



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-3002 Disability access requirements: information.** (2017-2018)

SHARE THIS:  

Date Published: 09/24/2018 09:00 PM

**Assembly Bill No. 3002**

**CHAPTER 680**

An act to add Section 4469.5 to the Government Code, relating to disability access.

[ Approved by Governor September 22, 2018. Filed with Secretary of State September 22, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 3002, Grayson. Disability access requirements: information.

Existing law establishes the California Commission on Disability Access within the Department of General Services. The commission is charged with preventing or minimizing problems of compliance by California businesses by providing educational services and recommending programs to enable persons with disabilities to obtain full and equal access to public facilities.

Existing law requires the State Architect to establish a program for the voluntary certification by the state of any person who meets criteria as a Certified Access Specialist (CASP). This position requires certain knowledge and training on standards governing access to buildings for persons with disabilities.

Existing law also requires each city, county, or city and county to provide applicants for a business license or equivalent instrument or permit with certain information regarding compliance with disability access provisions under federal and state law, including information on legal obligations from specified state agencies.

This bill would additionally require the above local jurisdictions issuing building permits for commercial construction or business licenses to make available a notice containing specified information regarding disability access. The bill would also require a local agency to provide the informational notice to an applicant for a commercial building permit or a business license. The bill, among other things, would require this informational notice to be translated into specified languages and to include specified information on compliance requirements under both state and federal law and an advisory strongly encouraging the applicant to obtain a CASp consultation and inspection. The bill would define "commercial property" for these purposes. The bill would require the State Architect to develop a model notice for local agencies to use to comply with these provisions, as specified. The bill would include related legislative findings. By imposing new requirements on local government agencies, the bill would create a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** It is the intent of the Legislature, in enacting this act, to increase compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the state Unruh Civil Rights Act (Section 51 of the Civil Code) by owners and tenants of commercial property used for public accommodation or business purposes and to facilitate that compliance by increasing awareness of these laws and the resources available to aid with compliance, resulting in more public accommodations and businesses being accessible to all persons, regardless of physical disability.

**SEC. 2.** Section 4469.5 is added to the Government Code, to read:

**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.

**SEC. 3.** The Legislature finds and declares that promoting uniform statewide compliance with construction-related accessibility requirements set forth in the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and state disability law is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to all cities, including charter cities.

**SEC. 4.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.