

AMENDED IN SENATE AUGUST 31, 2015
AMENDED IN SENATE JULY 16, 2015
AMENDED IN SENATE JUNE 22, 2015
AMENDED IN ASSEMBLY JUNE 1, 2015
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, 4459.8~~ and 8299.06 of the Government Code, relating to disability ~~access, and making an appropriation therefor.~~ *access.*

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 name of* 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)~~

(2) 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~~ *January* 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, *as specified*, or would require a statement on the form or agreement that, upon request of the lessee or tenant, the property owner may 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)~~

(3) 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.~~

(4) 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: $\frac{2}{3}$ -majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: 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 *January* 1, 2016, whether or not the subject premises have
6 undergone 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

1 accessibility standards, the commercial property owner or lessor
 2 shall provide, prior to execution of the lease or rental agreement,
 3 a copy of any report prepared by the CASp ~~in response to that~~
 4 ~~inspection to the lessee or tenant.~~ *with an agreement from the*
 5 *prospective lessee or tenant that information in the report shall*
 6 *remain confidential, except as necessary for the tenant to complete*
 7 *repairs and corrections of violations of construction-related*
 8 *accessibility standards that the lessee or tenant agrees to make.*

9 (c) If the subject premises have been issued ~~a current disability~~
 10 ~~access inspection certificate,~~ *an inspection report by a CASp,* as
 11 described in *paragraph (1) of subdivision (a) of Section 55.53,*
 12 *indicating that it meets applicable standards, as defined in*
 13 *paragraph (4) of subdivision (a) of 55.52,* the commercial property
 14 owner or lessor shall provide a copy of the current disability access
 15 inspection certificate and any inspection report to the lessee or
 16 tenant *not already provided pursuant to subdivision (b)* within
 17 seven days of the date of the execution of the lease form or rental
 18 agreement.

19 (d) If the subject premises have not been issued ~~a current~~
 20 ~~disability access inspection certificate,~~ *as described in subdivision*
 21 *(e) of Section 55.53,* the commercial property owner or lessor shall
 22 state the following on the lease form or rental agreement:

23
 24 “A Certified Access Specialist (CASp) can inspect the subject
 25 premises and determine whether the subject premises comply with
 26 all of the applicable construction-related accessibility standards
 27 under state law. Although state law does not require a CASp
 28 inspection of the subject premises, the commercial property owner
 29 or lessor may not prohibit the lessee or tenant from obtaining a
 30 CASp inspection of the subject premises for the occupancy or
 31 potential occupancy of the lessee or tenant, at the lessee’s or
 32 tenant’s expense, if requested by the lessee or tenant. The parties
 33 shall mutually agree on the arrangements for the time and manner
 34 of the CASp inspection.”

35 SEC. 2. Section 4459.8 of the Government Code is amended
 36 to read:

37 4459.8. (a) The certification authorized by Section 4459.5 is
 38 effective for three years from the date of initial certification and
 39 expires if not renewed. The State Architect, upon consideration of
 40 any factual complaints regarding the work of a certified access

1 specialist or of other relevant information, may suspend
2 certification or deny renewal of certification.

3 (b) (1) The State Architect shall require each applicant for
4 certification as a certified access specialist to do *both of the*
5 following:

6 (A) Pay fees, including an application and course fee and an
7 examination fee, at a level sufficient to meet the costs of application
8 processing, registration, publishing a list, and other activities that
9 are reasonably necessary to implement and administer the certified
10 access specialist program.

11 (B) Provide to the State Architect ~~information about the name~~
12 *of the city, county, or city and county in which the applicant intends*
13 *to provide services.*

14 (2) The State Architect shall require each applicant for renewal
15 of certification to do *both of the* following:

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

18 (B) Provide to the State Architect ~~information about the name~~
19 *of the city, county, or city and county in which the applicant has*
20 *provided services since the last day of certification by the State*
21 *Architect.*

22 (3) The State Architect shall periodically review his or her
23 schedule of fees to ensure that the fees for certification are not
24 excessive while covering the costs to administer the certified access
25 specialist program. The application fee for a California licensed
26 architect, landscape architect, civil engineer, or structural engineer
27 shall not exceed two hundred fifty dollars (\$250).

28 (c) All fees collected pursuant to this section shall be deposited
29 into the Certified Access Specialist Fund, which is hereby created
30 in the State Treasury. Notwithstanding Section 13340, this fund
31 is continuously appropriated without regard to fiscal years for use
32 by the State Architect to implement Sections 4459.5 to 4459.8,
33 inclusive.

34 (d) The State Architect shall post on his or her Internet Web
35 site ~~information about the name of the~~ city, county, or city and
36 county in which each certified access specialist provides or intends
37 to provide services.

38 ~~SEC. 3. Section 4467 of the Government Code is amended to~~
39 ~~read:~~

1 ~~4467. (a) Any applicant for a local business license or~~
2 ~~equivalent instrument or permit, and from any applicant for the~~
3 ~~renewal of a business license or equivalent instrument or permit,~~
4 ~~shall pay an additional fee of one dollar (\$1) for that license,~~
5 ~~instrument, or permit, which shall be collected by the city, county,~~
6 ~~or city and county that issued the license, instrument, or permit.~~
7 ~~(b) The city, county, or city and county shall retain 70 percent~~
8 ~~of the fees collected under this section, of which up to 5 percent~~
9 ~~of the retained moneys may be used for related administrative costs~~
10 ~~of this chapter. The remaining moneys shall be used to fund~~
11 ~~increased certified access specialist (CAsp) services in that~~
12 ~~jurisdiction for the public and to facilitate compliance with~~
13 ~~construction-related accessibility requirements. The highest priority~~
14 ~~shall be given to the training and retention of certified access~~
15 ~~specialists to meet the needs of the public in the jurisdiction as~~
16 ~~provided in Section 55.53 of the Civil Code.~~
17 ~~(c) The remaining 30 percent of all fees collected under this~~
18 ~~section shall be transmitted on a quarterly basis to the Division of~~
19 ~~the State Architect for deposit in the Disability Access and~~
20 ~~Education Revolving Fund established under Sections 4465 and~~
21 ~~4470. The funds shall be transmitted within 15 days of the last day~~
22 ~~of the fiscal quarter. The Division of the State Architect shall~~
23 ~~develop and post on its Internet Web site a standard reporting form~~
24 ~~for use by all local jurisdictions. Up to 75 percent of the collected~~
25 ~~funds in the Disability Access and Education Revolving Fund shall~~
26 ~~be used to establish and maintain oversight of the CAsp program~~
27 ~~and to moderate the expense of CAsp certification and testing.~~
28 ~~(d) Each city, county, or city and county shall make an annual~~
29 ~~report, commencing March 1, 2014, to the Legislature and to the~~
30 ~~Chairs of the Senate and Assembly Committees on Judiciary, and~~
31 ~~the Chair of the Senate Committee on Budget and Fiscal Review~~
32 ~~and the Chair of the Assembly Committee on Budget, of the total~~
33 ~~fees collected in the previous calendar year and of its distribution,~~
34 ~~including the moneys spent on administrative services, the moneys~~
35 ~~spent to increase CAsp services, the moneys spent to fund~~
36 ~~programs to facilitate compliance, and the moneys transmitted to~~
37 ~~the Disability Access and Education Revolving Fund. A report to~~
38 ~~be submitted pursuant to this subdivision shall be submitted in~~
39 ~~compliance with Section 9795.~~

1 ~~SEC. 4.~~

2 *SEC. 3.* Section 8299.06 of the Government Code is amended
3 to read:

4 8299.06. (a) A priority of the commission shall be the
5 development and dissemination of educational materials and
6 information to promote and facilitate disability access compliance.

7 (b) The commission shall work with other state agencies,
8 including the Division of the State Architect and the Department
9 of Rehabilitation, to develop educational materials and information
10 for use by businesses to understand their obligations to provide
11 disability access and to facilitate compliance with
12 construction-related accessibility standards.

13 (c) The commission shall develop and make available on its
14 Internet Web site, or make available on its Internet Web site if
15 developed by another governmental agency, including Americans
16 with Disabilities Act centers, toolkits or educational modules to
17 assist a California business to understand its obligations under the
18 law and to facilitate compliance with respect to the top 10 alleged
19 construction-related violations, by type, as specified in subdivision
20 (a) of Section 8299.08. Upon completion of this requirement, the
21 commission shall develop and make available on its Internet Web
22 site, or work with another agency to develop, other toolkits or
23 educational modules that would educate businesses of the
24 accessibility requirements and to facilitate compliance with that
25 requirement.

26 (d) The commission shall post the following on its Internet Web
27 site:

28 (1) Educational materials and information that will assist
29 building owners, tenants, building officials, and building inspectors
30 to understand the disability accessibility requirements and to
31 facilitate compliance with disability access laws. The commission
32 shall at least annually review the educational materials and
33 information on disability access requirements and compliance
34 available on the Internet Web sites of other local, state, or federal
35 agencies, including Americans with Disabilities Act centers, to
36 augment the educational materials and information developed by
37 the commission.

38 (2) A link to the Internet Web site of the Division of the State
39 Architect's Certified Access Specialist (CASp) Program to assist
40 building owners and tenants in locating or hiring a CASp.

1 (e) The commission shall, to the extent feasible, coordinate with
 2 other state agencies and local building departments to ensure that
 3 information provided to the public on disability access requirements
 4 is uniform and complete, and make its educational materials and
 5 information available to those agencies and departments.

6 (f) The commission shall establish a permanent legislative
 7 outreach coordinator position and a permanent educational outreach
 8 coordinator position.

9 ~~SEC. 5.~~

10 ~~SEC. 4.~~ No reimbursement is required by this act pursuant to
 11 Section 6 of Article XIII B of the California Constitution because
 12 a local agency or school district has the authority to levy service
 13 charges, fees, or assessments sufficient to pay for the program or
 14 level of service mandated by this act, within the meaning of Section
 15 17556 of the Government Code.

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