

CERTIFIED ACCESS SPECIALIST

PROVIDING EQUAL ACCESS TO DISABLED PEOPLE

AN INTERVIEW WITH JANIS KENT BY YU-NGOK LO



Janis Kent, FAIA, CASp

is a licensed California architect and has been involved in the world of accessibility since the mid-1980s. She is designated a Subject Matter Expert by the California Division of the State Architect and a Certified Access Specialist. As the founding president of the Certified Access Specialist Institute (CASI), she steered the organization to serve both those in private practice and the public sector who are involved with access in the built environment. Additionally, she has been asked to speak on accessibility at a variety of venues, from the Dwell conventions in Los Angeles to Design DC in Washington to National AIA Conventions in Chicago, New Orleans, Atlanta, Orlando, and upcoming in New York City, and at a number of business associations and AIA chapters. Kent has provided quality control and surveyed numerous facilities for accessibility throughout the country, working with both owners and architects and building officials and code regulators. Her book, "ADA in Details," is a compilation of architectural details on accessibility and has recently been updated and expanded for current codes and federal regulations.

California has spent a tremendous amount of effort in providing equal access to individuals with disabilities. It is one of the few states that require continuing education (CE) on disability accessibility. Many of us who live in California would have heard about the Certified Access Specialist (CASp) program created under California Senate Bill 262. It is a program that certifies specialized professionals who have extended knowledge on access-related issues. The program is governed by Title 21 Voluntary Certified Access Specialist Program regulations. We reached out to a CASp and an access expert to talk about the program.

Yu-Ngok Lo (YL): Please tell us a little bit about the CASp program and how it works. What is a CASp?

Janis Kent (JK): The CASp program was originally set up by DSA to test individuals who have a more in-depth knowledge on access, both on the federal and state levels. People who meet the criteria are certified as CASps. The CCDA has made use of people that are CASps by allowing them to review buildings that are places of public accommodations and to issue state certificates about compliance. Some local agencies have tapped into the program by asking for a CASp to review projects for access for building permits or certificates of occupancy. Local agencies are required to have a CASp on staff or to engage a company that has CASps on staff since local building departments do not review for federal laws such as ADAS, UFAS, FHA.

YL: What are the benefits to the consumers/public? (For example, how does it prevent those lawyers who just go around and sue small businesses as a living?) What are the benefits for hiring a CASp?

JK: The program is not so much set up to "prevent lawsuits" but to prequalify people who have more knowledge about access. If a building owner has a CASp certificate in place and they adhere to their schedule of remediation, there is a measure of protection in state courts. Even if an owner/tenant does not get a certificate, by hiring a CASp and getting a report, they will have better understanding of what needs to be done to make their facility accessible. This can also be used in lease negotiations as well to delegate responsibility for public and common areas of a facility.

The statement "prevent those lawyers who go around and sue small businesses as a living" is not a statement I would ever use. This is what the TV, news, and owners say who do not have an understanding. The federal Department of Justice (DOJ) has set up the ADA standards for enforcement by lawsuit, and the only ones who can sue are those who are disabled and their companions who have been denied equal access. This is a civil rights issue.

Unfortunately, owners of older buildings and tenants are not knowledgeable about access, but they have an ongoing obligation under the law to make their facilities more accessible by removing barriers that are readily achievable. The intent is that this is an ongoing commitment, and over the years, all facilities should be accessible by now since ADA has been around for over 25 years. In law, not knowing the law and the required legal commitments is not a defense for noncompliance. Hence, we have a lot of buildings that still are not accessible. The disabled people who drive the lawsuits have to be able to have enough self-confidence to undertake a lawsuit, and many look at this as a full-time job that they do in order to help others who do not have the personality or wherewithal to do a lawsuit. This is how access is implemented in older buildings. In CA, we have many lawsuits, but we also have more access from what I have seen due to this.

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I think the better question to ask is how can we teach the public of their obligations under the ADA even if there is no construction? And how can we better educate architects, interior designers, landscape designers, civil engineers, and contractors to more fully understand the regulations so that drawings are also fully in compliance.

YL: California is already requiring architects to obtain five hour course credits once every two years as part of the license-renewal requirement. Do you think licensed architects are qualified to conduct building-accessibility inspections? Why do you think the CASp CERTIFICATION is necessary? Do architects need better understanding of access?

JK: In my opinion, architecture has gotten so complex that we no longer have the “master” architect of the preceding centuries. One of the roles of architects is to synthesize the knowledge and expertise of a team of specialists. Access has now gotten so complex that it really takes someone with architectural background to provide information and expertise on complex and even standard projects. From what I have seen, architects have knowledge of access in the same manner as we have knowledge of structures or HVAC or lighting or parking. But this is only enough to address it as an overview, not in-depth. A five-hour course every other year does not provide enough knowledge, although depending on the course, architects can glean more information. I would say this type of requirement should also be extended to interior designers, landscape designers, civil, contractors, etc. Architects who only do single-family homes really do not need this type of class, although it might help for the aging-inplace and lifelong-communities considerations.

YL: Do you think the CASp can be a model for architectural specialization nationwide? Can this program be made nationwide?

JK: Texas has its own program for about the same period of time that CA has had its CASp program. The program is called Texas Accessibility Standards (TAS) and the individuals are Registered Accessibility Specialists (RAS), and is set up differently in Texas. The RAS have a different type of authority than the CASp have in California. I do not think that the CASp program is something that can be extended nationwide, but I do think other states are or should be setting up something similar to RAS or CASp. ■