



Date: April 1, 2008

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske, Fifth District *GS*

Subject: **AGENDA ITEM: Distribution of Information Regarding the Americans with Disabilities Act**

BACKGROUND

In today's society there are 43,000,000 Americans, who live with one or more physical or mental disabilities. Historically, the society has isolated and segregated individuals with disabilities

There are currently two codes related to disabled access at places of public accommodation: Title 24 of the California Building Standards Code (Title 24) and the Americans with Disabilities Act (ADA). The City of Long Beach currently administers and enforces Title 24 when a business undertakes a remodel or begins new construction.

The ADA is federal legislation and the City does not have the authority to enforce this law. Unlike Title 24, the ADA goes beyond building improvements by also including things like written materials, communication devices, accessible routes of travel, and accessible parking. A business that is ADA compliant may take advantage of available tax incentives:

- 50% Tax Credit for Small Businesses (\$1 million gross income or less than 30 employees)
- Tax Deductions for Larger Businesses
- Capital Improvements Need Not Be Depreciated

Further, the ADA applies to all buildings even if there is no remodel. Many people believe the ADA to be a City requirement, and are under the impression that once all their permits have been approved by the Development Services Department that their business is compliant with the ADA. The 5th District Small Business Advisory Committee reviewed this issue and we have recommended that the City include as a part of its business licensing process, information regarding the need to comply with the ADA and information about available tax credits.

However, this is not the case, as the City of Long Beach only enforces Title 24, which serves as the basis for the design and construction of buildings in California. As such, information related to the ADA and the need to comply would be beneficial to business owners as they move through the business licensing process. The business licensing process is triggered whenever there is any change in ownership or the establishment of a new business.

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RECOMMENDATION

Request the City Manager to include as part of the business licensing process information regarding the need to comply with the Americans with Disabilities Act and information about available tax credits.