# NOTICE OF PROPOSED RULEMAKING

**CALIFORNIA CODE OF REGULATIONS 21**

**Voluntary Certified Access Specialist Program regulations found under Subchapter 2.5, Chapter 1, Division 1, Title 21 of the California Code of Regulations.**

## AMENDMENTS TO SECTIONS 132, 133, 137, 138, 141, 162 and

## AMENDMENTS TO DOCUMENTS INCORPORATED BY REFERENCE:

* Certified Access Specialist Program (CASp) Examination, Certification, and Practice Standards Handbook (02/2016)
* Form DSA 600A Candidate Eligibility Application (11/01/15)
* Form DSA 600R CASp Certification Renewal Application (07/01/15)
* Form DSA 601 CASp Examination Registration (11/01/15)
* ADA Test Accommodation(s) Guidelines for the CASp Examination (03/20/16)
* Form DSA 602 CASp Test Accommodation(s) Request (03/20/16)
* Repeal of form DSA 603 CASp Test Accommodation(s) Request Questionnaire (03/20/16)
* Form DSA 650 Disclosure Of Social Security Number And/Or Federal Taxpayer Identification Number (07/01/15)

NOTICE IS HEREBY GIVEN that the Division of the State Architect (DSA) proposes to amend the above referenced regulation sections and documents incorporated by reference contained in Title 21, California Code of Regulations (CCR).

## WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action to DSA in writing. The written comment period will close on Monday, February 1, 2021. Submit comments to:

Division of the State Architect

1102 Q Street, Suite 5100

Sacramento, CA 95811

Attention: Debbie Wong

Or emailed to:

debbie.wong@dgs.ca.gov

No public hearing is scheduled. Pursuant to Government Code Section 11346.8, should there be a request that a public hearing be held, such request must be made to DSA no later than 15 days prior to the close of the written comment period by any interested person or their duly authorized representative.

## AUTHORITY AND REFERENCE

Government Code Section 4459.5 authorizes the State Architect to adopt the proposed regulation, which would implement, interpret, or make specific Government Code Section 4459.5 through 4459.8.

## POLICY STATEMENT OVERVIEW

The federal Americans with Disabilities Act (ADA) of 1990 and the California Building Standards Code (CCR Title 24) require that specified buildings, structures, and facilities be accessible to, and usable by persons with disabilities. Government Code Section 4450 requires the State Architect to develop and submit proposed building standards to the California Building Standards Commission for approval and adoption for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

In order to assist the public in determining compliance to the applicable standards for accessibility, the State Architect established and publicizes a program for voluntary certification by the State of any person who meets specified criteria as a CASp. The State Architect determined minimum criteria a person must meet for certification. The objectives of the amendments to the regulations is to establish a new eligibility criteria for Program qualification, change content requirement of the disability access inspection certificate (DAIC) record, and lower select fees required for Program participation.

## INFORMATIVE DIGEST

Government Code Section 4459.5 authorized 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).

Government Code Section 4459.8 requires that each applicant for certification as a CASp to pay fees, including an application fee, examination fee, and certification fee at a level sufficient to meet the operating costs of the program and directs the State Architect to periodically review the fee schedule to ensure that the fees for certification are not excessive while covering the costs to administer the CASp Program.

Subchapter 2.5 of the CCR is the set of rules used for the voluntary CASp Program. Proposed amendments include establishing a new criteria for program eligibility to provide eligibility for qualified applicants whose work experience is not recognized by existing Program regulations, amending content required to be submitted in the DAIC record required for certification renewal, and reduction of select fees for Program participation. Changes without regulatory effect include adding privacy notice disclosures on forms, updates to statute citation of amended California codes and regulations and non-substantive, grammatical and formatting revisions.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The amended regulations will provide for new applicants to pursue and current candidates to resume their certification process. Establishing a new eligibility subcategory will enable qualified individuals, whose employment is not recognized by existing regulation, for CASp Program eligibility. Lower fees for Program participation will promote participation by inviting new individuals who were unwilling to pay the current higher fees and encourage current candidates yet to be certified to continue pursuing certification. More CASps will result in more professionals who have specialized knowledge of accessibility laws which provides for a more accessible environment that benefits all users.

## EXISTING LAWS/REGULATIONS

DSA has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, DSA has concluded that these are the only regulations that concern Certified Access Specialist Program in California.

## DSA HAS MADE THE FOLLOWING INITIAL DETERMINATIONS

* Mandated by Federal Law and Regulations: **No**
* Mandate on local agencies or school districts: **None**
* Cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17500 through 17630: **None**
* Costs or savings to any state agency: **None**
* Other non-discretionary costs or savings imposed on local agencies: **None**
* Cost or savings in federal funding to the state: **None**
* Significant effect on Housing Costs: **None**
* Significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states: **None**

## STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Amendment of these regulations will not:

* create or eliminate jobs within California;
* create new businesses or eliminate existing businesses within California; nor
* affect the expansion of businesses currently doing business within California.

## BENEFITS OF REGULATIONS

The amended regulations will provide for new applicants to pursue and current candidates to resume their certification process. Establishing a new eligibility subcategory will enable qualified individuals, whose employment is not recognized by existing regulation, for CASp Program eligibility. Lower fees for Program participation will promote participation by inviting new individuals who were unwilling to pay the current higher fees and encourage current candidates yet to be certified to continue pursuing certification. More CASps will result in more professionals who have specialized knowledge of accessibility laws which provides for a more accessible environment that benefits all users.

## COST IMPACT AND BENEFITS ON PRIVATE PERSONS

DSA has determined that the proposed amendments of existing regulations will have a cost impact and benefit on private persons because:
Program fees related to examination, initial certification and certification renewal will be reduced:

* + Examination fee reduced from $400 to $250 per examination,
	+ Certification fee reduced from $300 to $200,
	+ Application evaluation fee reduce from $200 to $100.

DSA has determined that the proposed amendments to the existing regulations will not have a cost impact on business.

## EFFECT ON SMALL BUSINESS

DSA has determined that the proposed amendment of existing regulations does not affect small businesses because the regulation does not regulate small businesses, does not require a report or any other compliance activities.

## CONSIDERATION OF ALTERNATIVES

DSA must determine that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. DSA invites interested persons to present statements or arguments with respect to alternatives to the proposed amendment of existing regulations during the written comment period.

## AVAILABILITY OF INITIAL STATEMENT OF REASONS, PROPOSED TEXT, AND LOCATION OF THE RULEMAKING FILE

All of the information upon which the proposed amendments to the existing regulations are based is contained in the rulemaking file, which is available for public review. To date, the file consists of:

* Notice of Proposed Action (DOC, PDF)
* Initial Statement of Reasons (DOC, PDF)
* Certified Access Specialist Program (CASp) Examination, Certification, and Practice Standards Handbook (02/2016)
* Proposed Text of Regulations in strikeout and underline (DOC)
* Standard Form 399 Economic and Fiscal Impact Statement
* Form DSA 600A Candidate Eligibility Application (11/01/15)
* Form DSA 600R CASp Certification Renewal Application (07/01/15)
* Form DSA 601 CASp Examination Registration (11/01/15)
* ADA Test Accommodation(s) Guidelines for the CASp Examination (03/20/16)
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* Form DSA 650 Disclosure Of Social Security Number And/Or Federal Taxpayer Identification Number (07/01/15)

Copies of the rulemaking file may be obtained from our website at <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/CASp-Regulation-Development> or upon written request to the contact person listed above.

## MODIFICATIONS TO THE TEXT OF THE REGULATIONS

After considering all timely and relevant comments received, DSA may adopt the proposed regulations substantially as described in this notice. If DSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before DSA adopts the regulations as revised. Copies of any modified regulations may be accessed through our website at <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/CASp-Regulation-Development> or upon written request to the attention of Debbie Wong at the address indicated above. DSA will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available.

## FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Express Terms and the Final Statement of Reasons will be available at <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/CASp-Regulation-Development> or by contacting Debbie Wong.

## CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be directed to:

Debbie Wong

Division of the State Architect, Headquarters

1102 Q Street, Suite 5100

Sacramento, CA 95811

Phone (916) 327-5410

Email debbie.wong@dgs.ca.gov

The backup contact person is:

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Acting State Architect

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