

California Laws

ADA

The Americans with Disabilities Act is a civil rights law which requires that buildings and facilities that provide goods and services to the public, must be accessible to individuals with disabilities.

The ADA was signed into law by President George H.W. Bush in 1990 & went into effect in 1992.

Buildings and alterations constructed after 1992 must comply with the requirements of the ADA.

Buildings and facilities constructed prior to 1992, are required to make changes to facilitate accessibility that are “readily achievable”, which is defined as, “easily accomplishable and able to be carried out without much difficulty or expense.”



California Building Code

In addition to the ADA, California has its own requirements for accessibility compliance which are described in the California Building Code. Current codes effective January 1, 2011.

Civil Rights Movement – 1950 – 1980

Section 504 – part of the 1973 Rehabilitation Act – required hospitals, universities – any place that received federal money – to remove obstacles to services and provide access to public transportation and public places. Compliance was expensive and the government failed to enforce it.

April 5, 1977 US Disability sit-in to force the signing of regulations enacting Section 504.

Outgoing phone calls were blocked and hot water was turned off. Local support was widespread. Businesses donated supplies, members of the Black Panther Party cooked food, and the mayor sent in portable showers and mattresses.

4 week sit-in at the US Department of Health, Education and Welfare in San Francisco – 100 disabled demonstrators – on April 28th, HE Secretary Joseph Califano endorsed the regulations.

Unruh Civil Rights Act / Calif. Civil Code – Section 51 – 1959

Outlaw discrimination based on ... any mental or physical disability.

“All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

Modified in 1992 to include – “violations of the Americans with Disabilities Act of 1990 shall also constitute a violation of this section.”

Calif. Civil Code – Section 52

Whoever denies, ...is liable for **each and every offense** for the actual damages, ad any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than four thousand dollars (**\$4,000**), and any attorney's fees.

Calif. Civil Code – Section 52 (b) Whoever denies the right...through threats or sexual harassment...is liable for the actual damages...plus...**\$25,000** & attorneys fees.

SB 1608 Calif. Civil Code – Section 55.56 e.

Statutory damages may be assessed pursuant to subdivision (a) based on **each particular occasion** that the plaintiff was denied full and equal access, and **not upon the number of violations** of construction related accessibility standards identified at the place of public accommodation where the denial of full and equal access occurred.