

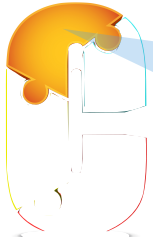
Comments Provided

- We are unaware of the need for other departments to utilize a CAS
- There is an obvious shortage of CAS
- How do we "KILL" the requirement for City staff to provide this service ?
- Government is not in the business of providing services in this manner
- If government provides a CAS inspection, are we now working for an individual and not the general public ?
- Other city departments do not interpret the ADA Title II requirements correctly.

Comments Provided

- Is it legal for a non-CAS to perform the plan review or inspections if a CAS signs the plans and reports?
- Public works dept. hides from us, as they don't want to spend the money to do work correctly
- The public is trying to use us (the City) as the CAS consultant
- There is no incentive for staff to take the CAS exam in our jurisdiction
- How do we change the system to less onerous ?
- Building departments have been providing accessibility plan reviews and inspections for years, now we have to be certified, and get to charge more fees - Where will it stop ?

Local Entities responsibility

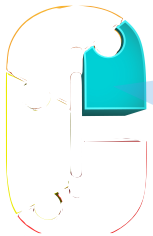


Civil Code 55.53(d)(1)

July 1, 2010 – a local agency shall employ or retain at least one building inspector who is a certified access specialist (CAS).

- (1) This CAS shall provide consultation to the local agency, permit applicants, and members of the public regarding the construction-related accessibility standards
- (2) If a local agency employs or retains two or more CAS, at least one-half shall be building inspectors

Local Entities responsibility



Civil Code 55.53(d)(2)

January 1, 2014 - each local entity shall employ or retain a sufficient number of Certified Access Specialists (CAS) to:

- (1) Conduct permitting, plan checking, and inspection services for public accommodations
- (2) If a local agency employs or retains two or more CAS, at least one-half shall be building inspectors

Local Entities responsibility

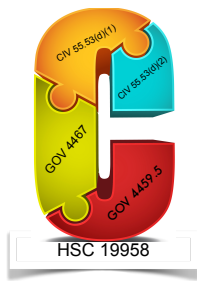


SB 1186 (2012) Government Code 4467

provides an avenue for local jurisdictions to **expand the CAS program** to help bring businesses into compliance and **develop tools to educate the business community** in expanding disabled access

Note: The \$1 Business license, CAS, fee will only be collected from January 1, 2013 to December 31, 2018

Local Entities responsibility



Property Owner related CASp provisions



Property Owner related CASp provisions

- (1) CAS inspected businesses have 60 days to fix a violation,
- (2) Statutory damages may be reduced from \$4,000 to \$1,000



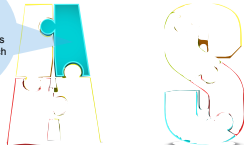
Property Owner related CASp provisions

- (1) Small businesses (25 or less), not CAS inspected, have 30 days to fix a violation
- (2) Statutory damages may be reduced from \$4,000 to \$1,000



Property Owner related CASp provisions

- (1) Demand letters restrictions
- (2) Attorneys sending demand letters must also send to the State Bar, which will examine for law compliance



Property Owner related CASp provisions

\$1 Business license tax
to help bring businesses into
compliance and to help facilitate
expanding disabled access



Property Owner related Procedural Safegards

Property owners, landlords, tenants may qualify to seek immediate, mandatory, stays of lawsuits and an "Early Evaluation Conference" in which the plaintiff must present its entire claim.

In essence, this stops the lawsuit (and plaintiff's attorneys' fees) and forces the plaintiff to justify the merits of the suit to the court.

- (1) The property has been CAS inspected and meets the standards, or
- (2) has a CAS determination pending, or
- (3) has been inspected and there are no modifications or alterations necessary, and a CAS report has been issued



Property Owner related Procedural Safeguards

- (1) The property's construction or improvements (after January 1, 2008) was **approved by their local jurisdiction, by permit and inspection process**
- (2) There have been no modifications or alterations that affect compliance, and
- (3) All violations have or will be fixed within 60 days



Property Owner related Procedural Safeguards

- (1) The property's construction or improvements (after January 1, 2008) was approved by the **local building department's CAS inspector**
- (2) There have been no modifications or alterations that affect compliance, and
- (3) All violations have or will be fixed within 60 days



Property Owner related Procedural Safeguards

- (1) The defendant is a small business (25 or less employees and has gross receipts of less than \$3,500,000.), and
- (2) All violations have been or will be corrected within 30 days



Special damages limitations is available to small businesses, that are liable for a construction-related accessibility claim.

If violations are corrected within 30 days, minimum damages will be reduced from \$4,000 to \$2,000.

Additional CASp provisions

Commercial Lease Terms (effective January 1, 2013)

Property owners must state whether a CAS has inspected the property, and what, if any, violations



Additional CASp provisions

California Commission on Disabled Access (CCDA)

Redefined the CCDA's powers and duties to: develop and disseminate educational materials and information to promote and facilitate disabled access compliance



the CASp Puzzle, solved



Questions ?



Have a very merry day at the
happiest place on earth !

 Access Services, Plus
CASp Services®
(Certified Access Specialist Services)
