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TO: CITY OF CUPERTINO
LEGISLATIVE REVIEW COMMITTEE

FROM: ANTHONY, JASON, AND PAUL GONSALVES

SUBJECT: CONSIDER ADOPTING A POSITION ON AB 2164 (LEE)
DISABILITY ACCESS

DATE: MARCH 24, 2022

Bill Information:

The official text of AB 2164 can be found [here](#)¹:

Summary:

AB 2164 proposes to increase certainty in ADA compliance and support for small businesses in their efforts to remain accessible and avoid legal action.

Existing law states that, on and after January 1, 2018, and until December 31, 2023, any applicant for an original or renewed local business license, equivalent instrument, or permit, shall pay an additional fee of \$4 for that license, instrument, or permit to the jurisdiction that issued it. Commencing January 1, 2024, that fee will be reduced to \$1.

Existing law requires the jurisdiction to collect and deposit the fees for specified purposes related to disability access, including the Certified Access Specialist Program (CAsp) Certification and Training Fund, as well as the Division of the State Architect's (DSA's) Disability Access and Education Revolving Fund.

AB 2164 would repeal the provision reducing the fee to \$1 commencing January 1, 2024, thereby extending the operation of this fee at the amount of \$4 indefinitely.

Support:

Budgeting certainty is a critical element of local government decision-making on whether to create or continue programs. By removing the uncertainty that the existing sunset date

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2164

provides, AB 2164 would allow local governments to continue and improve their Certified Access Specialist programs (CASp), thereby assisting more small businesses and increasing overall compliance. Additionally, AB 2164 would reduce by 20% the amount of funding required for administrative costs, which would instead be put towards CASp certification and training, which puts money where it is most impactful and most needed and would also benefit from increasing compliance and reducing lawsuits.

Registered Supporters Include: City of San Jose (sponsor), California Business Properties Association, California Chamber of Commerce, Consumer Attorneys of California, Cupertino Chamber of Commerce, Disability Rights California, Fremont Chamber of Commerce, San Jose Chamber of Commerce

Opposition:

Since AB 2164 has not yet been heard, an official list of opponents is not yet available.

Status:

AB 2164 has been referred to the Assembly Committee on Judiciary and is scheduled to be heard on March 22nd, which is the first policy committee hearing.

Legislative Platform:

This bill falls under Cupertino's 2022 Legislative Platform in the Health & Public Safety Section, page 6, Item #3, "Support legislation to provide funding and services for vulnerable populations." It also falls under Guiding Principle #5 page 2, "The City supports legislation that protects and enhances services to the City's most vulnerable populations, such as the economically disadvantaged, elderly, homeless, and disabled."

Recommended Action:

Adopt a support position on AB 2164 and authorize the Mayor to send letters to the state legislature.