



California Pollution Control Financing Authority

# Helping Small Businesses Become ADA Compliant

*CalCAP/ADA Financing Program Webinar*

June 2, 2016



## Today's Speakers

- **Reneé Webster-Hawkins**, Executive Director, California Pollution Control Financing Authority
- **Rachelle Taylor Golden**, Attorney, Overstreet & Associates
- **Angela Jemmott**, Executive Director, California Commission on Disability Access
- **Jason L. Bradley**, Program Manager, California Pollution Control Financing Authority
- **Ida A. Clair**, Senior Architect, California Division of the State Architect
- **Bianca Smith**, Program Manager, California Pollution Control Financing Authority



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# Today's Agenda

- ❖ Welcome
- ❖ History of CPCFA & CalCAP
- ❖ What does AB 1230 (Gomez) authorize
- ❖ Compliance is smart business
- ❖ Access violations in California
- ❖ What businesses and purposes are eligible
- ❖ Role of Certified Access Specialist (CASp) inspection
- ❖ Enrolling a CalCAP/ADA loan
- ❖ Next steps
- ❖ Questions and answers



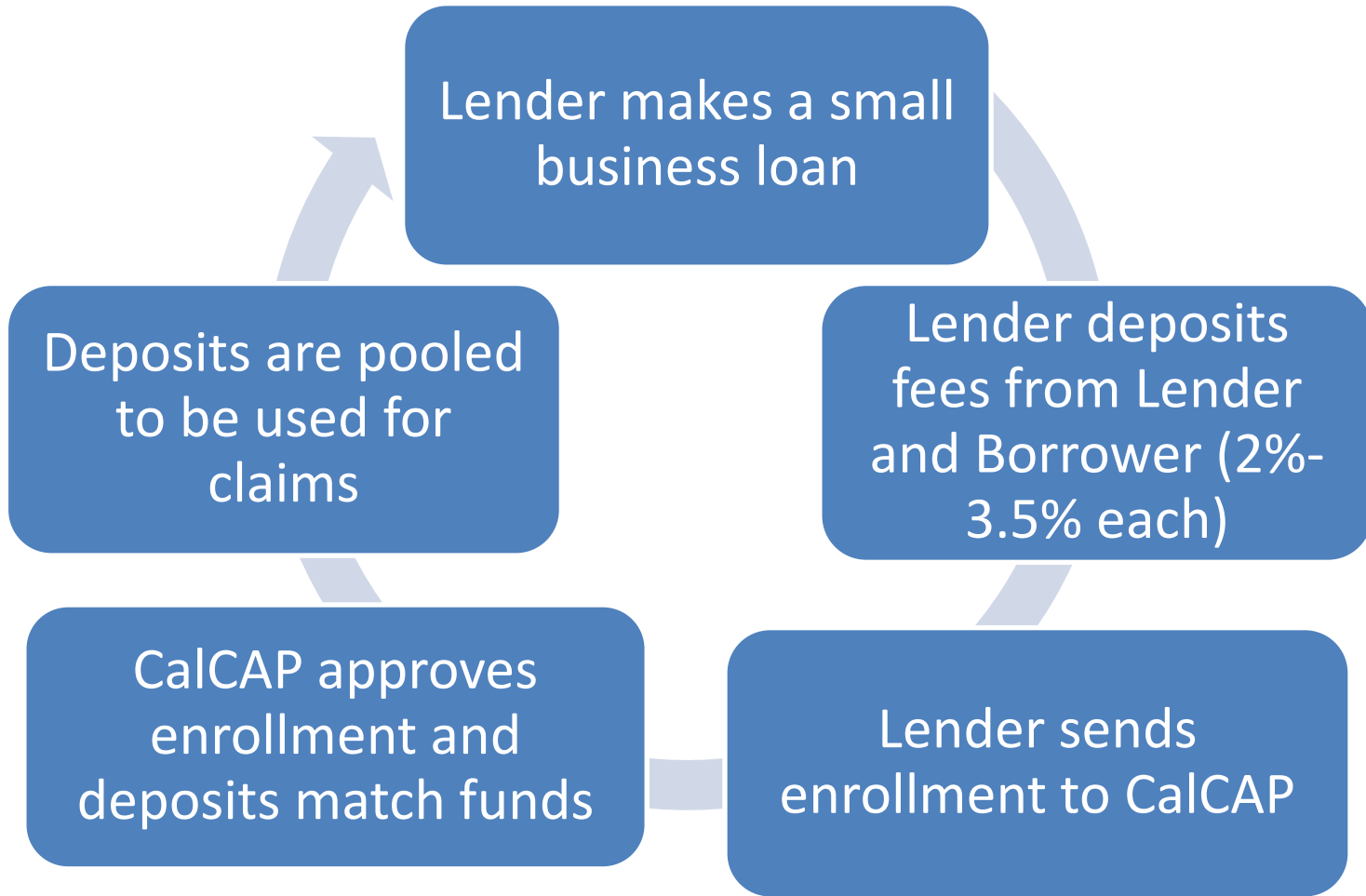
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## History of CPCFA & CalCAP

- CPCFA stimulates environmental cleanup, economic development and job growth throughout the state.
- Founded in 1973 as a conduit bond issuer for private pollution control facilities serving a public benefit.
- Tax-exempt bond financing provides qualified borrowers with lower interest costs than conventional financing.
- Fees assessed on bond issuances to large businesses established the Small Business Assistance Fund (SBAF) enabling CPCFA to create innovative financing programs.
  - Grants and loans for assessment and remediation of brownfield and infill development sites.
  - The California Capital Access Program (CalCAP) was established in 1994 to establish loan loss reserve accounts for participating lenders.

## How does CalCAP Work?



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## What does AB 1230 Authorize?

- \$10 million one-time continuous appropriation to CPCFA to fund the California Americans with Disabilities Act Small Business Capital Access Loan Program (CalCAP/ADA).
- CalCAP/ADA will assist small businesses by facilitating private loans to support physical alterations or retrofits to comply with the ADA.

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## What does AB 1230 Authorize? (cont.)

- CalCAP/ADA will be structured like CPCFA's Small Business CalCAP Program.
  - Businesses meeting the requirements of “Qualified Business” and “Small Business Concern” in 4 CCR § 8070(r) & (v).
    - Non-profits? Yes!
  - CalCAP/ADA retains usual CalCAP restrictions for small businesses, for example those that primarily sell or manufacture tobacco.



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# Compliance is Smart Business

## ➤ Statistics

- ✓ 56.7M (18.7%) of US population
- ✓ 38.3M (12.6%) are severe
- ✓ 2.8M (5.2%) are school aged
- ✓ \$200 billion in annual discretionary income

## ➤ Lawsuits Filed

- ✓ 42% of all ADA suits are brought in California



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## Common Structure of an ADA Claim

- Federal Court
  - ✓ Readily achievable barrier removal
- State Court
  - ✓ CBC violation = ADA violation
  - ✓ Notice and opportunity to cure
  - ✓ Certified Access Specialist (CASp) inspection



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## CASp Costs and Benefits

- Federal Court
  - ✓ Businesses need to understand what their violations are.
  - ✓ A violation of the ADA = a violation of the Unruh Act.
- State Court
  - ✓ Certified Access Specialist (CASp) inspection will inspect according to the “applicable standard.”
- Cost
  - ✓ Always get 3 bids!
  - ✓ Ask about background to match service needed.
- Low-income minority businesses are hit the hardest.



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# Access Violations in California

(Reported by [California Commission on Disability Access](#))

- Parking:
  - Van-accessibility, access aisles, and/or loading zones
  - Existing parking space striping
  - Parking signage
  - Number of parking spaces
- Service counter heights
- Paths of travel
- Curb and entrance ramps
- Entry way and signage
- Restrooms:
  - Entry doors or routes
  - Lavatories and mirrors

# What Businesses or Purposes are Eligible for CalCAP ADA Loans?

- **Definition of eligible project:** Physical alterations or retrofits to an existing small business facility of less than 10,000 square feet necessary to ensure that the facility is in compliance with the ADA and the financing necessary to pay eligible costs of the project.
- AB 1230 adds the following statutory limits:
  - ✓ Small business of 15 or fewer FTE.
  - ✓ Loan proceeds limited to eligible project costs of existing facility less than 10,000 square feet. *No business expansion.*
  - ✓ Less than \$1,000,000 in total gross annual income.
  - ✓ No overnight accommodations.
  - ✓ Qualified loan is limited to \$50,000.
  - ✓ Term of loss coverage is limited to 5 years.



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## Verifying Eligible Costs for CalCAP ADA

- Small businesses must obtain a CASp Inspection Report in order for CalCAP/ADA loan to be enrolled.
  - Cost of CASp inspection is an eligible CalCAP/ADA cost and can be financed in the CalCAP/ADA loan.
  - [CASp Certified List.](#)
- In order for CPCFA to ensure that the use of loan proceeds is allocable to physical alterations necessary for compliance with the Americans with Disabilities Act estimated costs will be compared to the CASp Inspection Report.

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## Verifying Eligible Costs for CalCAP ADA (*cont.*)

- Total loan **can exceed** the cost of items identified in the CASp Inspection Report; however, the amount enrolled in CalCAP/ADA **is limited** to costs related to the deficiencies identified in the CASp Inspection Report.
- CalCAP/ADA loan need not cover the entire list of CASp identified deficiencies.



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**MY BUSINESS  
IS ACCESSIBLE.**  
*IS YOURS?*



**Hire a CAsp. Be in compliance. Get legal benefits.**



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# DSA CASp Website



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[Programs & Services](#) > [Inspectors, Labs, and Certification Programs](#) > [Voluntary Certified Access Specialist \(CASp\) program](#)

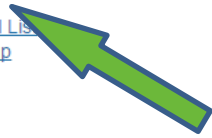
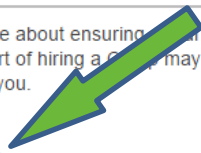
## Voluntary Certified Access Specialist Program

The Certified Access Specialist (CASp) program was created by Senate Bill 262 (Chapter 872, 2003) and is designed to meet the public's need for experienced, trained, and tested individuals who can inspect buildings and sites for compliance with applicable state and federal construction-related accessibility standards. The CASp program is governed by Title 21 Voluntary Certified Access Specialist Program Regulations.

## Business Owners, Property Owners and Consumers

Having a business/property reviewed by a CASp shows that you care about ensuring access for all of your customers, and that you intend to follow the law. The good-faith effort of hiring a CASp may lessen your liability and provide certain legal benefits if an accessibility claim is filed against you.

- ◊ [CASp Benefits Flyer \(PDF - 344 KB\)](#)
- ◊ [FAQs for Business Owners, Property Owners and Consumers](#)
- ◊ [List of Certified Access Specialists](#)
- ◊ [Sign Up for the Business Owner Email List](#)
- ◊ [How to File a Complaint About a CASp](#)



### What's New

- ◊ [Revised IR A-8: Project Inspector and Assistant Inspector Duties and Performance](#)
- ◊ [New IR A-1.16 Temporary Approval for School Use of DSA Approved Relocatable Buildings: 2016 CBC](#)
- ◊ [DSA Remembers Harry Hallenbeck, Former State Architect from 1991-1995](#)
- ◊ [New DSA Policy 16-01 Cellular Tower Plan Approval!](#)



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# DSA CASp Website – Certified Access Specialist List

CA.GOV WELCOME TO THE STATE OF CALIFORNIA

Skip to: [Content](#) | [Footer](#) Search California

Home My CASp CASp Exam Schedule

 Governor **JERRY BROWN**  
gov.ca.gov

**Statement:** Notwithstanding any other provision of law, a state agency or employee of a state agency may not be held liable for any injury or damages resulting from any service provided by a certified access specialist whose name appears on this list published pursuant to Government Code section 4459.7(a).

[Export to Excel](#)

<a href="#">Certified Access Specialist</a>	Phone #	Email	Cert #	Exp Date	Do Inspection	Inspection County(s)
Abarquez, Joey	714-848-0487		CASp-315	9/15/2016		
Abbott, Ron	916-233-8882		CASp-135	9/22/2015		
Abdaljawwad, Ola	916-715-4904		CASp-161	11/18/2015		
Adam, Jim	408-225-7700	jim@calvacpaving.com	CASp-541	4/22/2017		
Adamson, Chris	530-754-1016		CASp-133	9/21/2015		
Adler, Jonathan	831-429-4191	ja@access-compliance.net	CASp-003	9/29/2014	Yes	Alameda; Contra Costa; Marin; Monterey; Napa; Sacramento; San Benito; San Francisco; San Luis Obispo; San Mateo; Santa Clara; Santa Cruz; Solano; Sonoma; Yolo --- SEE WWW.ACCESSCOMPLIANCESERVICES.NET
Afschar, Tom	626-808-5767		CASp-074	9/11/2015		
Afshar, Afshan	949-463-8924		CASp-303	9/9/2016		
Agha, Obi	(916) 708-1847		CASp-443	8/9/2015		
Agus, Chris	818-548-3211		CASp-266	7/2/2016		
Alford, Terrance	714-765-5153		CASp-222	6/24/2016		
Allen, Ronald	213-482-0077		CASp-534	2/12/2017		
Altwal, Bassam	415.310.3010	bassam@calaccessibility.com	CASp-109	9/14/2015	Yes	San Francisco; Contra Costa; Alameda; Santa Clara; San Mateo; Marin; Napa; Santa Clara; Sacramento;
Amador, William	805-530-3938		CASp-561	4/29/2017		
Ames, Kevin	760-987-5863		CASp-022	9/29/2014		
Amestoy, David	714-974-6357	damestoy@roadrunner.com	CASp-495	12/5/2016	Yes	Orange, Los Angeles, Riverside, San Diego, San Bernardino, Kern, Ventura
Amor, William	(909) 496-1306		CASp-418	4/9/2015		
Anderson, Douglas	312-914-1717		CASp-457	11/13/2015		

**DGS LINKS**

- » DGS Home
- » DSA Home
- » DSA News & Events
- » CASp Home

**DSA LINKS**

- » DSA Academy
- » DSA Inspector Program



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# DSA CASp Website – Consumer FAQs

## Why is it Beneficial to Hire a CASp? and Other Consumer Frequently Asked Questions

*Note: Information provided on this website is not intended to be legal advice. If you are a recipient of a demand letter regarding a construction-related accessibility claim, you are advised to consult an attorney prior to contracting the services of a Certified Access Specialist (CASp).*

- ◊ What is the ADA and how does it apply to my business or facility?
- ◊ What are the California laws relating to disability access?
- ◊ What is my potential liability if I am not in compliance?
- ◊ How does someone demonstrate that he/she was denied access?
- ◊ Who has responsibility for ADA compliance in leased places of public accommodation, the landlord or the tenant?
- ◊ What is an applicable construction-related accessibility standard?
- ◊ What are SB1608 and SB1186?
- ◊ Why is it beneficial to hire a CASp?
- ◊ Am I required by law to hire a CASp?
- ◊ How do I find a CASp?
- ◊ What is certified when I hire a CASp?
- ◊ What is a "qualified defendant?"
- ◊ What should I look for in a written agreement for CASp services?
- ◊ What should I look for in a CASp inspection report?
- ◊ What is "readily achievable barrier removal?"
- ◊ What is a Disability Access Inspection Certificate?
- ◊ I have a CASp inspection report and certificate. What should I do now?
- ◊ Can my CASp inspection report expire?
- ◊ Will improvements require a building permit?
- ◊ Will a CASp review my plans prior to construction?
- ◊ If I receive demand letter prior to a lawsuit regarding an access violation can a CASp still help me?

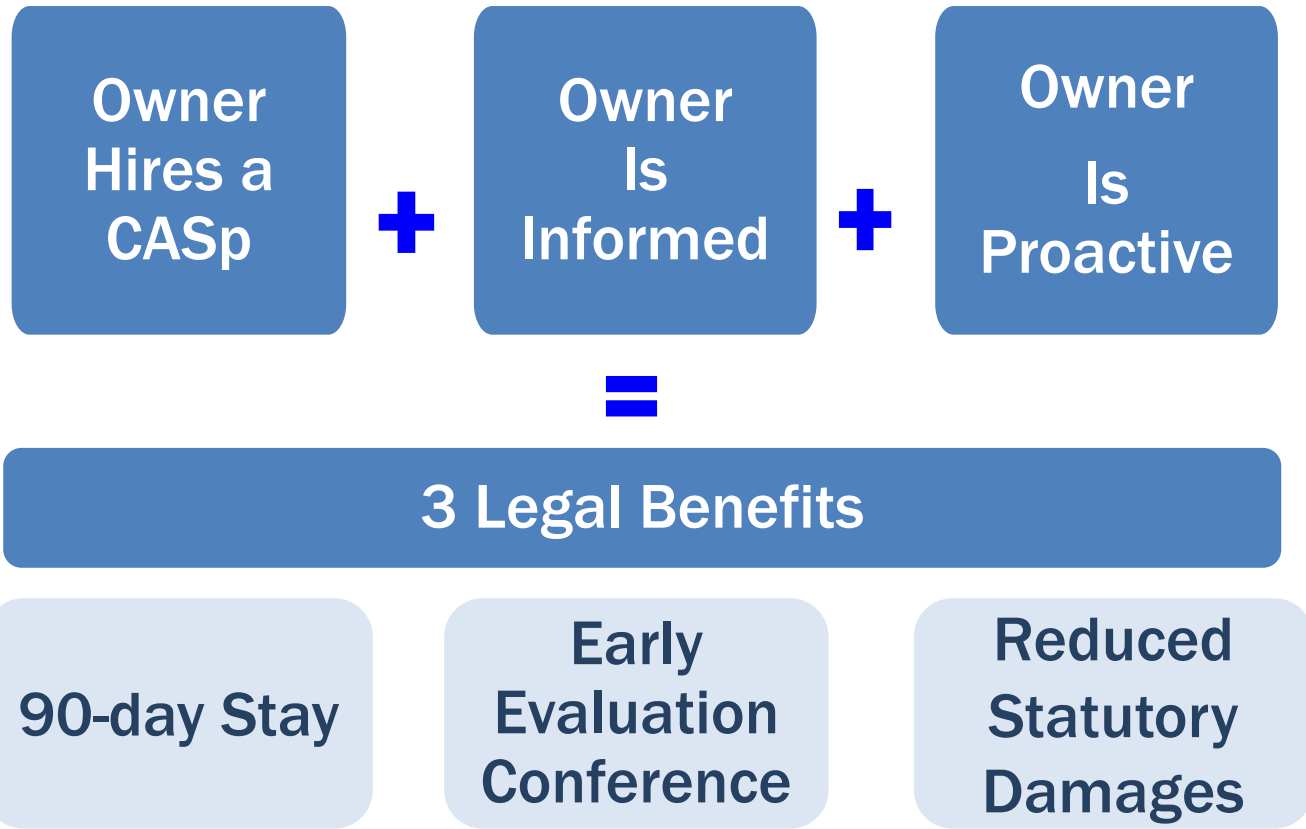


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CALIFORNIA  
**CAPITAL  
ACCESS**  
PROGRAM

# Construction-Related Accessibility Standards Compliance Act (CRASCA) California Civil Code section 55.51-55.545



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# Inspection Reports by a CASp Under CRASCA



**Meets Applicable Standards**

**or**



**Inspected by a CASp**

**Option A:  
Reasonable Schedule**

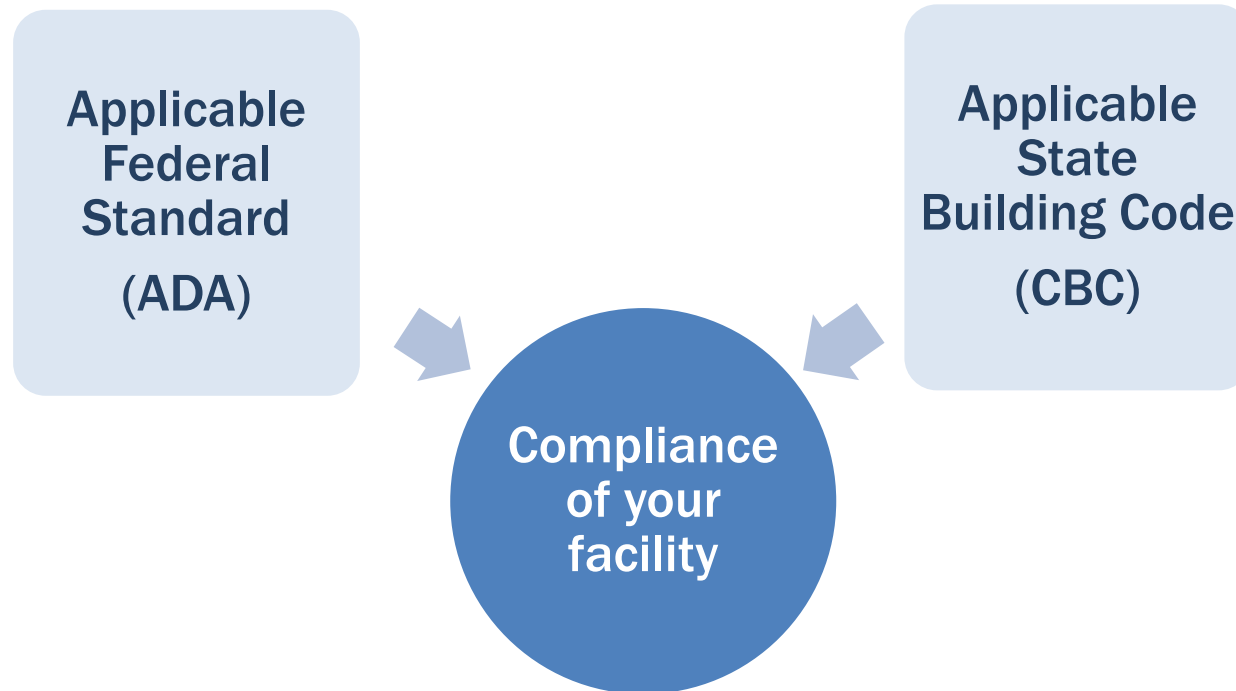
**Statutory Damages  
Reduced if corrected  
within 60 days**

**Option B:  
120-Day Schedule**

**No Statutory Damages**



# Applicable Standards



**Most complaints are cited as violations to current standards, but current standards may not be applicable to your facility. Compliance of your facility by law is based on applicable standards.**



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## Applicable Standards

While state and federal standards may be updated periodically, the **applicable standards** of your facility **do not change** unless you make physical improvements to your facility.

.....and a CASp report does not expire provided you do not make any improvements to the inspected area after compliance.



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# Disability Access Inspection Certificates

Certificates are a  
**record of inspection**  
and not a  
**certificate of compliance**

*“This certificate does not imply that this facility meets design and construction requirements for accessibility for individuals with disabilities.”*



All or part of this facility located at  
**SAMPLE**  
has been inspected by a Certified Access Specialist (CASp).

# ACCESS INSPECTED

THIS CERTIFICATE DOES NOT IMPLY THAT THIS FACILITY MEETS DESIGN AND CONSTRUCTION REQUIREMENTS FOR ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.

Inspection Date: \_\_\_\_\_ CASp Signature: \_\_\_\_\_  
CASp Certificate #: \_\_\_\_\_ CASp Name: \_\_\_\_\_ (Please Print)  
Inspection Certificate #: \_\_\_\_\_

 [www.dgs.ca.gov/dsa/Programs/progAccess.aspx](http://www.dgs.ca.gov/dsa/Programs/progAccess.aspx)



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# Hiring a CASp

## Before hiring a CASp be ready!

- Know the date of original construction
- Know the improvement history
- Know the public accommodation areas of your facility
- Read your lease agreements and ask your landlord if the facility has had a CASp inspection
- Review operational policies and maintenance policies to see where you are vulnerable



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# Enrolling a CalCAP/ADA Loan

## Disability Access Track

Small business gets 3 bids for CASP inspection

Small business obtains CASP inspection & cost estimates

## Loan Track

Small business contacts participating lender

Small business submits financials to lender

Small business submits CASp inspection & cost estimate to lender

Lender sends CASp inspection report & costs to validator

Lender enrolls CalCAP/ADA loan

## Next Steps

- Informational presentation to the CPCFA board – *June 21, 2016*
- Second webinar for lenders – *Early July 2016*
- Stakeholder meetings in Sacramento, Bay Area, Central Valley and Southern California – *Early-mid July 2016*
- Solicitation for 3<sup>rd</sup> party validator – *Mid-July 2016*
- Regulations and Rulemaking – *August 2016*
- Enroll Participating Financial Institutions – *September 2016*
- Marketing and outreach – *September 2016*



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# Questions and Answers



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## Contact Information

### ❖ CalCAP/ADA Webpage

- <http://www.treasurer.ca.gov/cpcfca/calcap/ada/summary.asp>

### ❖ CalCAP Inbox

- [CalCAP@treasurer.ca.gov](mailto:CalCAP@treasurer.ca.gov)

### ❖ Jason L. Bradley, Program Manager

- 916.653.3376, [Jason.Bradley@treasurer.ca.gov](mailto:Jason.Bradley@treasurer.ca.gov)

### ❖ Bianca Smith, CalCAP Program Manager

- 916.653.5408, [Bianca.Smith@treasurer.ca.gov](mailto:Bianca.Smith@treasurer.ca.gov)

### ❖ Janae Davis, Manager of Strategic Outreach and Development

- 916.651.8663, [Janae.Davis@treasurer.ca.gov](mailto:Janae.Davis@treasurer.ca.gov)



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**We encourage you to keep checking  
back to our CalCAP/ADA Financing  
Program webpage for updates.**

**Thank you for your time!**

***CalCAP and the ADA Financing Program Team***



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