

- **Accessibility Certification**
- **Consulting**
- **C.I.R. Surveys**
- **Expert Witness**



**An error doesn't become a mistake
until you refuse to correct it.**

Orlando A. Battista

1992

Grandfathered Rule

Readily Achievable

Safe Harbor



Code vs. law



What is true? !

- DOJ OBLIGATIONS FOR COMPLIANCE

If you own, operate, lease, or lease to a business that serves the public, then you have obligations for compliance.

- THE GOOD NEWS

According to the DOJ , the ADA requires that accessibility be improved **without taking on excessive expenses** that could harm the business. Business must remove physical "**barriers**" that are "**readily achievable**". Barrier removal is an ongoing obligation .

What is a barrier?

“Any element in an existing facility that does not meet or exceed “ ADA standards is a barrier to access –
U.S.D.OJ

Readily achievable: “easily accomplished and able to be carried out without much difficult or expense”
28CFR 36.304(a)

Safe Haven: “Must meet the codes of the time of Construction if after 1992.



The Americans with Disabilities Act- ADA



The Americans with Disability Act (ADA) is a **Federal civil rights law** that **prohibits** the **exclusion** of people with disabilities from everyday activities.

1. **Title 1: Employment**
2. **Title 2: Government Entities**
3. **Title 3 : Public Accommodation**
4. **Title 4: Telecommunication**
5. **Title 5: Miscellaneous**

Exclusion! Is that legal?



Let's Talk Taxes

Two tax incentives are available to businesses to help cover the cost of making access improvements.

- **Tax credit (Section 44 of the Tax Code)**
- **Tax deduction (Section 190 of the Tax Code)**

The amount of the tax credit is equal to 50% of the maximum expenditure of \$10,250, Max \$5,000.

The Tax deduction is available to all businesses with a maximum deduction of \$15,000 per year

- How is California Fighting? New California CASp Program

The recently enacted SB 1608 Disability Access Law provides protection against unwarranted lawsuits which do not further that worthy aim.

This protection is in the form of a CASp issued inspection report and certification which provides proof that buildings and surrounding areas have been surveyed by an expert in disability access laws.

CASp

- State Bill 1186

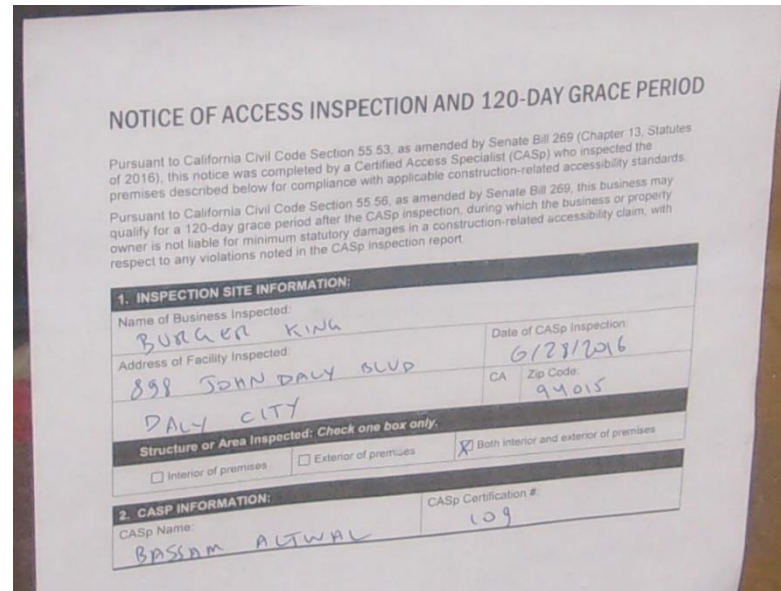
- Amends Civil code to eliminate vexatious litigation and reduce attorney fees.
 1. Reduces damages for defendants who correct violations by hiring a CASp
 2. Prevents stacking of multiple claims
 3. Commercial property owners require to state on the lease if the property have been inspected by a CASp



SB 269

- Amends Civil code to eliminate vexatious litigation and reduce attorney fees.
 1. Allows any small business with 25 or less employees that hired a CASp, 120 days to correct any violation without Statutory damages.
 2. Allows small business 15 days from written notice or lawsuit to correct certain ADA violations without statutory penalties limited to:
 1. Exterior and interior signage
 2. Parking lot paint stripe color or condition
 3. Detectable warning surfaces

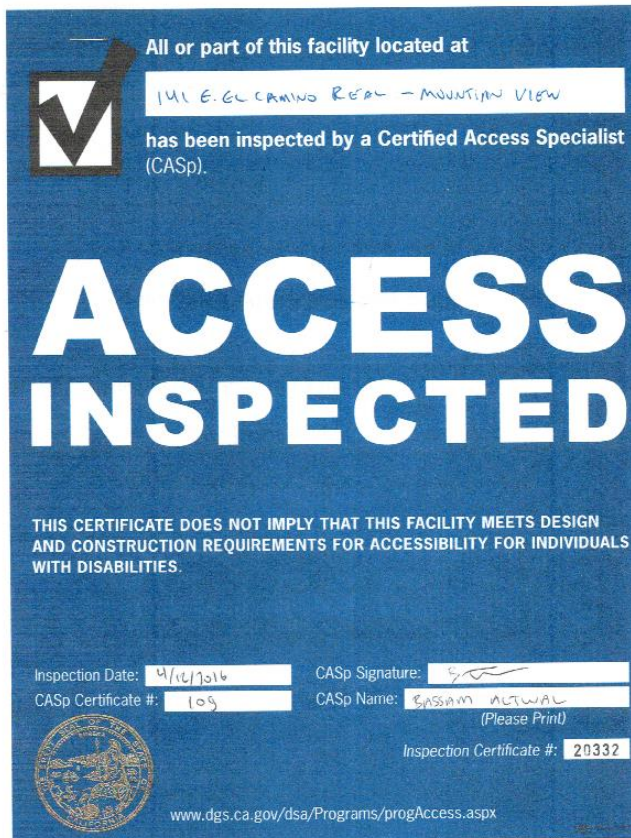
● What should be in a CASp report?



Location	Cost	Issue/Barrier	Code	Existing Condition	Scheduled Work Date	Notes
15.4		The top of the counter is NOT 28 in. to 34 in. above the finished floor.	1122B.4 4.23.3	38"	Stage 3	The tops of tables and counters shall be 28 in. to 34 in. (711 mm to 864 mm) from the floor or ground. Minimum width is 36 in. and the lower writing surface must be clear of objects. Suggested solution: attaché a flip up counter to main counter that is 36" wide, 19" deep and max. 34" high.

CASp

- What should be in a CASp report?



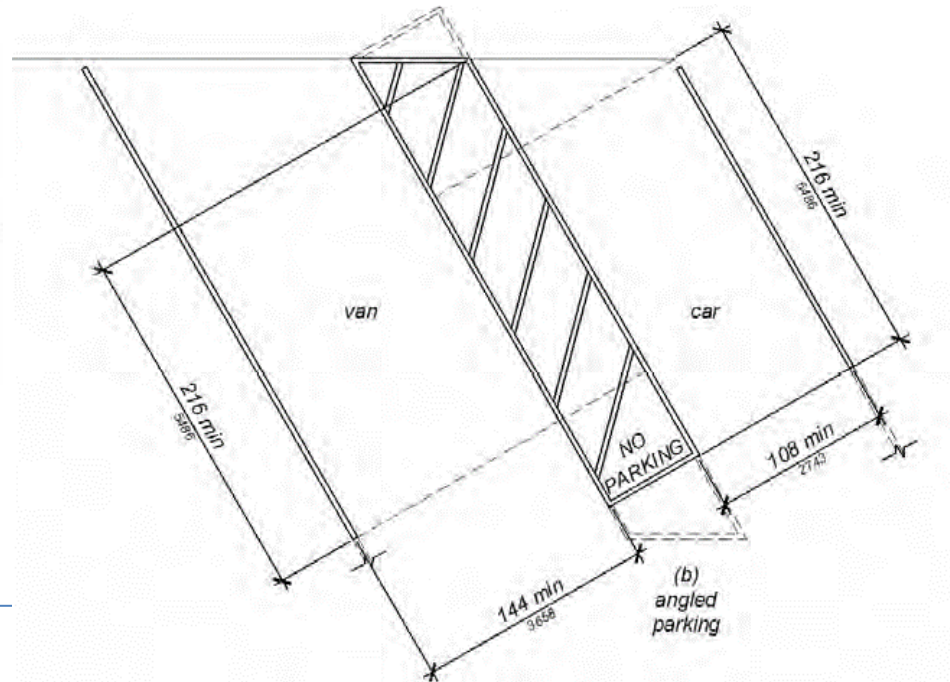
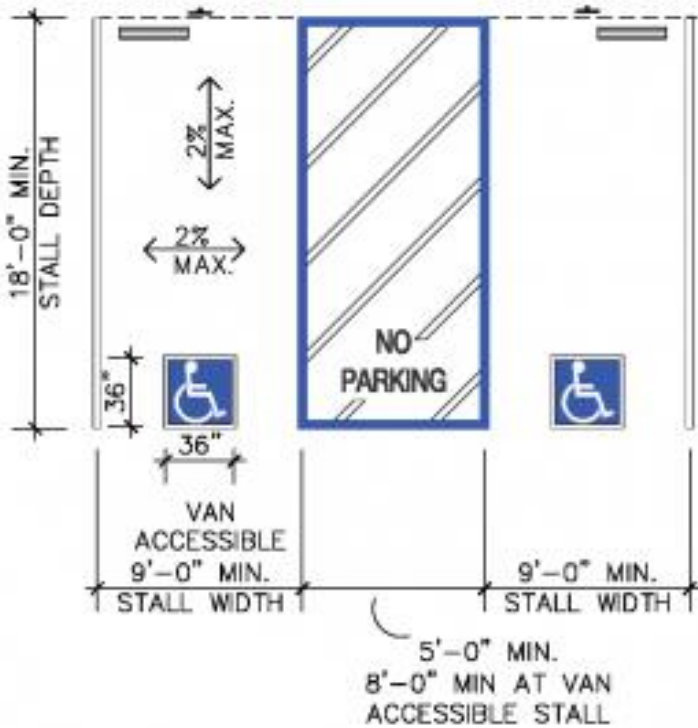
- Examples



**UNAUTHORIZED VEHICLES PARKED
IN DESIGNATED ACCESSIBLE
SPACES NOT DISPLAYING
DISTINGUISHING PLACARDS OR
SPECIAL LICENCE PLATES ISSUED
FOR PERSON WITH DISABILITIES
WILL BE TOWED AWAY
AT THE OWNERS EXPENSE**

**TOWED VEHICLES
MAY BE RECLAIMED AT
OR BY TELEPHONING**

● Examples



● Examples



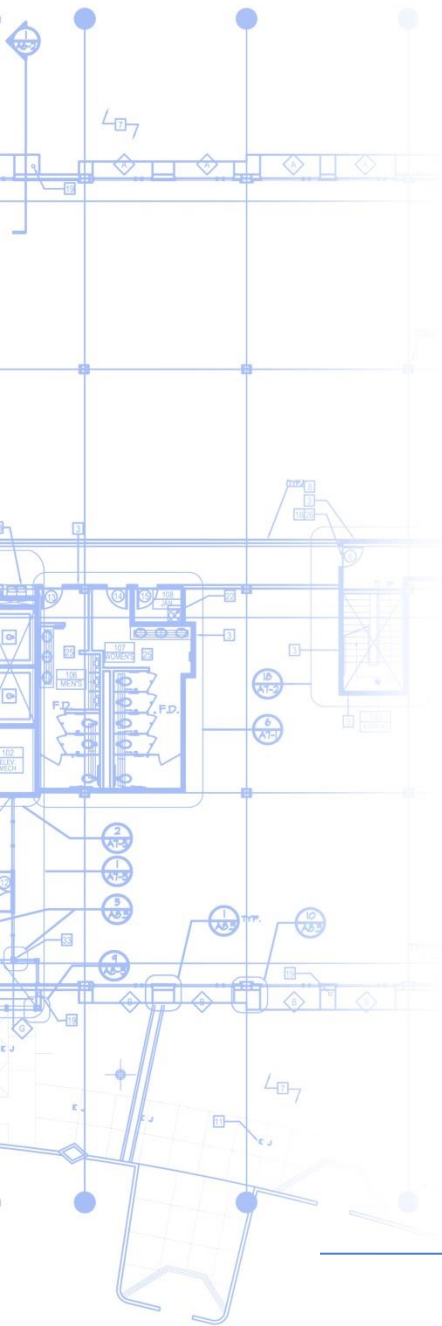
Can You Guess?

● Examples



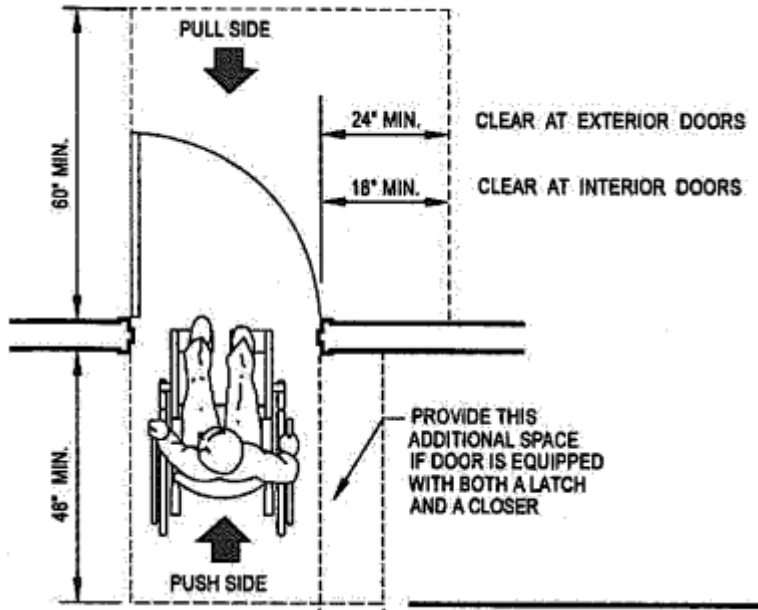
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- Examples





Can You Guess?



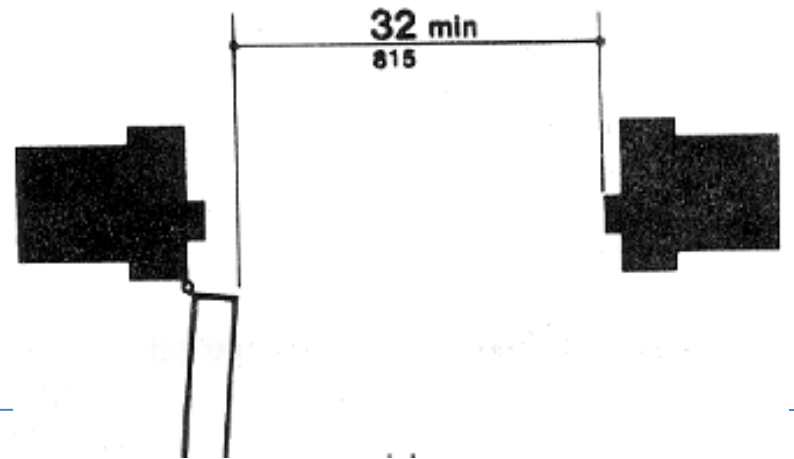
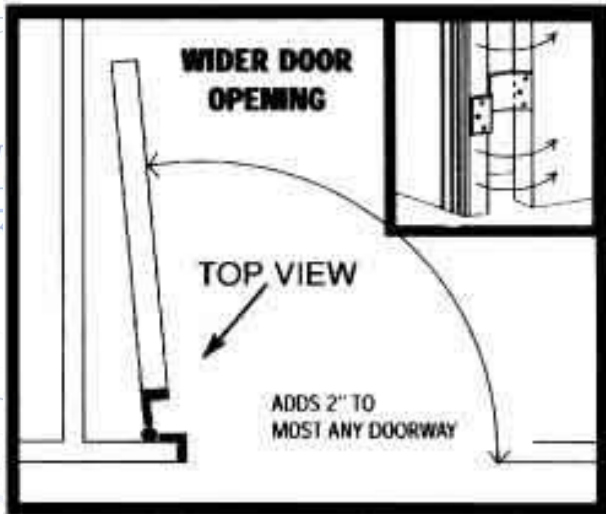


Can You Guess?

02/02/2011

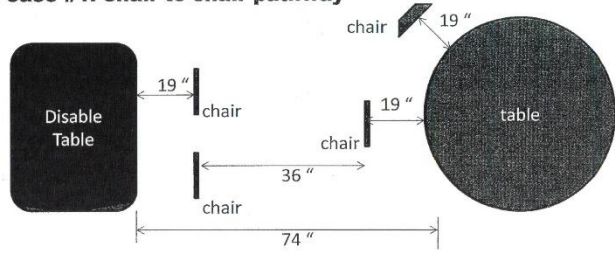


Cal Accessibility



Can You Guess?

Pathway case #1: chair to chair pathway



Pathway case #2: chair to table edge pathway

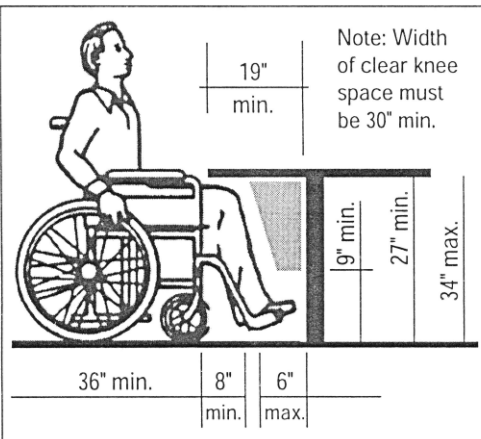
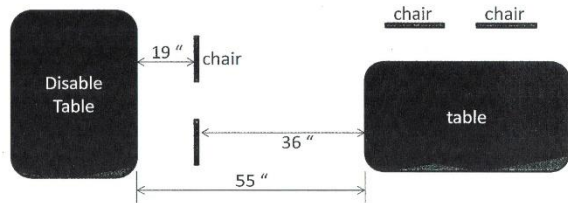
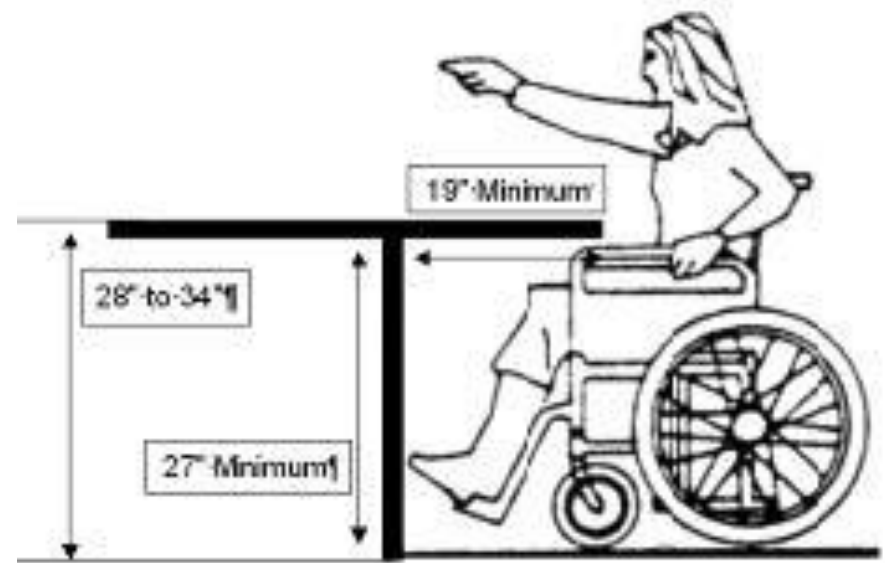
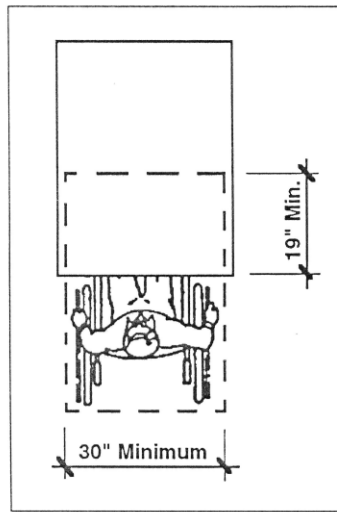


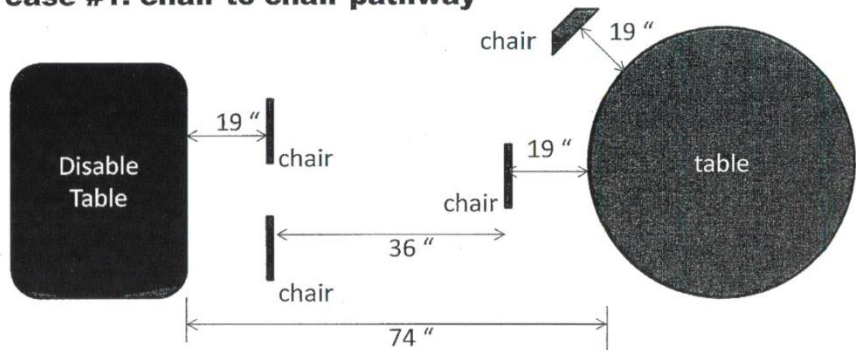
TABLE SEATING



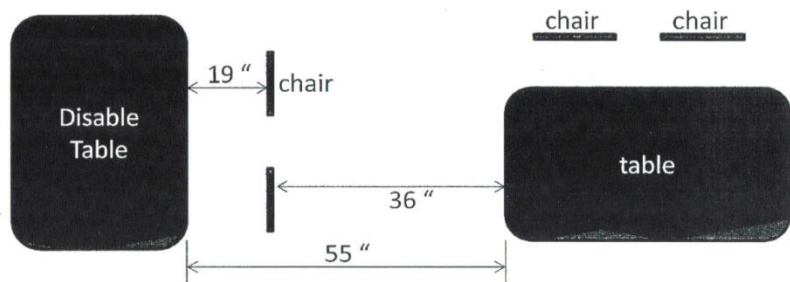


Examples

Pathway case #1: chair to chair pathway



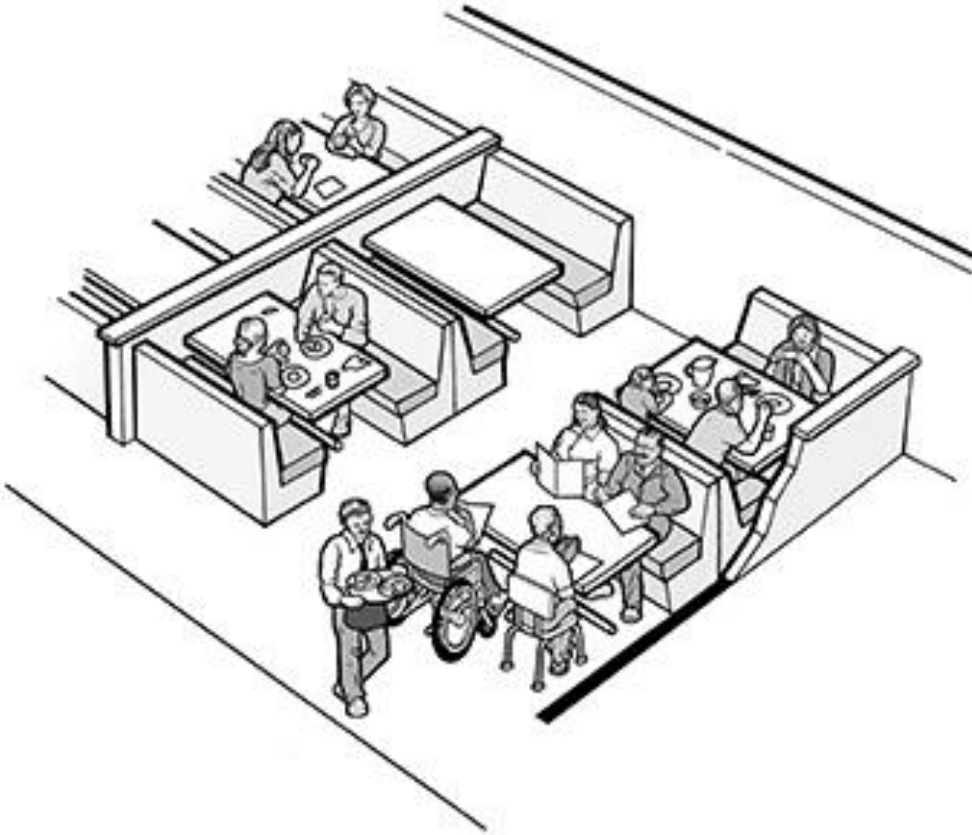
Pathway case #2: chair to table edge pathway



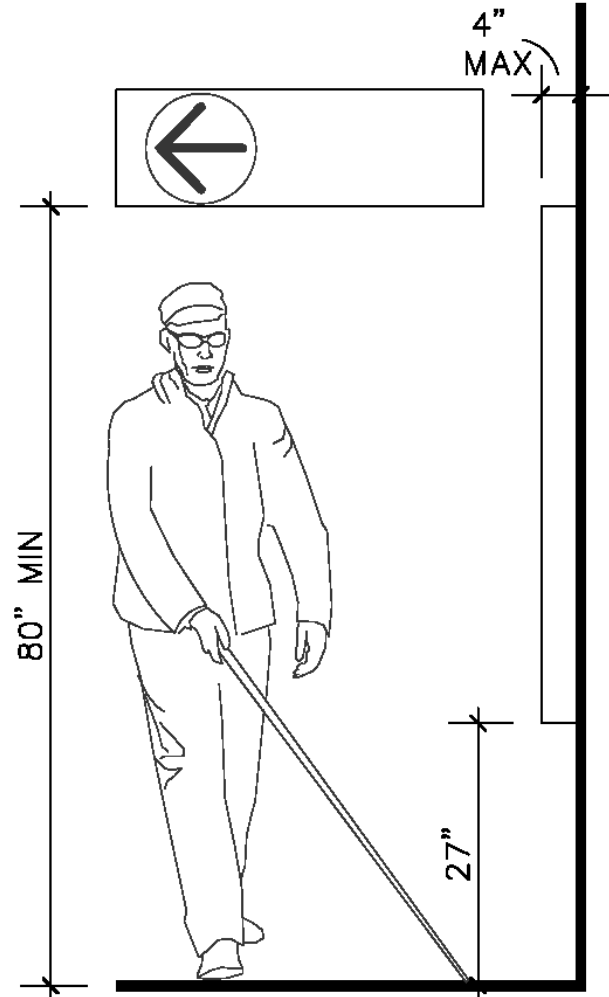
CBC as of August 1st 2012?



- Examples

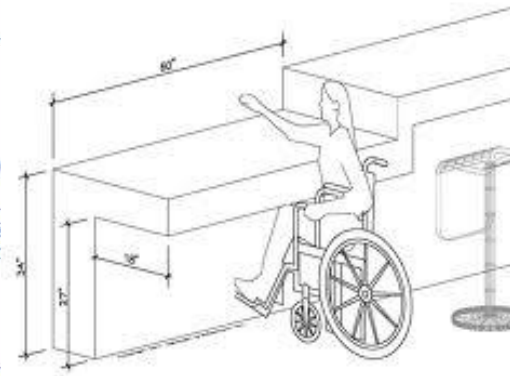


● Examples

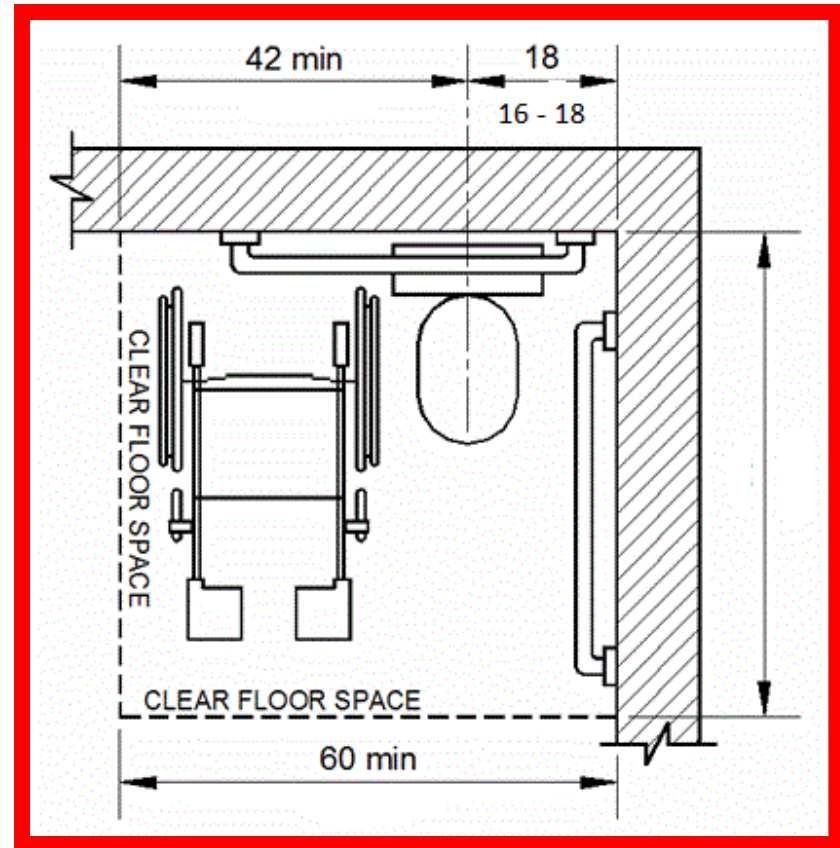


Can You Guess?

Examples

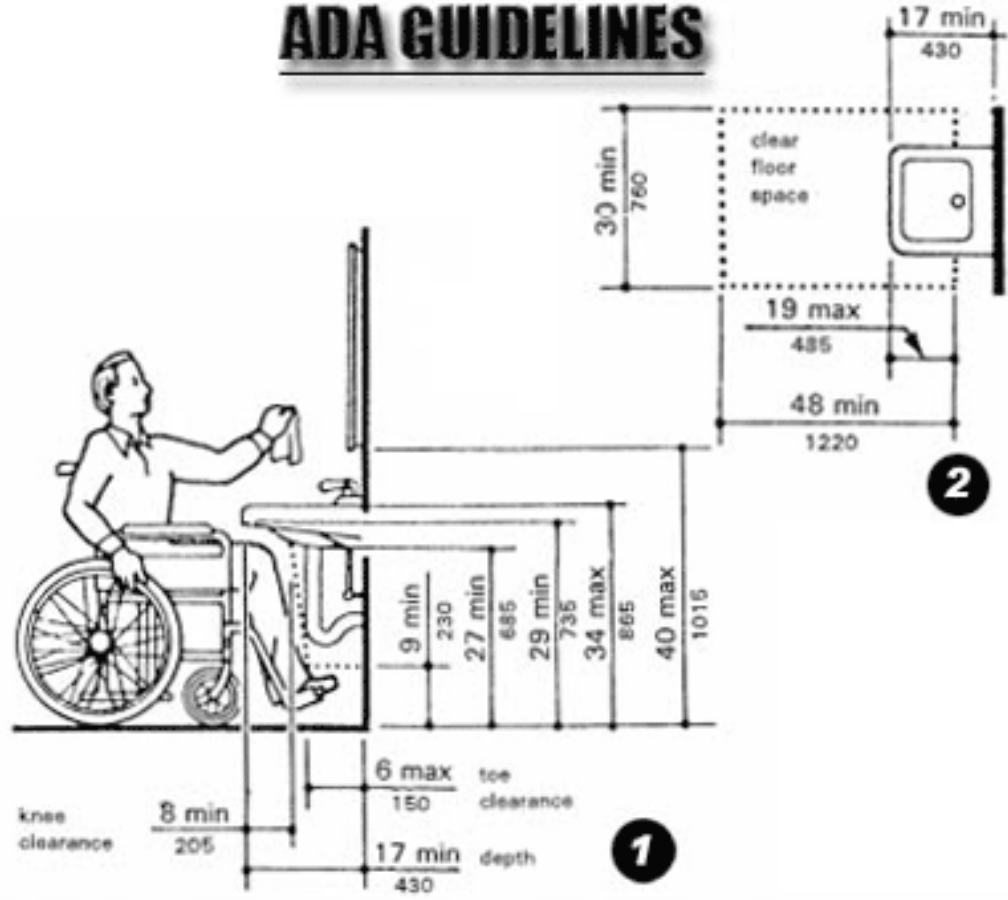


● Examples



● Examples

ADA GUIDELINES



Open Forum for Questions



www.calaccessibility.com
415-310-3010 925-421-0044

Your turn to ask questions