

SUBJECT: PROVIDING ACCOMMODATIONS TO THE PUBLIC

Policy/Purpose

This policy affirms the City of Madison's commitment to compliance with the Title II of the Americans with Disabilities Act (ADA) and ensuring equitable access to programs and services for people with disabilities. This APM provides guidance to City of Madison agencies with regards to responding to requests for accommodations and modifications from members of the public with disabilities in City programs, services, and activities. Employee accommodations (Title I of the ADA) are covered in APM 2-22.

Background

Under Title II of the Americans with Disabilities Act (ADA), as outlined in 28 C.F.R. Part 35, no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination.

The ADA requires state and local governments to:

- Take steps to ensure programs, services and activities are readily accessible and usable by people with disabilities.
- Provide notice about the availability of accommodations and how to request them.
- Provide reasonable accommodations/modifications to policies, practices, and procedures where needed to prevent discrimination.
- Ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

Providing people with disabilities information about their rights and providing reasonable accommodations ensures accessibility and fosters an inclusive community without unnecessary barriers.

Guidelines/Procedure

Disability-Related Accommodation Requests from Members of the Public

The ADA defines a person with a disability as someone who meets at least one of these descriptions:

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a record or history of an impairment, or
- Is regarded as having such an impairment.

Under Title II, the definition of "disability" is applied in favor of expansive coverage. Therefore, in most cases it will not be necessary for city staff to obtain documentation or verification of disability. It will never be required when the person's disability is known or obvious.

A request for a reasonable accommodation is not always explicitly stated. Simply requesting a change or an adjustment in connection with an accessibility need is sufficient.

A reasonable accommodation (referred to as a reasonable modification under Title II of the Act) is any change to a policy, practice, or procedure that is necessary for a person with a disability to have equal access to the services, programs, or activities of a public entity.

Accommodations are a way of removing barriers to access where a person's disability-related needs and the program's design are in conflict. The person with the disability/ies must meet the basic eligibility requirements for programs, aid, and services. There must also be a connection between the person's impairment or disability-related need, the access barrier, and the accommodation.

Readily Achievable Accommodations

City staff should promptly provide disability-related accommodations that are readily achievable, meaning that they can be easily implemented without significant expense.

Accommodations that are readily achievable should be provided without requiring documentation of disability or extensive analysis. This ensures a welcoming environment for all.

Examples include:

- Changing a meeting location to an accessible space
- Providing materials in alternative formats (large print, Braille, electronic format, etc.)
- Communicating using an individual's preferred mode
- Allowing service animals in meeting areas

Note: Public meetings must be held in locations accessible to people who use mobility devices and service animals. We cannot change the location of a public meeting that has been noticed, but other accommodations must be considered for a person with a disability who is unable to access the physical meeting space. These may include hybrid or call-in options.

Third-Party Requests

When a third party, such as a family member, friend, health care professional, or other representative, makes a request for an accommodation on behalf of a person with a disability, staff should confirm with the person with the disability that they want the reasonable accommodation before proceeding. A person with a disability is not required to accept an accommodation, aid, service, opportunity, or benefit they do not wish to use. Wherever possible consult directly with the individual who needs the accommodation.

More Complex Accommodation Requests

More complex accommodation requests may involve a significant change to a policy or procedure, financial or administrative resources, and/or consideration of health and safety concerns. In this case, Consult with the Disability Rights and Services Specialist (ADA Coordinator).

The Disability Rights and Services Specialist (ADA Coordinator) will need to consider the following to determine what, if any, effective accommodations are available:

- If the individual is a person with a disability,
- The nature, severity, and duration of the impairment,
- The disability-related needs and preferences of the individual,
- If the individual qualifies for the program, aid, or service with or without accommodations,
- The fundamental nature of a service, program, or activity,
- How the requested accommodation will remove the access barrier,
- The health and safety of the individual and others,
- The financial and administrative resources of the agency to provide requested accommodations,
- Alternative effective accommodations that may be provided,

- Other information necessary to determine, provide, or implement effective accommodations.

In some circumstances, the Disability Rights and Services Specialist may or may not engage in the interactive process with the individual with the disability. The interactive process is a dialogue with the person with the disability to determine if the person is “a qualified individual with a disability” and to identify effective reasonable accommodations. This process is not required for local governments providing accommodations to members of the public and is voluntary. The City of Madison is not required to provide a member of the public with their preferred accommodation if another effective option is available.

Denial of a Reasonable Accommodation/Modification

Agency staff should consult with the Disability Rights and Services Specialist (ADA Coordinator) before determining that an accommodation must be denied. Documentation of the rationale for the denial may be required.

A public entity may deny an accommodation/modification request when the request is not made by or on behalf of a qualified individual with a disability, is not based on a disability-related need, or it can demonstrate the accommodation would:

- Result in a fundamental alteration in the nature of a service, program, or activity.
- Result in an undue financial and administrative burden; or
- Pose a direct threat to the health or safety of others that cannot be eliminated or reduced through reasonable accommodation.

Grievances

Members of the public who have a grievance related to their rights under the ADA may contact the Disability Rights and Services Specialist (ADA Coordinator):

Rebecca Hoyt

RHoyt@cityofmadison.com

(608) 266-6511

For additional complaint options see [ADA Enforcement](#)

Designation/Authority


This APM is issued under the authority of the Mayor's Office and the Department of Civil Rights. The Disability Rights and Services Program and Language Access Program are responsible for overseeing implementation and providing necessary guidance to City agencies.

The implementation and oversight of this policy are designated to the Disability Rights and Services Specialist. All City staff are responsible for ensuring compliance with this policy and for fostering an inclusive and accessible environment for all members of the public.

Department of Civil Rights: Norman Davis, NDavis@cityofmadison.com

Disability Rights and Services Program: RHoyt@cityofmadison.com | 608-266-6511

Language Access Program: lap@cityofmadison.com | 608-266-4910

A handwritten signature in black ink, appearing to read 'SR-Conway', is positioned above the printed name.

Satya Rhodes-Conway
Mayor

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