

COUNTY OF SANTA BARBARA

LEGISLATIVE ANALYSIS FORM

BILL NUMBER: AB 1994	AUTHOR: Huber
INTRO/AMEND DATE: 2/23/2012	AUTHOR'S POLITICAL PARTY: Democratic
BILL STATUS: Assembly Committee on Judiciary	

1) BILL SUBJECT:

Disability Access: Causes of action

2) FROM DEPARTMENT:

Planning and Development

3) IS THIS ITEM SPECIFICALLY REFERENCED IN THE LEGISLATIVE PLATFORM?

No

4) WHICH POLICY-RELATED MATTER IS OF CONCERN WITH THIS BILL?

Shifting responsibility for state disability access law compliance to county planning departments.

5) HOW WOULD THIS BILL IMPACT THE COUNTY? (Current practices, responsibility, authority, pros/cons, affected programs and/or services, etc.)

This bill would require every county to establish a program that requires an alleged aggrieved party under the state disability access laws to file a complaint with the county planning department in which an alleged violation occurred. The bill would require the county planning department to refer every complaint received under this act to a certified access specialist to determine what measures are necessary to remedy the alleged violation and the estimated timeframe for remedy. The bill would require the adoption of a compliance schedule and require issuance of building permits to the owner, agent, or responsible party of the alleged violation. The bill would require all complaints to be subject to the compliance schedule prior to a cause of action being filed. The bill would authorize the county to charge a fee to the owner, agent, or responsible party of the alleged violation for the costs of the program and the compliance schedule.

6) IMPACT ON COUNTY PROGRAM: Major Minor None**SANTA BARBARA COUNTY IMPACT:** Major Minor None**STATEWIDE IMPACT:** Major Minor None*Explanation of Impacts:*

The bill would impose new duties on Planning and Development (P&D). The new duties involve working with a certified access specialist to develop remedy measures, creating compliance schedules for the alleged violator, monitoring compliance, and issuing building permits, and P&D may charge fees to recoup costs. However, these are new procedures that would need to be developed upon passage of this bill, and prior to the filing of the first complaint, meaning P&D will not be reimbursed for any work done to prepare for these new responsibilities.

Furthermore, the bill only mentions county planning departments, and seems to imply that even within incorporated cities it would be the county planning department responsible for implementation of this program. The vague jurisdictional responsibilities and increased costs to the County constitute negative impacts.

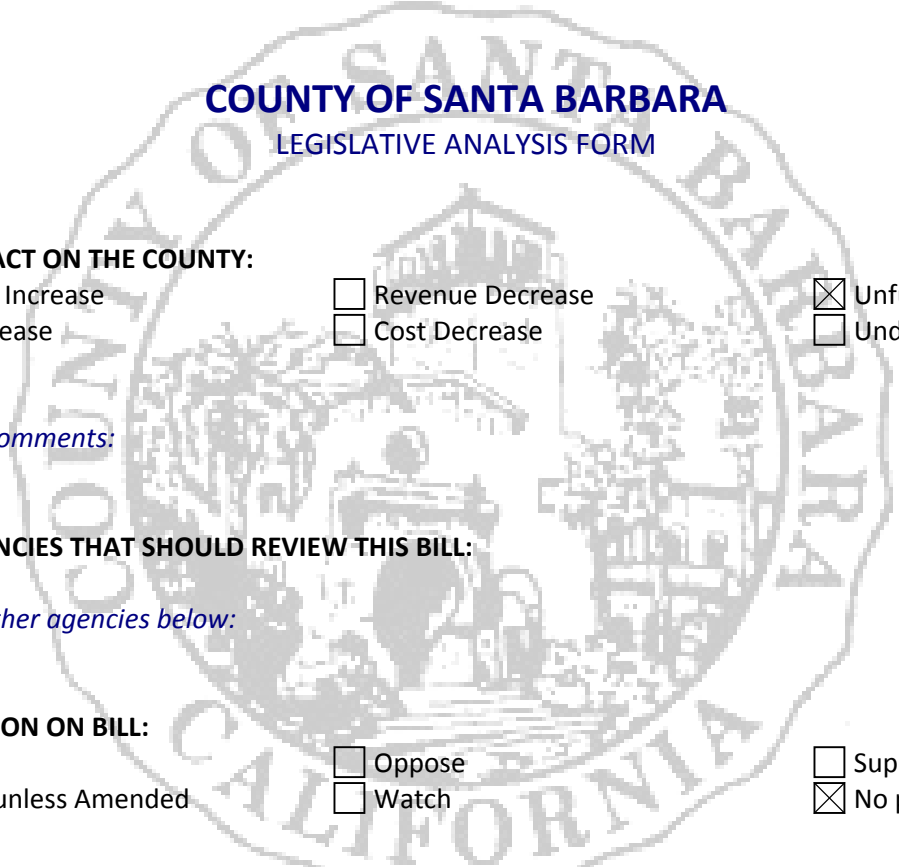
7) WOULD THIS BILL IMPACT:

a. Efficient service delivery and operations?

 YES NO

- | | | |
|---|---|--|
| b. Fiscal stability? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| c. Inter-agency cooperation? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| d. Local control? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| e. Protection of safety net services? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| f. Community sustainability/economic stability? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |

Additional Comments:



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8) FISCAL IMPACT ON THE COUNTY:

- | | | |
|---|---|--|
| <input type="checkbox"/> Revenue Increase | <input type="checkbox"/> Revenue Decrease | <input checked="" type="checkbox"/> Unfunded Mandate |
| <input checked="" type="checkbox"/> Cost Increase | <input type="checkbox"/> Cost Decrease | <input type="checkbox"/> Undetermined |
| <input type="checkbox"/> None | | |

Additional Comments:

9) OTHER AGENCIES THAT SHOULD REVIEW THIS BILL:

Please list other agencies below:

None

10) CSAC POSITION ON BILL:

- | | | |
|--|---------------------------------|---|
| <input type="checkbox"/> Support | <input type="checkbox"/> Oppose | <input type="checkbox"/> Support if Amended |
| <input type="checkbox"/> Oppose unless Amended | <input type="checkbox"/> Watch | <input checked="" type="checkbox"/> No position taken |

11) OTHER LOCAL OR STATEWIDE ORGANIZATIONS THAT HAVE TAKEN A POSITION ON THIS BILL:

(Indicate support or opposition for each)

N/A

12) PROPOSED AMENDMENTS: (Attach separate sheet)

13) RECOMMENDATION:

- | | | |
|--|--|---|
| <input type="checkbox"/> Active Support* | <input type="checkbox"/> Passive Support | <input type="checkbox"/> Support if Amended* |
| <input type="checkbox"/> Active Opposition* | <input checked="" type="checkbox"/> Passive Opposition | <input type="checkbox"/> Oppose unless Amended* |
| <input type="checkbox"/> Watch | <input type="checkbox"/> Concerns (Why? Explain in #6) | <input type="checkbox"/> No Position (Why?) |
| <input type="checkbox"/> No Change since Last Position | | |

* Indicates that the department believes that the Board of Supervisors should take a formal position on this bill



Additional Comments:

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14) LEGISLATIVE ANALYSIS FORM PREPARED BY: Paul Clement, Planner

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15) APPROVED BY: Terri Nisich, Assistant CEO

Signature

Date:

