

REVISED LEGISLATIVE DIGEST

(7/17/2012, Substituted in Board)

[Administrative, Campaign and Governmental Conduct Codes - Obligations of Landlords and Small Business Tenants for Disability Access Improvements]

Ordinance amending the San Francisco Administrative Code by adding Chapter 38, Sections 38.1 through 38.6, and amending San Francisco Campaign and Governmental Conduct Code Section 3.400, all to require commercial landlords leasing properties to small businesses for use as public accommodations to: 1) bring public restrooms, ground floor entrances to, and exits from, the building into compliance with applicable state and federal disability access laws or to disclose to tenants any noncompliance; 2) inform small business tenants of potential legal and financial liabilities for failure to comply with those laws; 3) include in any new or amended leases a provision addressing the respective obligations of the landlord and small business tenant to bring the leased premises into compliance with those access laws; and 4) to require the City to give priority to building permit applications for work to bring space leased to small business tenants into compliance with those access laws, and making environmental findings.

Existing Law

The Administrative Code does not require commercial landlords to complete any disability access improvements as a prerequisite to leasing, or renewing leases with small business tenants for, real property or to notify small business tenants whether such improvements are complete. Nor does the Administrative Code require commercial landlords to notify small business tenants of potential legal and financial liabilities for failure to make required access improvements or require commercial leases to address the parties' respective disability access obligations. In addition, the Campaign and Governmental Conduct Code does not expressly state that disability access improvements constitute a public policy basis for priority processing.

Amendments to Current Law

Under the proposed Ordinance, commercial landlords, prior to entering or renewing a lease with a small business tenant, must either (1) bring any public restrooms and ground floor entrances and exits into compliance with applicable disability access laws or (2) notify their tenants of the commercial landlord's failure to do so. Commercial Landlords must also notify Small business tenants of potential liabilities for failure to comply with those laws, and include in any lease the parties' respective disability access obligations. This Ordinance applies to new or amended Small Business Leases of property of 7,500 to 5,001 square feet beginning January 1, 2013 and to new or amended Small Business Leases of property of 5,000 square feet of space or less beginning June 1, 2013.

The Ordinance would allow the appropriate City departments to grant priority processing to building permit applications for disability access improvements by Commercial landlords and small businesses.