

August 28, 2026

David Chiu
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

Via email: cityattorney@sfcityatty.org
Hard copy to follow by mail

Re: *Kirola v. City and County of San Francisco*, No. 25-6844 (9th Cir.)

Dear City Attorney Chiu,

We write to you as disabled residents of San Francisco, disability rights organizations, and allies of the disability community. We are concerned that the City of San Francisco has taken extreme and dangerous positions in its briefing before the Ninth Circuit Court of Appeals in the lawsuit *Kirola v. City and County of San Francisco*.

In April 1977, more than 100 disabled people occupied the federal building at 50 UN Plaza for 25 days until the federal government agreed to sign the regulations that put Section 504 into practice. The disability rights movement was born in the Bay. Nearly fifty years later, the City tells the Ninth Circuit that those same Section 504 protections do not clearly reach the parks, playgrounds, and recreation facilities it builds.

These facilities matter. They are spaces where people come together to play, celebrate, enjoy our city's beauty, and be in community. When they are inaccessible, it shuts disabled people out of these important parts of public life. It cuts off opportunities for us to participate in community or enjoy San Francisco the way our nondisabled neighbors can.

In its briefing, the City argues that the federal accessibility standards — the detailed rules that say how wide a doorway must be, how steep a ramp can be, how much room a wheelchair needs to turn around — are no longer binding on courts. It asks the Ninth Circuit to set those standards aside and to decide instead, one feature at a time, whether access is “meaningful” enough. The City goes further and asks the court to

overrule its own earlier decisions holding those standards binding, including its decision in this very case. The City also says that no one can go to court at all to enforce the construction standards that apply to newly built and altered facilities. This is a problem because the difference between accessibility and inaccessibility can be a matter of inches. The federal access standards are essential to making sure that disabled people can participate fully in civic life.

The City also argues that a person cannot bring a disability discrimination claim unless the discrimination was “intentional.” Although the City acknowledges in its reply brief that current Ninth Circuit precedent forecloses that position, it has preserved the argument for potential review by the en banc Ninth Circuit or the Supreme Court. This is a dangerous position to take. It would strip away protection under the ADA and Section 504 for the ordinary, unthinking exclusion those laws were written to reach.

When someone designs a building, park, or street, they rarely think, “I want to exclude disabled people from this space.” In fact, they rarely think about disabled people at all – which is why so much is inaccessible. For most of human history, the world around us was built without ever considering someone with a disability might want to be there. This creates a vicious cycle where people with disabilities cannot use public spaces and so future designs are created on the assumption that people with disabilities do not use those spaces. And so we remain excluded and unable to fully take part in public life.

Disability rights laws are very important in helping to make the world more accessible for disabled people. The City of San Francisco is trying to undermine the strength of these important laws. Justice Sotomayor of the United States Supreme Court wrote that arguments like the ones San Francisco advances here “would ... eviscerate the core of both the ADA and Rehabilitation Act, leaving millions of our fellow citizens without the protections Congress intended.” *A.J.T. v. Osseo Area Schs., Indep. Sch. Dist. No. 279*, 605 U.S. 335, 359 (2025) (Sotomayor, J., concurring).

The City’s reply brief opens by saying it is committed to access, and points to a current policy requiring compliance with the 2010 ADA Standards. We take that commitment at face value — but it is not what is at stake here. A City policy can be changed by the City tomorrow; a ruling from the Ninth Circuit cannot, and it would bind every city and county in the circuit, including the many with no such policy. If the City is committed to access, it does not need arguments that would strip access rights from disabled people far beyond San Francisco. The City can make its case without arguments that would threaten foundational disability law and have a disastrous impact on disabled people in San Francisco and across the country. We ask that you withdraw them.

We call on you to:

1. Meet with members of the disability community, at an accessible time and place, before oral argument;
2. Withdraw these dangerous arguments by notice to the court, by motion for leave to file a supplemental brief, or by expressly disclaiming them at oral argument;
3. Commit publicly that the City will not advance these arguments in this case, including on rehearing or certiorari, or in any other case or proceeding;
4. Direct the City Attorney's Office not to raise these arguments in future litigation involving disability access;
5. Respond to this letter in writing by September 18, 2026.

Sincerely,

Disability Rights Education & Defense Fund (DREDF)

American Civil Liberties Union, Disability Rights Program (ACLU)

The Arc of San Francisco

The Arc of California

Coalition on Homelessness

Community Living Campaign

Conservatorship Reform Project

Designing Accessible Communities

Grassroots Open Assistive Tech

Independent Living Resource Center San Francisco

The Kelsey

LightHouse for the Blind and Visually Impaired

Mac Dougall Consulting for Disabilities, LLC

Pangea Legal Services

Public Advocates

Rosen Bien Galvan & Grunfeld LLP, San Francisco

San Francisco Senior and Disability Action

Amelia Aufuldish – San Francisco resident

Sharon Baker – San Francisco resident and retired special education faculty

Selene Ballonoff – San Francisco resident and Founder and Executive Director,
Conservatorship Reform Project

Roselia Banta – San Francisco resident

Anna Benham – San Francisco resident

Carol Bettencourt – San Francisco resident

Michael Bien – San Francisco resident

Iris Biblowitz, RN – San Francisco resident

Sascha Bittner – San Francisco resident

Sophia Bloch – Bay Area resident

Lisa Bohórquez – San Francisco resident

Trish Braden – San Francisco resident

Kathy Bradley – San Francisco resident

Zoe Brennan-Krohn – San Francisco resident

Tim Briggs – San Francisco resident

Victoria Bruckner – San Francisco resident

William Bruckner – San Francisco resident

Dana Burke – San Francisco resident

Claudia Center – San Francisco resident

J. Charmain Giuliani – San Francisco resident

James Chionsini – San Francisco resident

AJ Cho – San Francisco resident

Gina Clark – San Francisco resident

Jacy Cohen – San Francisco resident

Dr. Lisa Cohn, PhD – San Francisco resident and psychologist at Bay Area Psychology

Laura Cornwall – Bay Area resident

Brent Copple – Oakland resident

Diana Cowans – Concerned citizen

Passage Crampton – San Francisco resident

Jason Crawford – San Francisco resident

Gay Crosthwait Grunfeld – San Francisco resident

Esperanza Cuautle Velazquez – San Francisco resident and Co-Director & Community Organizer at Pangea Legal Services

Todd Czerner – San Francisco resident

Karen Danes – San Francisco resident

Elizabeth Davis – San Francisco resident and disability advocate

Emily Dezurick-Badran – San Francisco resident

Ann Dorsey – San Francisco resident

Kathleen Duffy – San Francisco resident and former rehabilitation counselor

Taylor Edelhart – San Francisco resident

Sandy Edwards – San Francisco resident

Rae Egorova – San Francisco resident and person with a disability

Jessica Ellis – San Francisco resident and person with a disability

Kusa Ells – San Francisco resident

Lisa Ells – San Francisco resident

Reese Enghardt – San Francisco resident

Eleanor Estelle – San Francisco resident

Marisol Ferrante – San Francisco resident

Kathie Freeman – San Francisco resident

MaryAnne Glazar – San Francisco resident and person with a disability

Rachel Goldstein – San Francisco resident

Nancy Good – San Francisco resident

Elizabeth Grigsby – San Francisco resident and disability rights advocate

Deanka Grisham – Concerned citizen

Bill Hall – Concerned citizen and healthcare worker

Julie Hansen – Concerned citizen

Patty Harvey – San Francisco resident

Laura Heath-Stout – San Francisco resident

Michael E. Heinsohn – Concerned citizen

Paul Hickman – San Francisco resident

Colette I. Hughes – San Francisco resident

Vivian Imperiale – San Francisco resident

Aurelio Iverson – San Francisco resident

Barbara L. Jackson – San Francisco resident

Monique Jensen – San Francisco resident

Edda Mai Johnson – San Francisco resident

Eleanor Jones – San Francisco resident

Susan Jordan – San Francisco resident

Kristinia Jurecic – Concerned citizen

Dr. H. Stephen Kaye, Ph.D – San Francisco resident and Professor Emeritus, UCSF

Dr. Mha Atma S. Khalsa – California resident

Mercedes Lackey – Concerned citizen

Savannah Landau – San Francisco resident

Allister Layne – Concerned citizen

Cindy Lee – San Francisco resident

Roseanne Liggett – San Francisco resident

Irene Litherland – Bay area resident and parent of an adult with a disability

Vicki Legion – San Francisco resident and parent of a child with a disability

Irene Liu – San Francisco resident

Damara Lopez – San Francisco resident

Linda Mac Dougall – California resident and Founder, Mac Dougall Consulting for Disabilities, LLC

Valerie Madeska – Concerned citizen

Michael Maggied – Concerned citizen

Ruth Maginnis – California resident

Peter Margen – Oakland resident and Expert Witness for Plaintiffs in *Kirola*

Suzanne Martin – San Francisco resident

Felipe Martinez – San Francisco resident

Karen McCaw – California resident

Zoya Melkova – Concerned citizen

Ligia Montano – San Francisco resident

Maria Moreno – San Francisco resident

Kristine Moser – San Francisco resident and parent of a child with a disability

Dirk Neyhart – Berkeley resident and United Nations Association Chapter Director

Lorraine Olsen – San Francisco resident

Dr. Teresa Palmer, M.D. – San Francisco resident and geriatrics/family medicine doctor

Muriel L. Parenteau – San Francisco resident

Walter Park – San Francisco resident and Founding Director, San Francisco Mayor's Office on Disability; Founding Director, Independent Housing Services; President, San Francisco Access Appeals Commission

Lisa Patton – San Francisco resident

Tina Perdices – San Francisco resident, school psychologist, and parent of a student with a disability

Rev. Millie Phillips – San Francisco resident, minister, and community organizer

Igor Porton – Bay Area resident

Kai Richards – San Francisco resident

Kim Rohrbach – San Francisco resident and peer support specialist

Victor Rowley – San Francisco resident

Rina Rozentsvit – Concerned citizen

Jessica Ruvalcaba – San Francisco resident

Tom Sanchez – California resident

Em Schierts – Concerned citizen

Erik Schnabel – San Francisco resident and non-profit leader

Kathleen Sewright – Concerned citizen

Peter Shapiro – San Francisco resident

Tatinia Shiff – San Francisco resident

Esfir Shrayber – San Francisco resident

Leslie Simon – San Francisco resident

Richard Skaff – San Francisco resident and Former Deputy Director, San Francisco Mayor's Office on Disability; Executive Director, Designing Accessible Communities

Mary Skirving – San Francisco resident

Marlena Skrabak – San Francisco resident and medical student

Ian Smith – Oakland resident

Judith Smith – Bay Area resident and person with a disability

Todd Snyder – San Francisco resident

Larette Spanglet – San Francisco resident

David Spensley – San Francisco resident

DC Spensley – San Francisco resident

Collenne Stout – Past and future San Francisco resident, parent of San Francisco residents with disabilities

Janet Tom – San Francisco resident

Michael Tomczyszyn – San Francisco resident

Betty Traynor – San Francisco resident and Board Member, Senior Disability Action and Older Women's League

Linda Tung – San Francisco resident and parent of a disabled young adult

Puppy Valentine – San Francisco resident

Maxine Ventura – San Francisco resident and person with a disability

Amanda Vivian – San Francisco resident

Preetam Vupputuri – San Francisco resident

Jennifer Walsh – San Francisco resident and Inclusion and Accessibility at Community Living Campaign

Linda Walsh – San Francisco resident

Kathy Warinner – Concerned citizen

Dr. Corey Weinstein, MD – San Francisco resident

M.S. Wise, LCSW – San Francisco resident

Anandi Worden – San Francisco resident

Trevor J. Yan – San Francisco resident

Dr. Stanley K. Yarnell, MD – Bay Area resident

Jenny Yelin – San Francisco resident

Mary Lynne Zahler – Social worker

Anonymous – San Francisco resident

Anonymous – San Francisco resident

Anonymous – San Francisco resident

Anonymous – San Francisco resident

Anonymous – San Francisco resident

Anonymous – San Francisco resident and HCA/PNHP