



## City of Cotati Disability Access Complaint Procedure

### **What is the purpose of the procedure?**

The purpose of this procedure is to provide individuals with a convenient method to report disability access law violations in Cotati and to establish a process for resolving as promptly as possible alleged violations of state disabled access regulations in either (i) buildings, structures, sidewalks, curbs and related facilities that are owned or leased by the City of Cotati or that are constructed or altered with city funds (Public Projects), or (ii) privately owned public accommodations (i.e. businesses that are open to the public) that are not publicly funded (Private Projects).

### **What state laws and regulations govern accessibility?**

State law requires all Public and Private Projects to be accessible to and usable by persons with disabilities. See Cal. Government Code 4450 et seq. for Public Projects and Cal. Health and Safety Code 19955 et seq. for Private Projects. The State Architect has issued specifications for the construction or alternation of buildings and structures in the State Building Code, which is published as part of the California Building Code and which is often referred to as "Title 24" reflecting where it was formerly located in the California Code of Regulations. Under State law, the City is responsible for complying with Title 24 in its Public Projects and for enforcing the Title 24 requirements in Private Projects that are subject to the City's jurisdiction through the City's building permit and building inspection programs. For certain projects built before the first version of Title 24 was adopted in 1981, the applicable standards are the 1961 American Standards Association Standard (ASA Standards). In addition, California Civil Code Sections 54 and 54.1 require that persons with disabilities have equal access to accommodations available to the public, and make a violation of the federal Americans with Disability Act also a violation of state law. For purposes of this Procedure, all of the above-referenced laws and regulations shall be referenced laws and regulation shall be referred to as the Law.

### **Who may file a complaint?**

Anyone who believes that a Public or Private Project does not comply with the Law because it contains deviations from the specifications set forth in the Law may file a complaint under this procedure. An authorized representative of such a person may also file a complaint on the complainant's behalf. To the extent authorized by law, the identity of the complainant will be kept confidential.

## **When should a complaint be filed?**

Complaints should be filed as quickly as possible when alleged deviations are discovered so that they can be investigated and promptly resolved prior to completion of the construction work if possible.

## **How can complaints be filed?**

Complaints must be filed on the attached complaint form which is also available on the City's web site ([www.ci.cotati.ca.us](http://www.ci.cotati.ca.us)). When describing the alleged violation, additional documentation such as photographs would be very helpful. Complaints must be filed with the Building Official, 201 West Sierra Avenue, Cotati, CA 94931. They may be sent by U.S. mail or delivered in person or sent by facsimile to (707) 792-4604 or by email to [kpajon@ci.cotati.ca.us](mailto:kpajon@ci.cotati.ca.us). The Building Official's telephone number is (707) 665-3637.

## **Is assistance in filing complaints available?**

After receiving a complaint, the Building Official or his/her designee will investigate all allegations within fourteen (14) days of receiving the complaint. The investigation will include interviews with: (a) the complainant: (b) the business owner, if a Private Project, or the responsible City Department or other public agency, if a Public Project: and (c) any other person the Building Official believes to have relevant knowledge concerning the complaint. The Building Official also will consider any written or photographic evidence that is provided.

After completing the investigation, the Building Official will review the factual information gathered through the investigation to determine whether the allegation is in fact a deviation from the Law. For Public Projects undertaken by the Law which it confirms as a result of any investigation within ninety (90) days of the confirmation of such deviation, unless the deviation or deviations are so substantial that they cannot be corrected within ninety (90) days of confirmation. In such circumstances, a specific timetable shall be prepared to assure that the deviations will be corrected within a reasonable period of time.

For Public Projects of other public entities, the City will forward the complaint to the appropriate state or federal agency. These agencies will process the complaint in accordance with their own regulations and procedures.

For Private Projects, the City shall send the responsible party and/or owner a write notice of violation demanding that the deviation be corrected within ninety (90) days. If the confirmation of such a deviation or deviations is so substantial that they cannot be corrected within (90) days of confirmation a specific timetable will be prepared to assure that the deviations will be corrected within a reasonable period of time. If the responsible party and/or owner does not correct the deviation within ninety (90) days, commence to correct it if it is of such magnitude that it cannot be corrected within ninety (90) days, or comply with the timetable prepared by the City for correcting the deviation, the City shall refer the matter to the City Attorney for appropriate legal action.

## **How will the complainant be informed of the status of the complaint?**

Within seven (7) days of receipt of each complaint, the City shall send a letter to the complainant confirming receipt of the complaint, along with a timetable and a description of the process that will be used by the City in investigation the complaint and preparing a response.

After completion of the investigation, the City shall provide the complainant with another letter advising the complainant of the resolution of the complaint, including informing the complainant about his or her right to appeal. Where the City determines that any or all of the violations alleged in a complaint are unfounded, the City's letter shall include the factual and legal basis for such determination. In addition, upon completion of the corrections of the deviations where required, the Compliance Officer will then notify the complainant in writing of the completion of the remedial work. Also, the complainant will be notified if the matter is referred to the City Attorney for appropriate legal action.