

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 4/23/2018)

[Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines - Deletion of Administrative Fee]

Ordinance amending the Building Code to extend the times for existing buildings with a place of public accommodation either 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; to extend the time to submit the Department of Building Inspection's report on the disability access improvements program to the Board of Supervisors; authorizing the Building Official to waive the requirements for an inspection and submittal of information for those building owners who have complied with the requirements under other permits; requiring the building owner to provide 30 days' written notice to business tenants if a permit is required to remediate the entryway or sidewalk; eliminating the administrative fee to implement the disability access improvement program; restating the findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

Existing Law

Chapter 11D of the Building Code establishes a timeline for the owner of an existing building with a place of public accommodation to (1) have the building inspected for compliance with disability access requirements and (2) either have a Primary Entry or Entries and Accessible Entrance Route into the building that is usable by persons with disabilities or obtain a finding from the City that there is equivalent facilitation, compliance is technically infeasible, or compliance is an unreasonable hardship. Section 1108D provides that in no event shall the Access Appeals Commission grant an extension of time to comply beyond seven years from Chapter 11D's effective date. Section 1113D requires the Department of Building Inspection to submit within two years of Chapter 11D's effective date a written report to the Board of Supervisors on the effectiveness of Chapter 11D and any recommendations for amendments.

Amendments to Current Law

The ordinance, as introduced, extends for approximately six months the time for the owner's compliance with the disability access improvement requirements. Also extended by an additional six months is the time for the Department of Building Inspection to submit a written report to the Board and the limitation on granting extensions of time to comply. The Administrative Fee for implementation of the disability access improvement program is deleted.

The following additional changes have been included in the revised ordinance:

SECTION 1102D – DEFINITIONS

- The definition of “Place of Public Accommodation” in the Building Code replaces the one in the California Construction-Related Accessibility Compliance Act.
- The Building Code’s definition of “Unreasonable Hardship” is supplemented to authorize the Director of the Department of Building Inspection (“DBI”) or the Access Appeals Commission (where necessary and for purposes of Chapter 11D only) to use applicable criteria in the Americans with Disabilities Act for determining what is an Undue Hardship or is Readily Achievable.

SECTION 1103D – COMPLIANCE CATEGORIES

Two subcategories have been added to Category One for buildings where the owners elected (pursuant to Section 1107D) to comply with the requirements of Chapter 11D under other permits prior to the compliance deadlines.

SECTION 1104D – INSPECTION AND SUBMISSION OF PRIMARY ENTRY COMPLIANCE CHECKLIST

An Exception has been added for the two additional Category One subcategories that authorizes the Director of DBI to waive the requirement of an inspection and submittal of the Checklist if the Director determines that an inspection or documents submitted under other permit applications are the equivalent of the inspection and checklist submittal requirements of Chapter 11D.

SECTION 1106D – BUILDING PERMIT REQUIRED; INSPECTION AND COMPLETION OF WORK; VALUATION APPLIED TO FUTURE PROJECTS

The owner is required to provide written notice to the business tenant(s) of the building a minimum of 30 days’ prior to filing an application for a permit to remediate the entryway or the sidewalk.

n:\legana\as2018\1800504\01269075.docx