



Director's Report to the Mayor's Disability Council (MDC)
October 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.

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, October 2023: A sampling local, state and federal legislation currently impacting d/Deaf and Disability Communities.

Local Legislation and Resolutions:

File [231020](#) **Amending the Rules of Order - Limiting Remote Public Comment Opportunities (Peskin)**. Status: **Passed**.

- This legislation removes remote public comment and presenter participation opportunities at Board of Supervisors and its subcommittees except in cases of reasonable accommodation.
- This does not change how non-BOS bodies are required to operate, but the Council may choose to continue to monitor this item.

[File 231005](#) **Building Code - Deadlines for Disability Access Improvements for Places of Public Accommodation**

- This legislation extends deadlines related to the Accessible Business Entrance Ordinance. The file has been duplicated and additional amendments intended to streamline compliance with the program are also under consideration. The Council is encouraged to monitor this item.

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, MOD is also working with the County Transportation Authority on incorporating community feedback as well. Attendees will learn more about progress as part of today's meeting.

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:

- **The Asian Pacific Economic Conference (APEC) will be in San Francisco November 13-18, 2023.** This event is expected to bring over 30,000 people to San Francisco, including dignitaries and thousands of international media. MOD is working with SFMTA, Digital Services and 311 to enhance and supplement disability access information related to traffic, transit, and pedestrian routing impacts as the information becomes available from the State Department.

MOD highly recommends that people with disabilities sign up with the MOD distribution by going to our landing page at sf.gov/mod, scrolling to the bottom and clicking '[Subscribe to our e-mail list](#)' to stay current with accessibility impacts. MOD staff will be reallocated during APEC week and City Hall will be in use, so we appreciate the Council's willingness to consider moving the next Mayor's Disability Council Meeting to December.

- MOD submitted Public Comment regarding Notice of Proposed Rulemaking: Docket No. 88 FR 51948 RIN: 1190-AA79 [Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities](#) specifically pertaining to how digital accessibility progress of Title II jurisdictions, as well as disability community (user) impacts should be measured. For a copy of these comments, please feel free to contact Deputy Director Kaplan.
- As part of National Disability Employment Month, I will be presenting on disability issues that intersect with the **Human Rights Commission at their meeting on Thursday, Oct 26**. The meeting starts at 5pm and I welcome any member of the MDC who may wish to join me or provide public comment on opportunities for MDC-HRC collaboration.

MOD Staff news and thanks: Today is Tess Bartlett's final serving as clerk, as well as Capital Program Manager and Senior Building Inspector John Romaidis. Both are moving on to other departments within the City family, and John Romaidis in particular will be applying his disability access expertise in an area that will do great good in improving physical accessibility for members of the public. A heartfelt thanks to both of you for your dedication and service. MOD intends to request to fill these positions and will keep the Council informed regarding the need for additional support.

We welcome former Council Member Helen Smolinski as MOD's Grievance and Housing Initiative Coordinator. MOD is thrilled to have you.

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.
- **[Accessible Business Entrance Program \(ABE\)](#):** Please refer to legislative item, above. The Council may consider a public update on this item to include the Office of Small Business, the Access Appeals Commission, Public Works, and DBI.
- **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.
- **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.