facility	1,256	13%
Equipment within Public Facility	147	2%
General Alleged Violations	312	3%
Total	9,643	

2014

Category	Total	Percent
Toilet Rooms and Bathrooms	2,212	21%
Parking	3,926	38%
Accessible Route and Entry	2,206	21%
Access within Public Facility	1,276	12%
Equipment within Public Facility	245	2%
General Alleged Violations	542	5%
Total	10,407	

2013

Category	Total	Percent
Toilet Rooms and Bathrooms	1,905	22%
Parking	3,552	41%
Accessible Route and Entry	1,730	20%
Access within Public Facility	999	12%
Equipment within Public Facility	296	3%
General Alleged Violations	167	2%
Total	8,649	

APPENDIX C: ADA VIOLATIONS CODES LIST

CCDA Categorizes the types of construction related alleged ADA violations using 51 key codes consistent with Title 24 of the California Code of Regulations.

Category: Toilet Rooms and Restrooms

Key Code	Description
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 electrically controlled mechanisms.
10	Bathtubs or showers are not accessible.
39	Toilet seat cover dispenser is not accessible.
40	Hand sanitizer, liquid soap or paper towel dispenser is not accessible.
46	Lack of unisex ADA bathrooms or any accessible bathrooms

Category: Parking

Key Code	Description
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 complaint or non-existent.

Category: Accessible Route and Entry to Public Facility

Key Code	Description
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 complaint or non-existent.
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.

Category: Access Within Public Facility

Key Code	Description
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 complaint.
22	Stairs or Guardrails. Stairs are not complaint 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.

Category: Equipment Within Public Facility

Key Code	Description
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.

Category: General Violations

Key Code	Description
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 bath 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 D: ATTORNEYS AND PLAINTIFFS SUBMISSIONS

In 2017, 23 percent of plaintiffs named on complaints received by CCDA filed 10 or more complaints in court. Those plaintiffs collectively filed 81 percent of the 2,365 complaints received (excludes prelitigation letters).

Plaintiffs Involved in 10 or More State and Federal Complaints (Excludes Prelitigation Letters)

2017	2016
81%	75%

The chart below shows the percentage of complaints (excludes prelitigation letters) reported to CCDA by the top four law firms in 2017. For example, 33 percent of the 2,365 complaints received were filed by one law firm. Of the 2,365 complaints received, 74 percent were filed by four law firms.

Complaints Filed by Law Firms in Order of Reporting Frequency (Excludes Prelitigation Letters)

Firm	2017	2016
1	33%	27%
2	16%	21%
3	13%	10%
4	12%	7%
Total	74%*	65%*

*The percentage calculation will not total 100 percent because it only references the top four law firms.

APPENDIX E: 2017 TOP 10 VIOLATIONS

Of the 10,608 alleged violations reported in 2017, the Top 10 most frequent alleged violations comprised 72 percent, or 7,623, of the alleged violations. The below chart lists and describes the Top 10 alleged violation key codes (see Appendix C for a list of the 51 key codes).

Rank #	Key Code	Violation Description	Total Number of Violations	Percent of Total
1	11	Parking: parking lot does not contain the minimum number of accessible parking spaces.	1,792	17%
2	16	Accessible Route and Entry: curb ramps or entrance ramps are non-compliant or non-existent.	1,091	10%
3	12	Parking: the existing parking spaces are not compliant.	947	9%
4	15	Accessible Route and Entry: routes to and from the parking lot or public right-of-way are not accessible.	830	8%
5	14	Parking: van-accessible parking, van access aisles and/or loading zones are non-compliant or non-existent.	645	6%
6	26	Access within Public Facility: heights of surfaces such as counters, bars, and tables, for example, are non-compliant.	608	6%
7	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.	504	5%
8	44	General Violations: accessible features are not maintained.	434	4%
9	18	Accessible Route and Entry: handles, pulls, latches, locks, or other operating devices are not accessible.	405	4%
10	20	Access within Public Facility: access aisles or path of travel within building are not accessible.	367	3%
Total			7,623	72%

APPENDIX F: COMPLAINTS/PRELITIGATION LETTERS BY PLACE OF PUBLIC ACCOMMODATION

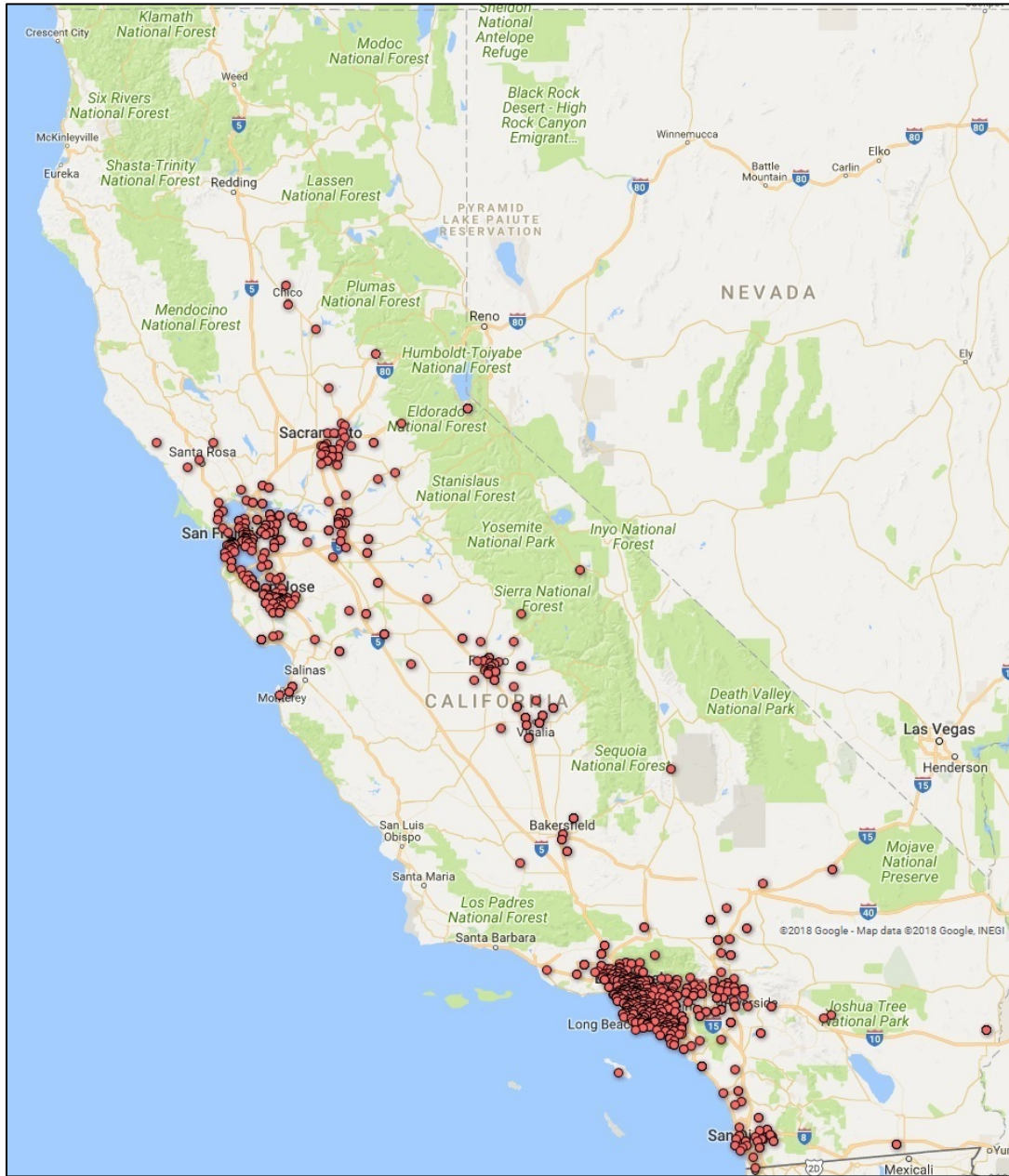
The chart below demonstrates the frequency by which various types of businesses were alleged to be in violation. In 2017 the top three places of public accommodation, as defined in ADA Title III, Technical Assistance Manual, where violations occurred included: Sales/Rental Establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers) (38 percent); Service Establishments (e.g., laundromats, dry cleaners, banks, funeral homes, gas stations, professional offices, beauty shops) (35 percent); and Food or Drinks Establishments (e.g. restaurants and bars) (19 percent). These location categories are consistent with the 2016 reported violations.

*Public Location Category	2017 Total	2017 %	2016 Total	2016 %	2015 Total	2015 %
1. Places of lodging	250	6.5%	135	4%	113	3.8%
2. Establishments serving food or drink	727	19%	888	26.6%	810	27.5%
3. Places of exhibition or entertainment	12	0.3%	13	0.4%	3	0.1%
4. Places of public gathering	1	0%	3	0%	1	0%
5. Sales or rental establishments	1,453	38%	1,355	40.6%	1,240	42.1%
6. Service establishments	1,343	35.1%	853	25.5%	657	22.3%
7. Public transportation terminals, depots, or stations	2	0.1%	26	0.8%	50	1.7%
8. Places of public display or collection	2	0.1%	3	0.1%	4	0.1%
9. Places of recreation	2	0.1%	22	0.7%	34	1.2%
10. Places of education	2	0.1%	4	0.1%	10	0.3%
11. Social service center establishments	1	0%	6	0.2%	4	0.1%
12. Places of exercise or recreation	31	0.8%	32	1%	20	0.7%
Total	3,826	100%	3,340	100%	2,946	100%

*The broad range of Title III obligations relating to “places of public accommodation” must meet entities that the United States Department of Justice regulation labels as “public accommodations.” These categories can be found in ADA Title III Technical Assistance Manual III-1.2000 – Public Accommodations.

APPENDIX G: ZIP CODE LOCATIONS OF COMPLAINTS/PRELITIGATION LETTERS RECEIVED

The below maps depict the various ZIP codes where alleged violations have occurred. In 2017, the number of complaints received remains heavily concentrated in urban areas. Southern California had the highest number of filings, followed by Northern California (Bay Area). Central Valley region ranked third, followed by the Sacramento region. This is consistent with 2016 filings.



APPENDIX H: CASE RESOLUTIONS

2017 Case Resolutions Report Questions

Questions	Yes	Percent Yes	No	Percent No
Defendant requested an early evaluation conference	39	2%	1799	98%
Defendant requested a site inspection	45	2%	1791	98%
Plaintiff received injunctive relief	1370	75%	460	25%
Another favorable result was achieved	952	52%	874	48%
Plaintiff received damages or monetary settlement	744	93%	57	7%

2016 Case Resolution Report Questions

Question	Yes	Percent Yes	No	Percent No
Defendant requested an early evaluation conference	42	2%	1,997	98%
Defendant requested a site inspection	33	2%	2,011	98%
Plaintiff received injunctive relief	1,222	73%	447	27%
Another favorable result achieved	766	47%	869	53%
Plaintiff received damages or a monetary settlement	734	58%	522	42%

2015 Case Resolution Report Questions*

Question	Yes	Percent Yes	No	Percent No
Defendant requested an early evaluation conference	0	0%	516	100%
Defendant requested a site inspection	0	0%	520	100%
Plaintiff received injunctive relief**				
Another favorable result achieved**				
Plaintiff received damages or a monetary settlement	143	30%	330	70%

*Data includes October-December 2015 only

**Question was not asked in 2015

APPENDIX I: COMMISSIONER ROSTER

Name	Represents	Original Appointment	Current Appointment	Appointed By
Douglas Wiele	Public/ Business Properties Association	9/19/2013	1/1/2017 - 1/1/2020	Governor
Celia McGuinness	Public/Disability	2/6/2015	1/1/2016 - 1/1/2019	Governor
Laurie Cohen Yoo	Public/ General Business	10/8/2014	1/1/2016 - 1/1/2019	Governor
R. Michael Paravagna	Public/Disability	9/19/2013	1/1/2017 - 1/1/2020	Governor
Betty Wilson	Public/Disability	5/26/2009	1/1/2016 - 1/1/2019	Governor
Christopher Downey	Public/Disability	9/19/2013	1/8/2018 - 1/1/2021	Governor
Guy Leemhuis	Public/Disability	5/8/2013	1/7/2015 - 1/1/2018	Senate
M. Scott Lillibridge	Public/ General Business	1/8/2018	1/8/2018 - 1/1/2021	Governor
Walter Hughes	Public/General Business	3/3/2016	3/3/16 - 1/1/18	Assembly
Brian Holloway	Public/General Business	2/16/2017	2/16/17 - 1/1/2020	Senate
Tiffany A. Potter	Public/Disability	7/19/2017	1/1/2017 - 1/1/2020	Assembly
Laura Friedman	Assembly/Ex-Officio	8/3/2017	N/A	N/A
Tom Lackey	Assembly/Ex-Officio	2/29/2015	N/A	N/A
Vacant	Senate/Ex-Officio	N/A	N/A	N/A
Vacant	Senate/Ex-Officio	N/A	N/A	N/A
Anthony Seferian	Attorney General Office/Ex-Officio	5/26/2009	N/A	N/A
Chester Widom	Division of the State Architect/Ex-Officio	12/6/2009	N/A	N/A

APPENDIX J: COMMISSION COMMITTEES

Guy Leemhuis -- Board Chair

Douglas Wiele -- Board Vice Chair

Committee Name	Committee Chair	Committee Vice Chair
Executive	Guy Leemhuis	Douglas Wiele
Legislative	R. Michael Paravagna	
Research	Laurie Cohen Yoo	Celia McGuinness
Education & Outreach	Betty Wilson	Christopher Downey
Checklist	Brian Holloway	

APPENDIX K: SUMMARY OF STRATEGIC GOALS

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 modifications
4. Create and identify revenue streams to fund access needs (subject to increased CCDA funding)	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
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

More information on the full Five-Year Strategic Plan can be found at:
www.cdda.ca.gov/reports/

APPENDIX L: ACRONYMS/ASSOCIATED LINKS

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

ADA Title III Technical Assistance Manual / 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 / <http://www.dgs.ca.gov/dsa/Home.aspx>

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

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

APPENDIX M: GLOSSARY OF TERMS AND DEFINITIONS

ADA Coordinator

This position is required for state and local government entities that have 50 or more employees. Initially, the 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, 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 letterheads to facilitate communication.

CASp

The Certified Access Specialist Program (CASp) is a program administered by the state of California, Division of the State Architect. 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 above.

A person who is regarded as having a disability, such as described above.

Note: This is an abridged definition of disability under California state law. For further information, please see California Government Code Section 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.

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 Code of Federal Regulations Title 28 Chapter I Part 35 Subpart B Section 35.133 and Code of Federal Regulations Title 28 Chapter I Part 36 Subpart B Section 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.

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 necessitate 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 a 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

This refers to 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 requests must be handled through an "interactive process."

Self-Evaluation

Self-evaluation is 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 been specifically 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 subject generates the highest number of complaints received by the U.S. Department of Justice.

Transition Plan

A transition plan is 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.

Undue Hardship

An undue hardship would be the provision of a reasonable accommodation that is extensive, disruptive, fundamentally alters 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 should be exercised to ensure that the technical quality of the system is sufficient to appropriately transmit the information being communicated.



CCDA

**California Commission
on Disability Access**

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