**STATE OF CALIFORNIA
DIVISION OF THE STATE ARCHITECT
1102 Q STREET, SUITE 5100
SACRAMENTO, CA 95811**

**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 600-A Candidate Eligibility Application (11/01/15)
* Form DSA 600-R 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)
* 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)

# INITIAL STATEMENT OF REASONS

The purpose of the voluntary Certified Access Specialist (CASp) Program is to establish and publicize a program for voluntary certification by the state of any person who meets specified criteria as a CASp, as enacted by Senate Bill 262, Chapter 872, Statutes of 2003.

The Division of the State Architect (DSA) was granted the authority through Government Code section 4459.5 to establish a program for voluntary certification of any person who meets specified criteria as a CASp. A CASp has sufficient knowledge to review and inspect facilities for access to buildings for persons with disabilities. CASp services are beneficial to business and facility owners who operate a place of public accommodation in achieving compliance with state and federal access laws and standards, thereby reducing their risk of an access discrimination lawsuit.

Government Code section 4459.5 authorized the State Architect to determine minimum criteria a person is required to meet in order to be a certified access specialist. Proposed amendments will add new eligibility criteria for Program qualification and change content and establish a new requirement for information submitted on the disability access inspection certificate (DAIC) record.

Government Code section 4459.8 requires each applicant for certification as a CASp to pay fees including an application fee, examination fee, and certification fees at a level sufficient to meet the operating costs of the program. This statute also 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. Proposed amendment lower fees for examination, for initial certification and certification renewal.

DSA proposes to make amendments to the CASp Program in title 21, division 1, chapter 1, subchapter 2.5 of the California Code of Regulations (CCR) by amending articles 3,4 and 6 and amending all, including repealing one, documents incorporated by reference. Changes without regulatory effect has also been included: privacy notice disclosures on forms; updating references to amended California codes and regulations; and non-substantive grammatical corrections.

## SPECIFIC PURPOSE OF EACH SECTION - GOVERNMENT CODE 11346.2(b)(1)

The specific purpose of each amendment, and the rationale for the determination that each amendment is reasonably necessary to carry out the purpose for which it is proposed, together with a description of the administrative requirement, legislative requirement, or other condition or circumstance that each adoption is intended to address, is as follows:

Section 132 Candidate Eligibility Qualifications, subsections (a)(2) and (b)(2).Article 3, section 132 specifies minimum criteria for Program eligibility as authorized by Government Code 4459 (a). A new eligibility subcategory is proposed to be added for Program qualification. This is a change with regulatory effect.

This proposed amendment also affects documents incorporated by reference:

* Certified Access Specialist Program (CASp) Examination, Certification, and Practice Standards handbook
* Forms DSA 600-A Candidate Eligibility Application

PROBLEM:

Building inspectors employed by a code enforcement agency is an eligible subcategory for Program qualification. Class 1 and Class 2 DSA project inspector’s (PI) work experience is commensurate with a building inspector’s; however, an individual using their DSA PI work experience is not able to apply for CASp certification under this eligibility subcategory because they are employed by California public school districts, which are not code enforcement agencies.

PURPOSE:

Add a new eligibility subcategory under Candidate Eligibility Qualifications that provides individuals using employment as Class 1 and/or Class 2 DSA PI, to meet work experience criteria, eligibility for CASp certification process.

EXPLANATION:

Some Class 1 and Class 2 DSA PIs do not have relevant work experience outside of employment as DSA PIs; many begin their careers as Class 3 and Class 4 DSA PIs. Consequently, a class of qualified individuals are not able to seek CASp certification under current regulations.

Applicants for the Program are evaluated according to the minimum criteria specified in one of four candidate eligibility qualification Categories, A through D: Category A and B are based on a combination of education and employment experience related to the built environment; Category C is for specialized experience with disability access rights conducting assessments; and Category D is for California licensed design professionals. Building inspectors employed by a code enforcement agency (state, city, and/or county building department) appears in two eligibility subcategories: Category A, (2)(A) and Category B, (2)(A).

Employment experience as a DSA PI is commensurate with that of a building inspector: both perform inspections of structures on construction and sites to determine compliance with project specifications and applicable codes and standards. Additionally, both perform duties for code enforcement entities: building inspectors provide inspections for projects within their city or state jurisdiction and DSA PIs provide inspections for public school projects under DSA jurisdiction. However, building inspectors are employed by code enforcing agencies while DSA PIs perform duties for DSA, a code enforcing agency, but are employed by California public school districts.

RESEARCH AND ANALYSES:

DSA PROJECT INSPECTOR
DOCUMENTS RELIED UPON: Form DSA 175 Project Inspector Examination Application (12/24/19); IR A-7 Inspector Certification and Approval (07/18/18); IR A-8 Project Inspector and Assistant Inspector Duties and Performance (05/23/16)

BUILDING INSPECTOR
INFORMATION RELIED UPON: Online job listing sites for full-time “Building Inspectors” in California

* Job listings found August and November 2020 on “glassdoor.com” for: City of Roseville, Roseville; City of Redding, Redding; City of San Luis Obispo, San Luis Obispo; Wildan, City of Carson; and, County of Madera, Madera
* Job listings found August 25, 2020 on “indeed.com” for: County of Siskiyou, Yreka; City of Cupertino, Cupertino; Town of Paradise, Paradise; and, City of Manteca, Manteca.

A comparison of requirements for DSA PI certification and entry level building inspector demonstrates the similarities.

DSA PROJECT INSPECTOR:

Certification requirements and duties of DSA PIs for public schools are specified in California law in the Education Code (EDC). EDC 17311 requires public K-12 schools and EDC 81143 requires community colleges to undergo a construction certification process through DSA, and are required to employ DSA Project Inspectors for continuous inspection and reporting of its construction projects for protection and safety of students, instructors and the public. The Project Inspector Program is administrated by DSA and certification requirements are specified in the California Administrative Code (CAC) beginning with Section 4-333 and duties of project inspectors in CAC 4-342.

To practice as a project inspector certified by DSA: an applicant must first establish eligibility for an examination; become certified by passing an examination consisting of two parts; and for every project, be DSA approved by undergoing an application process. While standards for DSA PI certification is specified in California law, qualification requirements for jurisdictional building inspector are not specific to the trade and vary from jurisdiction to jurisdiction.

Certification as a DSA PI begins with qualification for one of three examinations offered by the PI Program: Class 1, Class 2 and Class3 with Class 1 being the highest classification level (Class 4 examinations are no longer offered, but the classification is still recognized). Qualification to register for an examination ranges from licensure as a California design professional with a minimum of one-year qualifying work experience to eight years of relevant construction experience for Class 2 and six years for Class 3 examination.

After establishing eligibility for an exam, the candidate must pass two, all-day examinations: a “Plan Reading Part” on day one and a “Construction Knowledge Part” on day two. Day one examination assesses the applicants’ ability to read construction documents covering three sections: Structural; Architectural, including accessibility, fire & life safety; and MEP (mechanical, electrical, plumbing). Day two tests applicants on the construction knowledge through application of building code requirements of all topics noted for “Plan Reading” as well as questions on inspector’s duties and responsibilities. Unlike many municipal enforcement agencies, DSA PIs inspect all stages of construction progress continuously, not just a single or few disciplines on a periodic basis. Therefore, DSA PIs are similar to a commercial combination inspector providing continuous inspection.

Once certified, the project inspector is required to be approved by DSA, per project, before being permitted to work. While working, PIs are subject to supervision by the project design professionals as well as DSA for the enforcement of the approved construction documents. The PI is also required to recertify every four years by successfully completing the Recertification Program process which includes completion of: DSA Academy Project Inspector Overview Class; a recertification seminar; and an examination administered by DSA. Training and reexamination content include accessibility, with DSA’s Access Code Unit being instrumental in the development and presentation of the information.

BUILDING INSPECTORS:

Standard for the job classification of building inspector is determined by each hiring jurisdictional agency. The minimum work experience criteria varied by jurisdictions and ranges from one to five years of relevant work experience. Most listings indicated a minimum education requirement as completion of the twelfth grade or equivalent, with one requiring two years of college level education in a relevant field. Most listings specified minimum qualification requirements: knowledge of building related codes and ordinances; knowledge of principles, practices and procedures of the construction trade; and the ability to read and interpret construction documents. Although not a requirement for the position, if the applicant was not already in the possession of an International Code Council certification, it was expected of inspectors to obtain within one to two years of appointment.

NECESSITY:

Applicants are evaluated for eligibility for the Program by their qualifications specified by eligibility category. Applicants must apply by selecting an eligibility category corresponding to their work experience. Individuals using their work experience as DSA PIs will not qualify because the current regulation does not address their specific employment type. The addition of a new eligibility subcategory addresses this problem and will provide an opportunity for DSA PIs who meet the qualifications to seek CASp certification via an eligibility subcategory that reflects their specific employment condition.

BENEFITS:

New eligibility subcategory will enable qualified individuals for CASp Program eligibility.

ALTERNATIVE:

Including Class 3 and Class 4 DSA PIs in the eligibility subcategory was considered but their work experience is not commensurate with that of a building inspector nor any other eligibility classification in the current regulation. As such, they did not meet Program requirements.

Repeal of form DSA 603 and edits to DSA 602 and ADA Test Accommodation(s) Guidelines for the CASp Examination are changes without regulatory effect. These changes will also be reflected in Program regulation in title 21, section 132, the Certified Access Specialist Program (CASp) Examination, Certification, and Practice Standards Handbook and Form DSA 601 CASp Examination Registration

PROBLEM:

Current administrative procedure to request testing accommodations requires two forms: DSA 602 and DSA 603. Instructions on DSA 602 is unclear with agency frequently receiving calls from candidates requesting clarification on its instruction and all three documents use inclusive language only allowing use by candidates for CASp examination.

EXPLANATION:

Three documents incorporated by reference are used by CASp candidates with disabilities to request testing accommodations:

* Form DSA 602 CASp Test Accommodations(s) Request is in three parts: Candidate Information, Accommodation Request and Previously Provided Accommodation(s);
* Form DSA 603 CASp Test Accommodation(s) Request Questionnaire includes two parts: Candidate Information and Questionnaire; and,
* ADA Test Accommodation(s) Guidelines for the CASp Examination is referenced by both DSA 602 and DSA 603 and specifies documentation requirements.

PURPOSE:

Revise formatting and title of documents for efficient administration, to simplify its use, and allow use by any DSA administered examination.

DSA 602 and DSA 603 will be combined by removing redundant language such as request for candidate information. The new DSA 602 will include candidate contact information, accommodation request, and questionnaire for efficient administration by the Program. The meaning and required content will remain; instead, the instructions and questions will be simplified by restating the language to improve clarity and style. Finally, specific references to the CASp Program will be removed and replaced with “DSA” allowing universal use of the amended form DSA 602 and ADA Test Accommodation(s) Guidelines document for use by any DSA examination candidate for all DSA certification programs.

SECTION 137 Certification Renewal, subsection (a)(3); section 138 Certification Expiration, subsection (c); and section 162 Suspension of Certification or Denial of Certification Renewal, subsection (c)(4).This proposed amendment is a change with regulatory effect by changing content requirements of certification renewal documentation as authorized by Government Code 4459.8. Title 21, article 3, section 137, specifies requirements for certification renewal. Subsection (a)(3) is a requirement to submit a record of DAICs for CASps who issue DAICs pursuant to Civil Code 55.53. Article 3, section 138 details requirements when CASp certification is not renewed and is no longer valid. Subsection (c)(4) requires holders of expired certification to return all DAICs to the Program along with a record of the status of the DAICs issued to the CASp by DSA. Title 21, article 6, section 162, subsection (c)(4) details requirements for the return of DAICs along with a record of DAICs for individuals with a decision of suspension of certification or denial of certification renewal. This change also affects the following documents incorporated by reference:

* Certified Access Specialist Program (CASp) Examination, Certification, and Practice Standards handbook
* Forms 600-R CASp Certification Renewal Application

PROBLEM:

Program requires CASps to submit DAIC information that is too specific in that the CASp is required to disclose the name and address of the inspected facility, and yet not specific enough because there is no requirement to include date of inspection.

EXPLANATION:

DAICs are sequentially numbered certificates that bear a Great Seal of the State of California to deter forgery and are sold exclusively by DSA as directed under Civil Code 55.53 (e)(2). DAICs are issued by a CASp to clients as a record of services, including inspection of facilities and written reports, provided in accordance with requirements of Civil Code 55.53. DSA reports to the legislature on the effectiveness of this statute as measured by the sale of DAICs. Further, DSA is required by statute to be accountable of all DAICs issued to CASps and monitors use of DAICs by requiring CASps to submit a record with a reconciliation of all DAICs issued during their three-year certification period as a requirement of certification renewal.

CASps are subject to two requirements, California code and Program regulation, for the management of DAICs: Civil Code 55.53 (e)(1) requires that CASps maintain a record book to record issuances of the certificates, the name and address of the recipient, and the type of report issued; and the CASp Program requires the CASp to submit a DAIC record including the number of certificate and name and address of the facility inspected. Neither requires the CASp to record the date of inspection until Senate Bill 269, Chapter 13 Statutes of 2016, effective January 1, 2017, amended Civil Code 55.53 (a)(2)(B) and added the requirement to include the date of inspection in reports for facilities with a “inspected by a CASp” determination. As such, the Program proposes to establish an additional requirement for CASps to include date of inspections in the DAIC record.

NECESSITY:

Agency has received comments from CASps stating that disclosure of their client’s personal information, such as name and address of the facility inspected, is a violation of their service agreement confidentiality provision. DSA acknowledges these concerns and proposes to amend the specific content requirement for name and address of the facility inspected to the city and zip code of facility inspected. Additionally, as a policy and in compliance with privacy laws and policies, DSA avoids collection of personal information not essential to the administration of the Program. CASp services performed in accordance with Civil Code 55.53 is voluntary and provides for specified legal benefits to proactive business and property owners who obtain these services to achieve compliance of their facilities. Accordingly, there is no statutory requirement to obtain CASp services and no requirement for business and property owners to identify themselves as recipients of an inspection and DAIC.

Proposal is to amend the required content on the DAIC record list to include the number of certificate and the name and address of the facility inspected to the number of the certificate, city and zip code, and the date of inspection address. This change protects privacy concerns while providing DSA with necessary data for reporting to the legislature.

Date of inspection is currently a field on DAICs and, effective January 1, 2017, required to be included in written reports with DAIC issuances. DSA proposes to establish the requirement of including dates of inspections in CASp’s DAIC record. This information does not compromise the CASp nor their client’s privacy and will be used along with city and zip code by DSA to report to the legislature on the effectiveness of this statute.

BENEFIT:

Amending the required content included on the DAIC record will eliminate disclosure of site-specific information and remove possibility of compromising the confidentiality of the CASp’s service agreement. The name and address of the facility is more information than necessary; and the proposed city and zip code of the inspected facility is sufficient for DSA to use to evaluate effectiveness of the statute for reporting to the legislature.

Establishing the date of inspection as an additional requirement enables DSA to provide another measure of the statute’s effectiveness to the legislature. Legislation is regularly introduced which incentivizes businesses and property owners who seek CASp services in accordance with Civil Code 55.53. Addition of date of inspection permits DSA to report trends as measured by dates which may be associated with passage of a particular legislation. The first statute was passed in 2008 and following are statutes since: 2012 with Senate Bill 1186, 2015 with Assembly Bill 1521, 2016 with Senate Bill 269, 2016 with Assembly Bill 2093, and 2018 with Assembly Bill 3002. With the current regulation, timing of certificate issuance in response to particular legislation is difficult to determine.

ALTERNATIVE:

No alternative was considered.

Section 141 Fees.The proposed amendment to article 4, section 141 Fees is a change with regulatory effect by reducing fees required for Program participation. This section provides a schedule of program fees pursuant to Government Code sections 4459.5 and 4459.8, and pursuant to Government Code section 4459.8 (b)(3) the State Architect is required to periodically review the schedule of fees to ensure that the fees are not excessive while covering the cost to administer the Program.

This change also affects the following documents incorporated by reference:

* Certified Access Specialist Program (CASp) Examination, certification, and Practice Standards handbook
* Forms DSA 600-A Candidate Eligibility Application, DSA 600-R CASp Certification Renewal Application, and DSA 601 CASp Examination Registration

PROBLEM:

The Program’s schedule of fees was established in 2008. Since inception to fiscal year 2019-20, the Program’s revenues have exceeded expenditures resulting in a surplus fund balance in a Special Revenue Fund established to account for the Program’s financial transactions and activities. This surplus is legally restricted as to the use which may include a reserve for revenue shortfalls, economic uncertainties and fee reductions. The surplus, at the current level, warrants a fee reduction.

EXPLANATION:

Government Code 4459.8 specifies that CASp certification is effective for three years; requires each applicant for certification to pay fees including an application, examination registration and for certification and requires each applicant for certification renewal to pay reasonable cost for certification maintenance. This amendment proposes a reduction of fees relating to certification and certification renewal ranging from 0% to 50% of the current rate with the overall Program revenue reduction of approximately 32%.

Certification related fees include the candidate eligibility application fee and examination registration fee. There are two application fees based on applicant’s eligibility category: for candidates licensed in California as design professional, no reduction is proposed and will remain $100; for all other eligible candidates, no reduction is proposed and will remain $500. The proposed examination registration fee is reduced to $250 from $400, and the and initial certification fee is reduced from $300 to $200.

Certification renewal fees include an application evaluation fee and certification fee: the proposed reduction is $100 from $200 and $200 from $300, respectively.

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| --- | --- | --- | --- | --- |
| **Eligibility Type** | **Current Fee** | **Proposed Fee** | **Reduction** | **%** |
| Application Fee for eligibility Category A, B and C | $500 | $500 | $ - | 0% |
| Application Fee for eligibility D | $100 | $100 | $ - | 0% |
| CASp Open Book Examination Fee | $400 | $250 | $ (150) | -38% |
| CASp Closed Book Examination Fee | $400 | $250 | $ (150) | -38% |
| Certification Fee | $300 | $200 | $ (100) | -33% |
| Certification Evaluation Fee | $200 | $100 | $ (100) | -50% |
| Delinquency in certification renewal | $150 | $150 | $ - | 0% |

RESEARCH AND ANALYSIS:

Document Relied Upon: Certified Access Specialist Fund, 3091 under Department of General Services, 7760 within State of California Budget found on The Department of Finance website, www.ebudget.ca.gov/home.php. A study of the Program’s revenues and expenditures using data found for the 3091 CASp Fund under 7760 Department of General Services in the Governor’s Budget from 2008-09 to 2019-20 indicated an average surplus of approximately 40%. This surplus will be used to pay for revenue shortfalls caused by the proposed fee reduction.

A ten-year projection of the Program’s revenues and expenditures from 2021-22 to 2030-31, using estimated revenue and expenditure for 2020-21, has been prepared with the following assumptions: a reduction of fees ranging from 0% to 50% (overall Program revenue reduction of approximately 32%); an increase of 1% per year in revenues (after the fee reduction); and a 5% growth per year in expenditures. Based on this analysis, expenditures will exceed revenues every year and result in a Fund deficit by the eleventh year. As such, the Program administrator will regularly monitor the Fund balance to ensure it does not fall below a reasonable level for unanticipated revenue shortfalls and other economic uncertainties.

BENEFIT:

Certification as a CASp is a requirement of many candidates as mandated by Civil Code for authorities having jurisdiction to hire “sufficient number” of CASps. This exam is difficult to pass: a few pass on their first attempt but many candidates pass after multiple attempts with most passing on their third and fourth attempts. Lowering fees will reduce the financial burden for these candidates. Reduced fees will also attract other candidates who were unwilling to pay the current higher fees.

Lower fees will lead to more interest in certification; more CASps will lead to more professionals who have specialized knowledge of accessibility laws which will ultimately create more accessible environment that benefits all users.

ALTERNATIVES:

DSA analyzed and considered various reduced fee schedules and determined the proposed schedule offered benefit to both candidates and CASps while enabling the Program to comply with statutory directives.

**ADDITION of privacy notice disclosure, formatting and non-substantive grammatical changes to the following forms are changes without regulatory effect and submitted to include in the rulemaking record:**

* Form DSA 600-A Candidate Eligibility Application (11/01/15)
* Form DSA 600-R CASp Certification Renewal Application (07/01/15)
* Form DSA 601 CASp Examination Registration (11/01/15)
* Form DSA 602 CASp TEST ACCOMMODATION(S) REQUEST (03/20/16)
* Form DSA 650 Disclosure Of Social Security Number And/Or Federal Taxpayer Identification Number (07/01/15)

ADDITION OF PRIVACY NOTICE DISCLOSURE:

Although DSA was already providing the necessary protection and access to information collected, the vehicles for collecting information (forms) are missing the requisite disclosure. Privacy notices are being added to the forms in order to provide the disclosures necessary for compliance with the California Information Practices Act of 1977 (Civil Code Section 1798 et seq.), the Public Records Act (Statutes of 1968, Chapter 1473; Government Code Section 6250 et seq.), as well as, Government Code sections 11015.5 and 11019.9. These state laws were first codified in 1968 and continue to be updated to continue protecting the public as technologies for information collection change.

The forms are being revised to include a disclosure that archives compliance by notifying the public of the authority granting DSA the right to collect personal information, the reason for collecting personal information, any consequences of omitting personal information, rights to access one’s own personal information, any possible sharing (disclosure) of personal information, and the DSA contact information for requests or questions.

Through the revised forms, the public will be properly informed on the collection, use and access to the personal information collected as part of the CASp application and certification process. Also, DSA will achieve compliance with the applicable laws.

UPDATE TO REFERENCES OF CALIFORNIA CODE AND REGULATION SECTIONS

Certified Access Specialist Program (CASp) Examination, Certification, and Practice Standards Handbook:

Update Government Code section citation from 8299 through 8299.11 to Government Code sections 14985 through 14985.11 found under Examination Reference List in Part III. The CASp Examination. Assembly Bill 111, Chapter 19 Statutes of 2017, effective July 1, 2017, repealed chapter 3.7, commencing with section 8299, of division 1 of title 2 of the Government Code and moved and reassigned to chapter 13, commencing with section 14985.

Update reference from 2013 to 2019 California Building Code (CBC) for Sample Questions for the Open Book Part Examination found under Part III. The CASp Examination to reflect the current building code edition. Excerpts from CBC sections are provided for explanation of sample examination questions. Text of both referenced code sections, 1109A.4 Assigned accessible parking spaces and 11B-604.5.1 Side wall, have not been amended from the 2013 edition to the current 2019 edition.

Update the content requirement for CASp Inspection Reports issued according to the Civil Code to include the date of inspection and make corresponding change to the listing designation. Part VIII. Professional Standards, CASp Inspection Reports issued according to Civil Code Section 55.53, includes an excerpt from the Civil Code which specifies the content requirements for written reports. Senate Bill 269, Chapter 13 Statutes of 2016, effective January 1, 2017, amended Civil Code 55.53 (a)(2)(B) and added the requirement to include the date of inspection in reports for facilities with a “inspected by a CASp” determination.

INFORMATION AFFECTING GOOD STANDING

Change to section title from Background Information to Information Affecting Good Standing is a change without regulatory effect. This section of forms DSA 600-A and DSA 600-R covers Program regulation requirements for disclosure of information that affect good standing as specified in sections 151 Professional Standards, 161 Grounds for Action, and 162 Suspension of Certification or Denial of Certification Renewal.

## STATEMENT OF NO ADVERSE ECONOMIC IMPACT ON BUSINESS

The authority given to the State Architect provides for a program to establish CASp certification that enhances one's credentials to provide accessibility evaluation services but does not provide the authority to preclude others not certified from providing accessibility evaluation services. There are no amendments to the regulations or proposed addition to the regulations that precludes others not certified from providing accessibility evaluation services. Therefore, there has been identified no facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the proposed regulatory action will have a significant adverse economic impact on business.

## ECONOMIC IMPACT ASSESSMENT

The Division of the State Architect (DSA) establishes the eligibility, examination, certification, recertification, and disciplinary procedures for the CASp Program, and proposes with this rulemaking to make amendments to those requirements. The authority given to the State Architect provides for a program to establish CASp certification to enhance one's credentials to provide accessibility evaluation services but does not provide the authority to preclude others not certified from providing accessibility evaluation services.

California Civil Code 55.51-55.545, requires a business and facility owner to employ the services of a CASp in order to receive specified legal benefits, however, hiring a CASp is voluntary and neither this statute nor any other California statute preclude an individual not certified from providing accessibility evaluation services.

Civil Code 55.51-55.545 requires a local jurisdiction to employ or retain a sufficient number of CASps to provide plan review and inspection services, however, research has shown that the jurisdictions encourage existing staff to pursue certification and does not eliminate staff that does not hold certification. This statute does not limit the ability for a jurisdiction to provide plan review and inspection services by an individual that is not certified as a CASp. In addition, the requirement to provide CASp services is not the primary consideration for a jurisdictional agency in making the determination to outsource plan review and inspection services under a retainer agreement.

In analysis of the specified statutes that relate to eligibility, certification, and disciplinary procedures, and the specified statutes that use the services of or require the employment of a CASp, there are no consequences due to economic impact identified from the proposed regulations, and therefore DSA concludes:

Potential Impact to the creation or elimination of jobs within the State of California: Certification enhances one's credentials to provide accessibility evaluation services but does not preclude others not certified from providing accessibility evaluation services. Therefore, the regulations provide no potential impact to the creation or elimination of jobs within the State of California.

Potential Impact to the creation of new businesses or the elimination of existing businesses within the State of California: Certification enhances one's credentials to provide accessibility evaluation services but does not preclude others not certified from providing accessibility evaluation services. Therefore, the regulations provide no potential impact to the creation of new businesses or the elimination of existing businesses within the State of California.

Potential Impact to the expansion of businesses currently doing business within the State of California: Certification enhances one's credentials to provide accessibility evaluation services but does not preclude others not certified from providing accessibility evaluation services. Therefore, the regulations provide no potential impact to the expansion of businesses currently doing business within the State of California.

The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment: 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.