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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:** **MAY 31, 2022**

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### **Bill Information:**

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

### **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:**

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<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2164](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 California Business Properties Association, California Chamber of Commerce, Consumer Attorneys of California, Cupertino Chamber of Commerce, Disability Rights California, Fremont Chamber of Commerce, and San Jose Chamber of Commerce

**Opposition:**

There is no registered opposition to AB 2164

**Status:**

AB 2164 is on the Assembly floor awaiting a vote of the full Assembly.

**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 state legislature.