

A new ordinance has been passed to enable persons with disabilities to gain greater physical access to the goods and services offered throughout the City, and help owners to better comply towards their obligations under the federal and state statutes.

Ordinance No. 51-16, effective May 22, 2016, requires any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship.

A Place of Public Accommodation* is generally a business where the public will enter the building to obtain goods and services, such as:

- Banks
- Health Clubs
- Offices
- Restaurants
- Theaters
- Day Care Center
- Hotels
- Repair Shops
- Retail Stores
- and more...

**Defined in Section 55.52 of the California Construction-Related Accessibility Compliance Act and 42 USC Section 12181(7) of the Americans with Disabilities Act of 1990, as those Acts are amended from time to time.*

Frequently Asked Questions

1. When do I have to comply?

It will depend upon what category the primary entry falls into. Please see the compliance schedule.

2. How do I find a design professional or a Certified Access Specialist (CASp) inspector?

On the website, you will find links to American Institute of Architects, Division of the State Architect, and other organizations that maintain lists of design professionals and CASp inspectors. Additional information may be found on the Office of Small Business website: sfosb.org/ada-resources-your-small-business.

3. How much will this cost?

Depending upon the scope of work, the cost will vary. An administrative fee is required upon checklist submittal. The cost of permit (if required) will be based on various agencies fees.

4. What if I can't afford to do the work?

If the owner can show that he complies with the elements of an "unreasonable hardship", he may be granted an unreasonable hardship by the Department that will require ratification by the Access Appeals Commission. For various sources of financial assistance, please contact Office of Small Business (415)554-6134.

5. What if I can't fix the entry, am I done?

The ordinance requires you to document a technical infeasibility or unreasonable hardship and provide an approved alternate method of providing the goods and services that can be accomplished reasonably. We will list many such options in our booklet and advice is available from the Access Appeals Commission.

6. Who is responsible for paying for this?

Under the building code, it is the owner of the building who is legally responsible for complying with any code requirements. This ordinance does not interfere with any contractual obligations and negotiations between the owner and lessee(s) with respect to who pays for the upgrades.



What You Should Know About Accessible Business Entrance Program



Department of Building Inspection
1660 Mission Street San Francisco, CA 94103
Tel: (415) 558-6088 | Fax: (415) 558-6401
sfdbi.org | [Facebook](https://www.facebook.com/sfdbi) [Twitter](https://twitter.com/sfdbi) @sfdbi

Compliance Category

Buildings will either be exempted or listed into one of four categories and compliance will be required depending on which category the building falls under.

- Exempt Newly constructed buildings on or after January 1, 2002.
- Category I. Building entrance has no steps and is compliant with the requirements of the ordinance.
- Category II. Building entrance has no steps, but there are barriers such as non-compliant hardware, door opening clear width, lack of maneuvering space and sloped landings not exceeding 8.33% (1:12).
- Category III. Building entrance has one step.
- Category IV. Building entrance with more than one step and/or other major barriers.

Compliance Schedule

All categories are required to submit a compliance checklist. After submittal of the checklist, categories II, III, and IV will have 90 days to submit any required permits and must obtain the issued permit within one year thereafter; extensions will be granted for reasonable delay. All work must be completed within six years from the effective date of the ordinance.

Compliance Category	Submit compliance checklist & specify compliance option	File application for required building permit(s)	Obtain required building permit(s)
I	May 22, 2017	N/A	N/A
II	May 22, 2017	August 22, 2017	August 22, 2018
III	May 22, 2018	August 22, 2018	August 22, 2019
IV	November 22, 2018	February 22, 2019	February 22, 2020

Difficult Situations and Guidance

In situations where removing barriers to the building proves to be infeasible or unreasonable, the ordinance requires the owners provide an alternate method of ensuring that persons with disabilities can access the goods and services offered. Technical infeasibilities may be approved by DBI. Unreasonable hardships may be approved by DBI, but must be ratified by the Access Appeals Commission.

DBI in collaboration with Planning, Public Works and Office of Small Business will publish design guidelines outlining options for compliance and example methods of technical infeasibilities and equivalent facilitations. The Access Appeals Commission will assist owners in solving difficult situations and offer guidance to any owner who request such.

Exemptions

Newly constructed buildings with permit application (Form #1/2) dated on or after January 1, 2002 do not need to comply to this ordinance. Owners of buildings that are exempted will only be required to email (dbi.businessentrance@sfgov.org) the permit application number under which the building was constructed.

Steps to Compliance

Step 1: Visit the website at sfdbi.org/businessentrance for guidance to determine which compliance category or if exempted from the program.

Step 2: Contact a California licensed designed professional or CASp inspector.

Step 3: In conjunction with the design professional or CASp inspector, obtain the necessary compliance checklist sfdbi.org/businessentrance to fill out and submit by date stated on compliance schedule.

Step 4: Obtain any required permits by date on compliance schedule.

Step 5: Complete permitted work and schedule inspections to receive Certification of Final Completion.

For additional information:

- Phone: (415) 558-6205
- Email: dbi.businessentrance@sfgov.org
- Website: sfdbi.org/businessentrance

