

ACCESSIBILITY COMPLIANCE TO CREATE EQUITABLE SMALL BUSINESS SPACES (ACCESS) INCENTIVE PROGRAM POLICIES, GUIDELINES, AND PROCEDURES

Program Overview

The Accessibility Compliance to Create Equitable Small Business Spaces (ACCESS) Incentive Program (“Program”) is designed to improve accessibility in Elk Grove’s commercial spaces by providing financial assistance to small businesses and/or commercial property owners for the removal of barriers to comply with the Americans with Disabilities Act (“ADA”) and the California Building Standards Code through the installation of ADA compliant improvements. The Program offers reimbursement in the form of a matching grant of up to 50% of eligible project costs, with a maximum reimbursement of \$10,000 per commercial space, for accessibility improvements that are required to meet current ADA and California Building Standards Code standards and are identified through a Certified Access Specialist (CAsp) report.

The goal of the Program is to support a thriving and inclusive business environment by helping small businesses and/or commercial property owners create commercial spaces that are accessible to all customers including individuals with disabilities. By reducing financial barriers to ADA and California Building Standards Code compliance, the Program encourages proactive accessibility improvements that enhance customer experience, reduce exposure to ADA related litigation, and contribute to a more equitable and welcoming commercial landscape throughout Elk Grove.

Program Components

- Reimbursement to a qualified business and/or commercial property owner for up to 50% of eligible accessibility improvement costs, including CAsp inspections and accessibility related construction, equipment, and installation not to exceed \$10,000 per commercial space.

Program Guidelines

An eligible business or commercial property owner must meet **ALL** the following criteria:

- Be an eligible business occupying a commercial space, or a property owner of commercial space leased to an eligible business, that is properly licensed and permitted by all applicable government agencies, including the City of Elk Grove, and lawfully operating within the City of Elk Grove.
- Owners of vacant commercial space are eligible if the City determines, in its discretion, that the property owner plans to make the space available for lease to an eligible business after the completion of the project.
- The project location must be a place of public accommodation (open to the public) as defined under ADA Title III.
- Be properly registered with the California Secretary of State, if registration is available (sole proprietorships need not be registered).

- The business and commercial property owner must be in good standing with the City (e.g., have no open enforcement actions or delinquencies). A business or property owner not in good standing may be deemed eligible, on a case-by-case basis, if it is actively engaged, in good faith, with the City in a mutually agreed-upon process to resolve outstanding enforcement actions or delinquencies or other matters and will return to good standing. For purposes of the Program, “good standing” means that the business or property owner has a valid business license, is legally operating within the City of Elk Grove, is not in default on any financial obligations to the City, and has no active code enforcement case pending against the business or property owner.
- The business that occupies or intends to occupy the commercial space must meet the Program definition for a small business, as follows:
 - An existing or new for-profit or non-profit business with no more than 20 full-time equivalent employees (“FTEs”) at the Elk Grove location for which grant funds will be utilized.
 - An FTE is defined as an employee who works at least 2,080 hours per year over a 12-month period. Part-time employees may be considered an FTE for purposes of this Program (for example, two part-time employees who regularly work 1,040 hours per year can be considered one FTE).
 - An existing or new for-profit or non-profit entity whose combined gross annual revenue from all businesses, regardless of location, is projected to be less than \$3 million in the next calendar year.
- For occupied commercial spaces, any accessibility improvements must not materially alter or impact the terms of lease agreement(s) with existing business tenant(s). For example, ADA improvements should not result in displacement of a business or increase in rent to the business.

The following businesses or property owners are **NOT** eligible to apply for the Program:

- Owners of proposed or active new construction
- Home-based businesses
- Independent contractors and consultants of the business or commercial property owner
- Gig economy service providers such as Uber, Lyft, or Doordash
- Independent home rental businesses and short-term rental businesses such as Airbnb or VRBO
- Online-only businesses, including sellers on Etsy or e-Bay or similar platforms
- Mobile vendors
- Entities operating more than three businesses, regardless of location, of the same brand and owned by the same entity
- Political or religious organizations

For the purposes of the Program, “business” includes any lawful business entity, including but not limited to sole proprietorships, partnerships, LLCs, or corporations, that maintains a physical presence and conducts business operations within the City of Elk Grove.

For purposes of this Program, “commercial property” means any property containing a retail, office, and/or industrial use. “Commercial space” means any portion of a commercial property occupied by an individual business containing a retail, office, or industrial use. The City Manager or authorized designee may, in their sole discretion, determine that other property types not expressly listed are eligible commercial properties or commercial spaces if the proposed project is consistent with the purposes of the Program.

The City Manager or authorized designee shall make all final determinations regarding eligibility and may, on a case-by-case basis, deviate from these Policies, Guidelines, and Procedures, provided the determination supports the purposes and goals of the Program and the grant amount does not exceed \$10,000. This discretion includes the authority to reduce or eliminate the matching requirement when deemed appropriate by the City Manager in his/her sole discretion. The City Manager or authorized designee may also determine that providing a grant to an eligible Applicant is not in the best interest of the City and deny the Program application.

Applications for the Program will be evaluated on a case-by-case basis to maximize community accessibility and support small business sustainability. Funding is primarily allocated following the state’s prescribed accessibility sequence: highest priority is granted to projects improving accessible entrances and the accessible routes leading to primary service areas, followed by accessible restrooms, drinking fountains/telephones, and finally, secondary elements such as parking and signage.

In addition to the state’s prescribed accessibility sequence, applications will be evaluated based on the urgency and context of the request. Priority will be given to businesses or commercial property owners addressing active code compliance cases or legal actions related to ADA accessibility. To ensure equitable distribution, business size and demonstrated financial need are also key factors in the selection process.

Eligible Program Expenses

Eligible improvements must occur at a commercial space within the boundaries of the City of Elk Grove that is occupied or planned to be occupied by an eligible business and must demonstrate a clear accessibility compliance benefit, as determined in the sole discretion of the City. Funding will only be provided for ADA-related improvements, upgrades, or installations that are required to address verified accessibility barriers identified through a CASp evaluation report or determined necessary to achieve compliance with the ADA and California Building Standards Code.

Approved accessibility expenses may include:

- CASp recommended barrier removal improvements that are required for compliance with ADA standards, including but not limited to: ramps, handrails, compliant thresholds, widened doorways, accessible hardware, and other path of travel modifications.
- Accessibility construction activities that bring the commercial space into compliance with ADA and California Building Standards Code requirements, accessibility layout changes, and structural work necessary to remove physical barriers.

- Upgrades to existing facilities or components that improve accessibility, expand access, or correct deficiencies identified in a CASp report.
- Accessibility-related equipment, fixtures, and materials, such as ADA-compliant restroom fixtures, automatic and assistive door openers, accessible counters, compliant signage, detectable warning surfaces, seating modifications, and other elements required to ensure compliance.

Business and/or property owners must maintain accessibility improvements in good working order for a minimum period specified in an Economic Development Grant Agreement (“Grant Agreement”).

Ineligible Program Expenses

The following expenses are not eligible for reimbursement under the Program.

- Improvements or modifications that do not directly address accessibility barriers or are not required to achieve compliance with ADA or California Building Standards Code accessibility requirements.
- General building maintenance, repairs, or cosmetic upgrades, including painting, flooring, lighting upgrades, non-accessibility hardware, or similar aesthetic improvements.
- Mechanical, electrical, or plumbing work unless the upgrades are directly required to complete an eligible accessibility improvement.
- Interior remodels or construction activities unrelated to accessibility barrier removal.
- Landscaping, paving, or exterior site improvements that do not directly improve accessible paths of travel (e.g., decorative landscaping, non-ADA parking lot repairs, sidewalk replacements not related to accessibility).
- Equipment, fixtures, or materials that are not ADA-compliant or do not address a documented accessibility need.
- Work performed on areas of the commercial property or space not used by customers or the public, unless required to provide accessible routes or circulation.
- Any improvements previously funded through this Program, including upgrades to accessibility elements installed using Program grant funds.
- Owner labor, in-house staff labor, or owner-provided materials, as well as any indirect business costs such as lost revenue, administrative time, or operational expenses.
- Consulting, legal, or professional services not directly tied to accessibility design, ADA compliance, CASp reporting, or required permitting activities.
- Maintenance, subscription, warranty, or service agreement costs, except where required to support ADA-related equipment functionality that the City has explicitly approved.

- Projects or expenses incurred prior to grant approval, or costs not supported by verifiable invoices, receipts, or proof of payment.
- Private security improvements, surveillance systems, or alarm equipment, which fall outside the scope of accessibility.
- Any cost determined by the City not to provide a clear accessibility benefit or not aligned with the purpose, goals, or eligible scope of the Program.

Approval Process

1. Applicant fills out an interest form on the Office of Economic Development's website, www.investelkgrove.org.
2. City of Elk Grove Economic Development Department staff contacts the applicant to discuss the project.
3. If invited to apply, the applicant completes an application.
4. City staff reviews the application and project scope to determine eligibility.
5. If the applicant is not the property owner, written authorization is required from the landlord or an authorized agent who owns at least 51% of the property, confirming approval of the proposed accessibility improvements.
6. If the project is accepted for funding, a CASp evaluation will be required (if not already completed).
7. The business and/or commercial property owner enters into a Grant Agreement with the City and may then proceed with the approved accessibility improvements.
8. Obtain permit approval/issuance from the City's Community Development Department for the proposed accessibility modifications.
9. Upon completion of the work, final Building and CSD Fire inspections must be passed.
10. Upon completion of the project, the business or commercial property owner submits a Payment Request to the Office of Economic Development, including proof of completion and copies of all paid invoices for eligible expenses.
11. Reimbursement is issued within 30 days of the City's acceptance of a complete and verified Payment Request.
12. The City reserves the right to physically inspect the completed accessibility improvements to verify compliance with Program requirements and code standards for the duration of the Grant Agreement period.

Applications are accepted on a rolling basis, subject to funding availability. Applicants may apply with quotes issued within the past six months for City review of eligibility and scope. Final approval and reimbursement will not be issued until work is completed, permitted, and paid, and all documentation requirements are met.

Funding Allocation Levels

Program funding is appropriated by the City Council annually or as needed. If funds are not available, applications will not be accepted.

Grant Amount: Not to exceed \$10,000 regardless of total project cost.

Disbursement of grant funds to approved applicants will be in the form of a reimbursement payment for completed work issued after the City has received a Payment Request from the applicant and has deemed the project complete. The payment request will include proof of eligible project costs and expenses consistent with the approved design and acceptable to the City.

General Conditions

Economic Development staff will prepare application forms and materials, identify required submittals, and define necessary processes needed to receive and evaluate funding requests under this Program. All application materials and processes are subject to change from time to time.

The estimated time from completed application to a funding decision, evidenced by a Grant Agreement, will vary depending on the quality and completeness of the application, the responsiveness of the applicant, and the workload of City staff, among other factors.

All applications for funding under the Program shall be considered on a case-by-case basis. Funding is not guaranteed, and the City has complete discretion to approve or deny any application for funding, and to provide full or partial funding, or none at all. All funding decisions shall be final and the applicant shall have no right of appeal from any decision on any funding application, nor the decision to accept or not accept a funding application, nor the decision to process or not process any funding application. All funding decisions shall be documented by a written Grant Agreement executed by the grantee and the City setting forth the terms and conditions of any funding under the Program. Applicant shall have no rights in any funding, or otherwise under the Program, absent a fully executed Grant Agreement.

Prevailing Wage Law Compliance

Applicants shall comply with all laws with respect to the receipt and use of any funding under the Program. The City makes no representation as to whether any applicant's receipt or use of such funding would be subject to the state prevailing wage laws, as set forth at Labor Code sections 1720, et seq. To the extent applicable, applicants shall cause all work performed with such funding to be performed in compliance with all applicable laws including, without limitation, state prevailing wage laws pursuant to Labor Code sections 1720, et seq. In the event an applicant fails to comply with any applicable law, including, without limitation, prevailing wage laws, the applicant shall be liable for the payment of all penalties, wages and/or damages resulting therefrom, and shall defend, indemnify, and hold the City harmless for any violations or alleged violations of law. These provisions will be included in any Grant Agreement. Applicant is encouraged to seek legal advice through legal counsel of their choosing for further guidance.