



DISPELLING THE MYTHS

If your business facility is open to the public, then it must be accessible to individuals with disabilities. Misconceptions about these standards may leave you unsure about the compliance of your facility. Let's set the record straight:

THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) is a federal civil rights law that prohibits discrimination against individuals with disabilities, and requires all public accommodations and commercial facilities to be accessible to individuals with disabilities.

THE CALIFORNIA BUILDING CODE contains the construction-related accessibility provisions that are the standards for compliant construction. A facility's compliance is based on the California Building Code version in place at the time of construction or alteration.

MYTH

FACT

My business doesn't need to be compliant because the building is old.

There are no "safe harbor" provisions.

"Safe harbor" is the notion that ADA requirements do not apply to buildings constructed prior to the establishment of the ADA. This, however, is not true. Regardless of the age or historical importance of a building, if it is open to the public, you must provide access to the goods and services you offer.

A Certified Access Specialist (CASP) can tell you what changes, if any, are needed for your facility to be compliant.

The building is owned by someone else, so I'm not liable for violations.

Compliance is not only the landlord's responsibility.

Both the lessor and lessee are responsible and liable for the accessibility of a facility's public areas. If you lease or rent a facility, it is advisable to have an agreement with your landlord about who is responsible for providing and maintaining the facility's accessible features.

Lease and rental agreements must stipulate whether the property was inspected by a CASp, and, if so, whether or not the property is compliant with all applicable construction-related accessibility standards.

The standards are always changing, making it hard to stay in compliance.

Construction standards for your facility do not change.

The ADA has only been updated once in more than twenty years. Although the California Building Code is amended regularly, your facility's compliance is determined by the building code in place when your facility was originally constructed or last altered. A once-compliant facility isn't made noncompliant because the accessibility regulations and guidelines are updated; however, accessible features must be maintained.

A CASp can determine your status of compliance according to the applicable standards (ADA and California Building Code).

For more information and to find a CASp in your area, visit www.dgs.ca.gov/DSA/Resources/CASP-Property-Inspection.