

## ACCESSIBLE BUSINESS ENTRANCE PROGRAM: A GUIDE FOR SMALL BUSINESS OWNERS

### BACKGROUND

San Francisco is a city with many hills, steep streets, narrow sidewalks and stock of small, old mixed-use buildings. As a result, the build environment means many entryways are not compliant with federal and state disability access requirements. Through the Accessible Business Entrance Program (Ordinance 51-16), the City and County of San Francisco is taking a step forward in helping property owners better comply with Federal and State disability access laws and ensuring the civil rights of individuals with disabilities are upheld.

An interagency group is collaborating to streamline processes for complying with the ordinance and other construction-related disability access laws. As a building code addition, the group is directed by Department of Building Inspection (DBI) in consultation with the Planning Department for historic preservation, San Francisco Public Works for sidewalk modifications, Access Appeals Commission for unreasonable hardship and technical infeasibility requests, Mayor's Office on Disability for expertise in disability access standards and Office of Small Business for assistance to businesses on ADA and accessibility requirements.

Per Section 1113D.1 of Ordinance No. 51-16, the interagency group will, "develop and implement (1) outreach tools, (2) pre-screening procedures, (3) methods to streamline the process, (4) proposed Code revisions, and (5) administrative bulletins, brochures, checklists, and guidelines or other documents to implement the purpose and objectives" of the ordinance."

### PROGRAM OVERVIEW AND COMPLIANCE

- The Accessible Business Entrance Program was created by [Ordinance No. 51-16](#) (Mandatory Disability Access Improvement), passed by the Board of Supervisors in April 2016, effective May 22, 2016. The program requires property owners of buildings with places of public accommodation to make primary entrances and entrance routes into the building accessible to people with disabilities.
- Barriers to accessible entrances includes one or more steps to the entryway, door handles requiring grasping or twisting of the wrist, sloping or narrow doorway and uneven flooring.
- Compliance is the responsibility of the property owner. The property owner must complete and submit to Department of Building Inspection the [Category Checklist Compliance Form](#) in consultation with a Certified Access Specialist (CASP), licensed architect or engineer.

## PROGRAM OVERVIEW AND COMPLIANCE (CONT.)

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- There are four exemptions to the ordinance: (1) Buildings built on or after 2002; (2) Buildings or businesses owned and operated by religious organizations; (3) “Bona fide” private clubs; and (4) Buildings without places of public accommodation. DBI’s [Pre-Screening Form](#) is required for property owners to document and verify that their building is exempt.
- A place of public accommodation is a facility whose operations affect commerce and fall within one of the following 12 categories.

Places of Public Accommodation	
1. Places of lodging (hotels).	7. Public transportation terminals, depots, or stations.
2. Establishments serving food or drink (restaurants, bars).	8. Places of public display or collection (museums, libraries).
3. Places of exhibition or entertainment (theaters, concert halls, stadiums).	9. Places of recreation (parks, zoos).
4. Places of public gathering (auditoriums, convention centers).	10. Places of education (schools).
5. Sales or rental establishments (bakeries, hardware stores).	11. Social service center establishments (day care centers, food banks).
6. Service establishments (laundromats, beauty salons, gas stations).	12. Places of exercise or recreation (gyms, health spas).

- For help determining whether your business is a place of public accommodation, review the [ADA Title III Technical Assistance Manual](#) or call the Department of Justice ADA line at 1-800-514-0301.
- If the property owner is unable to fix the entrance due to unreasonable hardship, a building permit may be submitted to DBI and will require approval by a Plan Reviewer and ratification by the Access Appeals Commission. Non-structural technical infeasibilities may be approved by DBI. For unreasonable hardships and technical infeasibilities, an alternate method of providing goods and services to persons with disabilities is required.
- Property owners should review DBI’s [Information Sheet DA-17](#) and webpage: <http://sfdbi.org/businessentrance> and contact DBI directly for assistance: in-person at 1660 Mission Street, 1st Floor, Window #8, by phone (415) 558-6128 or by email [dbi.businessentrance@sfgov.org](mailto:dbi.businessentrance@sfgov.org).

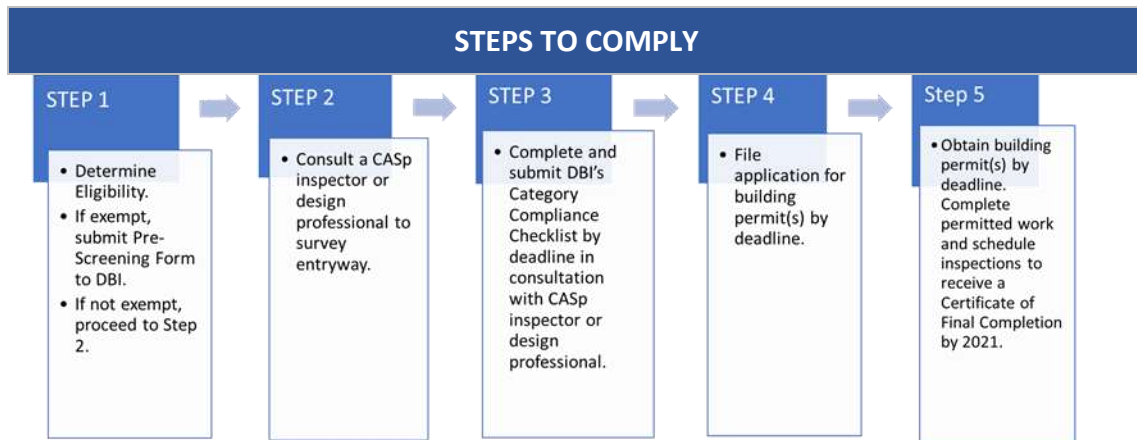
**PROGRAM OVERVIEW AND COMPLIANCE (CONT.)**

- Buildings fall into one of four categories ranging from fully accessible to major barriers to entry. Property owners are responsible for meeting the following compliance schedule and steps to comply.

CATEGORY COMPLIANCE LEVEL	
Category I	Building entrance has no steps, no barriers and is in compliance.
Category II	Building entrance has no steps, but has minor barriers. <ul style="list-style-type: none"> <li>• Businesses are encouraged to conduct a self-assessment of the primary entryway: Doorway size is at least 36" wide and 6'8" in height; Door hardware operable with one hand, single motion, no grasping or twisting of the wrist; Door hardware is between 30" and 44" above the floor on both sides of the door; Level landings on both sides of the door.</li> </ul>
Category III	Building entrance has one step.
Category IV	Building entrance with more than one step and other major barriers to the entry.

CATEGORY COMPLIANCE SCHEDULE*			
Category	Submit compliance checklist and specify option	File application for required building permit(s)	Obtain required building permit(s)
Category I	January 1, 2019	N/A	N/A
Category II	January 1, 2019	April 1, 2019	April 1, 2020
Category III	June 1, 2019	September 1, 2019	September 1, 2020
Category IV	December 1, 2019	March 1, 2020	March 1, 2021

*\*This schedule has been revised to reflect amended legislation which extended the compliance deadlines.*



## PROGRAM OVERVIEW AND COMPLIANCE (CONT.)

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- Property owners must provide 30 days' written notice to the business tenant if a building permit is required to alter the entryway or sidewalk.
- For information regarding alterations to commercial storefronts, including those over fifty years old, please consult SF Planning's [Checklist to Alterations to Commercial Storefront for Accessibility](#). For questions, contact Preservation Planner Michelle Langlie at [michelle.langlie@sfgov.org](mailto:michelle.langlie@sfgov.org) or 415-575-8765.
- Property owners must consult with San Francisco Public Works, Bureau of Street Use and Mapping for guidance regarding sidewalk modifications and encroachments to the public right-of-way. Contact [SF Public Works](#) at 1155 Market Street, 3<sup>rd</sup> Floor or call 415-554-5810.
- For a list of CASp inspectors serving San Francisco, visit OSB's resource, "[Database of CASp inspectors Serving San Francisco](#)." It is important to shop around to find one that fits your needs and budget. Further, this person must be knowledgeable with San Francisco Building Code (DBI) historic preservation (Planning Department) and sidewalks modifications (SF Public Works). Many licensed design professionals skilled in other areas may not be familiar with the intricacies of complying with disability access laws. *Note: View OSB's "Selecting a CASp Inspector" resource on our ADA Resources webpage.*

## OUTREACH AND EDUCATION

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- Department of Building Inspection mailed an initial notice in late November 2017 and a second notice in March 2018 to property owners using information from Office of the Assessor-Recorder. The notice was sent to owners of commercial and residential buildings. Property owners of commercial properties, including mixed-use buildings with places of public accommodation are required to comply. Residential buildings (with no commercial tenants or public accommodations) must submit the Pre-Screening Form to DBI and select exemption #4 indicating the building is not a place of public accommodation.
- The interagency working group is conducting informational workshops for property owners, small businesses, design professionals and other stakeholders. Visit DBI's [webpage](#) to learn about upcoming workshops.
- The Office of Small Business is hosting workshops for small businesses on the small business perspective of the ordinance, legal implications of local, state and federal disability laws and financial and legal resources available to small businesses. Visit OSB's [website](#) for information about upcoming workshops.

## SMALL BUSINESSES AND TENANTS

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- This ordinance was created, in part, due to the rise in “drive-by” ADA lawsuits brought to San Francisco small businesses with visible access barriers, such as a step to the entryway. By hiring with a Certified Access Specialist (CASP) inspector to survey the premises and following the CASP’s recommendations for barrier removal, the business will reduce its exposure to access lawsuits and gain certain protections during litigation.
- Small businesses owners and tenants should contact the Office of Small Business for assistance regarding financial and legal resources: in-person at City Hall Room 110, by phone 415-554-6134 or by email [sbac@sfgov.org](mailto:sbac@sfgov.org). Visit OSB’s program webpage: <http://sfosb.org/accessible-business-entrance-program>.
- Small businesses are advised to review their lease agreements for accessibility and code compliance provisions. Consult with a commercial lease advisor or ADA attorney for help. Contact the Office of Small Business for help in securing legal assistance.
- Although this ordinance is the responsibility of the property, accessibility of the business is ultimately a shared responsibility between the property owner and tenant. Small businesses can go a long way toward minimizing risk and limiting exposure to lawsuits by taking proactive steps to assess the inside of their business for barriers. Businesses should create a roadmap to accessibility starting with consulting a CASp inspector and remediating any areas of non-compliance. The worst thing for a business to do is nothing. The majority of people who sue for ADA non-compliance are serial litigants and drive-by lawsuits who generally sue for readily achievable upgrades. Visit OSB’s ADA resources webpage for information: <http://sfosb.org/ada-resources-your-small-business>.

CONTACT INFORMATION	
<p><b>Department of Building Inspection</b>  ABE Webpage: <a href="http://sfdbi.org/businessentrance">http://sfdbi.org/businessentrance</a>  Information Sheet DA-17:  <a href="http://sfdbi.org/sites/default/files/IS%20DA-17.pdf">http://sfdbi.org/sites/default/files/IS%20DA-17.pdf</a></p> <p>1660 Mission Street, 1st Floor, Window #8  San Francisco, CA 94103  Phone: (415) 558-6128  Email: <a href="mailto:dbi.businessentrance@sfgov.org">dbi.businessentrance@sfgov.org</a></p>	<p><b>Planning Department</b>  Planning Information Center (PIC)</p> <p>1660 Mission Street, 1st Floor  San Francisco, CA 94103  Phone: (415) 575-8765  Email: <a href="mailto:michelle.langlie@sfgov.org">michelle.langlie@sfgov.org</a>  Website: <a href="http://sf-planning.org">http://sf-planning.org</a></p>
<p><b>Access Appeals Commission</b>  Department of Building Inspection</p> <p>1660 Mission, 1st Floor  San Francisco, CA 94103  Phone: (415) 558-6110  Website: <a href="http://sfdbi.org/access-appeals-commission">http://sfdbi.org/access-appeals-commission</a></p>	<p><b>San Francisco Public Works</b>  Bureau of Street-Use &amp; Mapping Permit Section</p> <p>1155 Market Street, 3rd Floor  San Francisco, CA 94103  Permit processing hours: 7:30am-4:00pm  Office hours: 8:00am-5:00pm  Phone: (415) 554-5810  Website: <a href="http://sfpublicworks.org/services/permits">http://sfpublicworks.org/services/permits</a></p>
<p><b>U.S. Department of Justice (Federal)</b></p> <p><a href="#">ADA Business Connection</a>  <a href="#">ADA Guide for Small Businesses</a>  Phone: Talk to an ADA Specialist: 800-514-0301  Website: <a href="http://www.justice.gov">http://www.justice.gov</a></p>	<p><b>Mayor's Office on Disability</b></p> <p>1155 Market Street, 1st Floor  San Francisco, CA 94103  Phone: (415) 554-6789  Email: <a href="mailto:mod@sfgov.org">mod@sfgov.org</a>  Website: <a href="http://sfgov.org/mod">http://sfgov.org/mod</a></p>
<p><b>Office of Small Business</b></p> <p>ABE Webpage: <a href="http://sfosb.org/accessible-business-entrance-program">http://sfosb.org/accessible-business-entrance-program</a>  ADA Resources: <a href="http://sfosb.org/ada-resources-your-small-business">http://sfosb.org/ada-resources-your-small-business</a></p> <ul style="list-style-type: none"> <li>• Database of CASp inspectors Serving SF.</li> <li>• Selecting a CASp Inspector.</li> <li>• Laws that Govern Access Requirements--Federal, State, Local.</li> </ul> <p>City Hall, Room 110  1 Dr. Carlton B. Goodlett Place  San Francisco, CA 94102  Phone: 415-554-6408  Email: <a href="mailto:rhea.aguinaldo@sfgov.org">rhea.aguinaldo@sfgov.org</a>  *Consultation by walk-in, appointment or by phone 8:00am-5:00pm, Monday-Friday.</p>	

6/27/2018