



California Pollution Control Financing Authority

California
Americans with Disabilities Act
Small Business Capital Access Loan Program
Proposed Regulations

Public Workshop
July 14, 2016
Sacramento, CA



Speakers

- **Janae Davis**, Program Manager, California Pollution Control Financing Authority
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- **Rachelle Taylor Golden**, Attorney, Overstreet & Associates
- **Angela Jemmott**, Executive Director, California Commission on Disability Access
- **Ida A. Clair**, Senior Architect, California Division of the State Architect



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Today's Agenda

- ❖ Welcome
- ❖ History of CPCFA & CalCAP
- ❖ What AB 1230 (Gomez) authorizes
- ❖ Enrolling a CalCAP/ADA loan
- ❖ CalCAP/ADA contribution rates
- ❖ How CalCAP/ADA works
- ❖ CalCAP/ADA borrower and lender certifications
- ❖ Compliance is smart business
- ❖ Access violations in California
- ❖ Role of Certified Access Specialist (CASp) Report
- ❖ Next steps



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History of CPCFA & CalCAP

- CPCFA stimulates environmental cleanup, economic development and job growth throughout the state.
- Founded in 1973 as a conduit bond issuer for private pollution control facilities serving a public benefit.
- Tax-exempt bond financing provides qualified borrowers with lower interest costs than conventional financing.
- Fees assessed on bond issuances to large businesses established the Small Business Assistance Fund (SBAF) enabling CPCFA to create innovative financing programs.
 - Grants and loans for assessment and remediation of brownfield and infill development sites.
 - The California Capital Access Program (CalCAP) was established in 1994 to establish loan loss reserve accounts for participating lenders.

What AB 1230 Authorizes

- **\$10 million one-time appropriation** to CPCFA to fund the California Americans with Disabilities Act Small Business Capital Access Loan Program (CalCAP/ADA).
- CalCAP/ADA will facilitate private loans to Small Businesses to support physical alterations or retrofits to comply with the ADA.



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Eligible Project

- Eligible project defined as **physical alterations or retrofits** to an **existing** small business facility of **less than 10,000 square feet** necessary to ensure that the facility is in compliance with the ADA and the financing necessary to pay eligible costs of the project.
- AB 1230 adds the following statutory limits:
 - ✓ Small business of 15 or fewer FTE.
 - ✓ Loan proceeds limited to eligible project costs of existing facility less than 10,000 square feet. *No business expansion.*
 - ✓ Less than \$1,000,000 in total gross annual income.
 - ✓ No overnight accommodations.
 - ✓ Qualified loan is limited to \$50,000.



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Eligible Costs

Eligible Cost definition includes:

- ❖ Price of construction
- ❖ Purchase price of real or personal property
- ❖ Price of demolishing or removing any buildings or structures
- ❖ Price of all machinery and equipment
- ❖ Price of insurance during construction
- ❖ Amount of funding or financing noncapital expenses
- ❖ Amount of reserves for principal and interest
- ❖ Price of engineering, financial, and legal services and other service contracts
- ❖ Price of plans, specifications, studies, surveys, estimates, administrative expenses, and any other expenses of funding or financing, that are necessary and allocable to the Eligible Project

Verifying Eligible Costs

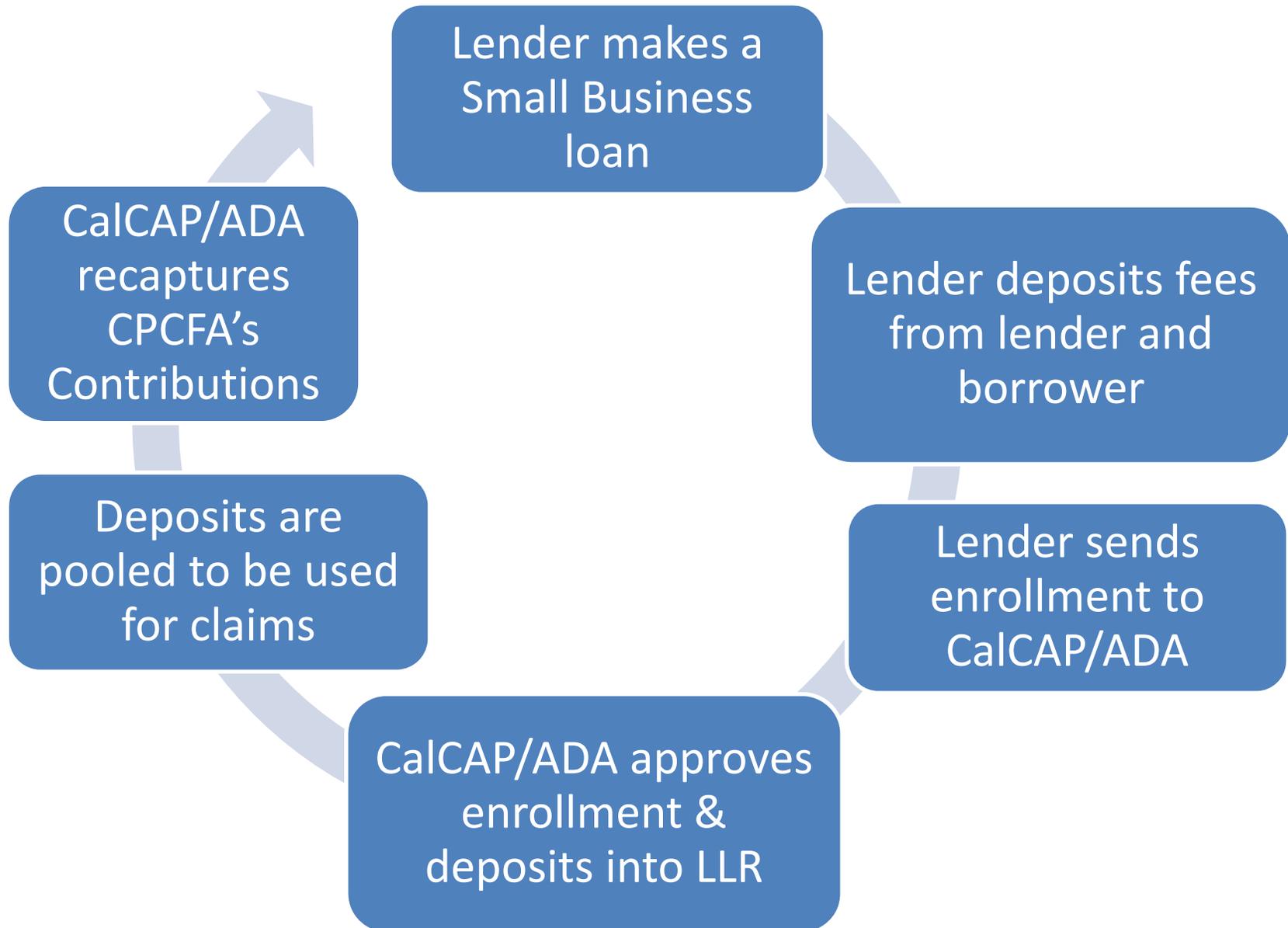
- Small businesses **must obtain** a CASp Report in order for CalCAP/ADA loan to be enrolled.
- In order for CPCFA to ensure that the use of loan proceeds is allocable to physical alterations necessary for compliance with the Americans with Disabilities Act **Estimated Costs will be compared to the CASp Report.**
- Total loan **can exceed** the cost of items identified in the CASp Report; however, the amount enrolled in CalCAP/ADA is **limited** to costs related to the deficiencies identified in the CASp Inspection Report.
- CalCAP/ADA loan **need not cover** the entire list of CASp identified deficiencies.



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How does CalCAP/ADA Work?



CalCAP/ADA Contribution Rates

- Borrower **matches** lender Contribution = **2%-3.5% of enrolled loan**
- CalCAP/ADA Contribution rate is **4 times** Lender Contribution = **8%-14% of enrolled loan**
- Severely Affected Community (SAC) Contribution **matches** Lender Contribution = **2%-3.5% of enrolled loan**
- Maximum Total Contribution deposited into the lender's LLR account = **21% or 24.5 % if enrolled loan is located in a SAC**
- CalCAP/ADA recapture at maturity or 5 years, whichever comes first = **8%-17.5% of enrolled loan if loan is located in a SAC**
- Amount remaining in LLR after recapture = **4%-7% of enrolled loan amount**



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CalCAP/ADA Borrower Certification

- ❑ **Borrower certification includes to the following:**
 - ✓ Small Business employs 15 or fewer FTEs.
 - ✓ Eligible Project is for facilities of less than 10,000 square feet plus common areas necessary to reduce barriers under the Americans with Disabilities Act.
 - ✓ The Eligible Project is for an existing facility and not for business expansion.
 - ✓ Total gross annual income is less than \$1,000,000.
 - ✓ Facility does not provide overnight accommodations.
 - ✓ Small Businesses has obtained a CASp Report.
 - ✓ Small Business has obtained a Cost Estimate.
 - ✓ The Borrower will provide all applicable licenses or permits needed for construction related retrofit(s) or alteration(s).



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CalCAP/ADA Lender Certification

☐ Lender certification includes the following:

- ✓ Whether the loan is for alteration(s) or retrofit(s) of a facility in a Severely Affected Community.
- ✓ Number of FTEs employed by Borrower.
- ✓ The business receiving the loan is a Qualified Business.
- ✓ Proceeds of the Qualified Loan will be used for the Eligible Costs of an Eligible Project.
- ✓ Borrower has provided CASp Report and Cost Estimate.
- ✓ Borrower will provide all applicable licenses or permits for construction related to retrofit(s) or alteration(s).



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Compliance is Smart Business

➤ Statistics

- ✓ 56.7M (18.7%) of US population are disabled
- ✓ 38.3M (12.6%) of US population are severely disabled
- ✓ 2.8M (5.2%) of disabled population are school aged
- ✓ \$200 billion in annual discretionary income

➤ Lawsuits Filed

- ✓ 42% of all federal ADA suits are brought in California

➤ Low-income minority businesses are hit the hardest



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Access Compliance Responsibilities

- Federal Court
 - ✓ Readily achievable barrier removal
 - ✓ Businesses need to understand what their violations are.
 - ✓ A violation of the ADA = a violation of the Unruh Act.

- State Court
 - ✓ CBC violation = ADA violation
 - ✓ Notice and opportunity to cure
 - ✓ Certified Access Specialist (CASp) will inspect according to the “applicable standard.”

- Cost
 - ✓ Always get 3 bids!
 - ✓ Ask about background to match service needed



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***An Accessible,
Barrier-Free California!***

WEBSITE:

CCDA.CA.GOV



CCDA

**California Commission
on Disability Access**

CCDA'S 2015 REPORTED VIOLATION TABULATION

- 2013 41% **PARKING**
- 2014 38% **PARKING**
- 2015 42% **PARKING**

Examples Specific Violations

- **Parking:** the existing parking spaces are not compliant.
- **Parking:** signage in parking lot is non-compliant. For example, spaces need to be designated as reserved by a sign showing the symbol of accessibility.
- **Parking:** parking lot does not contain the minimum number of accessible parking spaces

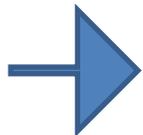
Go to the CCDA Website (<http://www.cdda.ca.gov/>)

for the entire TOP Ten Report

&

Dept. of Rehabilitation(DOR) video

["Boost Your Business - Parking" on YouTube](#)



LOCATIONS OF THE REPORTED VIOLATIONS

- **42%**

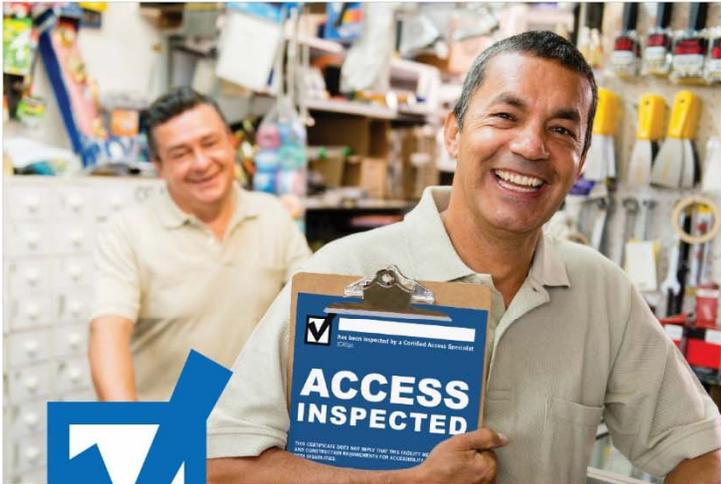
SALES OR RENTAL ESTABLISHMENTS

- **27%**

ESTABLISHMENTS SERVING FOOD & DRINKS

- **22%**

SERVICE ESTABLISHMENTS



**MY BUSINESS
IS ACCESSIBLE.**
IS YOURS?



Hire a CAsp. Be in compliance. Get legal benefits.



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Hiring a CASp

Before hiring a CASp be ready!

- Know the date of original construction
- Know the improvement history
- Know the public accommodation areas of your facility
- Read your lease agreements and ask your landlord if the facility has had a CASp inspection
- Review operational policies and maintenance policies to see where you are vulnerable

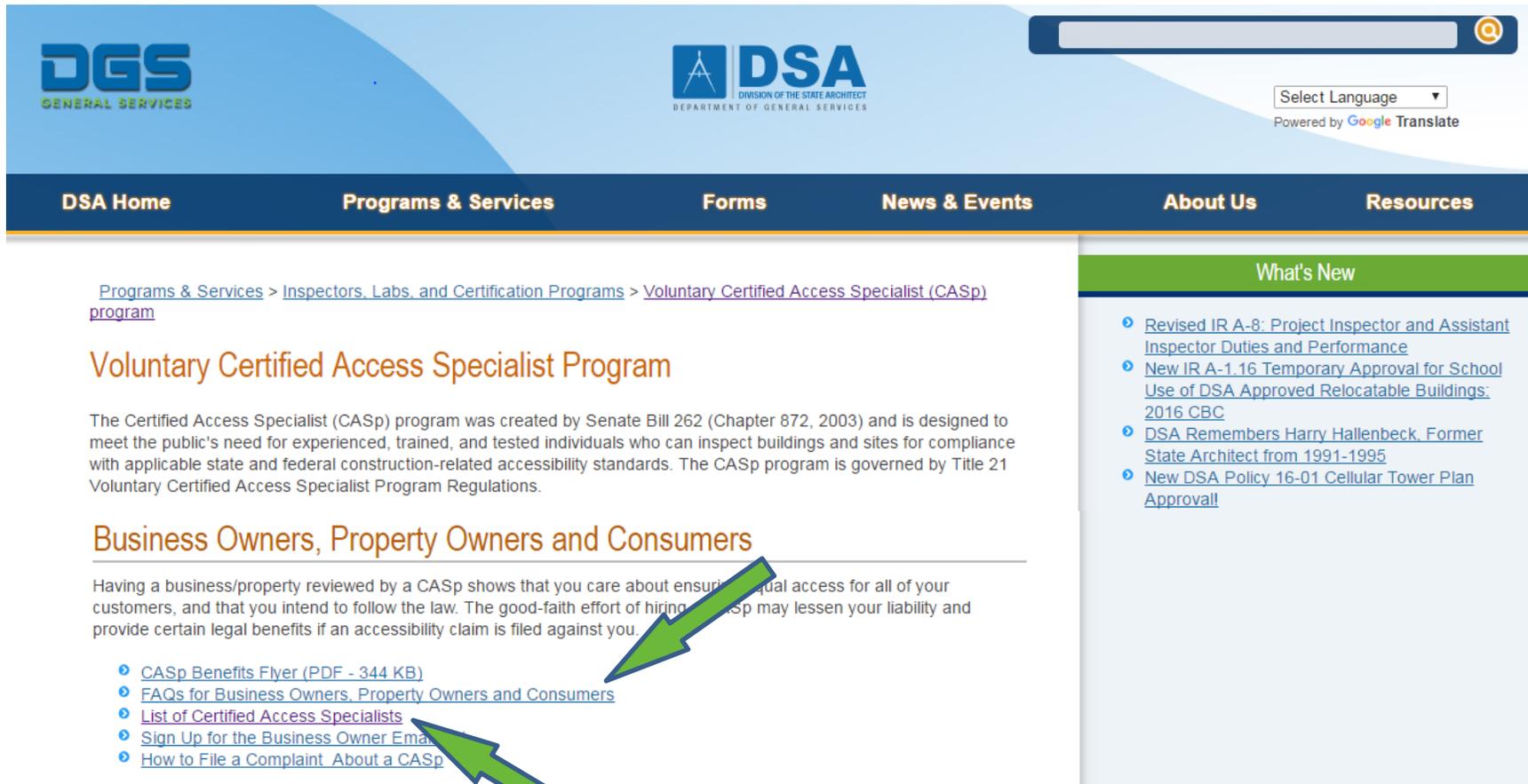


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DSA CASp Website

(<http://www.dgs.ca.gov/dsa/Programs/programCert/casp.aspx>)



The screenshot shows the DSA CASp website interface. At the top left is the DGS logo (Division of General Services). In the center is the DSA logo (Division of the State Architect, Department of General Services). On the right, there is a search bar and a language selection dropdown set to "Select Language", with a note "Powered by Google Translate". Below the header is a navigation menu with links for "DSA Home", "Programs & Services", "Forms", "News & Events", "About Us", and "Resources". The main content area features a breadcrumb trail: "Programs & Services > Inspectors, Labs, and Certification Programs > Voluntary Certified Access Specialist (CASp) program". The primary heading is "Voluntary Certified Access Specialist Program". A paragraph explains that the program was created by Senate Bill 262 in 2003 to meet the need for experienced inspectors. Below this is a section titled "Business Owners, Property Owners and Consumers" with a paragraph stating that hiring a CASp shows care for equal access and can reduce liability. A list of links includes "CASp Benefits Flyer (PDF - 344 KB)", "FAQs for Business Owners, Property Owners and Consumers", "List of Certified Access Specialists", "Sign Up for the Business Owner Email", and "How to File a Complaint About a CASp". Two green arrows point from the "List of Certified Access Specialists" link to the "California Pollution Control Financing Authority" logo at the bottom left. On the right side of the page, there is a "What's New" section with a list of recent updates, including "Revised IR A-8: Project Inspector and Assistant Inspector Duties and Performance", "New IR A-1.16 Temporary Approval for School Use of DSA Approved Relocatable Buildings: 2016 CBC", "DSA Remembers Harry Hallenbeck, Former State Architect from 1991-1995", and "New DSA Policy 16-01 Cellular Tower Plan Approval!".



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DSA CASp Website – Certified Access Specialist List (CASp)

(https://www.apps2.dgs.ca.gov/DSA/casp/casp_certified_list.aspx)

CA.GOV WELCOME TO THE STATE OF CALIFORNIA

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Home My CASp CASp Exam Schedule

Governor

JERRY BROWN
gov.ca.gov

Statement: Notwithstanding any other provision of law, a state agency or employee of a state agency may not be held liable for any injury or damages resulting from any service provided by a certified access specialist whose name appears on this list published pursuant to Government Code section 4459.7(a).

[Export to Excel](#)

Certified Access Specialist	Phone #	Email	Cert #	Exp Date	Do Inspection	Inspection County(s)
Abarquez, Joey	714-848-0487		CASp-315	9/15/2016		
Abbott, Ron	916-233-8882		CASp-135	9/22/2015		
Abdaljawwad, Ola	916-715-4904		CASp-161	11/18/2015		
Adam, Jim	408-225-7700	jim@calvacpaving.com	CASp-541	4/22/2017		
Adamson, Chris	530-754-1016		CASp-133	9/21/2015		
Adler, Jonathan	831-429-4191	ja@access-compliance.net	CASp-003	9/29/2014	Yes	Alameda; Contra Costa; Marin; Monterey; Napa; Sacramento; San Benito; San Francisco; San Luis Obispo; San Mateo; Santa Clara; Santa Cruz; Solano; Sonoma; Yolo - - - SEE WWW.ACCESSCOMPLIANCESERVICES.NET
Afschar, Tom	626-808-5767		CASp-074	9/11/2015		
Afshar, Afshan	949-463-8924		CASp-303	9/9/2016		
Agha, Obi	(916) 708-1847		CASp-443	8/9/2015		
Agus, Chris	818-548-3211		CASp-266	7/2/2016		
Alford, Terrance	714-765-5153		CASp-222	6/24/2016		
Allen, Ronald	213-482-0077		CASp-534	2/12/2017		
Altwal, Bassam	415.310.3010	bassam@calaccessibility.com	CASp-109	9/14/2015	Yes	San Francisco; Contra Costa; Alameda; Santa Clara; San Mateo; Marin; Napa; Santa Clara; Sacramento;
Amador, William	805-530-3938		CASp-561	4/29/2017		
Ames, Kevin	760-987-5863		CASp-022	9/29/2014		
Amestoy, David	714-974-6357	damestoy@roadrunner.com	CASp-495	12/5/2016	Yes	Orange, Los Angeles, Riverside, San Diego, San Bernardino, Kern, Ventura
Amor, William	(909) 496-1306		CASp-418	4/9/2015		
Anderson, Douglas	312-914-1717		CASp-457	11/13/2015		

DGS LINKS

- DGS Home
- DSA Home
- DSA News & Events
- CASp Home

DSA LINKS

- DSA Academy
- DSA Inspector Program



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DSA CASp Website – Consumer FAQ

[\(http://www.dgs.ca.gov/dsa/Programs/programCert/casp/consumerfaq.aspxs\)](http://www.dgs.ca.gov/dsa/Programs/programCert/casp/consumerfaq.aspxs)

Why is it Beneficial to Hire a CASp? and Other Consumer Frequently Asked Questions

Note: Information provided on this website is not intended to be legal advice. If you are a recipient of a demand letter regarding a construction-related accessibility claim, you are advised to consult an attorney prior to contracting the services of a Certified Access Specialist (CASp).

- ◉ What is the ADA and how does it apply to my business or facility?
- ◉ What are the California laws relating to disability access?
- ◉ What is my potential liability if I am not in compliance?
- ◉ How does someone demonstrate that he/she was denied access?
- ◉ Who has responsibility for ADA compliance in leased places of public accommodation, the landlord or the tenant?
- ◉ What is an applicable construction-related accessibility standard?
- ◉ What are SB1608 and SB1186?
- ◉ Why is it beneficial to hire a CASp?
- ◉ Am I required by law to hire a CASp?
- ◉ How do I find a CASp?
- ◉ What is certified when I hire a CASp?
- ◉ What is a "qualified defendant?"
- ◉ What should I look for in a written agreement for CASp services?
- ◉ What should I look for in a CASp inspection report?
- ◉ What is "readily achievable barrier removal?"
- ◉ What is a Disability Access Inspection Certificate?
- ◉ I have a CASp inspection report and certificate. What should I do now?
- ◉ Can my CASp inspection report expire?
- ◉ Will improvements require a building permit?
- ◉ Will a CASp review my plans prior to construction?
- ◉ If I receive demand letter prior to a lawsuit regarding an access violation can a CASp still help me?

Inspection Reports by a CASp Under CRASCA



Meets Applicable Standards

or



Inspected by a CASp

**Option A:
Reasonable Schedule**

**Statutory Damages
Reduced if corrected
within 60 days**

**Option B:
120-Day Schedule**

No Statutory Damages



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Disability Access Inspection Certificates

Certificates are a
record of inspection
and not a
certificate of compliance

“This certificate does not imply that this facility meets design and construction requirements for accessibility for individuals with disabilities.”



All or part of this facility located at
SAMPLE
has been inspected by a Certified Access Specialist (CASp).

ACCESS INSPECTED

THIS CERTIFICATE DOES NOT IMPLY THAT THIS FACILITY MEETS DESIGN AND CONSTRUCTION REQUIREMENTS FOR ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.

Inspection Date: _____ CASp Signature: _____
CASp Certificate #: _____ CASp Name: _____ (Please Print)
Inspection Certificate #: _____

www.dgs.ca.gov/dsa/Programs/progAccess.aspx



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Next Steps

- Stakeholder meetings:
 - Los Angeles – *July 12, 2016*
 - Oakland – *July 13, 2016*
 - Sacramento – *July 14, 2016*
 - Fresno – *July 19, 2016*
- Second webinar for lenders – *Late July 2016*
- Regulations and Rulemaking – *August 2016*
- Enroll Participating Financial Institutions – *September 2016*
- Marketing and outreach – *September 2016*



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Questions and Comments?

Please send all comments and questions to CalCAP
Inbox at: CalCAP@treasurer.ca.gov

For Program updates visit CalCAP/ADA webpage at:
<http://www.treasurer.ca.gov/cpcfa/calcap/ada/summary.asp>



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