



ADA Requirements and Their Impact on Small Businesses

Demystifying accessibility, mitigating risk, and expanding your customer base.

Prepared for City of La Cañada Flintridge

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Welcome to Your Clear Path Forward



Thank you to the La Cañada Flintridge for hosting this vital conversation.



Our Goal: Provide practical, ADA education for small business owners-shifting accessibility from a legal liability to a framework of growth.



Who We Are: m6 Consulting, Inc.
- Code compliance consultants to La Cañada Flintridge.





Today's Agenda

Overview of the ADA

Reasonable Modifications

The Role of a CASp

Q&A and Resources

Welcome & Introductions

ADA in America – Why This Matters

Overview of the ADA & Title III

Technical Standards: Title 24 vs. ADA

Common Challenges and Risks

Five Steps for Business Accessibility

Accessibility is About “Us,” Not “Them”

12.7%

(Approx. 43 million Americans)

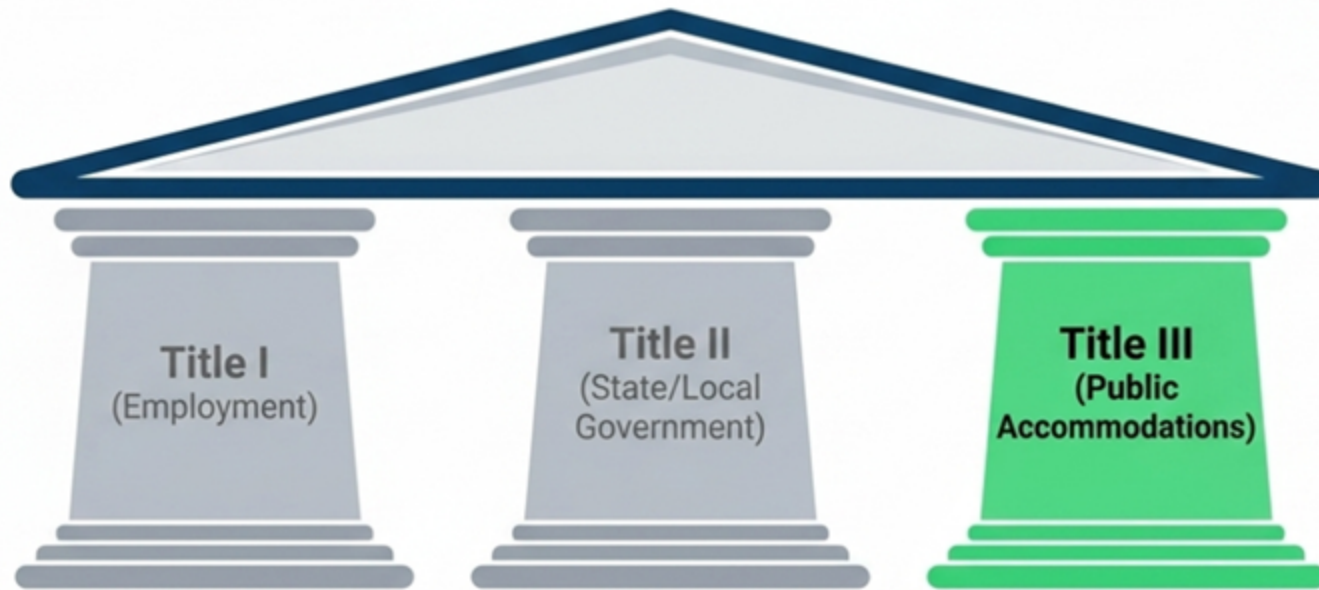


An Aging Nation: As this population ages, the acquisition of physical, visual, and auditory disabilities increases naturally.

The economic impact: People with disabilities and older adults represent roughly \$200 billion in discretionary spending power.

“Those of us fortunate enough to live old age will likely have one or more disabilities”

The Foundation: What is the ADA?



Civil Rights Law:

Federal Law passed in 1990 (updated with 2010 Standards) strictly prohibiting discrimination against individuals with disabilities.

Title III Scope:

Applies directly to private businesses serving the public-retail shops, restaurants, medical offices, and hotels.

Universal Reality:

Applies to nearly all public-facing businesses, regardless of the business's revenue size or the age of the building.



Navigating the Rules: Federal vs. California State Code

Core Principle: New construction and alterations must meet current standards; existing facilities must remove barriers when “readily achievable.”

USDOJ Federal Authority (ADA)

Governing Standard: 2010 ADA Standards for Accessible Design

Nature of Law: Baseline Civil Rights Law

Enforcement: DOJ and Federal Lawsuits

Key Difference: Broad access requirements

DSA State Authority (California)

Governing Standard: Title 24 / CBC 11B

Nature of Law: State Building Code & Unruh Civil Rights Act

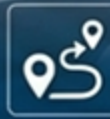
Enforcement: Local Building Departments and State Lawsuits

Key Difference: Often dictates stricter, more specific physical dimensions. Businesses must comply with both.

Where Businesses Typically fall Short



Parking: Accessible stalls, dimensions, markings, signage.



Path of Travel: Exterior routes, ramps, entrances, thresholds, doors.



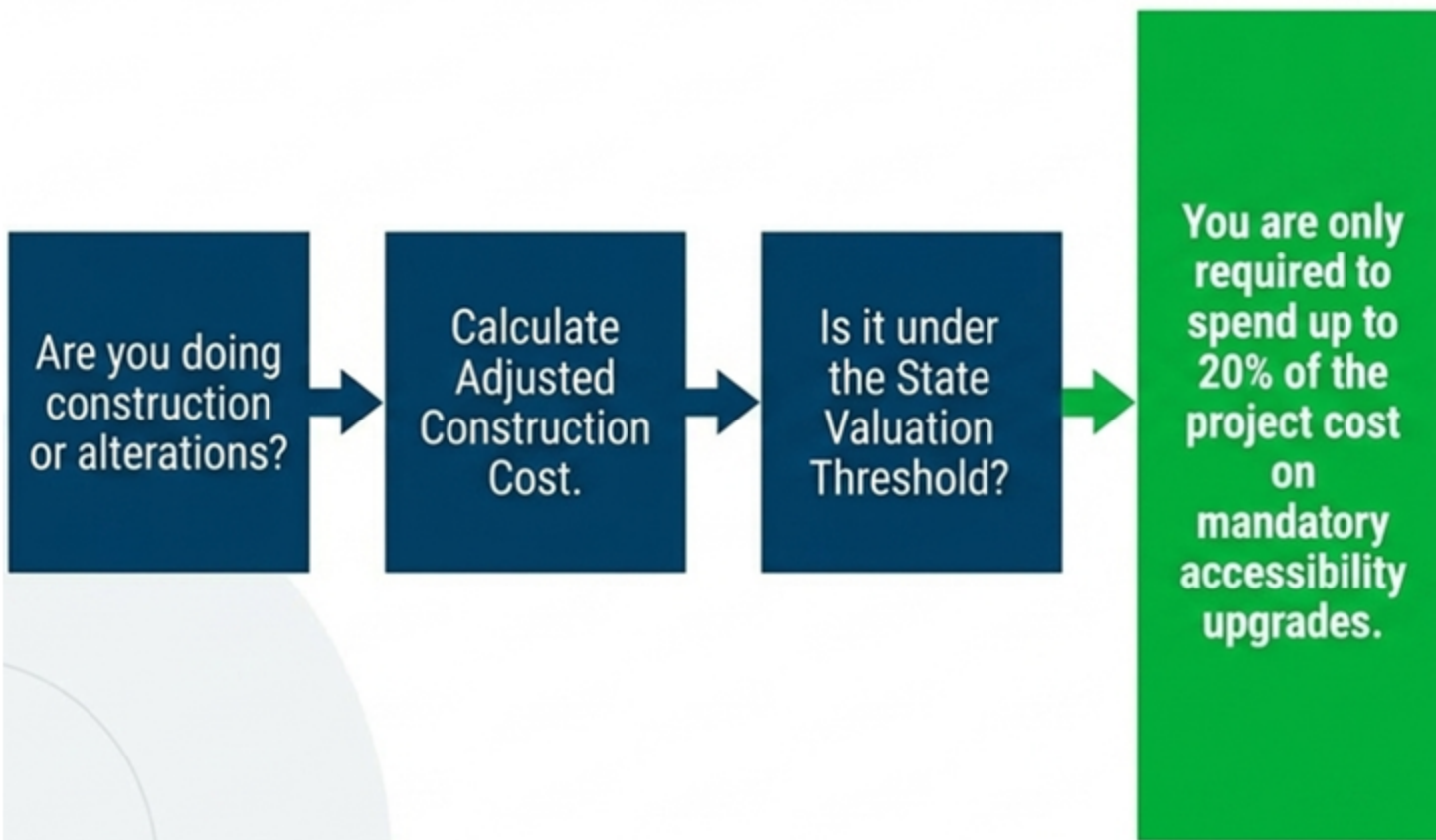
Restrooms: grab bars, wheelchair turning space, sink height, insulation.



Interiors: Accessible service counters, aisle width, tactile signage, seating.

Alterations & The 'Path of Travel' Rule

Context: When remodeling your business, you must upgrade the "Path of Travel" to the altered area.



Order of Priority for Upgrades:

1. An accessible entrance
2. An accessible route to the altered area
3. At least one accessible restroom for each sex
4. Accessible telephones
5. Accessible drinking fountains

Beyond Architecture: Operational Access

Altering basic business policies to ensure equal access.



Service Animals:

Permitting properly trained service dogs (or miniature horses) in all customer areas.



Direct Assistance:

Retrieving items from out-of-reach shelves, reading menus to customers, or assisting through narrow retail aisles.



Mobility Devices:

Allowing wheelchairs, scooters, and other power-driven mobility aids.



Staff Training:

Key Reminder: Not all disabilities are visible. Train staff to be accommodating, respectful, and proactive.

The Real Cost of Non-Compliance in California



Prevention: The Proactive Path

Cost of a CASp Inspection

Planned, budgeted facility upgrades

Peace of mind and "Qualified Defendant" status

Reaction: The High-Risk Path

- High volume of "drive-by" lawsuits in CA
- Statutory damages (\$4,000 per occurrence under Unruh Act)
- Plaintiff's legal fees + your defense costs
- Forced, rushed construction downtime

Five Steps for Business Accessibility - Overview

Your Roadmap to Inclusivity and Compliance

1. Assess

Identify current architectural and policy barriers (hire a CASp for a formal inspection).

5. Document

Maintain meticulous records or compliance records and re-evaluate periodically.



2. Prioritize

Rank fixes based on 'readily achievable' criteria and immediate customer impact.

4. Implement

Execute physical architectural fixes and update your staff training policies.

3. Plan

Design improvements utilizing the 2010 ADA Standards and CA Building Code.

Five Steps for Business Accessibility

Step 1

Get a Certified Access Specialist (CASp) Inspection

- Is a professional certified by the State of California to have specialized knowledge of state and federal construction-related accessibility standards.
- Can inspect a business for compliance issues, provide inspection report, and issue Disability Access Inspection Certificate identifying:

“Meets Applicable Standards” (No corrections)

OR


“Inspected by a CASp” (corrections need to be made)

- A CASp inspection provides legal benefits that may reduce a business' financial liability in a lawsuit filed in State court.
- Average cost for a small business CASp inspection is typically less than \$2,000. Expense is eligible for IRS credits/ deductions and some loan types.

Five Steps for Business Accessibility (Cont'd)

Step 2

Include Accessibility in the Business Plan

- Use the CASp inspection report to establish a reasonable compliance schedule – write schedule into the business plan.
 - Determine how much will be spent on compliance each year and incorporate that budget into the business plan; include savings plan for larger accessibility improvements.
 - Work on access improvements from the outside in. Top access violations relate to parking lots, pathways, and entryways.
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- IRS credits/deductions for access improvements. It may be helpful to phase large projects into two-years so that the credits and deductions can be maximized.

Five Steps for Business Accessibility (Cont'd)

Step 3

Check Lease Agreements

- Landlord is not required to have conducted a CASp inspection, however they must state on lease/ rental agreement whether or not the property has been inspected by a CASp.
 - If CASp has been performed, report must be provided to tenant prior to execution of agreement for the leased space and for the common areas.
 - Property owner may not prohibit a CASp inspection of the premises.
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- Lease agreement should state clearly the property owner's and tenant's responsibility for correcting accessibility violations and cost of making repairs.
 - Conduct a public records search to determine if the leased property is a subject of current or past access-related litigation.



Five Steps for Business Accessibility (Cont'd)

Step 4

Create and Accessibility Maintenance Program and File

- Create a maintenance schedule for checking accessibility – examples include clear pathways, door pressure, and other quick fixes.
- Train staff on disability etiquette, customer service, service animals, and accessibility.
- Document all efforts with dates, photos, and receipts. This is the legal defense and IRS credits/deductions backup

Step 5

Utilize Tax Benefits and Financial Resources

- Track all accessibility costs for tax credits and deductions annually.
- Use the Disabled Access Credit and Architectural Barrier Removal Tax Deduction.
- CalCAP/ADA Financing Program available for accessibility improvements.

Financial Incentives: Tax Credits & Deductions

Disabled Access Credit – Section 44 (for small businesses)



- Up to **\$5,000** tax credit
- Eligible for businesses with \leq **\$1** million in revenue or \leq **30** full-time employees
- Covers **50%** of eligible expenses (examples: removing architectural barriers, providing auxiliary aids)

Architectural/Transportation Barrier Removal Deduction – Section 190



- Up to **\$15,000 per year** deduction
- Available to businesses of any size
- Examples: building ramps, modifying parking, installing accessible restrooms



Additional Resources

Federal & State Resources

- Federal Guidance: ADA.gov [Small Business Primer](#)
- State Architect CASp Program: dgs.ca.gov/DSA
- CA Commission on Disability Access: dgs.ca.gov/ccda

Financial Tools

- IRS Tax Credits & Deductions: irs.gov
- CalCAP ADA Financing: treasurer.ca.gov/cpcfa/calcap/ada