

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

February 27, 2015

An act to ~~add Section 8299.12 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. ~~California Commission on Disability Access.~~ *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 Division of the State Architect to post that information on its 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.*

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.

(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 tenant, the property owner will arrange for CASp inspection of the property at the tenant's expense.

Existing

(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, ~~as specified~~, 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, make the commission's educational materials and information available to other state agencies

and local building departments, and appropriate the sum of \$500,000 from the General Fund to the ~~California Commission on Disability Access~~ commission for the 2015–16 fiscal year for ~~those the~~ above-described purposes.

Vote: $\frac{2}{3}$. Appropriation: yes. 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 July
5 1, ~~2013~~, 2016, whether or not the property being leased or rented
6 has undergone inspection by a Certified Access Specialist (~~CASp~~),
7 and, if so, whether the property has or has not been determined to
8 meet all applicable construction-related accessibility standards
9 pursuant to ~~Section 55.53~~. (CASp).

10 (b) If the property being leased or rented has undergone
11 inspection by a CASp and to the best of the commercial property
12 owner or lessor’s knowledge, there have been no modifications or
13 alterations completed or commenced between the date of the
14 inspection and the date of the lease or rental agreement which
15 have impacted the property’s compliance with construction-related
16 accessibility standards, the commercial property owner or lessor
17 shall provide, prior to execution of the lease or rental agreement,
18 a copy of any report prepared by the CASp in response to that
19 inspection to the lessee or tenant.

20 (c) If the property has been issued a current disability access
21 inspection certificate, as described in Section 55.53, the
22 commercial property owner or lessor shall provide a copy of the
23 current disability access inspection certificate and any inspection
24 report to the lessee or tenant within seven days of the date of the
25 execution of the lease form or rental agreement.

26 (d) If the property has not been issued a current disability access
27 inspection certificate, the commercial property owner or lessor
28 shall state the following on the lease form or rental agreement:

29
30 “A Certified Access Specialist (CASp) can inspect the property
31 and determine whether it complies with all of the applicable

1 *construction-related accessibility standards under state law.*
2 *Although state law does not require a CASp inspection of this*
3 *property, the property owner will arrange for a CASp inspection*
4 *of this property at the tenant’s expense, if requested by the tenant.”*

5 SEC. 2. *Section 4459.8 of the Government Code is amended*
6 *to read:*

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

13 (b) (1) The State Architect shall require each applicant for
14 certification as a certified access specialist to ~~pay~~ *do the following:*

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

20 (B) *Provide to the State Architect information about the city,*
21 *county, or city and county in which the applicant intends to provide*
22 *services.*

23 (2) *The State Architect shall require each applicant for renewal*
24 *of certification to ~~pay~~ do the following:*

25 (A) *Pay a fee sufficient to cover the reasonable costs of*
26 *reassessing qualifications of renewal applicants.*

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

30 ~~(2)~~

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

37 (c) All fees collected pursuant to this section shall be deposited
38 into the Certified Access Specialist Fund, which is hereby created
39 in the State Treasury. Notwithstanding Section 13340, this fund
40 is continuously appropriated without regard to fiscal years for use

1 by the State Architect to implement Sections 4459.5 to 4459.8,
2 inclusive.

3 *(d) The State Architect shall post on his or her Internet Web*
4 *site information about the city, county, or city and county in which*
5 *each certified access specialist provides or intends to provide*
6 *services.*

7 *SEC. 3. Section 4467 of the Government Code is amended to*
8 *read:*

9 ~~4467. (a) On and after January 1, 2013, and until December~~
10 ~~31, 2018, any~~ Any applicant for a local business license or
11 equivalent instrument or permit, and from any applicant for the
12 renewal of a business license or equivalent instrument or permit,
13 shall pay an additional fee of one dollar (\$1) for that license,
14 instrument, or permit, which shall be collected by the city, county,
15 or city and county that issued the license, instrument, or permit.

16 (b) The city, county, or city and county shall retain 70 percent
17 of the fees collected under this section, of which up to 5 percent
18 of the retained moneys may be used for related administrative costs
19 of this chapter. The remaining moneys shall be used to fund
20 increased certified access specialist (CASp) services in that
21 jurisdiction for the public and to facilitate compliance with
22 construction-related accessibility requirements. The highest priority
23 shall be given to the training and retention of certified access
24 specialists to meet the needs of the public in the jurisdiction as
25 provided in Section 55.53 of the Civil Code.

26 (c) The remaining 30 percent of all fees collected under this
27 section shall be transmitted on a quarterly basis to the Division of
28 the State Architect for deposit in the Disability Access and
29 Education Revolving Fund established under Sections 4465 and
30 4470. The funds shall be transmitted within 15 days of the last day
31 of the fiscal quarter. The Division of the State Architect shall
32 develop and post on its Internet Web site a standard reporting form
33 for use by all local jurisdictions. Up to 75 percent of the collected
34 funds in the Disability Access and Education Revolving Fund shall
35 be used to establish and maintain oversight of the CASp program
36 and to moderate the expense of CASp certification and testing.

37 (d) Each city, county, or city and county shall make an annual
38 report, commencing March 1, 2014, to the Legislature and to the
39 Chairs of the Senate and Assembly Committees on Judiciary, and
40 the Chair of the Senate Committee on Budget and Fiscal Review

1 and the Chair of the Assembly Committee on Budget, of the total
 2 fees collected in the previous calendar year and of its distribution,
 3 including the moneys spent on administrative services, the moneys
 4 spent to increase CASp services, the moneys spent to fund
 5 programs to facilitate compliance, and the moneys transmitted to
 6 the Disability Access and Education Revolving Fund. A report to
 7 be submitted pursuant to this subdivision shall be submitted in
 8 compliance with Section 9795.

9 *SEC. 4. Section 8299.06 of the Government Code is amended*
 10 *to read:*

11 8299.06. (a) A priority of the commission shall be the
 12 development and dissemination of educational materials and
 13 information to promote and facilitate disability access compliance.

14 (b) The commission shall work with other state agencies,
 15 including the Division of the State Architect and the Department
 16 of Rehabilitation, to develop educational materials and information
 17 for use by businesses to understand its obligations to provide
 18 disability access and to facilitate compliance with
 19 construction-related accessibility standards.

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

33 (d) The commission shall post *the following* on its Internet Web
 34 ~~site-educational~~ *site:*

35 (1) *Educational* materials and information that will assist
 36 building owners, tenants, building officials, and building inspectors
 37 to understand the disability accessibility requirements and to
 38 facilitate compliance with disability access laws. The commission
 39 shall at least annually review the educational materials and
 40 information on disability access requirements and compliance

1 available on the Internet Web site of other local, state, or federal
2 agencies, including Americans with Disabilities Act centers, to
3 augment the educational materials and information developed by
4 the commission.

5 (2) *A link to the Internet Web site of the Division of the State*
6 *Architect’s Certified Access Specialist (CASp) Program to assist*
7 *building owners and tenants in locating or hiring a CASp.*

8 (e) The commission shall, to the extent feasible, coordinate with
9 other state agencies and local building departments to ensure that
10 information provided to the public on disability access requirements
11 is uniform and ~~complete~~. *complete, and make its educational*
12 *materials and information available to those agencies and*
13 *departments.*

14 *SEC. 5. For the 2015–16 fiscal year, the sum of five hundred*
15 *thousand dollars (\$500,000) is hereby appropriated from the*
16 *General Fund to the California Commission on Disability Access,*
17 *for expenditure without regard to fiscal years. The moneys shall*
18 *be used to implement the duties imposed on the commission*
19 *pursuant to Chapter 3.7 (commencing with Section 8299) of*
20 *Division 1 of Title 2 of the Government Code.*

21 ~~SECTION 1. Section 8299.12 is added to the Government~~
22 ~~Code, to read:~~

23 ~~8299.12. For the 2015–16 fiscal year, the sum of five hundred~~
24 ~~thousand dollars (\$500,000) is hereby appropriated from the~~
25 ~~General Fund to the commission, for expenditure without regard~~
26 ~~to fiscal years. The moneys shall be used to implement the duties~~
27 ~~imposed on the commission pursuant to this chapter.~~