



Director's Report to the Mayor's Disability Council (MDC)
August/September 2023
Nicole Bohn, Director
Mayor's Office on Disability

Today's Director's Report to the Mayor's Disability Council (MDC) provides a snapshot of some of the core issues that the Mayor's Office on Disability (MOD) has been engaged with since the most recent public hearing of the MDC. The Council is encouraged to follow up on [any of the items presented today](#). Along with this, items for future agenda consideration are provided.

MOD's 2021-2022 [Public Report to the Mayor's Disability Council](#) highlights MOD's accomplishments, as well as ongoing challenges. In addition, it offers potential Mayor's Disability Council agenda items for 2022-2023. The Council is encouraged to continue to reference this document.

Members of the public wishing to engage with aspects of this report may contact MOD at mod@sfgov.org or by calling 415 554-6789. You may join our distribution list by contacting us and asking to be added. MOD's website has migrated to sf.gov. This full report will be posted to sf.gov/mod following today's meeting.

Welcome to our hybrid meeting of both in person and virtual attendees. MOD welcomes your feedback on how we might improve the public meeting experience for all.

[Legislative updates, August/September 2023](#): A sampling local, state and federal legislation currently impacting d/Deaf and Disability Communities.

[Local Legislation and Resolutions](#):

(Note that SF Board of Supervisors was in recess for the month of August 2023).

Resolution [230269](#) **Honoring Judy Heumann and the UN Plaza protests of 1977**, which led to the enacting of Federal disability rights legislation that is cornerstone to our experience today (Melgar et al). Status: **Passed with Recommendation, Approved by Mayor's Office**

- This resolution directs Public Works to install a commemorative plaque or statuary in honor of the legacy of Judy Heumann and the historic disability rights protests in UN Plaza. This will be the first public recognition of a disability rights leader in San Francisco history.
- The Council is encouraged monitor this legislation so that accessible installation related to accessible installation of this important commemoration moves forward, and may consider requesting a status update.

Shared Spaces: Referral 211301: [Limits on Fines for Shared Spaces Violations](#) (Peskin et al): **Status: Passed**

- The Outdoor Dining Program Pandemic Permits expired March 31, 2023. However, legislation adding a 180-day grace period was subsequently approved, and expires on **September 27, 2023**. Critical accessibility elements continue to be prioritized, but the Council may wish to continue to track the accessibility and enforcement progress of this program.

State Legislation:

CPUC Autonomous Vehicles (AV) Permit approval: On August 10, 2023, the California Public Utilities Commission (CPUC) voted on Draft Resolutions TL-19145 and TL-19144, which approved permanent AV operating permits in San Francisco. The City is in the process of requesting rehearing on this item. An update to the Council on this item that was originally scheduled for today had to be moved because of scheduling conflicts, but the Council is encouraged to place this item on a subsequent agenda.

As a reminder, permission for autonomous vehicles to operate in San Francisco is regulated by the CPUC and the Department of Motor Vehicles (DMV), not SFMTA. SFMTA and MOD are committed to supporting advocacy for the accessibility of

AV's. If you are interested in being involved in advocating for continued accessibility of AV's, please contact MOD, or SFMTA Accessible Services.

Transportation Network Company (TNC) legislation (SB 1376): TNC Access for All Act is in pilot implementation phase. MOD, SFMTA and the County Transportation Authority (CTA) continue to be parties to the California Public Utilities Commission (CPUC) comment proceeding, on the recommendation of the Mayor's Disability Council.

- The proceedings are ongoing, and are currently focused on on-time and reduced wait time performance.

Federal Legislation:

Discrimination on the Basis of Disability in Health and Human Service Programs or Activities. Officially posted on the Federal Register September 14, 2023, Comments on this proposed rulemaking are due on or before November 13, 2023. **Individuals and organizations are encouraged to comment.**

This Notice of Proposed Rulemaking (NPRM) clarifies the application of Section 504 to several critical areas. The proposed rule:

- Ensures that medical treatment decisions are not based on biases or stereotypes about individuals with disabilities, judgments that an individual will be a burden on others, or beliefs that the life of an individual with a disability has less value than the life of a person without a disability;
- Clarifies obligations for web, mobile, and kiosk accessibility;
- Establishes enforceable standards for accessible medical equipment;
- Clarifies requirements in HHS-funded child welfare programs and activities;
- Prohibits the use of value assessment methods that place a lower value on life-extension for individuals with disabilities when that method is used to limit access or to deny aids, benefits, and services.
- Clarifies obligations to provide services in the most integrated setting appropriate to the needs of individuals with disabilities.

Air Carrier's Access Amendments Act of 2023 [SB. 545](#) Baldwin (D) et al and [H.R. 1267](#) Titus (D). For implementation no later than September 2023.

- These identical bills require the Department of transportation to seek consultation from the Access Board to redefine minimum accessibility requirements related to boarding and deplaning equipment, seating accommodations, captioned and audio description of in-flight entertainment and communications, individual video displays, visual and tactile announcements, and appropriate stowage for assistive devices to prevent damage. This bill also ensures the accessibility of all gates, ticketing areas, customer service desks as well as kiosks, software applications, and websites.
- MOD and the San Francisco Airport are finalizing a joint support letter for this legislation. A sample template, addressing issues specific to the Deaf Community, may also be found at the [National Association of the Deaf](#) website. The Council may consider drafting a support letter.

News and Announcements:

- To mark the 33rd Anniversary of the ADA on July 26, MOD, with support from the Public Library, SFMTA and Recreation and Parks, held a half-day ADA symposium for Departmental ADA Coordinators and City staff. We had over 60 in-person attendees and held plenary panels on:
 - MOD Year in Review
 - ADA Coordinator Departmental Best Practices Panel

as well as break-out sessions on:

- Enacting Anti-Ableist Strategies in City Departments
- The City's Digital Accessibility and Inclusion Standard, and
- Status Report on Citywide Architectural and Programmatic accessibility barrier removal efforts

We hope to make some variation of this an annual occurrence, and the Council is encouraged to let MOD know if you would like a specific update on any of these items in public hearing. Thanks especially to Tess Bartlett and Deputy Director Debby Kaplan for your work on this event.

- In collaboration with Human Services Agency, MOD submitted comment on the rulemaking: [Nondiscrimination on the Basis of Disability: Updates to HUD's Section 504 Regulations](#) many of which paralleled our findings from the Disability and Aging [Affordable Housing Needs Assessment](#). An update overview report related to the state of affordable housing in San

Francisco was also reviewed by MOD this month, currently in draft form. **The Council is encouraged to hear in public meeting the Overview Report Update when this becomes available.**

Please refer to *Future Hearing Consideration* Items in the next section for additional news updates.

Agenda Items for future MDC Hearing consideration, action, or resolution:

It is recommended that Council members review *all active local disability-impacts legislation first*, for time sensitivity. You may also consider:

- **Mayor’s Office on Disability 2022-2023 Public Report to the Mayor’s Disability Council:** MOD publicly presented this to ADA Coordinators on July 26, 2023. The Council is encouraged to hear this report in public forum.
- **Autonomous Vehicles in San Francisco, and transportation accessibility nationally** (see CPUC legislative item above).
- **[Accessible Business Entrance Program \(ABE\)](#) and Citywide Title II Barrier removal progress:** MOD continues to work extensively with the Department of Building Inspection (DBI) related to the City’s compliance with the ABE program, and with the new fiscal year, is refocusing architectural efforts Citywide architectural access barrier removal obligations under ADA Title II. Extensive public outreach was provided over the past two months (especially in Chinatown) and updates to this legislation are currently under consideration by City leadership. The Council may consider requesting an update on this item.
- **Golden Gate Park Wayfinding Presentation follow-up:** The Council may consider follow-up from items related to recommendations presented by the San Francisco Fellows during the April 21, 2023 meeting.

- **Disability employment updates:** October is National Disability Employment Awareness Month, and Voluntary Citywide data collection of employees with disabilities launched today! You may consider hearing from the Department of Human Resources on how this relates to their equity efforts. You may also consider requesting information on reasonable accommodation provision for employees, and consider advocating for ASL interpretation support and a potential Citywide anti-ableism and accessibility training module for City employees.
- **Dining Reusables follow-up:** Department of Environment (ENV) Disability Focus Groups concluded in April and legislation is expected to be introduced in the coming month. The Council may consider hearing from the Department on the outcomes of this Focus Group work.
- **Controller’s Office City-owned or funded SRO elevator assessment:** Launched in September, this assessment, advocated for by MOD, will be evaluating the accessibility and useability of over 110 City owned or funded elevators. The assessment will also consist of stakeholder and advocacy organization interviews, and is expected to be complete by May 2024. The Council may consider placing this item on an upcoming agenda.
- **[Age and Disability Friendly San Francisco](#) Implementation:** The second cycle of recommendations related to this Plan is underway. The Council may consider hearing from Disability and Aging Services on initiative progress.

Health and Emergency Response and the Disability Community

Review these links for current [COVID-19](#) and [MPX](#) (Monkey Pox) resource information.