

What is a Certified Access Specialist (CASp) Expert and Why Should My Park Hire One?



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Webinar Presented by:

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Who are John & Matt?



John Pentecost is the managing partner at Hart King with over 30 years of significant experience representing mobilehome communities. He has litigated numerous trials and has had extensive involvement in defending mobilehome communities—ranging from ground lease dispute issues, state and federal discrimination issues, failure to maintain actions, and Americans with Disabilities Act (ADA) matters.



Matt Steele is a certified access specialist who is a professional with over 20 years of comprehensive construction and inspection experience. Mr. Steele has worked with many government agencies and businesses nationwide. He has extensive knowledge and experience in the fields of ADA design and the implementation of accessible elements to guide clients through the construction and access projects.

What is a CASp?

- A Certified Access Specialist (CASp) is a professional who has passed an examination and has been certified by the State of California to have specialized knowledge of the applicability of state and federal construction-related accessibility standards.

Why Have a CASp Inspector?

- Having a business/property reviewed by a CASp helps prevent ADA/FHA housing claims. It also shows that the business owner cares about ensuring equal access for all tenants/guests. Having a CASp report shows intent to follow the law. A CASp knows which standards apply to a property based on the age of the facility and its history of improvements. While a licensed design professional, such as an architect or civil engineer, can provide an access compliance evaluation of a facility, only a CASp can provide services that offer “qualified defendant” status in a construction or housing related accessibility lawsuit.

Am I Required by Law to Hire a CASp?

- No. There is no law that requires a Park owner or ground lease tenant to hire a CASp. If you are a Park owner/operator, your election not to hire a CASp is not admissible to prove your lack of intent to comply with the ADA or California law.



Potential Liability Under ADA

- Can you afford an ADA lawsuit? Make sure your Park or business is ADA compliant.
- With a CASp inspection completed you are considered “qualified defendant.” As a “qualified defendant” statutory damages may be reduced to a minimum of \$1,000 for each occasion (visit) by the plaintiff if you can demonstrate that all construction-related violations that are the basis of a claim were corrected within 60 days of being served with the complaint.
- If you are found liable, you will be responsible for paying the plaintiff’s attorneys fees in addition to statutory damages.

What is Compliance?

- A person is denied full and equal access if the individual personally encountered a violation or if the individual was deterred from accessing a place of public accommodation. A denial of full and equal access includes instances where a person experienced difficulty, discomfort, or embarrassment because of the violation.



Questions?



Thank you!



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