
Ordinance amending the Building Code to extend the time for existing buildings with a place of public accommodation to comply with the requirement to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, to extend the period for granting extensions from those deadlines, and to extend the time for the Department of Building Inspection’s Report to the Board of Supervisors.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) Pursuant to Charter Section D3.750-5, the Building Inspection Commission considered this ordinance at a duly noticed public hearing held on February 13, 2020.

(b) Chapter 11D of the Building Code requires the owner of an existing building with a place of public accommodation to have the building inspected for compliance with accessible entry and path of travel requirements. If the building is not in compliance, the owner must either bring the building into compliance or obtain a finding from the City of equivalent facilitation, technical infeasibility, or unreasonable hardship. Table 1107D sets forth deadlines for the four compliance categories to submit specified information to DBI, file an
application for any required building permits, and obtain the required building permits. All
mandated work must be completed within the time periods specified in the Building Code for
building permits unless an extension of time is granted pursuant to Section 1108D.

(c) Under the Building Code, property owners are responsible for compliance with
Code requirements notwithstanding any leases that may shift some of the burden of
compliance onto the tenants. Many, if not all, of the buildings subject to the Chapter 11D
requirements have multiple leased spaces many of which are operated by small businesses
without a lot of financial resources. This ordinance will extend for an additional six months all
compliance deadlines to resolve compliance issues for those owners who missed past
deadlines and to give building owners and tenants more time to resolve any compliance
issues going forward.

Section 2. The Building Code is hereby amended by revising Section 1107D, to read
as follows:

Chapter 11D
MANDATORY ACCESSIBILITY IMPROVEMENTS FOR BUILDINGS WITH A PLACE
OF PUBLIC ACCOMMODATION
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*
SECTION 1107D – COMPLIANCE SCHEDULE; OPTION TO COMPLY WITH CURRENT
CODE REQUIREMENTS

The times for compliance with the requirements of this Chapter 11D are set forth in the
following Table 1107D. The Owner of a building within the scope of this Chapter must submit
all required forms, documents, and permit applications to the Department prior to the
deadlines set forth in Table 1107D but may comply with the requirements of this Chapter 11D,
or elect to comply with the requirements and procedures of the Building Code then in effect, at any time prior to the deadlines set forth in Table 1107D.

TABLE 1107D
COMPLIANCE SCHEDULE

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Submit compliance Checklist and specify compliance Option</th>
<th>File application for required building permit(s)</th>
<th>Obtain required building permit(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category One</td>
<td>In compliance</td>
<td>January September 1, 2020 2019</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category Two</td>
<td>No steps but barriers</td>
<td>January September 1, 2020 2019</td>
<td>April December 1, 2020 2019</td>
<td>April September 1, 2021 2020</td>
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<tr>
<td>Buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category Three</td>
<td>One step with barriers</td>
<td>June September 1, 2020 2019</td>
<td>September December 1, 2020 2019</td>
<td>September 1, 2021 2020</td>
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<tr>
<td>Buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category Four</td>
<td>1+ step with other barriers</td>
<td>December September 1, 2020 2019</td>
<td>March December 1, 2020</td>
<td>March September 1, 2021</td>
</tr>
<tr>
<td>Buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Pursuant to Section 1106D.4, all mandated work must be completed within the time periods specified in Section 106A.4.4 of this Code for Permit Expiration unless an extension of time of time is granted pursuant to Section 1108D

SECTION 1108D – EXTENSIONS OF TIME

(a) For good cause shown, the Building Official may grant one extension of time for up to six months from the compliance timelines in Table 1107D. For good cause shown, one or more additional extensions of time may be granted by the Access Appeals Commission pursuant to Section 1110D; provided, however, that in no event shall the Commission extend the time to complete the mandatory work required by this Chapter 11D beyond December June 1, 2023 2024. The Commission’s decision shall be final.
SECTION 1113D – COORDINATION WITH OTHER CITY AGENCIES; REPORT TO THE
BOARD OF SUPERVISORS

1113D.2. Report to the Board of Supervisors. After consultation and coordination with
other appropriate City departments and agencies, on or before December January 1, 2022
the Department shall submit a report in writing to the Board of Supervisors concerning the
effectiveness of this Chapter 11D and including recommendations, if any, for amendments to
this Chapter. A progress report shall be submitted to the Board of Supervisors once a year
thereafter until completion of this Chapter’s disability access improvement program.

Section 3. Effective Date. This ordinance shall become effective 30 days after
enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
of Supervisors overrides the Mayor’s veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: JUDITH A. BOYAJIAN
Deputy City Attorney
Ordinance amending the Building Code to extend for the time for existing buildings with a place of public accommodation to comply with the requirement to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, to extend the period for granting extensions from those deadlines, and to extend the time for the Department of Building Inspection’s Report to the Board of Supervisors.

March 30, 2020 Land Use and Transportation Committee - RECOMMENDED

April 07, 2020 Board of Supervisors - PASSED ON FIRST READING
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

April 14, 2020 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/14/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor