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TITLE 1. GENERAL [100 - 7931.000] (Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 5. PUBLIC WORK AND PUBLIC PURCHASES [4000 - 4563] (Division 5 enacted by Stats. 1943, Ch. 134.)

CHAPTER 7.5. Disability Access and Education [4465 - 4470] (Chapter 7.5 added by Stats. 2012, Ch. 383, Sec. 15.)

4465. (a) There is hereby established in the Division of the State Architect a Disability Access and Education Revolving Fund, as set forth in Section 4470, for the purpose of increasing disability access and compliance with construction-related accessibility requirements by the following means:

(1) Increasing the number of private and public certified access specialists available to assist building owners and tenants to understand and comply with construction-related accessibility requirements by using some of the funds to moderate some of the costs of certification and testing.

(2) Establishing and maintaining oversight of the certified access specialist program, including, but not limited to, adopting best practices guidelines for certified access specialists, providing continuing education on construction-related accessibility requirements, and performing its audit and discipline functions under Sections 4459.7 and 4459.8.

(3) Increasing outreach efforts and developing educational resources for persons with disabilities and businesses to facilitate compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the Unruh Civil Rights Act (Section 51 of the Civil Code), and Title 24 of the California Code of Regulations, as they relate to providing full and equal access to public facilities for persons with disabilities.

(b) In developing educational resources with this fund, emphasis shall be placed on the development and dissemination of educational materials, such as toolkits, modules, and checklists, as appropriate, to facilitate a commercial property owner's or tenant's understanding of, and compliance with, the construction-related accessibility requirements.

(c) In developing and disseminating educational resources with this fund, the Division of the State Architect shall consult and work with the Department of Rehabilitation and the California Commission on Disability Access, and may contract with those agencies to develop educational resources. It is the intent of the Legislature that any development or dissemination of educational resources under this section shall be coordinated with educational efforts by other state agencies so as to expand the reach and effectiveness of each effort or the combined efforts.

(Added by Stats. 2012, Ch. 383, Sec. 15. (SB 1186) Effective September 19, 2012.)

4467. (a) (1) On and after January 1, 2013, through December 31, 2017, inclusive, any applicant for a local business license or equivalent instrument or permit, and from any applicant for the renewal of a business license or equivalent instrument or permit, shall pay an additional fee of one dollar (\$1) for that license, instrument, or permit, which shall be collected by the city, county, or city and county that issued the license, instrument, or permit.

(2) On and after January 1, 2018, the following shall apply:

(A) Any applicant for a local business license or equivalent instrument or permit, and any applicant for the renewal of a business license or equivalent instrument or permit, shall pay an additional fee of four dollars (\$4) for that license, instrument, or permit, which shall be collected by the city, county, or city and county that issued the license, instrument, or permit.

(B) In any city, county, or city and county that does not issue a business license or an equivalent instrument or permit, an applicant for a building permit shall pay an additional fee of four dollars (\$4) for that building permit, which the city, county, or city and county that issued the building permit shall collect.

(b) (1) The city, county, or city and county shall retain 90 percent of the fees collected under this section, of which up to 5 percent of the retained moneys may be used for related administrative costs of this chapter. The city, county, or city and county shall deposit the remaining moneys in a special fund, established by the city, county, or city and county to be known as the "Accessibility Compliance Fund." The moneys in the fund shall be used for increased certified access specialist (CAsp) training and certification within that local jurisdiction and to facilitate compliance with construction-related accessibility requirements, to include providing financial assistance to small businesses for construction of physical accessibility improvements. The highest priority shall be given to the training and retention of certified access specialists to meet the needs of the public in the jurisdiction as provided in Section 55.53 of the Civil Code.

(c) The remaining amount of all fees collected under this section and not retained by the city, county, or city and county pursuant to subdivision (b) shall be transmitted on a quarterly basis to the Division of the State Architect for deposit in the Disability Access and Education Revolving Fund established under Sections 4465 and 4470. The funds shall be transmitted within 15 days of the last day of the fiscal quarter. The Division of the State Architect shall develop and post on its internet website a standard reporting form for use by all local jurisdictions. Up to 75 percent of the collected funds in the Disability Access and Education Revolving Fund shall be used to establish and maintain oversight of the CAsp program and to moderate the expense of CAsp certification and testing.

(d) Each city, county, or city and county shall make an annual report, commencing March 1, 2014, to the Division of the State Architect of the total fees collected in the previous calendar year and of its distribution, including the moneys spent on administrative services, the activities undertaken and moneys spent to increase CAsp services, the activities undertaken and moneys spent to fund programs to facilitate accessibility compliance, including the total amount of financial assistance provided to small businesses for construction of physical accessibility improvements and the number of small businesses that obtained financial assistance for construction of physical accessibility improvements, and the moneys transmitted to the Disability Access and Education Revolving Fund.

(e) For purposes of this section, a "small business" is a business that has employed 50 or fewer employees on average over the past three years, or for the years it has been in existence if less than three years, as evidenced by wage report forms filed with the Employment Development Department.

(Amended by Stats. 2022, Ch. 895, Sec. 1. (AB 2164) Effective January 1, 2023.)

4469. (a) On and after January 1, 2013, each city, county, or city and county shall provide to an applicant for a business license or equivalent instrument or permit and to an applicant for the renewal of a business license or equivalent instrument or permit, the following information:

"Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

The Division of the State Architect at www.dgs.ca.gov/DSA.

The Department of Rehabilitation at www.dor.ca.gov.

The California Commission on Disability Access at www.dgs.ca.gov/CCDA."

(b) In addition to the information described in subdivision (a), on and after January 1, 2024, each city, county, or city and county, in a separate document at least 8¹/₂ inches by 11 inches in size, shall provide to an applicant for a business license or equivalent instrument or permit and to an applicant for the renewal of a business license or equivalent instrument or permit, the following statement, the heading and first paragraph of which shall be written in a 28-point font, and the second of which shall be written in an 18-point font:

"MANDATORY ADA DISCLOSURE

ATTENTION: You may be subject to liability for failure to meet your legal obligation to comply with state and federal disability access laws. The recent issuance or renewal of a business license or equivalent instrument or permit does not mean that your business has been determined to be in compliance with state and federal disability access laws.

Please see the attached materials for more information.

ENSURING EQUAL ACCESS TO YOUR BUSINESS

The State of California wants to ensure that all people have equal access to public and private services. Many people with disabilities do not have equal access to services because many business owners do not take the time to ensure that their businesses are accessible. Some common problems disabled people encounter are:

- (1) The building has architectural barriers that make it difficult or impossible for someone using a wheelchair, walker, or other mobility device to get inside or move around.

- (2) The business uses a website that does not work with screen reading devices and other assistive technology.
- (3) The business does not allow people with disabilities to enter the building with their service animals.
- (4) The staff do not receive ADA training and do not know about the requirements to modify practices or to provide auxiliary aids and services.

As the operator of a business, it is your responsibility to ensure that your business provides equal access to people with disabilities. Refusing to make your business accessible is discrimination under state and federal law. People with disabilities and the government have the right to sue businesses that discriminate.

The best way to protect yourself from a lawsuit is to make your business accessible. Here are some important steps you should take:

(1) Schedule an inspection with a Certified Access Specialist. A Certified Access Specialist (CASp) is a person who the State of California recognizes as having specialized knowledge of accessibility standards. They can inspect your business and tell you what changes you need to make for your business to be accessible to disabled people. Getting a CASp inspection has important benefits, like giving you extra protection in a lawsuit.

To find a CASp in your area, contact the CASp Program at the Division of the State Architect. You can also visit www.dgs.ca.gov/casp. Additionally, you should contact your local government and ask what resources it has to help businesses comply with disability access laws. The State of California makes money available to local governments to create programs that help business owners comply with disability access laws.

(2) Learn about accessibility laws from reliable sources. There is a lot of misinformation about accessibility laws. Get information about your rights and responsibilities as a business owner from reliable, trustworthy sources. California has several agencies that provide fact sheets, trainings, and other educational materials about accessibility. In fact, one of these agencies, the California Commission on Disability Access, was created by the Legislature for the purpose of helping businesses comply with accessibility laws. You should contact the following agencies and ask for information on how to comply with accessibility laws:

The California Commission on Disability Access: www.dgs.ca.gov/CCDA.

The Division of the State Architect: www.dgs.ca.gov/DSA.

The Department of Rehabilitation: www.dor.ca.gov.

(3) Making your business accessible is good for everyone. It makes your business available to more customers. It also promotes fair and equal access. We thank you for doing your part to help make California a great place for everyone!"

(Amended by Stats. 2024, Ch. 80, Sec. 53. (SB 1525) Effective January 1, 2025.)

4469.5. (a) In addition to the information required by Section 4469, each city, county, or city and county that issues business licenses, building permits for additions, alterations, and structural repairs to commercial property, or building permits for new construction of commercial property, shall make readily available, and, upon submission to the city, county, or city and county of an application for a business license or building permit, shall provide to the applicant, an informational notice to the applicant containing all of the following:

(1) General information about the compliance requirements pursuant to the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the state's disability access laws.

(2) An advisory to the applicant for a building permit that strongly encourages the applicant to do both of the following:

(A) Obtain a consultation by a Certified Access Specialist (CASp) before alteration or construction in order for the property to be in compliance with disability access laws after the work is completed, so that the applicant can benefit from the advantages of compliance.

(B) Obtain an inspection by a Certified Access Specialist (CASp) after alteration or construction in order to benefit from the legal protections afforded business and property owners under the Construction-Related Accessibility Compliance Act (Part 2.52 (commencing with Section 55.51) of Division 1 of the Civil Code).

(3) An advisory to the applicant for a business license that strongly encourages the applicant to do both of the following:

(A) Obtain a consultation by a Certified Access Specialist (CASp) before engaging in business on the premises in order for the property to be in compliance with disability access laws, so that the applicant can benefit from the advantages of compliance.

(B) Obtain an inspection by a Certified Access Specialist (CASP) after beginning to engage in business on the premises in order to benefit from the legal protections afforded business and property owners under the Construction-Related Accessibility Compliance Act (Part 2.52 (commencing with Section 55.51) of Division 1 of the Civil Code).

(4) Information about how to locate CASp inspectors, including a link to the Internet Web site of the State Architect where CASp inspectors are listed, pursuant to Section 4459.8, by geographic area in which they provide or intend to provide services and information about how to obtain CASp services.

(5) A notice of the federal and state programs that are available to assist small businesses with disability compliance and access expenditures, including, but not limited to, Section 44 of the Internal Revenue Code (disabled access credit for eligible small businesses); Section 190 of the Internal Revenue Code (deduction for expenditures to remove architectural and transportation barriers); the California Capital Access Program Americans with Disabilities Act Financing Program (CalCAP/ADA); and the Disabled Access Credit for Eligible Small Businesses specified in Sections 17053.42 and 23642 of the Revenue and Taxation Code.

(6) A link to the homepage and the resource page of the California Commission on Disability Access.

(b) The informational notice specified in subdivision (a) shall be translated and made available in all of the languages specified in paragraph (3) of subdivision (a) of Section 1632 of the Civil Code and shall be provided to the applicant in whichever format the building permit or business license application is required to be submitted.

(c) For purposes of this section, the term "commercial property" means property that is operating, or is intended to be operated, as a "place of public accommodation" as defined in Section 202 of Title 24 of the California Code of Regulations, or as a facility to which the general public is invited at those premises.

(d) (1) The Division of the State Architect shall develop a model notice that local agencies can use to comply with the requirements of this section.

(2) The Division of the State Architect shall post the model notice on the publicly available portion of the division's Internet Web site.

(Added by Stats. 2018, Ch. 680, Sec. 2. (AB 3002) Effective January 1, 2019.)

4470. (a) All funds received by the Division of the State Architect under this chapter shall be deposited in the Disability Access and Education Revolving Fund, which is hereby established in the State Treasury.

(b) Notwithstanding Section 13340, moneys deposited in the fund are hereby continuously appropriated without regard to fiscal years to the Division of the State Architect for purposes of this chapter.

(c) Notwithstanding Section 10231.5, the State Architect shall make an annual report, commencing April 1, 2014, to the Legislature and to the Chairs of the Senate and Assembly Committees on Judiciary, and the Chair of the Senate Committee on Budget and Fiscal Review and the Chair of the Assembly Committee on Budget of the total fees collected by each city, county, or city and county pursuant to Section 4467, the total fees transmitted to the fund in the previous calendar year and of its distribution, including the moneys spent on administrative services, the moneys spent to moderate certification and examination fees for the certified access specialist program, the moneys spent on establishing and maintaining oversight of the certified access specialist program, and the moneys spent on developing and disseminating educational materials to facilitate compliance. A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795.

(Amended by Stats. 2015, Ch. 25, Sec. 5. (SB 84) Effective June 24, 2015.)