TOWN OF WINDSOR
DISABILITY ACCESS COMPLAINT PROCEDURE

What is the purpose of this procedure?
The purpose of this procedure is to provide individuals with a convenient method to report disability access law violations in the Town of Windsor and to establish a process for resolving as promptly as possible alleged violations of State disabled access regulations in either (i) buildings, structures, sidewalks, curbs and related facilities that are owned or leased by the Town of Windsor or that are constructed or altered with Town funds (Public Projects), or (ii) privately owned public accommodation (i.e. businesses that are open to the public) that are not publicly funded (Private Projects).

What State laws and regulations govern accessibility?
State law requires all Public and Private Projects to be accessible to and usable by persons with disabilities. (See Cal. Government Code 4450 et seq. for Public Projects and Cal. Health and Safety Code 19955 et seq. 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 part of the California Building Code and which is often referred to as "Title 24" reflecting where it was formerly located in the California Code of Regulations. Under State law, the Town 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 Town's jurisdiction through the Town's building permit and building inspection programs. For certain projects built before the first version of Title 24 was adopted in 1981, the applicable standards are the 1961 American Standards Association Standard (the ASA Standards). In addition, California Civil Code Sections 54 and 54.1 require that persons with disabilities have equal access to accommodations available to the public, and make a violation of the Federal Americans with Disability Act also a violation of State law. For purposes of this Procedure, all of the above-referenced laws and regulations shall be referred to as the Law.

Who may file a complaint?
Anyone who believes that a Public or Private Project does not comply with the Law because it contains deviations from the specifications set forth in the Law may file a complaint under this procedure. An authorized representative of such a person may also file a complaint on the complainant's behalf. To the extent authorized by law, the identity of the complainant will be kept confidential.

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.

How can complaints be filed?
Complaints must be filed on the attached complaint form which is also available on the Town's website (http://www.ci.windsor.ca.us/3075.html). When describing the alleged violation, additional documentation such as photographs would be very helpful. Complaints must be filed with the Building Official/ADA Coordinator at 9291 Old Redwood Highway, P. O. Box 100, Windsor, California, 95492. They may be sent by U.S. postal service or delivered in person or sent by facsimile to (707) 838-7349 or by email to dhughes@townofwindsor.com . The Building Official's telephone number is (707) 838-5341.

Is assistance in filing complaints available?
After receiving a complaint, the Building Official/ADA Coordinator or his/her designee will investigate all allegations within ten (10) days of receiving the complaint. The investigation will include interviews with: (a) the complainant: (b) the business owner, if a private project, or the responsible Town Department or other public agency, if a public project: and (c) any other person the Building Official/ADA Coordinator believes to have relevant knowledge concerning the complaint. The Building Official/ADA Coordinator also will consider any written or photographic evidence that is provided.

After completing the investigation, the Building Official/ADA Coordinator will review the factual information gathered through the investigation to determine whether the allegation is in fact a deviation from the Law. For Public Projects undertaken by the Town, the Town shall then take all actions necessary to correct any deviation from the Law 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, a specific timetable shall be prepared to assure that the deviations will be corrected within a reasonable period of time.

For public projects of other public entities, the Town will forward the complaint to the appropriate State or Federal agency. These agencies will process the complaint in accordance with their own regulations and procedures.

For private projects, the Town shall send the responsible party and/or owner a written notice of violation demanding that the deviation be corrected within ninety (90) days. If the confirmation of such deviation or deviations is so substantial that they cannot be corrected within ninety (90) days of confirmation a specific timetable will be prepared to assure that the deviations will 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, or comply with the timetable prepared by the Town for correcting the deviation, the Town shall refer the matter to the Town Attorney for appropriate legal action.

How will the complainant be informed of the status of the complaint?
Within seven (7) days of receipt of each complaint, the Town shall send a letter to the complainant confirming receipt of the complaint, along with a timetable and a description of the process that will be used by the Town in investigating the complaint and preparing a response.

After completion of the investigation, the Town shall provide the complainant with another letter advising the complainant of the resolution of the complaint, including informing the complainant about his or her right to appeal. Where the Town determines that any or all of the violations alleged in a complaint are unfounded, the Town's letter shall include the factual and legal basis for such determination. In addition, upon completion of the corrections of the deviations where required, the Building Official/ADA Coordinator will then notify the complainant in writing of the completion of the remedial work. Also, the complainant will be notified if the matter is referred to the Town Attorney for appropriate legal action.

TOWN OF WINDSOR

DIVISION OF BUILDING INSPECTION

9291 Old Redwood Highway, Building 400
Windsor, CA 95492-0100
Phone: 707-838-5341 FAX: 707-838-7349

COMPLAINT FORM FOR DISABLED ACCESS INVESTIGATION

Complainant: _____ Location: _____

Name(s): _____ Owner(s): _____

Address: _____ Address: _____

Phone: _____ Phone: _____

Date Complaint Received: _____ Complaint Received: _____

By: _____

☐ 1. Path of Travel (CBC 1114B.1.2): location _____

☐ 2. Parking (CBC 1129B); location _____

☐ 3. Curb Ramps (CBC 1127B.5); location _____

☐ 4. Stairways (CBC 1133B.4); location _____

☐ 5. Ramps (CBC 1133B.5); location _____

☐ 6. Access to Toilets (CBC 1115B); location _____

☐ 7. Walks & Sidewalks (CBC 1133B.7); location _____

☐ 8. Doors (CBC 1133B.2); location _____

☐ 9. Entrance & Exits (CBC 1133.B.1); location _____

☐ 10. Telephones (CBC 1117B.2); location _____

☐ 11. Water Fountain (CBC 1115B.4.6); location _____

☐ 12. Elevators (CBC 1116B); location _____

☐ 13. Signs (CBC 1117B.5); location _____

☐ 14. Other _____