



**My business is accessible. *Is yours?***

## HIRE A CASp. GET LEGAL BENEFITS.

### IS YOUR BUSINESS ACCESS COMPLIANT UNDER FEDERAL ADA STANDARDS & CALIFORNIA LAW?

A Certified Access Specialist (CASp) can help determine if your facility is access compliant.

#### WITH A CASp INSPECTION, YOU GET ...

A review by a professional who knows which accessibility standards apply to your facility.

An action plan for changes needed for your facility to become compliant.

Legal benefits that may reduce your financial liability in a lawsuit.

For more information and to find a CASp in your area, visit [www.dgs.ca.gov/casp](http://www.dgs.ca.gov/casp)



## HOW TO FIND A CASp

To find a CASp, go to DSA's website at [www.dgs.ca.gov/casp](http://www.dgs.ca.gov/casp) and click on the List of Certified Access Specialists link. CASp listed with a "Yes" in the "Do Inspections" column are available for hire.

## WHAT TO REMEMBER AFTER THE INSPECTION

### 1. KEEP THE CASp INSPECTION REPORT IN YOUR FILES.

The report is confidential and should only be shared under the direction of legal counsel, or unless otherwise required by law. You may, however, share this report with the construction professionals you hire to achieve compliance.

### 2. ADHERE TO YOUR SCHEDULE OF IMPROVEMENTS.

This is important in that it demonstrates your intent to follow the law and be in compliance.

### 3. MAINTAIN THE ACCESSIBLE FEATURES OF YOUR FACILITY.

Establish a plan to stay in compliance. Ask your CASp which construction-related accessibility standards require periodic maintenance, and establish a policy to check maintenance items regularly. Review operational policies that may intermittently affect compliance, and establish procedures to ensure access is provided. Inform your employees about maintenance and operational policies that affect access to your facility.

### 4. YOUR LEGAL BENEFITS DO NOT "EXPIRE."

Once your facility has been inspected by a CASp, there is no reason for a repeat inspection unless you make improvements or alterations to your facility. If you do make improvements to your facility that require a permit, ask the local building department to have your final inspection performed by their CASp on staff so that your legal benefits for the inspected area remain intact.



## HIRING A CASp

*For Business and Property Owners To  
Ensure Their Facilities are Accessible to  
Individuals With Disabilities*

[www.dgs.ca.gov/casp](http://www.dgs.ca.gov/casp)

# HIRE A CERTIFIED ACCESS SPECIALIST TO HELP DETERMINE YOUR FACILITY'S COMPLIANCE.

## WHAT TO KNOW ABOUT CASp INSPECTIONS

Certified Access Specialists (CASp) have been tested on their knowledge of state and federal accessibility standards. With a CASp inspection and report, in addition to learning your facility's accessibility status, you can receive legal benefits.

### LEGAL BENEFITS

- Request an early evaluation conference.
- Receive a 90-day stay of court proceedings.
- Reduce minimum statutory damages to \$1,000 from \$4,000, if you are found in violation of a construction-related accessibility requirement and correct the violation within 60 days.
- Additional benefits for qualified small businesses.

The facility inspected does not need to comply with all applicable construction-related accessibility standards in order for you to receive legal benefits – but the property must be inspected by a CASp before a claim is filed. Making progress on correcting violations according to your schedule of improvements will reduce or eliminate your liability.

## WHAT THE CASp WILL ASK YOU

1. Date of Construction: \_\_\_\_\_

2. Areas and Dates of Past Improvements/Renovations: \_\_\_\_\_

## WHAT YOU'LL RECEIVE FROM YOUR CASp

### WRITTEN AGREEMENT FOR SERVICES

To receive legal benefits, the agreement should state that the CASp will provide you an inspection and a report according to the Construction-Related Accessibility Standards Compliance Act (CRASCA) in Civil Code section 55.53.

### INSPECTION REPORT

This document will include a description of the areas inspected, the date of the inspection, and a determination of your status of compliance:

#### Meets Applicable Standards

A signed and dated inspection report stating that, in the opinion of the CASp, the inspected areas met construction-related accessibility requirements.

#### Inspected By a CASp

Notation of any areas needing correction and the correction needed is required. The CASp may work with you to establish a reasonable schedule of completion for each of the corrections.

### DISABILITY ACCESS INSPECTION CERTIFICATE

The disability access inspection certificate provided by the CASp can be displayed at the facility. We suggest posting a color copy and keeping the original in a safe location.

3. Areas Available to the Public (Customers):

☐ Retail/Dining/Meeting Space

☐ Parking Lot

☐ Restroom(s)

☐ Other: \_\_\_\_\_

*If you are unsure of the answers, your CASp may be able to perform the research, or give you guidance on finding the information.*



# DISPELLING THE MYTHS

*If your business facility is open to the public, then it must be accessible to individuals with disabilities. Misconceptions about these standards may leave you unsure about the compliance of your facility. Let's set the record straight:*

**THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)** is a federal civil rights law that prohibits discrimination against individuals with disabilities, and requires all public accommodations and commercial facilities to be accessible to individuals with disabilities.

**THE CALIFORNIA BUILDING CODE** contains the construction-related accessibility provisions that are the standards for compliant construction. A facility's compliance is based on the California Building Code version in place at the time of construction or alteration.

## MYTH

## FACT

**My business doesn't need to be compliant because the building is old and therefore grandfathered in.**

**There are no "grandfathering" provisions.**

"Grandfathering" is the notion that ADA requirements do not apply to buildings constructed prior to the establishment of the ADA. This, however, is not true. Regardless of the age or historical importance of a building, if it is open to the public, you must provide access to the goods and services you offer.

A Certified Access Specialist (CASP) can tell you what changes, if any, are needed for your facility to be compliant.

**The building is owned by someone else, so I'm not liable for violations.**

**Compliance is not only the landlord's responsibility.**

Both the lessor and lessee are responsible and liable for the accessibility of a facility's public areas. If you lease or rent a facility, it is advisable to have an agreement with your landlord about who is responsible for providing and maintaining the facility's accessible features.

Lease and rental agreements must stipulate whether the property was inspected by a CASp, and, if so, whether or not the property is compliant with all applicable construction-related accessibility standards.

**The standards are always changing, making it hard to stay in compliance.**

**Construction standards for your facility do not change.**

The ADA has only been updated once in more than twenty years. Although the California Building Code is amended regularly, your facility's compliance is determined by the building code in place when your facility was originally constructed or last altered. A once-compliant facility isn't made noncompliant because the accessibility regulations and guidelines are updated; however, accessible features must be maintained.

A CASp can determine your status of compliance according to the applicable standards (ADA and California Building Code).





# GET LISTED!

## Voluntary Listing of CASp Inspected Businesses

Businesses holding a valid disability access inspection certificate (DAIC) may choose to be listed on the Division of the State Architect's (DSA) CASp webpage. To be listed on the "Businesses Inspected by a CASp" list offered by DSA, please complete and submit the "GET LISTED!" form.

### Your business qualifies for inclusion on this list if:



It was inspected by a CASp on or after January 1, 2017



The CASp provided to you a report completed in accordance with Construction Related Accessibility Standards Compliance Act (CRASCA, Civil Code section 55.53)

If you have any questions, please contact your CASp to confirm your eligibility for inclusion on this list.

Take this opportunity to Get Listed! It's similar to displaying the DAIC at your place of business, but with statewide reach. Because you have had a CASp inspection, your facility is eligible for the list whether or not it is compliant to applicable construction-related accessibility standards. If your facility does not yet meet applicable design and construction accessibility requirements, listing your facility can signify that you are being proactive and making strides towards achieving accessibility.

### What will be included on this list?



Name of your Business, and the facility's city and zip code



Date of Inspection

To submit your request to be listed, please visit [www.dgs.ca.gov/casp](http://www.dgs.ca.gov/casp). Click on the "GET LISTED! Voluntary Listing of CASp Inspected Businesses" link, found under the "Businesses Owners, Property Owners and Consumers" section. Complete the form and click on the "SUBMIT" button. You can expect to see your business name listed within 1 to 2 business days after your submission.



If you have any questions with regard to your listing, please contact Debbie Wong at (916) 327-5410.

CASp Inspection Reports Requirements				
Type of Report	CRASCA		Non-CRASCA	
	CRASCA 'Meets Applicable Standards'	CRASCA 'Inspected by a CASp'		
Perform Inspection to 'Applicable Standards'	Yes, unless consent of property owner/tenant permits CASp to use newer version of CBC rather than 'applicable' CBC.	Yes, unless consent of property owner/tenant permits CASp to use newer version of CBC rather than 'applicable' CBC.	Not governed by statute	
Description of Area Inspected	Required	Required	Not governed by statute	
Sign Report	Required	Required	Not governed by statute	
Date of Inspection	Not required by statute	Required	Not governed by statute	
Date Report	Required	Required	Not governed by statute	
Statement of Findings	Statement that: In the opinion of the CASp, the inspected area <u>meets</u> 'construction related accessibility standards'	Statement that: In the opinion of the CASp, the inspected area does <u>not</u> meet 'construction related accessibility standards'	Not governed by statute	
Barrier Removal	Clearly state whether the determination of the CASp includes an assessment of 'readily acheivable barrier removal'	Clearly state whether the determination of the CASp includes an assessment of 'readily acheivable barrier removal'	Not governed by statute	
Corrective Actions	If corrections were made as a result of the Inspection; Provide an itemized list of corrections and dates of correction	An identification and description of the structures or areas that need correction and the correction needed	Not governed by statute	
Schedule of Corrections	N/A	A schedule of completion for each of the corrections within a reasonable timeframe	Not governed by statute	
Time to Complete Report	No	<b>Compliance Path A:</b> Time not specified. <b>Compliance Path B:</b> If owner has less than 50 employees over past three years and elects to achieve compliance in 120 days, <u>CASp has 30 days to provide report.</u>	Not governed by statute	
Issue DAIC Inspection Certificate	Yes. Owner option to post.	Yes. Owner option to post.	No	
Issue Notice to Property Owner/Tenant	Yes	Yes	No	
CASp Must Record in Record Book	Yes	Yes	No	
File Notice with DSA	No	<b>Compliance Path A:</b> No notice required. <b>Compliance Path B:</b> If owner has less than 50 employees over past three years and elects to achieve compliance in 120 days, <u>CASp must file notice within 10 days.</u>	No	
Legal Benefits to Property Owner/Tenant	90-day stay, early evaluation conference	90-day stay, early evaluation conference	None	
Reduction of Statutory Damages	Reduced to \$1000 per occasion if corrected within 60 days	<b>Compliance Path A:</b> Reduced to \$1000 per occasion if violation is corrected within 60 days and if defendant has implemented reasonable measures to correct violation or was in the process to correct violation prior to plaintiff being denied access. <b>Compliance Path B:</b> If owner has less than 50 employees over past three years and elects to achieve compliance in 120 days: The owner receives a grace period of 120 days in which there is no liability for statutory damages, which can be extended to 180 days with an active permit. After grace period expires, owner’s liability for statutory damages is reduced to \$1000 per occasion if violation is corrected within 60 days.	None	
Credit: Certified Access Specialist Institute (CASI)				
Edition 1016				