

Attorney General Lockyer Sues Mill Valley Officials for Violating State Disabled Access Laws

Complaint Asks Court to Require City and Building Officials to Improve Public Access

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(SACRAMENTO) – Attorney General Bill Lockyer today filed a complaint against Mill Valley City Council and the Mill Valley Building Department for failing to enforce California laws requiring individuals with disabilities to have access to all public buildings and venues.

"For more than 30 years, state law has made it clear individuals with disabilities have the same right as the general public to the full and free use of streets, sidewalks, walkways and public buildings and facilities," Lockyer said. "City and county officials and their building departments are mandated to enforce these equal access laws. If they don't fully and promptly investigate and take timely corrective action when they receive complaints, I will step in and ensure the laws are enforced on behalf of the community."

Filed in Marin County Superior Court, the Attorney General's lawsuit charges Mill Valley City Council and the Mill Valley Building Department with failing to properly investigate and timely resolve complaints regarding access violations at ice cream parlors, restaurants, service stations, banks, drug stores, public sidewalks and the Mill Valley community center, library and city hall.

According to the lawsuit, a resident of Mill Valley reported that since 2002, he had lodged complaints with the city regarding various violations of state laws requiring public accommodations to be accessible to individuals with disabilities. The city failed to investigate and resolve the complaints in a timely manner. When the Attorney General's investigation confirmed the existence of the violations, many of the complaints were six months to a year old.

The local resident filed more than a dozen complaints about access violations at a variety of buildings and facilities. In one incident, he reported to the city in September 2002 that a policy requiring 24-hour advance notice to use three assistive listening devices at the Mill Valley City Hall violated the law. Other complaints dealt with inaccessible restrooms, passenger loading zones, parking facilities, elevators, drinking fountains, service counters and curb ramps.

The Attorney General asked the court for a permanent injunction enjoining city officials to enforce the law, and pay all costs of investigating and prosecuting the city's violations, including expert fees and reasonable attorney's fees. The complaint also asks for the court to appoint a monitor, selected by the Attorney General, to oversee the city's implementation of the court order.

In November 2003, the Attorney General obtained a stipulated judgment against the City of Del Mar that requires the city to take specific steps to correct its inadequate enforcement of state disabled access laws and regulations, and provide greater access to all city buildings and facilities, as well as private facilities open to the public, for individuals with disabilities.

In September 2003, the Attorney General's Office reached a similar agreement with Marin County over its failure to meet its mandatory duty to enforce state disabled access laws and regulations. Under the settlement, the Marin

County Board of Supervisors and the Building and Safety Division of the Marin County Community Development Agency agreed to a series of corrective actions to improve enforcement and provide greater access for individuals with disabilities at all county buildings and facilities and private businesses in the county.

Both court orders included the appointment of a monitor, selected by the Attorney General, to ensure the terms of the court agreements are followed.

Enforced by the Attorney General, district attorneys and city attorneys, California's disabled access laws regarding public facilities went into effect in 1970. The state law regarding private property open to the public went into effect in 1971. The federal Americans with Disabilities Act, enacted in 1990, is enforced by federal authorities.

Attorney General Lockyer has made enforcement of the state's disabled access laws one of his top priorities. Last year, he sponsored SB 262 by Sen. Sheila Kuehl, D-Santa Monica, to increase penalties for private property owners who continue to violate the law. The law, which went into effect January 1, also sets up a process to help private building owners obtain assistance from qualified experts on how to comply with disabled access laws.

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