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**AB-2164 Disability access: certified access specialist program: funding.** (2021-2022)

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**Assembly Bill No. 2164**

**CHAPTER 895**

An act to amend Section 4467 of the Government Code, relating to disability access, and making an appropriation therefor.

[ Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2164, Lee. Disability access: certified access specialist program: funding.

(1) The federal Americans with Disabilities Act of 1990 and the California Building Standards Code require that specified buildings, structures, and facilities be accessible to, and usable by, persons with disabilities. Existing law establishes a Disability Access and Education Revolving Fund, a continuously appropriated fund, within the Division of the State Architect for purposes of increasing disability access and compliance with construction-related accessibility requirements and developing educational resources for businesses to facilitate compliance with federal and state disability laws, as specified.

Existing law requires the State Architect to establish and publicize a program for voluntary certification by the state of any person who meets specified criteria as a certified access specialist (CASp), as provided. Existing law, on and after January 1, 2018, and until December 31, 2023, inclusive, requires any applicant for an original or renewal of a local business license or equivalent instrument or permit to pay an additional fee of \$4 for that license, instrument, or permit, or in any city, county, or city and county that does not issue a business license or an equivalent instrument or permit, existing law requires an applicant for a building permit to pay an additional fee of \$4, to be collected by the city, county, or city and county that issued the license, instrument, or permit for specified purposes related to disability access, including the CASp program. Commencing January 1, 2024, that fee is reduced to \$1. Existing law requires a portion of those fees to be deposited in the Disability Access and Education Revolving Fund.

This bill would repeal the provision reducing the fee to \$1 commencing January 1, 2024, thereby extending the operation of this fee at the amount of \$4 indefinitely. By expanding the increased fee deposited into the Disability Access and Education Revolving Fund, this bill would make an appropriation.

(2) Existing law requires that the city, county, or city and county retain a specified percentage of the fees collected under the above-described provision, to fund administrative costs and the remainder to be deposited in a special fund, established by the city, county, or city and county to be known as the "CASp Certification and Training Fund," and used for increased CASp training and certification within that local jurisdiction. On and after January 1, 2018, and until December 31, 2023, the specified percentage to be retained is 90%. Commencing January 1, 2024, the percentage is reduced to 70%. Existing law requires that the remaining percentage of the fees be transmitted on a quarterly basis to the Division of the State Architect for deposit in the Disability Access and Education Revolving Fund.

This bill would repeal the provision reducing the percentage to be retained, thereby allocating 90% of the fees to be retained by the city, county, or city and county indefinitely. The bill would expand the purpose for which the moneys in the special fund may be used to include providing financial assistance to small business owners for accessibility-related inspection, renovation, and construction and would rename the fund to be known as the "Accessibility Compliance Fund."

(3) Existing law requires a city, county, or city and county to submit a report to the Division of the State Architect on the total fees collected in the prior calendar year and distribution of the proceeds, as specified.

This bill would require a city, county, or city and county to include additional information in that report regarding financial assistance provided to small businesses for construction of physical accessibility improvements. By imposing an additional requirement on a local government, this bill would impose 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 no reimbursement is required by this act for a specified reason.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** Section 4467 of the Government Code is amended to read:

**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.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.