



KATY TANG
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SUPERVISOR KATY TANG INTRODUCES LEGISLATION TO CREATE CITYWIDE PROGRAM TO ADDRESS ACCESSIBILITY ISSUES IN PLACES OF PUBLIC ACCOMMODATION

Buildings with Places of Public Accommodation will be required to take steps to ensure that primary entries are usable by persons with disabilities under new city program

Days after the City kicked off celebrations for the 25th Anniversary of the signing of the Americans with Disabilities Act (ADA), Supervisor Katy Tang introduced legislation on Tuesday that would create a new program requiring owners of a building with a place of public accommodation to take steps to ensure that primary entries are usable by persons with disabilities.

“It is incredibly important that all places of public accommodation in San Francisco provide access for persons from all communities, including persons with disabilities,” said Supervisor Tang. “We designed a new citywide program that would help us achieve this goal, while making the requirements feasible for property owners.”

The legislation, which is largely modeled after the City’s successful Soft Story Retrofit program, divides buildings into four categories. Based on the category that a building falls under, the program sets a compliance schedule for three main requirements: 1) submitting a compliance and checklist (within 12-30 months); 2) filing an application for required building permits (if necessary; within 15-33 months); and 3) obtaining required building permits (if necessary; within 18-36 months). Property owners will then have 18 months after obtaining building permits to complete the work.

The legislation will also empower the Access Appeals Commission to make determinations of equivalent facilitation, technical infeasibility, extensions of time, and other matters. This formal documentation is important, as many property owners and/or businesses who attempt to make accessibility improvements often have difficulties given the historic nature of a building or the surrounding topography.

It will also require the Department of Building Inspection (DBI) to create a Disability Access Compliance Unit to enforce these provisions and consult and coordinate with relevant City agencies to assist owners in complying.



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“This proposed ordinance enhances access to the goods and services offered by our small business owners for persons with disabilities,” said Tom Hui, Director of the Department of Building Inspection. “This ordinance’s citywide approach will ensure that buildings be designed to be accessible for all persons to enter and travel safely within the businesses.”

Title III of the ADA requires that Places of Public Accommodation operated by private entities be accessible to persons with disabilities. The law firm Seyfarth Shaw LLP reported that there was a 63 percent increase in ADA Title III lawsuits filed across the country against public accommodations in 2014 for a total of 4,436 lawsuits filed. The number of lawsuits was especially high in California, with 1,866 lawsuits filed. These lawsuits are often filed by serial litigators---in California, a plaintiff named Martin Vogel filed 124 suits.

“We hope that San Francisco will set a strong example across the nation through this first-of-its-kind program, ensuring that business establishments provide full and equal accommodations, advantages, facilities, and services to everyone,” said Supervisor Tang.

Any questions about the legislation should be directed to Supervisor Tang’s office at 415-554-7460 or Katy.Tang@sfgov.org

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