

# Disabled Access Compliance for Small Businesses: A City Grant Can Help

---

Building Safety Open House

May 2, 2024



*Planning, Building and  
Code Enforcement*

# Overview

---

- Introduction – City’s Small Business Ally Program
- Business Coaching Center Website
- Disability Access Improvement Grant Program
- Questions & Answers

# Small Business Ally Program

---



- Here to help small businesses
- I'll inform you of your project's permit process including steps, schedule, and costs
- “Coach” you on:
  - Permit processes, including “Streamlined Restaurant Program”
  - Inspection requirements
  - Business registration requirements
  - Disability access improvement grants

# Small Business Coaching Center Website

---

[www.sanjoseca.gov/businesscoach](http://www.sanjoseca.gov/businesscoach)

- Guide: How to open a business in San José
- Outlines permit and inspection processes and business registration requirements
- Information is organized in 3 phases:
  - Begin
  - Coach
  - Launch



RESIDENTS

**BUSINESS**

VISITORS

YOUR GOVERNMENT

NEWS & STORIES

Check Zoning

Find Land Use Info

Apply for Sign Permit

Apply for Building Permit

Register Business or Rental

Pay Business Tax

Help for Small Business

Why Locate Here

Move Business to San Jose

Become a Preferred Vendor

Do Business with the City

Apply for City Grants

**- Getting Started in San José**

Overview

Phase 1: Begin

Phase 2: Meet your coach

Phase 3: Launch

FAQs

Development Services Permit

[Business](#) »

# GETTING STARTED IN SAN JOSÉ

## Welcome to your Business Coaching Center

### 3 PHASES TO OPENING OR EXPANDING YOUR SAN JOSE BUSINESS

#### 1. BEGIN

Help on how to start or expand your business in San José



#### 2. COACHING

Our online coaching center helps you navigate City registration and permitting



#### 3. LAUNCH

You've started or expanded your business... learn more about annual registration and other requirements



Opening or expanding your business at a glance

**CLICK HERE**



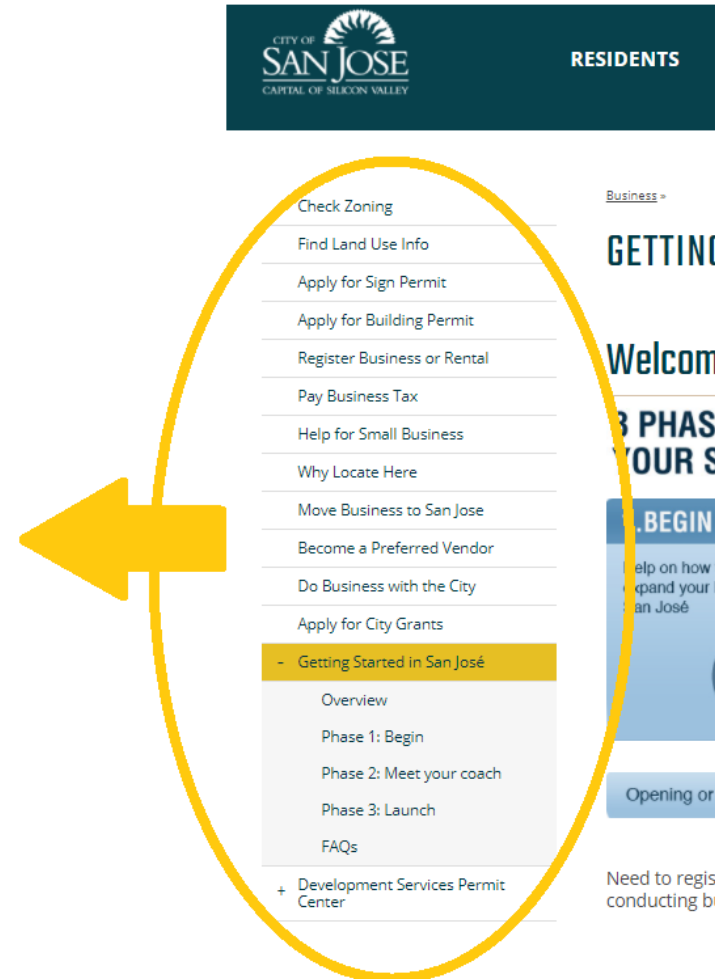
Need to register your business? You can [register your business or rental here](#). Every person or company

How may I help you? ✕  
[Click Here >](#)



# Small Business Coaching Center Website

- Resources to open a business:
  - Check your zoning
  - Apply for a building permit
  - Register your business
  - Doing business with the City
  - Apply for City Grants
- Contact your Small Business Ally



# Disability Access Improvement Grant

---

## **GOALS – help small businesses in San José:**

- Make interior and exterior spaces accessible to all community members
- Comply with federal Americans with Disability Act (ADA)
- Comply with state building code requirements
- Avoid an ADA lawsuit



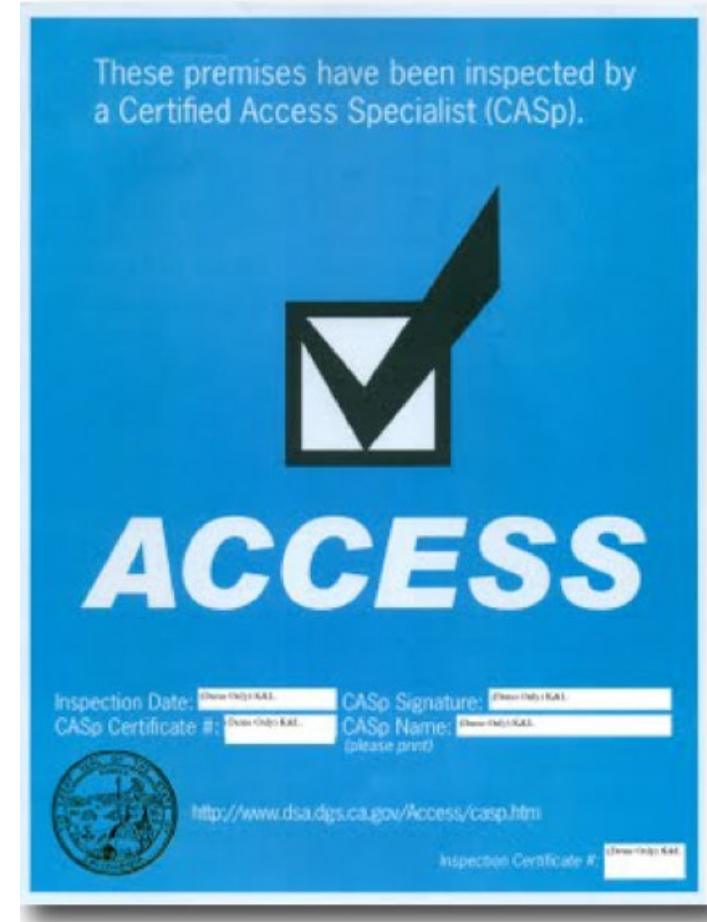
Website: [www.sanjoseca.gov/ADAGrant](http://www.sanjoseca.gov/ADAGrant)

# Phase 1 Grants

---

## Credit of up to \$8,000 for:

- Cost to hire a Certified Access Specialist (CASp) inspector to conduct an initial survey and prepare a CASp Report (when City permits/inspections are required)
- Fees for plan review, permits, and inspections related to removing accessibility barriers as identified in a CASp Report.





# Phase 2 Grants

---

**Based on a remediation estimate, grant provides reimbursement and funding of up to \$25,000 for:**

- Professional design services to prepare plans to remove accessibility barriers as identified in the CASp Report and when a City permit is required.
- Construction and labor costs to remove accessibility barriers.
- Purchase and installation costs for accessible furniture, fixtures, and equipment.
- Initial CASp survey and report when a City permit is not required.
- Final CASp inspection after completion of accessibility remediation work.



# Grant Criteria

---

## MUST BE

- A commercial business, a non-residential property or business, or a nonprofit business
- Located in San José
- Open with 50 employees or less

## MUST HAVE

- Valid City Business Tax Certificate, (“business license”)
- Tenants must have at least 1 year remaining on their lease

# How to apply for a Phase 1 grant

---

1. Contact the Small Business Ally.
2. Hire a private CASp Inspector to prepare a CASp Report that identifies required ADA remediations
3. If a City permit/inspection is required, hire a licensed architect or engineer to prepare plans.
4. Submit:
  - A completed Grant Application
  - W-9 form
  - Signed Grant Contract
  - Paid CASp invoice
  - Building Plans, if required
5. Hire a licensed contractor if a City permit/inspection is required.

# How to apply for a Phase 2 grant

---

1. Continue working with the Small Business Ally
2. Submit:
  - Paid invoice for professional design fees
  - Construction cost estimate
  - Furniture, fixture and equipment cost estimate
  - CASp inspection/report invoice (if Phase 1 permit/inspection was not required)
  - A signed Contractor's Attestation Form for required use of prevailing wages

# Additional Resources

---

[www.sanjoseca.gov/ADAGrant](http://www.sanjoseca.gov/ADAGrant)

- Frequently Asked Questions (FAQs)
- Web link to State of California's list of private CASp inspectors
- Web link to California Commission on Disability Access
- Grant Application and Grant Contract
- Grant Information Handout
- Disabled Access Requirements Handout

# Common Questions

---

## 1. Will getting a CASp report make me more liable because I or others would know that my property is out of compliance?

No. Your property is required to be free of barriers regardless of your knowledge of accessibility standards. If a CASp inspection of your property is done *before* any litigation is filed, the CASp report provides these legal advantages:

- An early evaluation conference.
- A 90-day stay of court proceedings.
- A reduction in ADA violation liability amounts by 75%, from \$4,000 to \$1,000 per offense if the violations are corrected within a certain time frame.



# Common Questions

---

## 2. Are historical buildings exempt from ADA/accessibility compliance?

No. Historical buildings are NOT exempt, although there are special allowances for the preservation of historic features.

The ADA law contains no “grandfathering” provisions. Regardless of when built, all places of public accommodation are required to comply if it is accomplishable without significant burden or expense.

Failure to comply leaves you vulnerable to a discrimination claim or lawsuit.



# Common Questions

---

## 3. In addition to the City's grant, is there other financial support?

Yes:

- [Federal tax credits and deductions](#) - Consult your tax accountant to confirm allowable expenditures.
- **California Capital Access Program Americans with Disabilities Act (CalCAP/ADA) Financing Program** – Assists with financing the costs to comply with ADA requirements. Qualifying small businesses may receive more favorable loan terms if enrolled in the program.

Learn more: <http://treasurer.ca.gov/cpcfca/calcap/ada>





# Questions?

Juan Borrelli, AICP

Small Business Ally Program Manager

[juan.borrelli@sanjoseca.gov](mailto:juan.borrelli@sanjoseca.gov)

(408) 975-2655

[www.sanjoseca.gov/ADAgrant](http://www.sanjoseca.gov/ADAgrant)