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TO: City of Cupertino, Legislative Review Committee
FROM: Anthony, Jason, And Paul Gonsalves
SUBJECT: Reconsider adopting a position on Assembly Bill 2164 (Lee) – Disability Access
DATE: **September 12, 2022**

Bill Information:

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

Summary:

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

Existing law requires that, on and after January 1, 2018, and until December 31, 2023, inclusive, 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.

This bill 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:

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

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 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 the amount of funding required for administrative costs by 20%, which would instead be put towards CAsp certification and training. This would put money where it is most impactful and most needed and would also benefit from increasing compliance and reducing lawsuits.

This bill is sponsored by the City of San Jose and supported by the Association of Regional Center Agencies, Brea Chamber of Commerce, California Building Industry Association, California Business Properties Association, California Chamber of Commerce, California Restaurant Association, Carlsbad Chamber of Commerce, CAWA - Representing the Automotive Parts Industry, Corona Chamber of Commerce, Danville Area Chamber of Commerce, El Dorado County Chamber of Commerce, El Dorado Hills Chamber of Commerce, Elk Grove Chamber of Commerce, Family Business Association of California, Folsom Chamber of Commerce, Fountain Valley Chamber of Commerce, Fremont Chamber of Commerce, Fresno Chamber of Commerce, Gilroy Chamber of Commerce, Greater Conejo Valley Chamber of Commerce, Greater High Desert Chamber of Commerce, Imperial Valley Regional Chamber of Commerce, La Canada Flintridge Chamber of Commerce, Laguna Niguel Chamber of Commerce, Long Beach Area Chamber of Commerce, Mission Viejo Chamber of Commerce, National Federation of Independent Business, Newport Beach Chamber of Commerce, Official Police Garages of Los Angeles, Rancho Cordova Area Chamber of Commerce, Roseville Area Chamber of Commerce, San Jose Chamber of Commerce, Santa Ana Chamber of Commerce, Santa Clarita Valley Chamber of Commerce, Santa Maria Valley Chamber of Commerce, Simi Valley Chamber of Commerce, Tulare Chamber of Commerce, United Chamber Advocacy Network, Valley Industry and Commerce Association, West Ventura County Business Alliance, Yuba Sutter Chamber of Commerce

Opposition:

There is no registered opposition to AB 2164

Status:

AB 2164 was enrolled and presented to the Governor on August 29.

Legislative Platform:

This bill falls under Cupertino's 2022 Legislative Platform in the Health & Public Safety Section Item #3 page 6, "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 Governor.