

AMENDED IN SENATE JULY 16, 2015

AMENDED IN SENATE JUNE 22, 2015

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AMENDED IN ASSEMBLY APRIL 28, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1342

**Introduced by Assembly Member Steinorth
(Coauthors: Assembly Members Cooley and Kim)**

February 27, 2015

An act to amend Section 1938 of the Civil Code, and to amend Sections 4459.8, 4467, and 8299.06 of the Government Code, relating to disability access, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1342, as amended, Steinorth. Disability access.

(1) Existing law requires the State Architect to establish and publicize a program for the voluntary certification by the state of any person who meets specified criteria as a Certified Access Specialist (CAsp). Existing law requires each applicant for CAsp certification or renewal to pay certain fees, and requires the State Architect to periodically review those fees, as specified. Existing law provides for the deposit of those fees into the Certified Access Specialist Fund, which is continuously appropriated for use by the State Architect to implement the CAsp program.

This bill would require applicants for CASp certification or renewal to additionally provide to the State Architect information about the city, county, or city and county in which the applicant intends to provide or has provided services, and would require the State Architect to post that information on his or her Internet Web site.

(2) Until December 31, 2018, existing law requires any applicant for a local business license or equivalent instrument or permit, or renewal of a local business license or equivalent instrument or permit, to pay an additional fee of \$1 for that license, instrument, or permit. Under existing law, the city, county, or city and county that collected the fee retains 70% of the fee, and the remaining 30% of the fee is deposited into the Disability Access and Education Revolving Fund, a continuously appropriated fund. *Existing law requires each local entity collecting the fee to make an annual report on the fees to the Legislature and to the chairs of specified committees, as specified.*

This bill would extend the operation of those provisions indefinitely. By increasing the revenue deposited into a continuously appropriated fund, this bill would make an appropriation. *By extending the duties of local governments with respect to the reporting of specified fees, this bill would impose a state-mandated local program.*

(3) Existing law requires a commercial property owner or lessor to state on every lease form or rental agreement executed on or after July 1, 2013, whether the property has been determined by a CASp to meet all applicable construction-related accessibility standards.

This bill, for every lease form or rental agreement executed on or after July 1, 2016, would require the commercial property owner or lessor to provide the lessee or tenant with a current disability access inspection certificate and inspection report or a copy of a CASp inspection report, or would require a statement on the form or agreement that, upon request of the lessee or tenant, the property owner may ~~permit~~ *not prohibit* a CASp inspection of the subject premises at the lessee's or tenant's expense and that the parties must mutually agree on the arrangements for the time and manner of the inspection.

(4) Existing law establishes the California Commission on Disability Access for purposes of developing recommendations to enable persons with disabilities to exercise their right to full and equal access to public facilities and facilitating business compliance with applicable state and federal laws and regulations. Existing law sets forth the powers and duties of the commission, including, but not limited to, developing educational materials and information for businesses, building owners,

tenants, and building officials, posting that information on the commission's Internet Web site, and coordinating with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete. Existing law provides that those provisions shall not remain operative unless funds are appropriated for those purposes.

This bill would additionally require the commission to provide a link on its Internet Web site to the Internet Web site of the Division of the State Architect's CASp certification program and to make the commission's educational materials and information available to other state agencies and local building departments. The bill would also appropriate the sum of \$120,000 from the General Fund to the commission for the 2015–16 fiscal year for the purpose of establishing 2 permanent outreach coordinator positions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1938 of the Civil Code is amended to
2 read:
3 1938. (a) A commercial property owner or lessor shall state
4 on every lease form or rental agreement executed on or after July
5 1, 2016, whether or not the subject premises have undergone
6 inspection by a Certified Access Specialist (CASp).
7 (b) If the subject premises have undergone inspection by a CASp
8 and, to the best of the commercial property owner's or lessor's
9 knowledge, there have been no modifications or alterations
10 completed or commenced between the date of the inspection and
11 the date of the lease or rental agreement which have impacted the
12 subject premises' compliance with construction-related
13 accessibility standards, the commercial property owner or lessor
14 shall provide, prior to execution of the lease or rental agreement,

1 a copy of any report prepared by the CASp in response to that
2 inspection to the lessee or tenant.

3 (c) If the subject premises have been issued a current disability
4 access inspection certificate, as described in Section 55.53, the
5 commercial property owner or lessor shall provide a copy of the
6 current disability access inspection certificate and any inspection
7 report to the lessee or tenant within seven days of the date of the
8 execution of the lease form or rental agreement.

9 (d) If the subject premises have not been issued a current
10 disability access inspection certificate, the commercial property
11 owner or lessor shall state the following on the lease form or rental
12 agreement:

13
14 “A Certified Access Specialist (CASp) can inspect the subject
15 premises and determine whether the subject premises comply with
16 all of the applicable construction-related accessibility standards
17 under state law. Although state law does not require a CASp
18 inspection of the subject premises, the commercial property owner
19 or lessor may ~~permit not prohibit~~ the lessee or tenant ~~to obtain~~
20 *from obtaining* a CASp inspection of the subject premises for the
21 occupancy or potential occupancy of the lessee or tenant, at the
22 lessee’s or tenant’s expense, if requested by the lessee or tenant.
23 The parties shall mutually agree on the arrangements for the time
24 and manner of the CASp inspection.”

25 SEC. 2. Section 4459.8 of the Government Code is amended
26 to read:

27 4459.8. (a) The certification authorized by Section 4459.5 is
28 effective for three years from the date of initial certification and
29 expires if not renewed. The State Architect, upon consideration of
30 any factual complaints regarding the work of a certified access
31 specialist or of other relevant information, may suspend
32 certification or deny renewal of certification.

33 (b) (1) The State Architect shall require each applicant for
34 certification as a certified access specialist to do the following:

35 (A) Pay fees, including an application and course fee and an
36 examination fee, at a level sufficient to meet the costs of application
37 processing, registration, publishing a list, and other activities that
38 are reasonably necessary to implement and administer the certified
39 access specialist program.

1 (B) Provide to the State Architect information about the city,
2 county, or city and county in which the applicant intends to provide
3 services.

4 (2) The State Architect shall require each applicant for renewal
5 of certification to do the following:

6 (A) Pay a fee sufficient to cover the reasonable costs of
7 reassessing qualifications of renewal applicants.

8 (B) Provide to the State Architect information about the city,
9 county, or city and county in which the applicant has provided
10 services since the last day of certification by the State Architect.

11 (3) The State Architect shall periodically review ~~its~~ *his or her*
12 schedule of fees to ensure that ~~its~~ *the* fees for certification are not
13 excessive while covering the costs to administer the certified access
14 specialist program. The application fee for a California licensed
15 architect, landscape architect, civil engineer, or structural engineer
16 shall not exceed two hundred fifty dollars (\$250).

17 (c) All fees collected pursuant to this section shall be deposited
18 into the Certified Access Specialist Fund, which is hereby created
19 in the State Treasury. Notwithstanding Section 13340, this fund
20 is continuously appropriated without regard to fiscal years for use
21 by the State Architect to implement Sections 4459.5 to 4459.8,
22 inclusive.

23 (d) The State Architect shall post on his or her Internet Web
24 site information about the city, county, or city and county in which
25 each certified access specialist provides or intends to provide
26 services.

27 SEC. 3. Section 4467 of the Government Code is amended to
28 read:

29 4467. (a) Any applicant for a local business license or
30 equivalent instrument or permit, and from any applicant for the
31 renewal of a business license or equivalent instrument or permit,
32 shall pay an additional fee of one dollar (\$1) for that license,
33 instrument, or permit, which shall be collected by the city, county,
34 or city and county that issued the license, instrument, or permit.

35 (b) The city, county, or city and county shall retain 70 percent
36 of the fees collected under this section, of which up to 5 percent
37 of the retained moneys may be used for related administrative costs
38 of this chapter. The remaining moneys shall be used to fund
39 increased certified access specialist (CASp) services in that
40 jurisdiction for the public and to facilitate compliance with

1 construction-related accessibility requirements. The highest priority
2 shall be given to the training and retention of certified access
3 specialists to meet the needs of the public in the jurisdiction as
4 provided in Section 55.53 of the Civil Code.

5 (c) The remaining 30 percent of all fees collected under this
6 section shall be transmitted on a quarterly basis to the Division of
7 the State Architect for deposit in the Disability Access and
8 Education Revolving Fund established under Sections 4465 and
9 4470. The funds shall be transmitted within 15 days of the last day
10 of the fiscal quarter. The Division of the State Architect shall
11 develop and post on its Internet Web site a standard reporting form
12 for use by all local jurisdictions. Up to 75 percent of the collected
13 funds in the Disability Access and Education Revolving Fund shall
14 be used to establish and maintain oversight of the CASp program
15 and to moderate the expense of CASp certification and testing.

16 (d) Each city, county, or city and county shall make an annual
17 report, commencing March 1, 2014, to the Legislature and to the
18 Chairs of the Senate and Assembly Committees on Judiciary, and
19 the Chair of the Senate Committee on Budget and Fiscal Review
20 and the Chair of the Assembly Committee on Budget, of the total
21 fees collected in the previous calendar year and of its distribution,
22 including the moneys spent on administrative services, the moneys
23 spent to increase CASp services, the moneys spent to fund
24 programs to facilitate compliance, and the moneys transmitted to
25 the Disability Access and Education Revolving Fund. A report to
26 be submitted pursuant to this subdivision shall be submitted in
27 compliance with Section 9795.

28 SEC. 4. Section 8299.06 of the Government Code is amended
29 to read:

30 8299.06. (a) A priority of the commission shall be the
31 development and dissemination of educational materials and
32 information to promote and facilitate disability access compliance.

33 (b) The commission shall work with other state agencies,
34 including the Division of the State Architect and the Department
35 of Rehabilitation, to develop educational materials and information
36 for use by businesses to understand ~~its~~ *their* obligations to provide
37 disability access and to facilitate compliance with
38 construction-related accessibility standards.

39 (c) The commission shall develop and make available on its
40 Internet Web site, or make available on its Internet Web site if

1 developed by another governmental agency, including Americans
2 with Disabilities Act centers, toolkits or educational modules to
3 assist a California business to understand its obligations under the
4 law and to facilitate compliance with respect to the top 10 alleged
5 construction-related violations, by type, as specified in subdivision
6 (a) of Section 8299.08. Upon completion of this requirement, the
7 commission shall develop and make available on its Internet Web
8 site, or work with another agency to develop, other toolkits or
9 educational modules that would educate businesses of the
10 accessibility requirements and to facilitate compliance with that
11 requirement.

12 (d) The commission shall post the following on its Internet Web
13 site:

14 (1) Educational materials and information that will assist
15 building owners, tenants, building officials, and building inspectors
16 to understand the disability accessibility requirements and to
17 facilitate compliance with disability access laws. The commission
18 shall at least annually review the educational materials and
19 information on disability access requirements and compliance
20 available on the Internet Web-site *sites* of other local, state, or
21 federal agencies, including Americans with Disabilities Act centers,
22 to augment the educational materials and information developed
23 by the commission.

24 (2) A link to the Internet Web site of the Division of the State
25 Architect's Certified Access Specialist (CAsp) Program to assist
26 building owners and tenants in locating or hiring a CAsp.

27 (e) The commission shall, to the extent feasible, coordinate with
28 other state agencies and local building departments to ensure that
29 information provided to the public on disability access requirements
30 is uniform and complete, and make its educational materials and
31 information available to those agencies and departments.

32 (f) The commission shall establish a permanent legislative
33 outreach coordinator position and a permanent educational outreach
34 coordinator position.

35 *SEC. 5. No reimbursement is required by this act pursuant to*
36 *Section 6 of Article XIII B of the California Constitution because*
37 *a local agency or school district has the authority to levy service*
38 *charges, fees, or assessments sufficient to pay for the program or*
39 *level of service mandated by this act, within the meaning of Section*
40 *17556 of the Government Code.*

1 ~~SEC. 5.~~

2 *SEC. 6.* For the 2015–16 fiscal year, the sum of one hundred
3 twenty thousand dollars (\$120,000) is hereby appropriated from
4 the General Fund to the California Commission on Disability
5 Access for the purpose of establishing the outreach coordinator
6 positions described in subdivision (f) of Section 8299.06 of the
7 Government Code.

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