

ADA COMPLIANCE

<https://www.ada.gov/>

THERE ARE 2 SETS OF ACCESSIBLE LAW:

1. Title 24 California Accessibility Regulations, triggering of the accessibility upgrade to the existing building is by the construction-related activities (i.e., tenant improvement, additions, alteration, structural repair) that the obligation to improve accessibility is when the building is under the new construction-related activities.
2. Federal ADA Standard, there is no mechanism to trigger the accessibility improvement. And no grandfather law could protect the existing building exempted from existing accessibility deficiencies. It depends on whether the upgrade of the current existing accessibility deficiencies is "Readily Achievable" or not. "Readily Achievable" is defined by ADA Title III as whether the improvement to accessibility can be easily accomplishable and able to be carried out without much difficulty or expense.

Settlements approaching \$29 Billion have been paid to cover judgments and settlements over non-compliance with the ADA. Your best defense is to comply with the regulations and avoid lawsuits.

“The ADA has been around or over 15 years, and Business and Commercial Property Owners have little excuse for not complying with the requirements. If you go to court, you will most likely lose”

GBR PAVING is up to date on current compliance regulations and with our wide breadth of services we're able to provide a one-stop solution for disabled and handicapped parking and access construction.

OUR SERVICES

- RESURFACING OF PARKING STALLS TO MEET 2% SLOPE
- CONCRETE CURB RAMPS
- DETECTABLE WARNING SYSTEMS (TRUNCATED DOME MATS)
- PATH OF TRAVEL ACCESSIBILITY – SIGNAGE- HANDRAILS

ADA EXTERIOR WORK <https://www.ada.gov/restribr.htm>

Under the Americans with Disabilities Act (ADA), all public facilities, including hotels, motels and shopping centers constructed after January 29, 1993, must be accessible to and usable by persons with disabilities. In addition, existing facilities must undertake readily achievable barrier removal to comply with the Act. **GBR PAVING** has developed an expertise in exterior ADA concrete and asphalt work, and we can complete all work per City approved plans, CAS'p report or authorized engineers and architects.

GRADE WORK - This involves removing and replacing concrete or asphalt, so the grade or level of the surface meets: Parking lot 2% max slope in any direction, pathways 5% max. running slope and 2% cross slope, for people with disabilities.

SIGNAGE - We install all necessary signs and street markings required under the ADA Compliance.

Path of Travel - We construct pathways for the ADA to access all areas of a property including off street access.

CURB RAMPS WITH TRUNCATED DOMES - Cane detection under outside staircases to prevent the blind from walking into the staircase and detectible warnings on ramps to notify the blind of a traffic area approaching.

HANDRAIL – Fabrication & Installation of tubular handrails for ramps.

LINKS FOR LAWS AND STANDARDS

Americans with Disabilities Act of 1990 (ADA) <http://www.ada.gov/pubs/adastatute08.htm#121812010>

2010 Standards for Accessible Design – http://www.ada.gov/2010ADStandards_index.htm

Access Board ADAAG Guidelines – <http://www.access-board.gov/adaag/html/adaag.htm>

28 CFR Part 35 Appendix "A" State and Local Government – <http://www.ada.gov/reg2.html>

28 CFR Part 36 Appendix "A" Public Accommodations and Commercial Facilities –

<http://www.ada.gov/reg3a.html#Anchor-42424>

Architectural Barrier Act of 1968 (ABA) – <http://www.access-board.gov/about/laws/aba.htm>

Uniform Federal Accessibility Standards – <http://www.access-board.gov/ufas/ufas-html/ufas.htm>

State of California, Division of State Architect – Access Manual

<http://www.dgs.ca.gov/dsa/Programs/progAccess/accessmanual.aspx>

Fair Housing Act Design Manual- <http://www.huduser.org/portal/publications/destech/fairhousing.html>

California Senate Bill 1608 – http://leginfo.ca.gov/pub/07-08/bill/sen/sb_1601-1650/sb_1601-1650_sb_1608_bill_20080928_chaptered.pdf

Notification – Benefits under Senate Bill 1608

NOTICE TO PRIVATE PROPERTY OWNER/TENANT:

YOU ARE ADVISED TO KEEP IN YOUR RECORDS ANY WRITTEN INSPECTION REPORT AND ANY OTHER DOCUMENTATION CONCERNING YOUR PROPERTY SITE THAT IS GIVEN TO YOU BY A CERTIFIED ACCESS SPECIALIST. IF YOU BECOME A DEFENDANT IN A LAWSUIT, THAT INCLUDES A CLAIM CONCERNING A SITE INSPECTED BY A CERTIFIED ACCESS SPECIALIST, YOU MAY BE ENTITLED TO A STAY (TEMPORARY STOPPAGE) OF THE CLAIM AND AN EARLY EVALUATION CONFERENCE. IN ORDER TO REQUEST THE STAY AND EARLY EVALUATION CONFERENCE, YOU WILL NEED TO VERIFY THAT A CERTIFIED ACCESS SPECIALIST HAS INSPECTED THE SITE THAT IS THE SUBJECT OF THE CLAIM. YOU WILL ALSO BE REQUIRED TO PROVIDE THE COURT AND THE PLAINTIFF WITH THE COPY OF A WRITTEN INSPECTION REPORT BY THE CERTIFIED ACCESS SPECIALIST, AS SET FORTH IN CIVIL CODE SECTION 55.54. THE APPLICATION FORM AND INFORMATION ON HOW TO REQUEST A STAY AND EARLY EVALUATION CONFERENCE MAY BE OBTAINED AT <http://www.courtinfo.ca.gov/selfhelp/>.

YOU ARE ENTITLED TO REQUEST, FROM A CERTIFIED ACCESS SPECIALIST WHO HAS CONDUCTED AN INSPECTION OF YOUR PROPERTY, A WRITTEN INSPECTION REPORT AND OTHER DOCUMENTATION AS SET FORTH IN CIVIL CODE SECTION 55.53. YOU ARE ALSO ENTITLED TO REQUEST THE ISSUANCE OF A DISABILITY ACCESS INSPECTION CERTIFICATE, WHICH YOU MAY POST ON YOUR PROPERTY

ADA COMPLIANCE Inspections & Services

Many properties are not compliant with **The Americans with Disabilities Act (ADA)**, although they are supposed to be. Title III of the ADA states that all "Public Accommodation and Commercial Facilities" must perform barrier removal.

Nearly 1 in 5 people have some sort of disability and making your property accessible is the law. If your property is not compliant, you MAY be a target of a lawsuit.

As an owner or tenant, you are entitled to benefits under Senate Bill 1608 in the State of California if you evaluate your property by a Certified Access Specialist (CASp) and set in place a "Transition Plan" for barrier removal.

ADA CERTIFIED REPORTS

GBR PAVING- CASp Evaluation & Reports – GBR PAVING- CASp (Certified Accessibility Solutions) can inspect your property for accessibility compliance and issue a CASp under the Americans with Disability Act and Title 24 of the California Code of Regulations (2010 CBC) report with benefits under CA Senate Bill 1608.

Surveying & Design – GBR PAVING- CASp can survey and design parking, curb ramps, pedestrian ramps, accessible routes, restrooms, and architectural design elements the property may need to meet accessibility compliance.

Consulting Services – Our Certified Access Specialist, can consult with you or your client on any accessibility issues needed including researching and answering any questions regarding accessibility compliance pursuant to the Americans with Disabilities Act (ADA), Title 24 of the California Code of Regulations (CBC 2010), The Fair Housing Act, Housing and Urban Development (HUD), and the Architectural Barrier Act (ABA). Services can include but are not limited to: Contractor consultation, issuing agencies letters on your behalf, report rebuttal, depositions, and expert witness services.

Construction Coordination – GBR PAVING- CASp can coordinate all aspects for completion of modification to your property to meet compliance in accessibility. GBR PAVING- CASp can acquire permits, locate qualified contractors, and coordinate the project from inspection to certification.

Budgetary Planning – GBR PAVING- CASp can help you or your client put in place a "Transition Plan" for "Barrier Removal" and budget planning to comply with the ADA laws and regulations. We can help you determine if an

“Unreasonable Hardship” or “Practical Difficulty” exists. If in the event one of the circumstances does exist, a letter can be drafted and submitted to the governing agency or appeals board for approval on an equivalent accessible modification.

GBR PAVING- CASp “Certificate of Inspection” – Upon completion of the evaluation report, **GBR PAVING- CASp** will issue a “Certificate of Inspection” in accordance with CA Senate Bill 1608. This Certificate can be placed in the window of the business to identify the property as inspected. The report will identify the property as “CASp Inspected” (If all elements in inspected areas meet all construction-related accessibility laws and regulations) or “CASp Determination Pending” (when non-compliance of a construction-related element is identified).

By obtaining the **ACCESS INSPECTED** certificate from one of our Certified Access Specialist (CASp), you will gain **Qualified Defendant** status. This status grants you protections from certain legal fees, extends time constraints, gets an early evaluation, reduces overall costs, creates additional steps for the plaintiff, discourages unnecessary lawsuits and more.

BUSINESS TAX INCENTIVES

The Federal government offers two Federal tax incentives to help cover costs of making accessible improvements to your business for persons with disabilities. Consult with your tax accountant to take advantage of these tax incentives:

U.S. DEPARTMENT OF JUSTICE - A business that annually incurs expenses to bring itself into compliance with the ADA may use these tax incentives every year. The incentives may be applied to a variety of expenditures; however, they may not be applied to the costs of new construction. All barrier removal must comply with applicable Federal accessibility standards.

TAX CREDIT

Small businesses with 30 or fewer employees or total revenue of \$1 million or less can use the disabled Access Credit (**IRS Section 44**). <http://www.irs.gov/pub/irs-pdf/f8826.pdf> Eligible small businesses may take a credit of up to \$5,000 (half of eligible expenses up to \$10,250, with no credit for the first \$250) to offset their costs for access, including barrier removal from their facilities (e.g., widening a doorway, installing a ramp), provision of accessibility services (e.g. sign language interpreters), provisions of printed material in alternate formats (e.g., large-print, audio, Braille), and provision or modification of equipment.

TAX DEDUCTION

Businesses of all sizes may take advantage of this tax deduction. Under Publication 535 (**IRS Section 190**), <http://search.irs.gov> businesses can take a business expense deduction of up to \$15,000 per year for costs of removing barriers in facilities or vehicles.

TAX INCENTIVES IN COMBINATION

These two incentives can be used together by eligible businesses if the expenditures qualify under both **Sections 44 and 190**. If a small business' expenses exceed \$10,250 for the maximum \$5,000 tax credit, then the deduction equals the difference between the total spent and the amount of the credit claimed.

The key to a good condition Parking Lot is Preventative or Routine Maintenance, with proper ADA Up-grades installation. If you have a project, [Contact GBR PAVING](#) to install it properly and safely.

Sincerely,

*We specialize in providing
PARKING SERVICE SOLUTIONS
Tailored to your exact needs!*

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President

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