

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
ACCESSIBILITY ENHANCEMENT COMMITTEE
MEETING MINUTES**

June 22, 2010

1. CALL TO ORDER

Chair Navarro (via teleconference) called the meeting to order at approximately 1:00 p.m. at 2525 Natomas Park Drive, Room 120, Sacramento, California.

ROLL CALL

Commissioners Present: Lilibeth Navarro, Chair (Teleconference)
Jim Abrams

Commissioners Absent: Tom Ammiano
Connie Conway
Thomas Harman
Pierce Welch

CBSC Members Present: Jim McGowan, California Building Standards
Commission (CBSC)

Also Present: Kevin Scott, International Code Council (ICC)
Ms. Cindy (Teleconference)

Chair Navarro prefaced the meeting that a quorum was not present and therefore no official action could be taken.

2. GUIDELINES FOR MEETING PARTICIPATION

Chair Navarro stated that the meetings would be guided by Robert's Rules of Order.

3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

There were no comments from the public on issues not on this agenda.

4. GENERAL BUSINESS ITEMS

a. Committee Mission and Purpose – Charges & Responsibilities

The Legislature had asked the California Commission on Disability Access (CCDA) to undertake five charges through SB 1608, and the CCDA has delegated those charges to the Accessibility Enhancement Committee.

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Section 8299.05a reads:

The commission shall study and make reports to the Legislature on the following:

(1) Issues regarding compliance with state laws and regulations that are raised by either persons with disabilities or businesses, and any recommendations that would promote compliance. This study and report shall be completed and delivered to the Legislature no later than January 1, 2011.

Section 8299.05b (1) reads:

The commission shall act as an information center on the status of compliance in California with state laws and regulations providing persons with disabilities full and equal access to public facilities. To this end, it shall publish a biennial report, which may be combined with the biennial report required in odd-numbered years pursuant to subdivision (e), on the state of disability access compliance by both the public and private sector. The report shall be written in general terms and shall not identify any particular violators.

Section 8299.05b (2) reads:

The commission shall, to the extent feasible, coordinate with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete.

Section 8299.05c reads:

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

Section 8299.05d reads:

The commission shall provide, within its resources, technical information regarding any of the following:

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

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

Commissioner Abrams noted that the Committee needs to consider federal as well as state laws.

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b. Committee Leadership – Selection of a Vice-Chairperson

In the absence of a quorum, a vice-chairperson could not be selected.

c. Sharing of Ideas

Chair Navarro invited the Committee to think about the elements of a good Accessibility Enhancement Work Plan and report.

To define the universal accessibility standards used in both public and private industry: Commissioner Abrams commented that the Americans with Disabilities Act (ADA) requires that every state and local government have an overall ADA Compliance Coordinator. There is no such person for all of California government. CCDA had asked the Committee to look into this; Commissioner Abrams stated that he would continue gathering information. For example, online services and programs offered by many state entities are not accessible to people who cannot use the Internet easily.

d. Statewide Surveys

Commissioner Abrams suggested that the Committee come up with some kind of survey mechanism that would enable them to reach out to everyone – public and private – with an interest in accessibility. Every state and local government is supposed to have a transition plan to make sure that all of its programs and facilities are accessible. Many lawsuits claim that cities, counties, and state government have not done that.

To measure public and private entities' ADA compliance, customer service, and service enhancements, Commissioner Abrams felt it would be important to get feedback from all interest groups. He and Chair Navarro discussed researching litigation that's been filed under various provisions of the ADA or state law: the number of claims, kinds of claims, and strategies for providing greater accessibility.

Chair Navarro added that churches have been exempted; however, they receive federal funding. The Committee should explore how far the exemption extends.

Chair Navarro noted that the Committee would benefit from looking at the ADA 20th anniversary celebrations on July 26. A cursory survey of the organizations that are participating would be useful.

Public Comment

Mr. Kevin Scott, International Code Council, commented that for the survey, the Committee might want to consider how much training those designing and enforcing compliance have had. For example, many people don't understand

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what the exemption applies to. He noted that from one jurisdiction to the next, interpretation of the regulations can be different.

e. Areas to Cover for the Public and Private Survey

Chair Navarro made some suggestions for areas to cover: building construction, architecture, internal design, and external environment. Commissioner Abrams remarked that aside from the employment area, the physical environment – commercial facilities, buildings, etc. – seems to be where most litigation is occurring. He suggested going to groups such as the California Association of Local Building Officials as well as business organizations to find out what kind of claims are being made against their members.

Mr. Scott noted that the International Code Council has submitted the Building Code to the Department of Justice, which has ruled it as equivalent to federal ADA regulations; so if you've complied with the Building Code, you've met the ADA requirements. The International Code Council does not have a record of lawsuits beyond that.

Commissioner Abrams observed that grouping problem areas together, such as education, changing the code, outreach, etc., will help the Committee to figure out solutions for the report in January.

The group discussed the area of education: accessibility of the exterior and interior of buildings vs. availability of programs and courses about accessibility. They are two different topics.

Commissioner Abrams felt that for the area of employment, statistics will be easier to find. There are state and federal entities responsible for enforcing the employment-related aspects of the accessibility laws. Chair Navarro added that the private sector may have more problems with enforcement than the public sector.

Commissioner Abrams stated that for businesses, the ADA lawsuits involve primarily the building environment, as well the people-related aspects: service animals, exclusion from programs, etc. He felt that feedback from disabled people would be valuable regarding the question, "What do you feel that business community is not doing right?"

Chair Navarro made a comment about hotels: even if a sink, for example, is dubbed "compliant", some people will still find that they can't use it because of placement or distance. There is a wide array of disabilities. The disabled community should be free to create options.

Chair Navarro observed that the biggest barrier for people with disabilities is the attitudes of others.

f. Other Consumer Participation and Feedback Strategies

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Commissioner Abrams posed the questions, “How do we find out what all of the various constituencies think about these topics?” And, “How do we go about getting this information?” A start would be to identify the entities to talk to.

Commissioner Abrams suggested that he and Chair Navarro might compile lists of every group they may want to contact, and then confer by phone to finalize one comprehensive list. They would send the list to other members of the Committee for input.

When the Committee first meets again after funding is approved, they will have that material to discuss.

4. FUTURE COMMITTEE MEETINGS

Chair Navarro stated that the next meeting is scheduled for July 29 from 10:00 a.m. to 1:00 p.m., but if a budget is not signed, the meeting will be canceled.

5. FUTURE AGENDA ITEMS

Suggested future agenda items:

- The full Committee will review and finalize the research processes they will be using to gather information that they can then utilize in complying with their charges under SB 1608.
- Commissioner Abrams asked what work the International Code Council does that provides information that this Committee could use. Mr. Scott replied that the International Code Council publishes the International Building Code, the Fire Code, and the Residential Code which the State of California has taken for the California Building Code. There are a couple of people whose specialty is access compliance and the accessibility requirements in the International Building Code. The council’s website is www.iccsafe.org.

(Mr. Scott noted that a change in the 2012 editions of the Building Code and the Fire Code, will be a requirement for emergency evacuation elevators for the mobility-impaired in newly-constructed highrises.)

6. ADJOURN

Chair Navarro adjourned the meeting at approximately 2:45 p.m.