

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2093**

---

---

**Introduced by Assembly Member Steinorth**

February 17, 2016

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2093, 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 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) 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 January 1, 2017, bill would require the commercial property owner or lessor to state on every lease form or rental agreement executed on or after January 1, 2017, whether or not the premises have been inspected by a CASp specialist. The bill would require a 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 if the premises have been issued an inspection report indicating that they meet applicable standards. If the premises have not been issued a disability access inspection certificate, the bill would require a statement on the lease form or rental agreement stating 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, the payment of the associated fee, and the cost of making repairs, as specified. The bill would require a property owner or lessor of premises that have been subject to CASp inspection, and that remain unmodified or altered, as specified, since the date of the inspection and the lease or rental agreement with regard to construction-related accessibility standards, to provide a copy of the report that is to remain confidential except as necessary to make repairs and corrections, as specified. The bill would establish a presumption that making repairs or modifications necessary to correct violations of construction-related accessibility standards that are noted in a CASp report is the responsibility of the commercial property owner or lessor unless otherwise agreed upon by the parties to the lease or rental agreement. The bill would grant a prospective lessee or tenant the opportunity to review any CASp report prior to execution of the lease or rental agreement, and if the report is not provided at least 48 hours prior to execution of a lease or rental agreement, the bill would grant a prospective lessee or tenant the right to rescind the lease or agreement, based upon information in the report, for 72 hours after execution.~~

(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.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*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  
5 January 1, 2017, 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  
13 accessibility standards, the commercial property owner or lessor  
14 shall provide, prior to execution of the lease or rental agreement,  
15 a copy of any report prepared by the CASp with an agreement  
16 from the prospective lessee or tenant that information in the report  
17 shall remain confidential, except as necessary for the tenant to  
18 complete repairs and corrections of violations of  
19 construction-related accessibility standards that the lessee or tenant  
20 agrees to make.

21 (c) *Making any repairs or modifications necessary to correct*  
22 *violations of construction-related accessibility standards that are*  
23 *noted in a CASp report is presumed to be the responsibility of the*  
24 *commercial property owner or lessor, unless otherwise mutually*

1 *agreed upon by the commercial property owner or lessor and the*  
 2 *lessee or tenant. The prospective lessee or tenant shall have the*  
 3 *opportunity to review any CASp report prior to execution of the*  
 4 *lease or rental agreement. If the report is not provided to the*  
 5 *prospective lessee or tenant at least 48 hours prior to execution*  
 6 *of the lease or rental agreement, the prospective lessee or tenant*  
 7 *shall have the right to rescind the lease or rental agreement, based*  
 8 *upon the information contained in the report, for 72 hours after*  
 9 *execution of the agreement.*

10 (e)

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

20 (d)

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

25

26 “A Certified Access Specialist (CASp) can inspect the subject  
 27 premises and determine whether the subject premises comply with  
 28 all of the applicable construction-related accessibility standards  
 29 under state law. Although state law does not require a CASp  
 30 inspection of the subject premises, the commercial property owner  
 31 or lessor may not prohibit the lessee or tenant from obtaining a  
 32 CASp inspection of the subject premises for the occupancy or  
 33 potential occupancy of the lessee or tenant, ~~at the lessee’s or~~  
 34 ~~tenant’s expense~~, if requested by the lessee or tenant. The parties  
 35 shall mutually agree on the arrangements for the time and manner  
 36 of the CASp inspection.” *inspection, the payment of the fee for the*  
 37 *CASp inspection, and the cost of making any repairs necessary to*  
 38 *correct violations of construction-related accessibility standards*  
 39 *within the premises.”*

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

3 4459.8. (a) The certification authorized by Section 4459.5 is  
4 effective for three years from the date of initial certification and  
5 expires if not renewed. The State Architect, upon consideration of  
6 any factual complaints regarding the work of a certified access  
7 specialist or of other relevant information, may suspend  
8 certification or deny renewal of certification.

9 (b) (1) The State Architect shall require each applicant for  
10 certification as a certified access specialist to do both of the  
11 following:

12 (A) Pay fees, including an application and course fee and an  
13 examination fee, at a level sufficient to meet the costs of application  
14 processing, registration, publishing a list, and other activities that  
15 are reasonably necessary to implement and administer the certified  
16 access specialist program.

17 (B) Provide to the State Architect the name of the city, county,  
18 or city and county in which the applicant intends to provide  
19 services.

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

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

24 (B) Provide to the State Architect the name of the city, county,  
25 or city and county in which the applicant has provided services  
26 since the last day of certification by the State Architect.

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

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

1 (d) The State Architect shall post on his or her Internet Web  
2 site the name of the city, county, or city and county in which each  
3 certified access specialist provides or intends to provide services.

4 SEC. 3. Section 8299.06 of the Government Code is amended  
5 to read:

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

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

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

28 (d) The commission shall post the following on its Internet Web  
29 site:

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

- 1 (2) A link to the Internet Web site of the Division of the State  
2 Architect's Certified Access Specialist (CASp) Program to assist  
3 building owners and tenants in locating or hiring a CASp.  
4 (e) The commission shall, to the extent feasible, coordinate with  
5 other state agencies and local building departments to ensure that  
6 information provided to the public on disability access requirements  
7 is uniform and complete, and make its educational materials and  
8 information available to those agencies and departments.

O