



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JANUARY 10, 2017

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARDS: ALL
DEPARTMENT

SUBJECT: SENATE BILL 1186 FUNDS FOR STAFF TRAINING AND CERTIFICATION AS
CERTIFIED ACCESS SPECIALISTS - FUND TRANSFER- SUPPLEMENTAL
APPROPRIATION

ISSUE:

Approve the designation of all fees received under Senate Bill 1186 for staff training and certification as Certified Access Specialists (CASp).

RECOMMENDATIONS:

That the City Council:

1. Approve the designation of all fees received under Senate Bill 1186 for staff training and certification as Certified Access Specialists (CASp)
2. Approve the transfer of \$20,538 from the 720 Fund (Special Deposits) account 225075 SB1186 - State Mandated Fee to the 101 Fund (General Fund) for the purpose of staff training and certification as Certified Access Specialists in accordance with existing state law;
3. Approve a supplemental appropriation of \$20,538 to an account to be assigned by the Finance Department; and
4. Authorize the Chief Finance Officer, or designee, to appropriate all future SB 1186 funds to an account assigned by the Finance Department, to facilitate access compliance at the local level through increased CASp services.

LEGISLATIVE HISTORY:

On September 19, 2012, the California State Legislature enacted Senate Bill (SB) 1186 in an effort to cut back on opportunistic litigation and encourage proactive compliance with accessibility laws. SB 1186 created Government Code Section 4467 which includes a \$1 fee to be paid by any applicant for a local business license, permit or similar instrument when it is issued or renewed. The purpose of the fee is to increase overall compliance with construction-related accessibility requirements and to assist local jurisdictions with providing increased CASp services for the benefit of the community.

BACKGROUND:

There have been a multitude of law suits filed against private businesses for alleged violations of the Americans with Disabilities Act of 1990 (ADA) and other corresponding California accessibility laws since their enactment. Recent studies have shown that nearly 40% of all accessibility related lawsuits in the United States are filed in California. As a direct result, the California State Legislature implemented various laws to assist the business community with obtaining proactive access compliance, including SB 1186.

The intent of SB 1186 is to promote and facilitate access compliance while significantly reducing damages against business owners who correct alleged violations within 30 to 60 days of receiving a complaint. It prohibits "demand for money" pre-litigation letters and it also prevents "stacking" of multiple claims to increase monetary damages. Commercial landlords must also disclose whether the property has undergone a CASp inspection in their lease agreement. SB 1186 facilitates access compliance at the local level through increased CASp services during the plan review, permitting and inspection stages of construction related projects.

DISCUSSION:

SB 1186 imposed a surcharge of \$1 on each business license issued by the City. In accordance with the law; the \$1 surcharge distributes 30% of the funds to the Division of the State Architect in order to manage the program at the state level while the remaining 70% remains with the City to increase our amount of CASp services and to help facilitate compliance with construction related accessibility requirements.

On June 2, 2015, City Council authorized the General Services Department to utilize \$27,362.55 of those funds for accessibility related projects at City facilities in order to obtain greater levels of access compliance within the City. The law also states that "the highest priority shall be given to the training and retention of Certified Access Specialists to meet the needs of the public in the jurisdiction" as provided in Section 55.53 of the Civil Code.

Currently, \$20,538 has been accumulated from the business license surcharge as a result of SB 1186 and has been held in a special interest bearing account in the 720 Fund. In order to appropriately utilize these funds to facilitate the training and certification of City staff, a supplemental appropriation to a new project account is needed. This funding will be utilized first and foremost to increase and promote the CASp services of the City while also facilitating access compliance with construction related projects.

FISCAL IMPACT:

The amount of funds collected under SB 1186 currently available are \$20,538. The dedicated use of these funds for the State required CASp services will reduce the demand on impacted department training budget accounts.

Prepared by:	Rafael Guzman, Community & Economic Development Director
Certified as to	
availability of funds:	Scott G. Miller, PhD, Chief Financial Officer/Treasurer
Approved by:	Al Zelinka, FAICP, Assistant City Manager
Approved as to form:	Gary G. Geuss, City Attorney