



SB 269:

Disability Access Legislation Signed By Governor

SB269 was signed by the Governor on May 10th, 2016 and became effective immediately as an 'urgency' statute. The statutes effected by SB269 subject CASp to specific requirements when performing inspection under the umbrella of CRASCA. DSA has issued specific information on this bill so that CASps can immediately implement this bill, and has more detailed information forthcoming. Please call DSA with any questions at (916) 322-2490.

SB269 - Outline:

In order to provide a basic understanding of this bill's impact on the services provided by a CASp, I have provided a brief outline of the bill as gleaned from the Legislative Counsel's Digest. CASI encourages every CASp to read the entire chaptered bill:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB269.

Please note that in the interest of brevity, the synopsis below does not cover all of the detailed aspects of the bill, but rather provides a basic outline.

- (1) For a small business that has employed 25 or fewer employees on average over the past three years, and has average annual gross receipts of less than \$3,500,000 over the past three years, this bill establishes the presumption that certain technical violations will not establish grounds for statutory damages if specified conditions are met.
- (2) For a small business that has employed 50 or fewer employees on average over the past three years, this bill establishes that a business shall not be liable for minimum statutory damages in a construction-related accessibility claim with respect to a violation noted in a report by a CASp if the business corrects, within 120 days of the date of the inspection, all construction-related violations in the structure or area inspected by the CASp that are noted in the CASp report.

If the business owner elects this option, this bill requires the business owner to disclose the date and findings of any CASp inspection to a plaintiff if relevant to a claim or defense in an action.

If the business owner elects this option, this bill requires that the CASp deliver the inspection report to the owner within 30 days of the date of the inspection.

The CASp shall file, within 10 days of inspecting the business, a notice with the State Architect for listing on the State Architect's Internet Web site, indicating that the CASp has inspected the business, the name and address of the business, the date of the filing, the date of the inspection of the business, the name and license number of the CASp, and a description of the structure or area inspected by the CASp. The form is available on the DSA CASp website www.dgs.ca.gov/casp. The CASp shall post the notice in a conspicuous location within five feet of all public entrances to the building



**CASI Central | Summer 2016 | Volume 3
SB 269**

on the date of the inspection and instruct the business to keep it in place until the earlier of either of the following:

- (a) One hundred twenty days after the date of the inspection, or
 - (b) The date when all of the construction-related violations in the structure or area inspected by the CASp are corrected.
- (3) This bill will require DSA to develop, publish and update a list of cities and counties that each CASp intends to conduct business. DSA has clarified this requirement for its list to specify that this information is required if the CASp provides inspections under the umbrella of CRASCA.
- (4) This bill will require the CCDCA (California Commission on Disability Access) to provide a link from its website to the DSA website.
- (5) This bill will require local building departments to provide information about ADA requirements to all applicants for plan review, including a notice that informs that approval of a permit does not signify that the applicant has complied with the ADA.
- (6) This bill will require local building departments to expedite projects that provide accessibility corrections related to a CASp report if other specified conditions are met.
- (7) This bill will establish that no reimbursement from the State to local city / county building departments is required, because the local agency has the authority to levy a service charge.
- (8) This bill will establish that its provisions will take effect immediately as an urgency statute.