

Attorney General Lockyer Reaches Settlement with Mill Valley to Enforce Disabled Access Laws

City Officials Agree to Two-Year Plan to Improve Enforcement of Laws

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(SACRAMENTO) – Attorney General Bill Lockyer today announced his office has reached an agreement with Mill Valley officials to improve the city's enforcement of state disabled access laws and regulations.

"Local and state governments have the duty to enforce laws that make public buildings and facilities accessible to everyone, including the almost 6 million Californians with physical and mental disabilities," Lockyer said. "This agreement will ensure that public venues are open to all, and that citizens who report violations will have their complaints promptly investigated and resolved."

In the stipulated judgment signed late Tuesday by Marin County Superior Court Judge John A. Sutro Jr., Mill Valley officials agreed to a series of corrective actions to improve the city's response to complaints regarding violations of state disabled access laws. The laws require local governments to ensure individuals with disabilities have full access to all publicly-owned buildings and facilities, as well as privately-owned properties open to the public. While city officials deny they failed to enforce the state's access law, they agreed to cooperate in a two-year aggressive enforcement program that will be overseen by an independent monitor appointed by the Attorney General.

Under the settlement, Mill Valley agrees to a series of corrective actions, including taking all necessary actions to correct within six months violations confirmed by the Attorney General during an investigation conducted by his office and, within 45 days, submitting to the Attorney General a written plan for handling violations of disabled laws in the future.

The city agreed the plan would require officials to complete investigations into alleged violations within 30 days of receiving them, correct identified problems within 90 days after the investigation is concluded, keep the complainant informed of the progress of the investigation and provide a letter to the complainant, detailing the final resolution of the investigation. In cases involving unfounded complaints, the city agreed to notify the complainant in writing, and include the factual and legal basis for its finding. The city also agreed to refer to the city attorney cases in which the owner of a privately-funded facility fails to correct a violation.

In addition, the city will pay the Attorney General's office \$15,000 for the cost of the investigation and up to \$20,000 a year for two years for an independent monitor, chosen by the Attorney General, to oversee compliance with the agreement.

"This settlement with the City of Mill Valley saves public funds that would have been spent on litigation," Lockyer said. "I am pleased the city has agreed to move forward in such a productive way to enforce the right of individuals with disabilities to enjoy the full use of buildings, facilities and sites open to the public."

Filed in January against the Mill Valley City Council and the Mill Valley Building Department and amended March 2 to add the City of Mill Valley as a defendant, the complaint alleged city officials had failed to properly investigate and timely resolve complaints regarding access violations at various facilities, including public sidewalks, restaurants, an

ice cream parlor, service station, bank, drug store and the Mill Valley community center, library and city hall.

The complaint was the third filed by the Attorney General against local government officials alleging failure to enforce state disabled access laws. In November 2003, the Attorney General obtained a similar judgment against the City of Del Mar, and in September 2003, against Marin County. Under both settlements, local officials agreed to take specific steps to improve the enforcement of state laws and regulations regarding access by individuals with disabilities. Both settlements also included the appointment of an independent monitor, selected by the Attorney General, to ensure terms of the court agreements are followed.

Lockyer has made enforcement of the state's disabled access laws one of his top priorities. In 2003, he sponsored SB 262 by Sen. Sheila Kuehl, D-Santa Monica, to increase penalties for private property owners who continue to violate the law. Effective January 1, 2004, the law creates a process to help private building owners obtain assistance from qualified experts on how to comply with disabled access laws.

Enforced by the Attorney General, district attorneys, city attorneys and county counsel, California law since 1970 requires public facilities to be accessible to individuals with disabilities. A similar law regarding privately-owned facilities open to the public was enacted in 1971. The federal Americans with Disabilities Act, enacted in 1990, is enforced by federal authorities.

For more information about the rights of individuals with disabilities, visit the Attorney General's Civil Rights Enforcement Section website at <http://www.ag.ca.gov/civilrights>.

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