

**CITY OF REDDING
BUILDING DIVISION**

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TITLE 24 COMPLAINT PROCEDURE	T-24-3	03/03/05	1 of 3

Purpose

The purpose of this procedure is to provide individuals with a convenient method to report disability access violations in the City of Redding, and provide a method to process and resolve as promptly as possible those allegations of a violation of state disabled access regulations in either (i) buildings, structures, sidewalks, curbs and related facilities that are owned by the City of Redding or that are constructed or altered with municipal funds that are subject to the jurisdiction of the City ("Public Projects"), or (ii) privately owned public accommodations (i.e., businesses that are open to the public) that are not publicly funded ("Private Projects").

Background

What state laws and regulations govern accessibility?

State law requires all Public and Private Projects be accessible to and usable by persons with disabilities. See Cal. Government Code 4450 for Public Projects and Cal. Health and Safety Code 19955 for Private Projects. The State Architect has issued specifications for the construction or alteration of buildings and structures in the State Building Code, which is published as Title 24 of the California Code of Regulations ("Title 24"). Under state law, the City is responsible for complying with Title 24, in its Public Projects and for enforcing the Title 24 requirements in Private Projects that are subject to the City's jurisdiction through the city's building permit and building inspection programs.

Who may file a complaint?

Anyone who believes that a Public or Private Project does not comply with Title 24 because it contains deviations from the specifications set forth in Title 24, may file a complaint under this procedure. An authorized representative of such a person may also file a complaint on the complainant's behalf.

When should a complaint be filed?

Complaints should be filed as quickly as possible when alleged deviations are discovered so that they can be investigated and promptly resolved prior to completion of the construction work if possible.

Policy

How can complaints be filed?

Complaints may be filed on the attached complaint form, which is also available on the City's web site (www.ci.redding.ca.us). When describing the alleged violation, additional documentation such as photographs would also be very helpful. Complaints may be filed with the Building Inspection Supervisor, City of Redding, 777 Cypress Ave, Redding, CA 96001. They may be sent by U.S. mail or delivered in person. The Building Inspection Supervisor's telephone number is 530-225-4415 if you have questions.

Is assistance in filing complaints available?

Assistance is available from the office of the Building Inspection Supervisor. Contact the office as listed above to request an appointment.

What happens after a complaint is filed?

After receiving a complaint, the Building Inspection Supervisor or his/her designee will investigate all allegations within twenty one (21) days of receiving the complaint. The investigation may include interviews with: (a) the complainant; (b) the business owner, if a Private Project, or the responsible City Department or other public agency, if a Public Project; and (c) any other person the Building Inspection Supervisor believes to have relevant knowledge concerning the complaint. The Building Inspection Supervisor will also consider any written or photographic evidence that is given to him/her.

After completing the investigation, the Building Inspection Supervisor will review the factual information gathered through the investigation to determine whether all allegations are in fact a deviation from applicable Title 24 accessibility requirements. For Public Projects undertaken by the City, the City shall then take all actions necessary to correct any deviation from the state disabled access laws and regulations which it confirms as a result of any investigation within ninety (90) days of the confirmation of such deviation, unless the deviation or deviations are so substantial that they cannot be corrected within ninety (90) days of confirmation. In such circumstances, the deviations shall be corrected within a reasonable period of time.

For Public Projects of other public entities, the City will forward the complaint to the appropriate local, state or federal agency for follow-up.

For Private Projects, the City shall send the responsible party and/or owner a written notice of violation demanding that the deviation be corrected within ninety (90) days of the confirmation of such deviation, unless the deviation or deviations are so substantial that they cannot be corrected within ninety (90) days of confirmation. In such circumstances, the deviations shall be corrected within a reasonable period of time. If the responsible party and/or owner does not correct the deviation within ninety (90) days, or commence to correct it if it is of such magnitude that it cannot be corrected within ninety (90) days, the City shall refer the matter to the City Attorney for appropriate legal action.

How will the complainant be informed of the status of the complaint?

Within thirty (30) days of receiving the complaint, the City shall notify the complainant to describe the plans for, and status of, the investigation and advise the complainant of the resolution of the complaint. Where the City determines that any or all of the violations alleged in a complaint are unfounded, the City shall send a letter including the factual and legal basis for such determination. In addition, upon completion of corrections of the deviations where required, the Building Inspection Supervisor will then notify the complainant in writing of the completion of the remedial work.

Note: The Building Inspection Supervisor will keep a permanent log of all Title 24 disabled access complaints.

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APPROVED BY:

BUILDING OFFICIAL

February 16, 2005

Redding Resident
Address
Redding, CA 9600*

Notice of Violation of CA Disabled Access Regulations and Order to Comply
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Re: Notice of Violation of CA Disabled Access Regulations and Order to Comply

Dear *:

A complaint has been received by the City of Redding Building Inspection Section alleging that the property located at ***, Redding, does not meet Title 24 California Disabled Access Regulations, in effect at the time of its construction or subsequent renovation as required by Health and Safety Code Section 19955. In accordance with Health and Safety Code 19958, this office is required to enforce these regulations.

An investigation of this complaint has revealed that the following violations exist; therefore, this facility is being maintained in violation of Health and Safety Code 19955, et seq.:

*Enter Text Here

- [] Plans are required for necessary modifications.
- [] Permits are required for necessary modifications.

Withing 30 days of the date of this notice, our office must receive a plan of action to correct the above code violations. In accordance with Government Code Section 4452, the above listed violations must be corrected within 90 days of the date of this notice, or prior to _____. If major modifications are necessary to bring this facility into compliance and you believe that 90 days does not afford adequate time for completion, please contact our office to discuss the possibility of negotiating a Compliance Agreement.

Please take note that you may apply to the City's Building Division for an "Unreasonable Hardship Exception" in accordance with California Building Code 422(c). An unreasonable hardship exception requires specific findings related to the cost of implementing disabled access improvements in comparison to the cost of previously completed construction on this property. A written request for an unreasonable hardship exception must be submitted to this department for consideration. The City of Redding recommends that a design professional be hired to evaluate the nature of the violation so that your response can include a correction plan or an explanation as to why no corrective plan is included.

If you should have any questions regarding this notice and order, please contact me at rvnordn@ci.redding.ca.us or (530) 225-4415. Thank you for your cooperation in this important matter.

Sincerely,

Randy Van Orden
Inspection Services Supervisor

RVO:bmw
n:\Brooke\Notice of Violation for CA Disabled Access



**BUILDING INSPECTION DIVISION
ACCESSIBILITY COMPLAINT FORM**

REDDING CALIFORNIA
City of Redding
777 Cypress Avenue
Redding CA 96001
Telephone:
(530) 225-4013
FAX: (530) 225-4360

Please fill out the top half of this form as accurately as possible.

- 1. Please make this report legible and understandable. PLEASE PRINT OR TYPE.
- 2. Please attach any supporting documentation.

REPORTED BY

Name: _____
Address: _____
City: _____
Home Phone: _____
Email: _____

COMPLAINT AGAINST

Name or Business: _____
Address: _____
Complainant's Signature _____ Date _____

DESCRIBE COMPLAINT (Use back and additional sheets, if necessary)

FOR CITY USE ONLY

RESULTS OF INSPECTOR'S INITIAL INVESTIGATION (Within 21 days)

- Described complaint is not a code violation and no further action is necessary.
- Complaint valid, violates California Access Laws and Regulations (CBC Chapter 11) as described below.
- Conforms to CBC Chapter 11, but violates provisions of the Americans with Disabilities Act statute.

90 DAY RESOLUTION PERIOD. List the chronology of events/corrective actions leading to deficiency resolution.

