



## Building and Safety Division

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# Building Owners Disabled Access Information Program Information Guide

The City of Calimesa adopts the latest editions of the California Building Codes. The adoption process by the city is a formality since the State codes are mandatory. Within the California Building Code there are requirements regarding accessibility for persons with disabilities. The California Building Code is not to be confused with the Americans with Disabilities Act, or ADA, a federal standard. Being a federal standard, the local jurisdiction does not enforce the ADA standards. The Federal ADA standards are similar to the California State Accessibility Codes in many ways.

### State Accessibility Codes

- State codes do not require any access improvements until such time a building permit is issued.
  - Hardship waivers available and are subject to the following;
    - Cannot exceed the current valuation threshold
    - Must spend at least 20% of total valuation on upgrades
    - Valuations for improvements are cumulative
    - Reference CBC 2022 [11B-202.4](#) for full explanation

### Americans with Disabilities Act (ADA)

- ADA standards require that buildings comply with current ADA standards (2010 version) after the effective date of January 26, 1992
  - Any feature not in compliance, the building owner or tenant is required to upgrade.
- All new construction, additions, or alterations to public accommodations and commercial facilities must meet the accessibility provisions of the latest edition of the ADA Standards and the currently enforced California Building Code.
  - Accessible features are required to be maintained at your facility regardless of whatever the cost of improvements.

- Failure to come into compliance or maintain compliance leaves you vulnerable to having a discrimination claim filed against you by an individual that is denied access to your business or facility due to physical access barriers.
  - In California Courts, a plaintiff can be awarded \$4000.00 per access barrier encountered plus damages and attorney fees if the claim is successful.
- Buildings are required to comply with the Federal ADA regardless of whether the building has had any changes or improvements made.

## **I own a commercial building; how can I avoid a costly claim that my building or property is not in compliance with accessibility standards or codes?**

- By taking steps to remove any barriers that would make your building in non-compliance.
- You can perform your own survey, [CLICK HERE](#) for a checklist provided on the ADA website. Just click on the link below.
- Or, you can hire a CAsp consultant to perform a complete survey of your business. For a list of CAsp inspectors, [CLICK HERE](#).

## **Why is my building or facility being addressed now?**

- The ADA Barrier Removal Act became effective in 1992. All buildings and facilities were required to be brought into and maintained in compliance at that time.

## **Is there information on the web that will help me?**

- State of California Division of the State Architect (DSA) CAsp - [CLICK HERE](#)
- California ADA Compliance – [CLICK HERE](#)
- ADA Checklists – [CLICK HERE](#)
- ADA Guide for Small Businesses – [CLICK HERE](#)

## **Is there any tax credits for me if I work towards bringing my building into compliance?**

- Businesses can take advantage of two Federal tax incentives available to help cover costs of making access improvements for customers with disabilities.
- You should consult with your tax expert to see what benefits you qualify for.
- [CLICK HERE](#) for more information.

## **Will the City do my CASp report for me?**

- No, however, the city is required to have CASp certified persons for plan review and other situations related to City projects as they arise. It would be considered a conflict of interest for the city to delve into certifying private properties. Ours is an oversight role.

## **Why Should I Hire a CASp? and Other Consumer Frequently Asked Questions.**

- The following website address is a link to the following helpful questions regarding ADA and CASp Certification and or inspection
  - What is the ADA and how does it apply to my business or facility?
  - 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 should I hire a CASp?
  - Am I required to hire a CASp in order to become compliant?
  - 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 an Agreement for CASp Services?
  - What should I look for in a CASp Inspection Report?
  - What is a Disability Access Inspection Certificate?
  - I have a CASp Inspection Report and Certificate. What should I do now?
  - Will a CASp review my plans for compliance prior to construction?
  - If I have been served a lawsuit regarding an access violation can a CASp still help me?

[CLICK HERE](#) for answers to these questions.

Building Department staff are always available to assist you with any questions you may have. Contact us at (909) 795-9801 ext 226.