



# THE CASp REPORT

## Questioning Authority?

The difference between having authoritative knowledge and having enforcement authority.

It takes considerable study and experience to understand and apply the state and federal access laws, standards, codes, and regulations in order to pass the Certified Access Specialist (CASp) examination and become certified. By virtue of certification, a CASp is perceived as having *authoritative knowledge* on construction-related accessibility standards and can therefore render interpretive opinions and determinations of compliance. However, CASp certification does not provide a CASp with *enforcement authority* for construction-related accessibility standards, nor can a CASp certify that facilities comply with the applicable state and federal standards.

### ENFORCEMENT AUTHORITY OF THE CALIFORNIA BUILDING CODE

California Government Code Section 19958 grants the authority to interpret and enforce the California Building Code (CBC) to every city or county within its territory through its building department or local jurisdiction. Furthermore, only the local jurisdiction can make official determinations of “technical infeasibility” or “unreasonable hardship” that limit full compliance with the CBC, in addition to approving alternate measures of “equivalent facilitation.”

What is the role of the CASp employed

or retained by the local jurisdiction? Because *enforcement authority* is granted to the local jurisdiction, Civil Code Section 55.53(d) limits the jurisdictional CASp’s *enforcement authority* to the CBC. Most improvement projects require a building permit; therefore the jurisdictional CASp can apply *authoritative knowledge* in conjunction with *enforcement authority* in providing plan review and permitting services to review for compliance to the CBC. The jurisdictional CASp cannot provide *enforcement authority* over a project’s compliance with the Americans with Disabilities Act (ADA); therefore a jurisdictional CASp is also unable to provide an interpretive opinion on the ADA. Only an independent CASp, one who is not providing services through employment or under the retainer of a local jurisdiction, can provide an interpretive opinion on whether any facility meets the requirements of the applicable CBC and the ADA.

### ENFORCEMENT AUTHORITY OF THE AMERICANS WITH DISABILITIES ACT

The authority to enforce ADA Title III construction-related accessibility standards lies with the U.S. Department of Justice, and through private suits by individuals who have been subjected to discrimination because of a construction-

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related accessibility violation that created a denial of access. An independent CASp has *authoritative knowledge* to render an interpretive opinion as to whether a facility meets the requirements of the ADA, but the independent CASp has no *enforcement authority* for the federal standards.

Why is it beneficial to hire an independent CASp to review for the ADA? Design and construction professionals are responsible to apply the requirements of the ADA to their projects; however, without *authoritative knowledge*, requirements of the standards may be overlooked. Hiring an independent CASp to review construction documents is advisable because it offers the design professional and owner enhanced quality assurance review by an individual with *authoritative knowledge*. Through the plan review process, the independent CASp can provide an interpretive opinion that both the state and federal requirements have been met. The review process can also identify compliance issues at a time when their impact on project costs can be managed and construction schedules are not significantly affected. For an existing business/facility owner, an independent CASp can perform an inspection of a facility that offers interpretive opinions as to whether the facility meets both the applicable CBC and the applicable ADA. A jurisdictional CASp, however, can only perform inspections to the applicable CBC.

## **DIVISION OF THE STATE ARCHITECT AUTHORITY OVER CERTIFIED ACCESS SPECIALISTS**

The Division of the State Architect (DSA) is granted the authority through Government Code Section 4459.5 to establish a program for voluntary certification of any person who meets the requirements to become a CASp. Because CASp services affect the health, safety, and welfare of the public, DSA also has the enforcement authority to suspend certification or deny certification renewal to any CASp if the CASp's activities warrant the action. In addition, DSA has the *enforcement authority* to audit a CASp's work product and establish professional standards through the regulatory process in accordance with the Administrative Procedure Act.

An individual may file a complaint regarding the alleged misconduct of a CASp by submitting a CASp Complaint Form to DSA. While DSA has the *enforcement authority*, as granted by statute, to audit a CASp's inspection reports prepared according to Construction-Related Accessibility Standards Compliance Act (CRASCA), it does not have the ability to evaluate complaints that address the interpretive opinions of the CASp provided in the CASp's inspection report. To investigate, DSA would have to replicate the CASp's research on the applicable standards and conduct an equivalent inspection

## **Update Your CASp Profile**

Please keep your information up to date on the DSA [Find a CASp Web page](#). Your information can be edited through the [CASp Account Log-in](#).

An **Independent CASp** should indicate a "yes" under the category for inspections, list the counties he/she serves, and provide helpful information, such as fluency in a foreign language.

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to determine whether the CASp's interpretive opinions were valid. Furthermore, the CASp's inspection report reflects the status of compliance on the date of inspection, the conditions of which cannot be replicated. Even though DSA develops the accessibility provisions of the CBC, DSA can itself only render an interpretive opinion to compare to the CASp's interpretive opinion, because DSA has no *enforcement authority* for the ADA, or for the CBC in place of the local jurisdiction.

## **DIVISION OF THE STATE ARCHITECT AUTHORITY FOR BUILDING STANDARDS AFFECTING ACCESSIBILITY**

DSA is authorized by Government Code Section 4450 to develop regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities, and to submit the proposed building standards to the California Building Standards Commission for approval and

adoption. While DSA has the authority to propose building standards that affect access, the development of such building standards must provide opportunities for public participation by the full range of stakeholders such as individuals with disabilities, CASps, design and construction professionals, jurisdictional agencies, and business owners. DSA develops the accessibility provisions of the CBC and administers the CASp program, but cannot grant *enforcement authority* of the CBC to CASps.

To conclude, being recognized as having *authoritative knowledge* on a set of standards and having *enforcement authority* for those standards are two very different concepts. A CASp's interpretive opinions have value and CASps provide an invaluable service to the public in demystifying accessibility standards, whether those services are provided as an independent CASp or jurisdictional CASp.



## **JOIN OUR EMAIL LIST**

Stay up to date. Send an email to [DSACommunication@dgs.ca.gov](mailto:DSACommunication@dgs.ca.gov) and ask to join the CASp email list!

## **Upcoming CASp Exams**

### **NEXT CASP EXAMINATION**

**OCTOBER 14, 2015**

Sacramento and Hawthorne

The project type for the Open Book portion is an alteration to a qualified historic County Administration Building. A [List of References](#) is available online.

Register through your CASp Account Login at <https://www.apps.dgs.ca.gov/casp/login.aspx>. Registration closes September 14, 2015.

### **THE 2016 TENTATIVE SCHEDULE**

(Dates and locations are subject to change.)

- **FEBRUARY** in Oakland and Los Angeles.
- **JUNE** in Fresno, Sacramento and Los Angeles.
- **OCTOBER** in Sacramento and Los Angeles.

Please refer to [www.dgs.ca.gov/casp](http://www.dgs.ca.gov/casp) for examination details.





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## ON THE REGULATION RADAR

*Each CASp Report features information regarding state and/or federal regulations that affect CASp work. We encourage you to read the new or improved regulations so that you are aware of various applicable standards and information affecting your practice.*

### Federal

The ADA requires all covered entities, including state and local government agencies and private businesses that provide goods or services to the public, to make “reasonable modifications” in their policies, practices, or procedures when necessary to accommodate people with disabilities. Service animal use falls under this general principle.

In July, the US Department of Justice released *Frequently Asked Questions about Service Animals and the ADA (PDF)*. This eight-page document provides guidance and answers about the ADA’s service animal provisions, and should be read in conjunction with the publication *ADA Revised Requirements: Service Animals (PDF)*.

CASps who receive questions from business owners regarding service animals are advised to direct the business owner to the US Department of Justice’s ADA website, [www.ada.gov](http://www.ada.gov).

## CASp PUBLIC LIBRARY

*The CASp Public Library makes you aware of information and free publications to enhance your access inspection experience and increase your accessibility knowledge.*

The Department of Housing and Urban Development’s (HUD) YouTube Channel has a four-part presentation on Fair Housing Accessibility Requirements. The presentation provides technical guidance on fulfilling accessibility requirements in accordance with the Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

### ADDRESSING ACCESSIBILITY IN CAPITAL NEEDS

Find the following recorded presentations at [www.youtube.com/HUDchannel](http://www.youtube.com/HUDchannel):

- Addressing Accessibility in Capital Needs – Part 1
- Addressing Accessibility in Capital Needs – Part 2
- Addressing Accessibility in Capital Needs – Part 3
- Addressing Accessibility in Capital Needs – Part 4

Although the videos are lengthy, the information provided is critical to determining applicable accessibility requirements with the federal standards for a CASp whose services are provided to owners, designers, and developers within the housing industry.

## Advisory To All CASps . . .

DSA does not review for accuracy nor endorse any publications from individuals outside of DSA, or from third-party vendors, that claim to provide interpretive assistance with the accessibility requirements of the CBC. California statute gives weight to the opinion of a CASp in rendering determinations after an inspection; therefore, it is imperative that opinions and interpretations are made by each CASp based on the use of the applicable CBC and the applicable federal standards, and not based solely on an analysis provided by an interpretive manual.



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## FREE CEU SPOTLIGHT

In each newsletter, the CEU Spotlight highlights free online Continuing Education Unit (CEU) opportunities for CASp certification maintenance.

If you're a CASp with a website, you may want to check to see if it is accessible. Just like with physical access to a facility, if a customer cannot access your information, then they cannot buy what you're selling.

Get CEUs and learn valuable information for your business website. The *Accessible Technology Online Webinar Series* by the ADA National Network qualifies as a CEU source for CASp certification renewal.

## UPCOMING PRESENTATIONS OF THE ACCESSIBLE TECHNOLOGY ONLINE WEBINAR SERIES

- How Do I Know if My PDF is Accessible — September 17, 2015
- Social Media, Accessibility and Disability Inclusion — November 19, 2015

Archives of the presentations above will be posted by the ADA National Network for later viewing. For more information, visit [www.ada-audio.org/Webinar/AccessibleTechnology/Schedule/](http://www.ada-audio.org/Webinar/AccessibleTechnology/Schedule/).

As stated in the CASp Examinations and Certification Handbook, "coursework that increases knowledge and understanding of federal accessibility regulations, standards, and guidelines" is a qualifying CEU source. Please remember to request a certificate of attendance as proof of participation.

## Learn More About Website Accessibility

### DEPARTMENT OF REHABILITATION

[www.dor.ca.gov/DisabilityAccessInfo/What-is-an-Accessible-Website.html](http://www.dor.ca.gov/DisabilityAccessInfo/What-is-an-Accessible-Website.html)

### UC BERKELEY

<http://webaccess.berkeley.edu/resources/tips/web-accessibility>

## New Marketing Materials

An easy-to-print **CASp Benefits Flyer** is available for download at [www.dgs.ca.gov/casp](http://www.dgs.ca.gov/casp). Use it to begin a discussion with business owners on how a CASp inspection by a CASp can benefit them.

A similar, smaller version is available to city and county offices for distribution with business licenses. For details, contact [DSACommunication@dgs.ca.gov](mailto:DSACommunication@dgs.ca.gov).





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## DSA ACADEMY PRESENTS...

### CASp 101: Certification & Practice

This 4.5-hour seminar will discuss, in detail, DSA's improvements to the CASp Program, with information relevant to CASps, candidates interested in seeking certification, and individuals who want to find out more about the CASp Program.

#### TOPICS

- History of Disability Rights in California
- Legislation and the CASp Program: SB 262, SB 1608, and SB 1186
- DSA CASp Program Regulations and proposed changes
- DSA Examination and Certification Improvements
- CASp Professional Standards for both the independent CASp and the CASp employed by a jurisdictional agency
- Best Practices for CASps
- Guidance on CRASCA and Disability Access Inspection Certificates
- Analysis of the effectiveness of CASp services
- Exercises on understanding *applicable standards*
- Exercises on approaching and studying for the CASp examination

#### PRESENTER

Ida A. Clair AIA, LEED AP, CASp, Senior Architect at DSA

#### SEMINAR SCHEDULE

October 2, 2015 in Paso Robles  
October 23, 2015 in Riverside

#### COST—\$75

Course registration closes two weeks prior to the class. In the event of cancellations, additional space may become available. Please call (916) 327-8864 to be placed on a waitlist.

For more information, visit [www.DSAacademy.dgs.ca.gov](http://www.DSAacademy.dgs.ca.gov).

## CASp Examination Results

### APRIL 2015

EXAM	CANDIDATES	PASSED
Closed Book	72	8%
Open Book	97	39%

#### Breakdown of New CASps by Profession

Jurisdictional	12
California Architect	3
General Contractor	3
Access Consultant	2
Structural Engineer	2
Civil Engineer	1

Total new CASps in April 2015: **23**

Total certified including April 2015: **630**

### JULY 2015

EXAM	CANDIDATES	PASSED
Closed Book	83	30%
Open Book	87	23%

#### New CASps by Profession

Jurisdictional	8
Civil Engineer	6
California Architect	4
Access Consultant	2
Attorney	1
Engineer in Training	1
General Contractor	1
Intern Architect	1
Structural Engineer	1

Total new CASps in July 2015: **25**

Total certified including July 2015: **655**





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## 2016 California Building Standards Code Public Comment Period Begins

Public workshops were held this past spring to discuss the proposed amendments for the 2016 California Building Standards Code, scheduled to go into effect on January 1, 2017. The next step in the code cycle process is a 45-day Public Comment Period, which began Friday, August 14, 2015 and concludes Monday, September 28, 2015.

The comment period is open to the public and industry stakeholders to participate in commenting on the modifications to California's building codes. DSA will post rulemaking activities and make available rulemaking documentation on [DSA's Access 2016 Web page](#).

Public comment is only to address the amendments that were previously proposed. If you would like to propose a new code change amendment for consideration in future code cycle amendments, you may complete form [DSA 65: DSA Code Amendment Proposal \(PDF – 55 KB\)](#), and submit it via email attachment to [DSAAccess2016@dgs.ca.gov](mailto:DSAAccess2016@dgs.ca.gov). DSA accepts code amendment proposals on a continuous basis, and proposals submitted at this time will be considered for the 2016 CBC Intervening Code Cycle scheduled to go into effect July 1, 2018.

To receive updates on DSA's accessibility rulemaking activities, please send an email to [DSAAccess2016@dgs.ca.gov](mailto:DSAAccess2016@dgs.ca.gov), with a request to be added to our email list. DSA transitioned all individuals who subscribed to the 2013 CBC Rulemaking cycle to the Access 2016 distribution list.

Questions and comments about these activities should be directed to Dennis J. Corelis, Deputy State Architect, at [dennis.corelis@dgs.ca.gov](mailto:dennis.corelis@dgs.ca.gov) or (916) 445-4167.

## CASp Code Discussion Group

DSA offers a free monthly code discussion group on CBC Chapter 11B accessibility provisions. Architects, building officials, CASps, and other interested parties can participate in the open forum via teleconference or in person at DSA Headquarters at 1102 Q Street, Suite 5100, Sacramento, CA 95811.

Continuing Education credit is offered to CASps who participate for a minimum of one hour.

### UPCOMING GROUP DISCUSSIONS

September 19, 2015  
October 21, 2015  
November 18, 2015  
December 16, 2015

All sessions are scheduled from 11:30 a.m. to 1 p.m. Please email [ida.clair@dgs.ca.gov](mailto:ida.clair@dgs.ca.gov) for teleconference contact information.



*Need Learning Units for your American Institute of Architects membership?  
Take a class with the DSA Academy! [www.DSAacademy.dgs.ca.gov](http://www.DSAacademy.dgs.ca.gov)*



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## “Patient No More” Exhibit at the Ed Roberts Campus in Berkeley, CA

The Paul K. Longmore Institute on Disability invites visitors to discover a moment in U.S. history when people with disabilities occupied a government building to demand their rights, the 1977 Section 504 Sit-In. The protest was a catalyst in the disability rights movement, paving the way for the passage of the Americans with Disabilities Act of 1990.

### MAIN EXHIBIT

August 7 to December 18, 2015

8 a.m. to 5 p.m., Monday through Friday

Ed Roberts Campus, 3075 Adeline Street, Berkeley, CA

### TRAVELING EXHIBIT

A traveling exhibit, open concurrently with the main exhibit, is also available at various locations throughout the Bay Area. Visit [longmoreinstitute.sfsu.edu/patient-no-more](http://longmoreinstitute.sfsu.edu/patient-no-more) for more information.

### HAVEN'T VISITED THE ED ROBERTS CAMPUS YET?

The Ed Roberts Campus is a “national and international model dedicated to disability rights and universal access.” The facility is named for and commemorates the work of Edward V. Roberts, an early leader in the independent living movement of persons with disabilities. Designed by Leddy Maytum Stacy Architects and completed in 2011, the building includes the following features:

- A helical ramp winds upward to the second floor, permitting easy access and safe evacuation.
- Accessible elevators, automatic doors, and wide corridors create easy circulation.
- Restrooms accommodate all ability levels and include private rooms for assisted individuals.
- Specially designed signs and way-finding devices guide people who are blind or have low vision.
- Hands-free sensors and timers control lighting, acoustical, and security systems.



DO  
YOU  
TWEET?

Follow us on Twitter at  
[www.Twitter.com/CalifDSA](http://www.Twitter.com/CalifDSA)

Tell us about your successes by  
tagging us at #CaliCASp.