[Building Code - Deadlines for Disability Access Improvements for Places of Public Accommodation]

Ordinance amending the Building Code to extend the deadlines 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 regarding the disability access improvement program.

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 4.121, the Building Inspection Commission considered this ordinance at a duly noticed public hearing held on October 18, 2023.

(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 applicable to the four compliance categories (Category One Buildings, Category
Two Buildings, Category Three Buildings, and Category Four Buildings) for submitting
specified information to the Department of Building Inspection (DBI), filing an application for
any required building permits, and obtaining 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 substantial financial resources. This ordinance will extend for approximately two years
from current deadlines all compliance deadlines, in order 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.

(d) No local findings are required under California Health and Safety Code Section
17958.7 because the amendments to the Building Code contained in this ordinance do not
regulate materials or manner of construction or repair, and instead relate in their entirety to
administrative procedures for implementing the code, which are expressly excluded from the
definition of a "building standard" by California Health and Safety Code Section 18909(c).

Section 2. Chapter 11D of the Building Code is hereby amended by revising Sections
1107D, 1108D, and 1113D (specifically, Section 1113D.2), to read as follows:

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>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Submit compliance</th>
<th>File application</th>
<th>Obtain required building permit(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category One Buildings</td>
<td>In compliance</td>
<td>June 30, 2023-2024</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Category Two Buildings</td>
<td>No steps but barriers</td>
<td>June 30, 2023-2024</td>
<td>December 31, 2023</td>
<td>September 29, 2023-2025</td>
</tr>
<tr>
<td>Category Three Buildings</td>
<td>One step with barriers</td>
<td>June 30, 2023-2024</td>
<td>December 31, 2023</td>
<td>September 29, 2023-2025</td>
</tr>
<tr>
<td>Category Four Buildings</td>
<td>1+ step with other barriers</td>
<td>June 30, 2023-2024</td>
<td>December 31, 2023</td>
<td>September 29, 2023-2025</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 June 30, 2028. The Commission’s decision shall be final.

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SECTION 1113D – COORDINATION WITH OTHER CITY AGENCIES; REPORT TO THE BOARD OF SUPERVISORS

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1113D.2. Report to the Board of Supervisors. After consultation and coordination with other appropriate City departments and agencies, on or before January 31, 2024-2026, 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.

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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:
DAVID CHIU, City Attorney

By: /s/ Peter R. Miljanich
PETER R. MILJANICH
Deputy City Attorney
Ordinance amending the Building Code to extend the deadlines 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 regarding the disability access improvement program.

March 25, 2024 Land Use and Transportation Committee - DUPLICATED

March 25, 2024 Land Use and Transportation Committee - RECOMMENDED

April 02, 2024 Board of Supervisors - PASSED ON FIRST READING
   Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

April 16, 2024 Board of Supervisors - FINALLY PASSED
   Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 231005

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/16/2024 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved

4/26/24