

## *Accessibility Complaint Processing*

### **PURPOSE**

To provide guidelines to determine accessibility complaints enforced by PRMD and a procedure for processing accessibility complaints.

### **GENERAL**

State accessibility regulations were established in the 1982 California Building Code for both public and private structures. Prior to 1982, local building officials were required to enforce American Standards Association (ASA) standard A117.1 for public buildings constructed after July 1970.

Chapter 7 of the Sonoma County Code adopts Chapter 11 through 11C of the California Building Code. The adopted code regulates all aspects of accessibility including improvements within the public right-of-way, new residential, public and private commercial buildings as well as existing structures.

PRMD receives accessibility complaints for issues that fall within and outside of our jurisdiction. Complaints that relate to accessibility within the public right-of-way, county owned or leased buildings (including Water Agency facilities), public parks and the fairgrounds fall outside of PRMD enforcement jurisdiction. Accessibility complaints regarding any of these issues should be referred to the County Accessibility Coordinator in the Human Resources Department, identified as the Americans with Disabilities Act (ADA) in the county phone book.

PRMD investigates complaints regarding accessibility compliance for privately owned public use buildings that have been constructed or modified under permit and inspection after a permit issuance date of July 1970 and multi-family dwellings constructed after a permit issuance date of October 31, 1985. All designated accessible parking, curb ramps, slope and cross slope within privately owned land are enforced by PRMD.

Complaints regarding accessibility compliance for existing public use and multi-family buildings constructed prior to the above noted dates and not modified since that date, shall be considered to fall under federal accessibility regulations (ADA). ADA regulations are not enforced by PRMD.

Construction or tenant improvements completed without required permits, regardless of the actual date of construction, shall be treated as new construction. Failure to maintain accessibility features installed under permit and inspection shall require reinstallation to current code standards.

**AUTHORITY**

- A. California Code of Regulations, Title 24, Part II
- B. California Government Code Sections 4452 and 4453

**FORM**

Access Compliance Inspection Report (CDE-004)

**PROCEDURE**

Government Code Section 4452 and the Health and Safety Code establish compliance schedules more restrictive than Chapter 1 of the Sonoma County Code. Since these state codes pre-empt county code, this procedure incorporates compliance schedules in accordance with state codes.

- A. Accessibility compliance enforced by PRMD shall be processed per Policy and Procedure Number 7-0-7. The Code Enforcement Supervisor shall identify all accessibility compliance complaints as a second priority (within 15 days of receiving the complaint) for investigation purposes.
- B. Any complaints or portion of a complaint handled by another department or agency shall be copied by the Senior Office Assistant and sent via fax and county courier to the County Accessibility Coordinator in the Human Resources Department for distribution to the appropriate Department or Agency.
- C. Inspection staff shall send a courtesy notice to the property and/or business owner stating that PRMD has received a complaint regarding accessibility compliance and requesting that the owner or tenant contact us within 10 calendar days to schedule a site inspection. If the property and/or business owner fails to respond to the courtesy notice, staff shall conduct an unscheduled, unannounced site inspection at the earliest opportunity.
- D. Staff shall locate and review all available construction documents prior to conducting a site inspection. The Disability Access Inspection Report Form (CDE-004) must be completed during or shortly after the site inspection. Staff shall make every effort to photograph or otherwise document identified non-compliant features.
- E. If non-compliant features are observed, staff shall send a Notice & Order directing the owner to correct the non-compliant features within 90 days.
  - 1. If the non-compliant features observed cannot be corrected within 90 days, staff shall

send a Compliance Agreement in addition to the Notice & Order for the purpose of establishing a compliance schedule.

2. Failure to negotiate or comply with a compliance schedule shall be abated per Section 1-7-3 of the Sonoma County Code.

**Approved by:**

/s/ Pete Parkinson

Pete Parkinson, Director

Lead Author: Ben Neuman

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