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Disability Access Talking Points

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Educate Legislators About the Importance of Disability Access Laws!

Laws that require businesses to be accessible help make sure people with disabilities can fully and equally participate in their communities. This year, bills have been introduced that will change California's access laws. The current bills to watch are SB 251 ([Roth](#))¹ and AB 1521 ([Stone](#)).² The bills still have to make their way through the legislative process and are not law yet. Educate your legislators about the importance of access laws. To locate your legislator go to <http://findyourrep.legislature.ca.gov/>. Tell them why access is important to you and share your stories about access barriers. You may want to let them know the following:

**Disability Access Laws Have Been on the Books for Decades;
Providing Enough Time for Businesses to Follow Them:** California access laws are more than 30 years old. Californians with disabilities have the same rights under the California Unruh Civil Rights Act as other protected classes—the right to bring litigation to enforce access laws, get damages and attorney's fees. The federal Americans with Disabilities Act will be 25 years old this year. It was enacted because "Individuals with disabilities continually encounter various forms of discrimination, including ...the discriminatory effects of architectural ... barriers ... [and] failure to make modifications to existing facilities..."

¹ http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB251. "Return to Main Document"

² http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1521. "Return to Main Document"

Access is Still Not a Reality: Access to businesses still falls significantly short of what is required. The California Commission on Disability Access (CCDA) identified the top ten access problems – four of the top ten involve parking. See <http://www.cdda.ca.gov/Reports.htm>. Parking is one of the easiest access issues to understand and correct. Other common access problems such as accessible paths of travel are also easy to understand and correct. Information about access requirements is easy to find. Unfortunately, many buildings do not meet standards and compliance too often depends on individual complaints and lawsuits.

Minimum Standards and a Deterrent to Non-Compliance: Current law establishes minimum access standards and already takes into account such things as whether a building was built before the adoption of the law, whether removing a barrier is doable, and if the business has the resources to do so. Access law are a deterrent to noncompliance, preventing violations and helping to ensure access.

Recent Changes in the Law: There have been changes to address purported claims of abuse. Narrowly tailored legislation included both SB 1608 (Corbett, 2008) and SB 1186 (Steinberg, 2012). For example, these laws allow businesses who make good faith efforts to comply with the law to have reduced damage liability. Even small businesses that have not undertaken any efforts to comply with the law receive damage reductions. Both took steps to minimize attorney fee exposure for businesses by setting up processes such as early settlement conferences for CaSP inspected businesses.

Addressing “Frivolous” Lawsuits: Procedures already exist to deal with "frivolous" law suits. People with disabilities should not have enforcement of their civil rights limited or delayed because of the actions of a few, especially when current procedures deal adequately with the problem. Recent changes require the State Bar of California to review attorney demand letters for possible disciplinary action if they do not comply with certain requirements.

Encouraging Incentives to Promote Compliance: Rather than encouraging businesses to wait to be caught - the better approach is incentives to encourage compliance. Examples of incentives are: additional business license fees to help fund certified access specialist inspections and needed improvements; lease provisions to ensure landlords have buildings inspected and brought into compliance before they are leased; educational material and training programs for businesses when they apply for a business license; and inspection programs similar to health and safety inspection programs.

[Read our Disability Access Myths & Facts](#)