

MONDAY, SEPTEMBER 11, 2017

Revised CASp Requirements for Commercial Property Owners or Lessors:

Assembly Bill 2093 amends California Civil Code Section 1938 by creating additional owner or lessor obligations in connection with construction related accessibility standards. Former Section 1938 required leases for commercial property to contain a statement as to whether the subject premises had been inspected by a Certified Access Specialist ("CASp"). Effective January 1, 2017, the revised Section 1938 increases the obligations of owners and lessors as follows:

- (a) Requires the owner or lessor to include a statement in its commercial leases as to whether or not the subject premises has been inspected by a CASp.
- (b) If the subject premises have undergone inspection by a CASp and, to the best of the property owner's or lessor's knowledge, there have been no modifications or alterations completed or commenced between the date of the inspection and the date of the lease that have impacted the subject premises' compliance with construction-related accessibility standards, the commercial property owner or lessor must provide, prior to execution of the lease, a copy of any report prepared by the CASp with an agreement from the prospective tenant that information in the report shall remain confidential, except as necessary for the tenant to complete repairs and corrections of violations of construction-related accessibility standards that the tenant agrees to make.
- (c) Making any repairs or modifications necessary to correct violations of construction-related accessibility standards that are noted in a CASp report is presumed to be the responsibility of the commercial property owner or lessor, unless otherwise mutually agreed upon by the commercial property owner or lessor and the tenant. The prospective tenant shall have the opportunity to review any CASp report prior to execution of the lease. If the report is not provided to the prospective tenant at least forty-eight (48) hours before the lease is executed, the prospective tenant has the right to rescind the lease based upon the information contained in the report for seventy-two (72) hours after execution of the lease.
- (d) If the subject premises have been issued an inspection report by a CASp indicating that it meets applicable standards, the commercial property owner or lessor shall provide a copy of the current disability access inspection certificate

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and any inspection reports to the tenant within seven (7) days of execution of the lease.

- (e) If the subject premises have not been issued a disability access inspection certificate, the commercial property owner or lessor must include a statement on the lease form as follows:

A Certified Access Specialist ("CASp") can inspect the subject premises and determine whether the subject premises comply with all of the applicable construction-related accessibility standards under State law. Although State law does not require a CASp inspection of the subject premises, the commercial property owner or lessor may not prohibit the tenant from obtaining a CASp inspection of the subject premises if requested by the tenant. The parties shall mutually agree on the arrangements for the time and manner of the CASp inspection, the payment for the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the premises.

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