

**NYC Disability Service  
Facilitator/ADA Coordinator  
Training – Pilot Program**

**September 14th and 15th  
Citywide Training Center  
Municipal Building 1 Centre Street, 24th Floor  
New York, NY 10007**

# **Training Packet**

GREAT PLAINS  
 CENTER

 Mayor's Office for  
People with Disabilities

 Northeast ADA Center

 Citywide Administrative  
Services

## **Disability Service Facilitator/ADA Coordinator Training**

# **Training Packet**

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## **New York City Disability Service Facilitator (DSF)/ADA Coordinator Training Academy - Pilot Program**

### **Basic description of the training program:**

The training is a two day course administered through the ADA National Network, NYC Mayor's Office for People with Disabilities (MOPD) and the New York City Department of Citywide Administrative Services (DCAS). The program provides training on the Americans with Disabilities Act (ADA) as well as other federal, state and local laws that impact people with disabilities. The hallmark of the program is that it provides the most relevant and up to date information, guidelines, new resources and other pertinent information that is specific to city governmental programs, services and activities offered to New Yorkers with disabilities. The training is meant to establish a knowledge base essential to performing the role of the DSF/ADA Coordinator in New York City.

### **Background:**

Currently there are approximately forty DSF/ADA Coordinators who have been assigned or newly hired by their agency who will participate in the training. For those who attend both days of the trainings they will receive a citywide certification as a DSF/ADA Coordinator and will earn credits towards their National ADA Coordinator Certification through the ADA National Network Great Plains ADA Center at the University of Missouri, School of Architectural Studies. Information will be provided on how to earn additional credits through the ADA National Network.

The training will be conducted at the Municipal Building located at 1 Center Street in the DCAS training room. The training will consist of seven topics with an exam (self-graded) at the end. Topics will be taught by staff from the ADA Regional Center(s) and NYC.

### **Topics Offered:**

1. Role of DSF
2. 2010 Standards for Accessible Design/NYC Building Code I  
2010 Standards for Accessible Design/NYC Building Code II
3. Effective Communication
4. Emergency Preparedness and Planning
5. Self-Evaluation and Transition Plans I  
Self-Evaluation and Transition Plans II
6. Fair Housing and Disability
7. Accessible Digital Technology

### **Instructors:**

(Mike Edwards and Kleo King)  
(Jennifer Perry and Nick Kaminski)  
(Jennifer Perry and Nick Kaminski)  
(Joe Zesski and Carolyn Kruk )  
(Dennis Boyd and Eli Fresquez)  
(Mike Edwards and Kleo King)  
(Mike Edwards and Kleo King)  
(Jennifer Perry and Vanessa Ramos)  
(Joe Zesski and Walei Sabry)

## Course Schedule

### DSF/ADA Coordinator Training and Certificate Program

#### DAY 1: September 14<sup>th</sup>

09:00 to 10:00.....Intro and Welcome Day One  
10:00 to 11:00.....Role of DSF  
Break 15min  
11:15 12:15.....2010 ADA Standards/NYC  
Building Code I  
12:15 to 01:45 Lunch  
01:45 to 02:45.....2010 ADA Standards/NYC  
Building Code II  
Break 15min  
03:00 to 04:00.....Effective Communication  
04:00 to 05:00.....Emergency Preparedness

#### DAY 2: September 15<sup>th</sup>

09:00 to 10:00.....Intro and Welcome Day Two  
10:00 to 11:00.....Self Eval and Transition  
Planning I  
Break 15min  
11:15 12:15.....Self Eval and Transition  
Planning II  
12:15 to 01:45 Lunch  
1:45 to 02:45.....Fair Housing and Disability  
Break 15min  
3:00 to 04:00.....Accessible Digital Technology  
4:00 to 05:00.....Examination and Closing



## Course Outlines

### 1. Role of DSF

1 hour

- a. Disability demographics
- b. Law: ADA, Rehab, other federal, state and local
  - i. Definitions: Program Access, etc.
  - ii. 5 Administrative requirements
  - iii. Non-Discrimination provisions
  - iv. Defenses
- c. Local Laws 26, 27, 28
  - i. Duties and best practices
  - ii. Notice and Grievance protocol

### 2. 2010 Standards for Accessible Design/ NYC Building Code I & II

2 hours

- a. Application and administration of standards (international)
- b. Equivalent Facilitation
- c. Conventions: scoping, figures, dimensions
- d. Tolerances and general exceptions, technical infeasible
- e. Scoping requirements (new construction, exceptions, alterations)
- f. Program access
- g. Alterations and priorities
- h. Technical Chapters
- i. Building Blocks ADA Standards
  - i. Chapter 3 : change in level, turning space, clear floor, clearance, protruding objects, reach range, operable parts
  - ii. Accessible routes Chapter 4: surfaces, doors, ramps, curbs, elevators/lifts
  - iii. General site and building elements Chapter 5: Parking, loading zones, handrails, stairs
  - iv. Plumbing elements and facilities Chapter 6: fountains, toilets, water closets, urinals, grab bars, others
  - v. Communications Elements and Features Chapter 7: Fire alarms, signs, telephones, assistive listening
  - vi. Special Rooms and spaces Chapter 8: Special rooms and Spaces: Assembly area, transient lodging, prison cells, etc.
  - vii. Build in Elements Chapter 9: Dining, benches, checkouts
  - viii. Recreation Facilities Chapter 10: Sports facilities, swimming pools, etc.

### **3. Effective Communication**

1 hour

- a. Title II
- b. General defenses
- c. Auxiliary aides and services
- d. Deaf and hard of hearing
- e. Low vision and blind
- f. Qualified and confidentiality
- g. Companions and children
- h. Video Remote interpreting
- i. Telecommunication and relay
- j. Title II and primary consideration
- k. Examples

### **4. Emergency Preparedness and Planning**

1 hour

- a. National, state and local Emergency framework
  - i. CIMS
- b. Disability, access and functional needs
- c. Functional planning
  - i. Communication
  - ii. Sheltering
  - iii. Evacuation
  - iv. Transportation
- d. Community Outreach
- e. Mitigation and Recovery
- f. Examples of hazards and DAFN integrated emergency management

### **5. Self-Evaluation and Transition Plans I**

1 hour

- a. Review agency and constituency needs
- b. Conducting a program assessment
- c. Information gathering
- d. Collecting into a database
- e. Analyzing and reporting
- f. Action plan/remediation plan
- g. Discussion with leadership and the community
- h. Making it work, accountability, advisory group

## **6. Self-Evaluation and Transition Plans II**

1 hour

- a. Standards and definitions
- b. Existing facilities and new construction
- c. Limits of program access
- d. Types most frequently listed by DOJ
- e. Physical Access vs. alternatives
- f. Regulatory requirements for a transition plan
- g. Determine which standards to use
- h. Multi-site programs
- i. Setting facility priorities/funding
- j. Survey for physical access an barrier removal
- k. Barrier information, codes, alternatives,
  - l. Barrier removal, how to fix
- m. Organizing and communicating information
- n. Barrier prevention and monitoring

## **7. Fair Housing and Disability**

1 hour

- a. Fair Housing Act and ADA
  - i. Protections/applications
  - ii. Design requirements
- b. Reasonable accommodations
- c. Reasonable modifications
- d. Parking
- e. Assistance animals vs. service animals
- f. State and city protections
- g. Requesting accommodations/modifications
- h. Enforcement

## **8. Accessible Digital Technology**

1 hour

- a. 508 and WCAG overview
- b. 508 and recent developments from the access board  
ICT
- c. WCAG 2.0 and W3C
- d. Local Law 26
- e. Website accessible development and coordination
- f. Social media and apps and other technologies

Sample

## **[NAME OF PUBLIC ENTITY] POLICIES PROHIBITING DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES IN ACCESS TO CITY SERVICES**

It is the policy of [name of public entity] to comply with all applicable laws including, but not limited to, the Americans with Disabilities Act (ADA), Rehabilitation Act, the New York State Human Rights Law and the New York City Human Rights Law. [Name of public entity] does not discriminate on the basis of disability in the operation of its programs, services and activities.

Employment related complaints for employees and applicants for employment seeking a reasonable accommodation are covered under the City's Diversity and EEO Policy which can be found at <http://www.nyc.gov/html/dcas/html/about/eo.shtml>.

Any member of the public who requires an auxiliary aid or service for effective communication, or a reasonable modification of policies or procedures (involving matters other than employment) in order to participate in our programs, services or activities is invited to direct their needs and preferences to [name of public entity's] Disability Service Facilitator ("Facilitator") by mail, telephone, or email:

Disability Service Facilitator  
[Insert facilitator's name]  
[Insert facilitator's mailing address]  
[Insert facilitator's telephone and email]  
[Insert name of public entity's] TTY [or 212-504-4115 NYC 311 TTY Number]  
New York Relay Service 711

Requests should be made as soon as possible but no later than three (3) business days before the scheduled program, service or activity. Questions, concerns or requests for additional information may be directed to [name of public entity's] facilitator.

If you believe that you have been denied an auxiliary aide or service or a reasonable modification of policies or procedures in order to participate in programs, services or activities provided by [name of public entity] please see [name of public entity's] grievance procedure.

# SAMPLE

## [NAME OF PUBLIC ENTITY] GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITY ACT, THE REHABILITATION ACT AND STATE AND CITY HUMAN RIGHTS LAWS IN ACCESS TO CITY SERVICES

This grievance procedure may be used by any member of the public who wishes to file a grievance alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the [name of public entity]. Employment related complaints for employees and applicants for employment seeking a reasonable accommodation are covered under the City's Diversity and EEO Policy which can be found at <http://www.nyc.gov/html/dcas/html/about/eeo.shtml>.

The grievance should be in writing and contain information about the alleged discrimination such as the name, address, and telephone number of the grievant, as well as the location, date, and description of the complaint or alleged violation of the ADA, the Rehabilitation Act, the New York State Human Rights Law or the New York City Human Rights Law. Examples of discrimination include, but are not limited to an agency refusing to provide an American Sign Language interpreter, large print or Braille documents and real time captioning also known as computer-assisted real-time transcription (CART) when requested within a reasonable time frame or failing to provide adequate information regarding accessibility for people with disabilities at [name of public entity] hosted public events.

Alternative means of filing grievances, such as in-person interviews or an audio recording of the grievance, may be made available, as needed, to persons with disabilities upon request.

The grievance should be submitted as soon as possible but no later than sixty (60) calendar days after the date of the alleged violation of the ADA, the Rehabilitation Act, the New York State Human Rights Law or the New York City Human Rights Law to:

Disability Service Facilitator  
[Insert facilitator's name]  
[Insert facilitator's mailing address]  
[Insert facilitator's telephone and email]  
[Insert name of public entity's] TTY [or 212-504-4115 NYC 311 TTY Number]  
New York Relay Service 711

Within **thirty (15) calendar days** after receipt of the grievance, the facilitator or his or her designee will contact the grievant to discuss the grievance and any possible resolutions.

Within **fifteen (15) calendar days** of this contact with the grievant, the facilitator or his or her designee will respond to the grievance in writing or, where appropriate, in a format accessible to the grievant, such as large print, Braille, or audio recording. This response will explain [name of public entity] position and offer options for substantive resolution of the grievance, where applicable.

The grievant or the grievant's designee may appeal the decision by the facilitator or his or her designee **within thirty (30) calendar days** of receipt of the response by mail to:

[Head of agency/Commissioner]

# SAMPLE

[Insert address]

The appeal should be submitted in writing. Alternative means of filing an appeal, such as an in-person interview or an audio recording of the grievance, may be made available for persons with disabilities upon request.

[Name of public entity's] response to the appeal will be provided to the grievant **within sixty (60) days** following receipt of the request for the appeal. All responses by [name of public entity] will be in writing or, where appropriate, in a format accessible to the grievant. All written grievances, appeals, and responses received in connection with a grievance made to [name of public entity], will be retained for at least three (3) years. **This document is available in alternative formats, including large print, audio recording, and Braille, from the facilitator upon request.**



# SAMPLE

## **[Name of Public Entity's] NOTICE OF RIGHTS UNDER THE AMERICANS WITH DISABILITIES ACT, THE REHABILITATION ACT AND STATE AND CITY HUMAN RIGHTS LAW IN ACCESS TO CITY SERVICES**

Effective Communication: [Name of public entity] will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in [name of public entity's] programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: [Name of public entity] will make reasonable modifications to policies and procedures to ensure that people with disabilities have equal access to all [name of public entity] programs, services, and activities. For example, individuals with service animals are welcome in all [name of public entity] offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a [[name of public] program, service, or activity, should contact the facilitator by mail, email or telephone at: [facilitator's name] [facilitator's mailing address], [facilitator's telephone] or [facilitator's email], as soon as possible but no later than three (3) business days before the scheduled event or activity.

The ADA does not require [name of public entity] to take any action that would fundamentally alter the nature of its programs or services or that would impose on it an undue financial or administrative burden.

[Name of public entity] will not impose a surcharge to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, for example retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Questions, concerns or requests for additional information may be directed to [name of public entity's] facilitator.

Disability Service Facilitator  
[Insert facilitator's name]  
[Insert facilitator's mailing address]  
[Insert facilitator's telephone and email]  
[Insert name of public entity's] TTY [or 212-504-4115 NYC 311 TTY Number]

If you believe that you have been denied an auxiliary aide or service or a reasonable modification of policies or procedures in order to participate in programs, services or activities provided by [name of public entity] please see [name of public entity's] grievance procedure.

Additionally, disability complaints and questions can be made at other City, State and Federal agencies including, but not limited to the following:

**NYC Commission on Human Rights**

22 Reade Street  
New York, NY 10272  
Telephone: 718-722-3131  
<http://www1.nyc.gov/site/cchr/about/submit-a-tip.page>

**NYS Division of Human Rights**

One Fordham Plaza, 4th Floor  
Bronx, New York 10458  
Telephone: 718- 741-8400  
<https://dhr.ny.gov/contact-us>

**U.S. Department of Justice**

950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section – 1425 NYAV  
Washington, D.C. 20530  
Telephone: 1-800-514-0301  
[https://www.ada.gov/filing\\_complaint.htm](https://www.ada.gov/filing_complaint.htm)

**U.S. Department of Housing and Urban Development**

451 7th Street, SW  
Washington, DC 20410  
Telephone: 1-800-669-9777  
[https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/online-complaint)

## INSTRUCTOR DIRECTORY

### **NYC Mayor's Office for People with Disabilities (MOPD)**

Kleo King  
Deputy Commissioner and General Counsel  
(212) 788-6771 (Office)  
[KKing@cityhall.nyc.gov](mailto:KKing@cityhall.nyc.gov)

Eli Fresquez  
Assistant General Counsel  
(212) 788-2505 (Office)  
(917) 573-6117 (Mobile)  
[jfresquez@cityhall.nyc.gov](mailto:jfresquez@cityhall.nyc.gov)

Walei Sabry  
Digital Accessibility Coordinator  
(212) 788-8948 (Office)  
(646) 965-1922 (Mobile)  
[wsabry@doitt.nyc.gov](mailto:wsabry@doitt.nyc.gov)

### **NYC Emergency Management (NYCEM)**

Dennis Boyd, Esq  
DAFN Coordinator  
(718) 422-8595 (Office)  
(646) 628-7710 (Cell)  
[dboyd@oem.nyc.gov](mailto:dboyd@oem.nyc.gov)

### **NYC Law Department**

Carolyn Kruk  
Senior Counsel, General Litigation  
Division (212) 356-0893 (Office)  
[ckruk@law.nyc.gov](mailto:ckruk@law.nyc.gov)

### **NYC School Construction Authority (SCA)**

Nicholas A. Kaminski  
Director, ADA Compliance  
Architecture & Engineering  
(718) 472-8718 (Office)  
(347) 642-2467 (Mobile)  
[nkaminski@nycsca.org](mailto:nkaminski@nycsca.org)

### **NYC Commission on Human Rights (CCHR)**

Vanessa Ramos  
Director of Training and  
Development  
(212) 416-0193 (Office)  
(646) 500-67699 (Mobile)  
[VRamos@cchr.nyc.gov](mailto:VRamos@cchr.nyc.gov)

### **Great Plains ADA Center**

Mike Edwards  
Director of ADA Coordinator Training  
Certification Program  
(573) 882-3617 (Office)  
[edwardsmic@missouri.edu](mailto:edwardsmic@missouri.edu)

### **Northeast ADA Center**

Wendy Strobel Gower  
Director of Northeast ADA Center  
(607) 255-6751 (Office)  
[ws283@cornell.edu](mailto:ws283@cornell.edu)

Jennifer Perry  
Access Specialist  
(732) 449-3621 (Office)  
[jlp359@cornell.edu](mailto:jlp359@cornell.edu)

Joe Zesski  
Program Manger  
NJ Affiliate, Northeast ADA Center  
(609) 269-8333 (Office)  
[jzesski@rilnj.org](mailto:jzesski@rilnj.org)

# NYC Disability Service Facilitators

## Basic Information and Resource Document

Revised 05/19/2017

In accordance with recently enacted Local Law 27, Disability Service Facilitators (“facilitator” or “DSF”) will serve city agencies with 50 or more employees as their public point of contact regarding disability issues and support compliance with the ADA and other federal, state, and local laws and regulations. If an agency has 50 or fewer employees it may, in consultation with MOPD, designate an employee to function as the facilitator for more than one agency.

Many agencies already have EEO officers who handle disability issues related to employment however the facilitator is specifically designated to respond to inquiries from the public. Many agencies also may have an assigned ADA Coordinator who serves in this role. It is at the discretion of an agency as to whether the duties of the facilitator will be carried out by the assigned ADA Coordinator.

The functions of the facilitator are described by Local Law 27. Below is basic information and resources regarding the role and responsibilities of the facilitator which shall include, but are not limited to, the following:

1. Serve as **primary contact** for persons with disabilities requesting auxiliary services:

A facilitator is the agency’s primary point of contact for requests of auxiliary services made by the public. Agencies are required to post on their website the facilitator’s name, office address, email address and telephone number. MOPD is also required to post this information on its website. In order to best manage public contact it is suggested that an agency chose to create a general email address such as “[disabilityfacilitator@youragency.nyc.gov](mailto:disabilityfacilitator@youragency.nyc.gov)” along with a dedicated phone line. For example:

*Your Name*

*Your Agency*

*Street Address*

*Tel: (###) ###-####*

*Email:*

[disabilityfacilitator@youragency.nyc.gov](mailto:disabilityfacilitator@youragency.nyc.gov)

2. **Coordinate auxiliary service** for persons with disabilities:

A facilitator is responsible for coordinating auxiliary aids and services to the public. Auxiliary aids and services include a wide range of services and devices that promote effective communication. When choosing a communication aid or service, an agency is required to give primary consideration to the aid or service requested by the person with a disability. Examples of auxiliary aids and services includes readers, note takers, sign language interpreters, assistive listening systems and devices, open and closed captioning, text telephones (TTYs), videophones, information provided in large print, Braille, audible, or electronic formats, and other tools for people who have communication disabilities. In addition, ADA regulations permit the use of newer technologies including real-time captioning (also known as computer-assisted real-time transcription, or CART) in which a transcriber types what is being said at a meeting or event into a computer that projects the words onto a screen remote CART (which requires an audible feed and a data feed to an off-site transcriber) and video remote interpreting (VRI). MOPD has recently developed a meeting guide to assist facilitators and other city employees in preparing notices, posters and other publicity materials that provide information about access for people with disabilities to New York City government events and meetings.

3. **Respond to inquiries** from the public concerning accessibility:

A facilitator is required to respond to public inquiries. There are many benefits to having an individual with knowledge of disability access provide information and respond to the public. For members of the public, having a facilitator makes it easy to identify someone to help them with questions and concerns about disability discrimination. Having a facilitator also benefits the agency. It provides a specific contact person with knowledge and information about the ADA other federal, state, and local laws and regulations so that questions by staff can be answered efficiently and consistently.

4. **Develop agency policies and procedures** to ensure full programmatic and communication accessibility for persons with disabilities:

All facilitators should review, provide updates and develop (if not already in existence) their agency's policies and procedures concerning accessibility for people with disabilities. For example, a basic policy prohibiting discrimination against people with disabilities can simply state that:

*“It is the policy of the agency to comply with all applicable laws including but not limited to, the Americans with Disabilities Act (ADA), the New York State Human Rights Law, and the New York City Human Rights Law. The agency does not discriminate on the basis of disability in the operation of its programs, services or activities. The agency will provide reasonable modifications necessary to enable persons with disabilities to participate in programs, services and activities”.*

A facilitator is not required to make reasonable modifications to policies, practices, and procedures where it can be shown that doing so would fundamentally alter the nature of the service, program or activity being provided or impose an undue financial or administrative burden.

5. **Conduct periodic training** for staff on disability access issues, as may be required by the head of such an agency:

Various trainings are provided through the city including recently developed awareness training which can be found here: [NYC Disability Awareness and Communication Training](#). Other trainings are available from the [ADA National Network](#). Additional trainings are being developed by the city. For more support with training please contact MOPD.

6. **Provide notices** to members of the public advising them of their rights under the ADA, the New York State Human Rights Law, New York City Human Rights Law and regulations promulgated by such agency related to persons with disabilities, as well as the agency’s **ADA grievance procedures**:

Notice and grievance procedures (if not already in existence) are required to be provided to the public by the facilitator. The notice and grievance procedures should be posted on the agency’s website. The public audience should be considered expansive and include everyone who interacts or would potentially interact with the agency. The notice should include relevant information regarding the ADA, the New York State Human Rights Law, New York City Human Rights Law and regulations. However, the notice should not be overwhelming and should state the basics without being too lengthy, legalistic, or complicated. A model notice can be found at NYC DOT: <http://www.nyc.gov/html/dot/html/about/accessibility-information.shtml>.

A grievance procedure must also be provided to the public giving an agency’s procedures for resolving grievances arising under the ADA, the New York State Human Rights law, the New York City Human Rights Law and regulations. A model grievance procedure can be found at NYC DOT: <http://www.nyc.gov/html/dot/downloads/pdf/nycdot-grievance-procedure.pdf> and should include the following:

- A description of how and where a complaint may be filed with the city agency.
- Notification that that alternative means of filing will be available to people with disabilities who require an alternate format.
- A description of the time frames and processes to be followed by the complainant and the agency.
- Information on how to appeal an adverse decision.
- A statement of how long complaint files will be retained.

7. **Assist in the investigation** of any complaint communicated to such respective agency alleging its noncompliance with ADA, and/or other applicable federal, state, and local laws relating to people with disabilities, or alleging any actions that would be provided by such laws:

Facilitators are to assist in investigations of complaints made by the public alleging noncompliance with access to services. Time-frames and protocols regarding investigations are generally included in the agency's grievance procedures.

8. **Document and maintain records** of complaints made pursuant to the ADA and other applicable federal, state and locals laws relating to people with disabilities, and **forward** such complaints to MOPD:

Facilitators shall forward complaints made from the public to MOPD. Consider developing a complaint form for the agency to use. A complaint form should be in writing and contain information about the alleged discrimination such as the name, address, phone number of complainant and location, date, and description of the problem. Alternate means of filing complaints, such as personal interviews or a digital recording of the complaint should be made available for person with disabilities upon request. Also consider conducting a documented facility access review and maintaining a recoded self-evaluation and transitional plan if not already developed by your agency.

9. **Analyze and make recommendations** to the head of each agency and to MOPD to resolve physical and programmatic access issues and at the request of MOPD, the head of each agency shall make such agency's facilitator **available to confer** with, and receive periodic training from MOPD:

In order to analyze and resolve physical and programmatic access issues the facilitator should have knowledge of their agency's services to the public both physically and programmatically. Physical access refers to the brick-and-mortar structure of a facility which may have ramps, elevators with braille and accessible restrooms. Program access refers to the requirement that an agencies, programs, and activities when viewed in its entirety are accessible to and usable by people with disabilities.

An agency is not required to make all its facilities physically accessible what is required is that each program, service or activity “when viewed in its entirety” is accessible to and usable by people with disabilities. An agency is not required to take any action that would fundamentally alter the nature of the service, program or activity being provided or impose an undue financial and administrative burden.

### **Resources for Facilitators:**

#### ADA Resources, Laws and Regulations:

- [ADA.gov](http://ADA.gov)
- [ADA Best Practices Tool Kit Chapter 2](#)
- [Text of the ADA](#)
- [Implementing Regulations](#)
- [Title II Technical Assistance Manual](#)
- [Title II Technical Assistance Manual \(Supplement\)](#)
- [ADA Standards for Accessible Design](#)

#### Other Resources, State, Local Laws and Regulations:

- [New York State Human Rights Law](#)
- [New York City Human Rights Law](#)
- [Website Accessibility Local Law 26](#)
- [Disability Service Facilitator Local Law 27](#)
- [Accessibility of Public Events Local Law 28](#)
- [Other Local Laws](#)
- [ADA National Network](#)

#### MOPD Resources:

- [MOPD Resources Disability-Specific Resources](#)
- [MOPD Meeting Guide and other Forms and Materials](#)
- [MOPD 2016 Accessible NYC Annual Report](#)
- [DSF Online Agency Staff List](#)

#### MOPD Contact:

Eli Fresquez | Assistant General Counsel  
Mayor's Office for People with Disabilities  
100 Gold Street, 2nd Floor New York, NY 10038  
O: 212.788.2505 C: 917.573.6117 F: 212.312.0960  
E: [JFresquez@cityhall.nyc.gov](mailto:JFresquez@cityhall.nyc.gov)



# **NYC Disability Service Facilitators as per Local Law 27**

Revised 8/21/2017

For any agency not listed here please contact MOPD

## **Mayor's Office for People with Disabilities**

Eli Fresquez

100 Gold St. 2nd Fl.

New York, NY 10038

Tel: (212) 788-2548

Email: [MOPD\\_DSF@cityhall.nyc.gov](mailto:MOPD_DSF@cityhall.nyc.gov)

## **NYC Police Department**

Scott J. Sassano

1 Police Plaza. Rm. 606

New York, NY 10038

Tel: (646) 610-5930

Email: [Scott.Sassano@nypd.org](mailto:Scott.Sassano@nypd.org)

## **Department of Parks and Recreation**

Christopher Noel

111-02 Roosevelt Ave

Flushing, NY 11268

Tel: (646) 632-7344

Email: [christopher.noel@parks.nyc.gov](mailto:christopher.noel@parks.nyc.gov)

## **Small Business Services**

Michelle Barnes-Anderson, MPA-I

William St 2nd Fl.

New York, NY 10038

Tel: (212) 618-6717

Email: [mbarnes@sbs.nyc.gov](mailto:mbarnes@sbs.nyc.gov)

## **Department of Transportation**

Quemuel Arroyo

55 Water St.

New York, NY 10041

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# **NYC Local Laws: 26, 27, 28, 47, 51**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2016**

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**No. 26**

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Introduced by Council Members Garodnick, Vacca, Chin, Constantinides, Eugene, Gibson, Koo, Rose, Vallone, Koslowitz, Cohen, Rosenthal, Menchaca, Treyger, Van Bramer, Kallos and Levin.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to a protocol relating to the accessibility of city government websites for persons with disabilities.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 23 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2016, in relation to access to translation of city websites, as proposed in introduction number 673-A, is amended by adding a new section 23-802 to read as follows:

*§ 23-802 Accessibility. a. The mayor or the mayor's designee shall adopt a protocol for websites maintained by or on behalf of the city or a city agency relating to website accessibility for persons with disabilities. Such protocol shall provide for agency websites to use either of the following standards: section 1194.22 of title 36 of the code of federal regulations or the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, developed by the Worldwide Web Consortium, or any successor standards, provided that the adopted protocol may differ from these standards in specific instances when the mayor or mayor's designee determines, after consulting with experts in website design and reasonable accommodations for people with disabilities, and the holding of a public hearing, that such differences will provide effective communication for*

*people with disabilities, and that such differences are documented in such protocol. Such protocol shall be made available online. This section does not require an agency to take any action that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.*

*b. No later than July 1, 2017, and every two years thereafter, the mayor or the mayor's designee shall submit to the council a written report that documents the compliance of websites maintained by or on behalf of the city or a city agency with the protocol adopted pursuant to subdivision a of this section.*

§ 2. This local law takes effect 180 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 24, 2016 and approved by the Mayor on March 14, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 26 of 2016, Council Int. No. 683-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2016**

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**No. 27**

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Introduced by Council Members Rosenthal, Torres, Cohen, Eugene, Koo, Lancman, Koslowitz, Cabrera, Chin, Van Bramer, Crowley, Levin, Reynoso, Palma, Deutsch, Dromm, Menchaca, Vallone, Kallos and Ulrich.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to the designation of disability service facilitators at city agencies.**

*Be it enacted by the Council as follows:*

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

*Chapter 10*

*NONDISCRIMINATORY ACCESS TO SERVICES*

*§ 23-1001 Definitions. For the purposes of this chapter:*

*ADA. “ADA” means the Americans with Disabilities Act, title 42 of the United States code section 12101 et seq.*

*ADA coordinator. “ADA coordinator” means the employee designated by an agency pursuant to section 35.107 of title 28 of the code of federal regulations.*

*§ 23-1002 Disability service facilitator. a. The head of each agency, in consultation with the mayor’s office for people with disabilities, shall designate an employee as such agency’s disability service facilitator, to coordinate its efforts to comply with and carry out its responsibilities under the ADA and other federal, state, and local laws and regulations concerning*

*accessibility for persons with disabilities. Such facilitator shall be knowledgeable about the ADA, and other federal, state, and local laws and regulations concerning persons with disabilities. The functions of such facilitator, at the discretion of each agency, may be performed by the employee or employees designated by such agency to be that agency's ADA coordinator. Agencies with fifty or fewer employees may, in consultation with the mayor's office for people with disabilities, designate an employee of the city to serve as the disability service facilitator for more than one of such agencies.*

*b. The functions of the disability service facilitator shall include, but not be limited to:*

*1. Serve as the primary contact within that respective agency for persons with disabilities requesting auxiliary services;*

*2. Coordinate auxiliary services for persons with disabilities;*

*3. Respond to inquiries from members of the public concerning accessibility;*

*4. Develop agency policies and procedures to ensure full programmatic and communication accessibility for persons with disabilities;*

*5. Conduct periodic training for agency staff on disability access issues, as may be required by the head of such agency;*

*6. Provide accessible notices to members of the public advising them of their rights under the ADA, the New York state human rights law, the New York city human rights law, and regulations promulgated by such agency related to persons with disabilities, as well as the agency's ADA grievance procedure;*

7. *Assist in the investigation of any complaint communicated to such respective agency alleging its noncompliance with the ADA and/or other applicable federal, state, and local laws relating to people with disabilities, or alleging any actions that would be prohibited by such laws;*

8. *Document and maintain records of complaints made pursuant to the ADA and other applicable federal, state, and local laws relating to people with disabilities, and forward such complaints to the mayor's office for people with disabilities;*

9. *Analyze and make recommendations to the head of each such agency and to the mayor's office for people with disabilities to resolve physical and programmatic access issues; and*

10. *Perform any other functions as may be assigned by the head of each agency.*

*c. At the request of the mayor's office for people with disabilities, the head of each agency shall make such agency's disability service facilitator available to confer with, and receive periodic training from, the mayor's office for people with disabilities.*

*d. Each agency shall post the name, office address, electronic mail address, and telephone number of the employee or employees designated as the disability service facilitator on their website. The mayor's office for people with disabilities shall post on its website the names of persons designated to act as the disability service facilitator within each agency.*

§ 2. This local law takes effect 90 days after it becomes law.

**THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:**

**I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 24, 2016 and approved by the Mayor on March 14, 2016.**

**MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.**

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 27 of 2016, Council Int. No. 881-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2016**

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**No. 28**

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Introduced by Council Members Rosenthal, Torres, Cohen, Mendez, Eugene, Koo, Rose, Wills, Koslowitz, Cabrera, Chin, Van Bramer, Crowley, Levin, Reynoso, Palma, Deutsch, Dromm, Menchaca, Treyger and Vallone.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to requiring advertising and other materials pertaining to public events to include information regarding accessibility for people with disabilities.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 10 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1003 to read as follows:

*§ 23-1003 Notification of accessibility for events open to the public. a. For the purposes of this section, “events open to the public” shall mean any event to which members of the general public are invited, whether for a fee or complimentary, hosted by a city agency, except that community boards and community district education councils may comply with the provisions of this section if practicable.*

*b. Agencies shall encourage contracted entities to comply with the requirements of subdivisions c and d of this section for events hosted by such entities.*

*c. All advertisements, posters, invitations, and other publicity materials for events open to the public, whether in print or via electronic means, shall contain information regarding who to contact for information regarding accessibility for people with disabilities at the event and a*

*deadline for when requests for accommodations for people with disabilities must be received by the organizer of the event.*

*d. All materials described in subdivision c of this section, to the extent practicable for the selected form of media, shall include information regarding the availability of:*

*1. wheelchair accessibility at the venue or venues for the event, which shall be designated by the symbol provided for in section one hundred one of the executive law, or successor symbol;*

*2. communication access real-time translation, which shall be designated by the letters “C-A-R-T”; sign language interpretation at the event for persons who are deaf or hard of hearing, which shall be designated by the international symbol or successor symbol to indicate the availability of sign language interpretation; or any other technology or service for persons who are deaf or hard of hearing, at the venue or venues for the event;*

*3. assistive listening systems for people with hearing loss at the venue or venues for the event, which shall be designated by the international symbol of access for hearing loss or successor symbol, and when available, the specific kind of system, including, but not limited to, induction loop assistive listening systems; and*

*4. any other accommodations for people with disabilities that will be available at the venue or venues for the event, which shall be indicated by the relevant international symbol if applicable.*

*e. The mayor’s office for people with disabilities shall develop, make available on its website, and distribute to each agency, and members of the public upon request, a guide to assist agencies in notifying the public about the availability of, and responding to requests for, reasonable accommodations described in subdivision d of this section. The guide shall contain a comprehensive list of common disability access symbols, and shall be periodically updated as appropriate.*

§ 2. This local law shall take effect 120 days after it becomes law, except that the mayor's office for people with disabilities shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 24, 2016 and approved by the Mayor on March 14, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 28 of 2016, Council Int. No. 883-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.

## **DIRECTIONAL SIGNAGE - Local Law 47 of 2012**

Local Law 47 of 2012 (*LL 47/2012*) ensures that people with disabilities are able to appropriately access and use buildings throughout our City. The law adds additional provisions to the NYC building code for signage indicating a building's nearest accessible entrance, public toilet, and elevator, where a limited number of such building elements are required to be accessible. The text of the law may be viewed at the following link: <http://www.nyc.gov/html/dob/downloads/pdf/ll47of2012.pdf><sup>1</sup> LL47 is included in the 2014 New York City Building Code under Chapter 11, Sections 1101.3.3 and 1110.2.

Signage indicating accessible building elements is already required by both New York City building code and the federal 2010 Americans with Disabilities Act Standards for Accessible Design. The innovation of *LL 47/2012* is that it uses signage to make buildings more accessible, not merely to indicate accessibility. For example, signage at lockable accessible entrances must include a telephone number or other instructions to gain access. And, signage at inaccessible elements directing people to accessible elements must be placed close enough to the path of travel such that people with disabilities will not be required to retrace the approach route from the inaccessible element.

*LL 47/2012* is retroactive (on or before August 1, 2013) for entrance signage, which means that all existing buildings that do not have all entrances accessible (with accessible and inaccessible entrances) must have code-compliant directional signage at the inaccessible entrances, and accessible entrances must have code-compliant accessible signage. In existing buildings where an inaccessible public toilet room, bathing facility, or an elevator without signage is undergoing renovations, or where such elements become subject to the 2008 or 2014 NYC Building Code because of a change in occupancy or other reasons, directional signage is triggered and must be installed to indicate the route to the nearest accessible element that provides the same function within the building.

### **SIGNAGE TYPES:**

- I. **International Symbol of Accessibility** (NYC updated symbol, summer 2013)



**Example (ACCESSIBLE ENTRANCE)**

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<sup>1</sup> Please note that the code text added by *LL 47/2012* to **Section 28-101.4.3** of the 2008 *NYC Administrative Code* has been moved to **Section 1101.3.3** of the 2014 *NYC Building Code*.



- International symbol of accessibility
- Text in English/Spanish with corresponding Braille strip below

WHERE TO POST	ADDITIONAL INFO REQUIRED
Accessible entrances where not all entrances are accessible	Contact telephone number or instructions to gain access if entrance is locked at all times or locked when building is otherwise open
Accessible toilet/bathing room where not all toilet/bathing rooms are accessible	Unisex symbol, where an accessible, unisex toilet room is permitted. Family/Assisted-use toilet room, where such toilet room is required.
Accessible elevators where not all elevators are accessible	Accessibility signage not required, but recommended to avoid confusion

## II. Directional Signage<sup>2</sup>



**Example (INACCESSIBLE ENTRANCE)**

- International symbol of accessibility and large directional arrow facing the same way
- Text in English/Spanish with corresponding Braille strip below
- Several of these signs may be required along the route

WHERE TO POST
Inaccessible entrances where an accessible entrance exists
Inaccessible toilet/bathing room where not all toilet/bathing rooms are accessible
Inaccessible elevators where not all elevators are accessible

### LL47/2012 Reference Documents

- *New York City Building Code* (2008 and 2014); **Section BC 1110, Signage**. This section of the code contains additional information regarding required sign locations, directional signage and other signage. **Chapter 11** is the accessibility chapter of the building code.

<sup>2</sup> Directional signage must comply with either **Section 703.2 (VISUAL CHARACTERS)** or **Sections 703.3 (RAISED CHARACTERS)** and **703.4 (BRAILLE)** of *ICC A117.1*.

A117.1 (2003) and (2009) *Accessible and Usable Buildings and Facilities*; **Section 703.2** through **Section 703.6**. This document contains technical requirements for accessible signage: case, style, character height/width/stroke, spacing, height above floor, location, finish, contrast and other relevant information.

**Directional Signage Installation Example:**



**FAQ's**

**Q. What if I do not install accessible/directional signage?**

A. Accessible and Directional signage requirements are enforced by the NYC Department of Buildings. You may be issued a violation and subject to a fine if accessible/directional signage is not provided.

**Q. I have one accessible entrance and one inaccessible entrance, what do I have to do?**

A. The accessible entrance must be provided with an accessible entrance sign and the inaccessible entrance with a directional sign pointing to the accessible entrance. In cases where the accessible entrance is not within sight, directional signs should be installed as needed along the route from the inaccessible entrance to the accessible entrance.

**Q. I have already installed an accessible entrance sign at the accessible entrance and a directional sign at the inaccessible entrance because of the 2010 ADA Standards. Do I have to do anything else?**

A. If the accessible entrance is not subject to locking during normal business hours, and the sign(s) comply with the 2010 ADA Standards, those sign(s) are considered acceptable. However, if the accessible entrance is subject to locking during normal business hours, or is locked all the time, and the accessible entrance sign that you installed does not include contact telephone number or instructions to gain access, such information must be added either to the sign you installed, or onto a separate sign adjacent to the current sign.

**Q. Where can I obtain compliant signage?**

A. Compliant signage can be easily obtained on the internet or through local sign shops.

**Q. What determines the use of visual or tactile signage?**

A. Visual signage is unreadable by people with sight disabilities. People who are blind read either tactile characters or Braille, but many of them do not read both. Tactile signage is recommended for directional signage with visual signage used as a supplement.

**Q. Where can the technical requirement for signage be found?**

A. The technical requirements are located in the 2014 NYC Building Code reference standard ICC A117.1-2009 Accessible and Usable Buildings and Facilities (or A117.1- 2003 for the 2008 NYCBC), Section 703 Signs. Copies may be purchased through the International Code Council online bookstore {{{Insert link}}}.

**Q. What are the mounting location requirements?**

A. Tactile requirements may be found in the following sections of A117.1-2009: 703.3 Raised characters; 703.3.10 Height above floor; 703.3.11 Location. Braille requirements may be found in the following sections: 703.4 Braille, 703.4.5 Mounting Height. Visual signage requirements may be found in the following sections: 703.2 Visual Characters; 703.2.9 Height Above Floor.

At a viewing distance of less than 6 feet (for greater distances see Table 703.2.4), visual sign characters shall be 40 inches minimum above the floor of the viewing position, measured to the baseline of the character. Raised characters shall be 48 inches minimum above the floor, measured to the baseline of the lowest raised character. Locate signs alongside a door at the latch side so that a clear floor area 18 inches by 18 inches minimum adjacent to the opening and centered on the characters. See the above referenced sections for additional information and figures.

**Q. What size should the sign be?**

A. Overall size is not specified, but visual and raised character specifications are. Overall size is determined by the content and compliance with the specific component and aesthetic considerations such as the amount of negative space used for background.

**Q. What are the finish, contrast, material, and color requirements?**

A. Characters and their background shall have a non-glare finish. Characters shall contrast with their background, with either light characters on a dark background, or dark characters on a light background.

Material is not specified and may vary depending upon the building aesthetics. Color is not specified, but generally a blue background with white characters is commonly used.

**Q. How often or how many directional signs are required?**

A. Starting at the inaccessible entrances, toilets and elevators, enough signs should be installed to provide sufficient continuance guidance to the nearest accessible entrance, public toilet, and elevator, where a limited number of such building elements are required to be accessible. Each facility varies regarding size, configuration, stories and level changes, distance from non-accessible to the accessible element and other factors.

**Q. Is there a lighting requirement?**

A. There is no lighting requirement, but both exterior and interior directional signs should be visible under ambient light levels.

**Q. Does the content need to be updated?**

A. Yes, if necessary to keep the information accurate (e.g., a phone number to gain access may change).

**Q. I have an accessible Restaurant and have included directional signage, is there a way to promote my business as wheelchair-friendly?**

A. Yes through the MOPD Restaurant Access Program (RAP). RAP is designed to provide a restaurant with the opportunity, if it chooses to do so, to advertise the fact that it is wheelchair-friendly.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2017**

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**No. 51**

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Introduced by Council Members Rosenthal, Torres, Eugene, Koo, Koslowitz, Cabrera, Chin, Van Bramer, Crowley, Levin, Reynoso, Palma, Deutsch, Dromm, Menchaca, Cohen, Vallone, Kallos, Johnson and Borelli.

**A LOCAL LAW**

**Amend the New York city charter, in relation to requiring the installation of induction loops systems for certain capital projects paid in whole or in part from the city treasury and requiring the publication of public locations where such systems are available.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of the New York city charter is amended by adding a new section 224.3 to read as follows:

*§ 224.3 Induction loop systems. a. As used in this section, the following terms have the following meanings:*

*Assembly area. The term “assembly area” means an assembly area, as defined in section 106.5 of the 2010 Americans with Disabilities Act standards for accessible design, in which audible communication is integral to the use of the space, except that such term shall not include classrooms in schools; facilities primarily used to deploy first responders, courthouses and outdoor facilities such as athletic fields and stadiums.*

*Baseline construction cost. The term "baseline construction cost" means the total cost of a proposed capital project not including the cost of installing an assistive listening system.*

*Capital project. The term "capital project" means a capital project as defined in section 210 of this chapter that is paid for in whole or in part from the city treasury.*

*b. Each capital project with an estimated baseline construction cost of \$950,000 or more involving the construction or reconstruction of one or more assembly areas shall be designed and constructed to include in at least one assembly area the installation of an induction loop assistive listening system that complies with section N102 of appendix N of the New York city building code, or an alternative assistive listening system that complies with appendix N of the New York city building code that has been determined by the mayor in accordance with subdivision i of this section to be significantly more effective for the hard of hearing than an induction loop system. Each security, information, or reception desk used for the checking-in or screening of persons attending a meeting or event held in a looped assembly area shall be equipped with microloops. This section shall not apply to a capital project involving the reconstruction of an assembly area if the estimated cost of installing an induction loop system or alternative system exceeds 5% of the baseline construction cost of the project.*

*c. Directional signage that includes guidance to an assistive listening assembly area, including raised graphics and letters with Braille descriptors, must be provided in accordance with section 1110.2 of the New York city building code, and other signage indicating any special accessibility features must be provided in accordance with section 1110.3 of such code.*

*d. The entrance to any building containing an assistive listening assembly area and any security, information, or reception area used for the checking-in or screening of persons attending a meeting or event held in such assembly area shall display the international symbol of access for hearing loss pursuant to figure 703.6.3.3 of ICC A117.1-2009 and a "T" in the lower right-hand*

*corner of such symbol indicating the availability of an induction loop system or a symbol indicating an alternative system if applicable.*

*e. No later than July 1, 2018, the mayor or an office or agency designated by the mayor shall post on its website the locations of facilities owned or operated by the city at which an assistive listening system such as an induction loop, infrared, FM, or other type of system, is permanently available or in the process of being installed, as well as which type of assistive listening system is permanently available or in the process of being installed, including the cost associated with installation of new assistive listening systems. The list shall be updated annually thereafter.*

*f. This section shall not apply to capital projects involving the construction or reconstruction of assembly areas that are not owned by the city unless 50 percent or more of the estimated cost of such project is to be paid for out of the city treasury, provided that this exemption shall not apply to any capital project that receives \$1,000,000 or more out of the city treasury.*

*g. The mayor may exempt from this section projects accounting for up to 20% of the capital dollars in each fiscal year subject to this section for the installation of assistive listening systems if in his or her sole judgment such exemption is necessary in the public interest. At the conclusion of each fiscal year the mayor shall report to the council the exemptions granted pursuant to this section, including the basis for such exemption.*

*h. The mayor or an office or agency designated by the mayor shall promulgate rules to carry out the provisions of this section.*

*i. Where the mayor determines, after consulting with experts in the field of hearing disabilities and assistive listening systems and advocates for people who are hard of hearing, that there is new technology with respect to an assistive listening system that makes such system significantly more*

*effective than an induction loop system, the mayor may promulgate a rule allowing the use of such system as an alternative to an induction loop system in accordance with subdivision b.*

§ 2. This local law takes effect on January 1, 2018, and applies to projects for which an application for construction document approval is filed with the department of buildings on and after such date, except that prior to such effective date the mayor or office or agency designated by the mayor shall take all actions necessary for the timely implementation of this local law, including the promulgation of rules.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on March 16, 2017 and approved by the Mayor on March 21, 2017.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 51 of 2017, Council Int. No. 882-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.



# Meeting Notice Guide

# INTRODUCTION

This Guide is created to assist City Agencies and their Disability Service Facilitators in preparing notices, posters, and other publicity materials that provide information about access for people with disabilities to New York City government events and meetings. Ensuring that information concerning accessibility is readily available takes careful planning. This Guide will assist with that planning, including information concerning meeting notices, effective communication at the event, access to the event or meeting location, and accessible materials available at the event or meeting.

Access for people with disabilities to government events and meetings open to the public is critical to New York City. We want to be inclusive and facilitate the participation in government programs, services and activities for the one in eight New Yorkers who have identified as having a disability according to the US Census 2014 Community Survey.

# EVENT NOTICES AND MEETING ANNOUNCEMENTS

City law requires that all advertisements, posters, invitations, notices, and other publicity materials for events and meetings open to the public --whether in print or via electronic means -- contain information about the accessibility of the facility and other accommodations for people with disabilities provided. The materials must provide contact information including an e-mail address and telephone number to request accommodations, and timeframe in which to make the request. A reasonable timeframe for making the requests is 48 to 72 hours prior to the meeting or event, which gives the City Agency sufficient time to arrange for the accommodations.

City law requires that notices of events, to the extent practicable for the selected form of media, include information regarding the availability of:

- wheelchair accessibility;
- communication access real-time translation;
- sign language interpretation;
- assistive listening systems, and when available, the specific kind of system, including, but not limited to, induction loop assistive listening systems; and
- any other accommodations for people with disabilities that will be available at the venue or venues for the event.

The law requires that international symbols shown in this guide be used when providing information about available accommodations.

Additional information that may be provided in the notices includes:

- Providing the location of the nearest bus stop;
- Providing the location of the nearest accessible subway station;
- Providing information on nearest parking facility;
- Providing information on service animal relief areas;
- Requesting that attendees refrain from using perfume, cologne and other fragrances to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities.

## **REASONABLE MODIFICATIONS**

A City Agency should conduct public meetings in accessible facilities. If this is not possible, the agency needs to provide reasonable accommodations to an individual who could not access the meeting location such as providing remote access by video. Also, if an agency provides written materials at a public meeting, the materials need to be provided in alternate formats such as large print, Braille or in audio format upon request.

## **EFFECTIVE COMMUNICATION**

When choosing a communication aid or service, the City Agency is required to give primary consideration to the aid or service requested by the person with a disability. The City Agency must honor the person's choice, unless it can demonstrate that another effective means of communication is available, or that the use of the means requested would result in a fundamental alteration in the nature of a service, program, or activity or in an undue financial and administrative burden. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide an alternative aid or service that provides effective communication if one is available.

In determining whether a particular aid or service would result in undue financial and administrative burdens, the City Agency should take into consideration the cost of the particular aid or service in light of all resources available to fund the program, service, or activity and the effect on other expenses or operations. The decision that a particular aid or service would result in an undue burden must be made by a high level official, no lower than a Department head, and must include a written statement of the reasons for reaching that conclusion.

The following are some companies and organizations that provide sign language interpreters or CART transcription services in New York City:

Accurate Communication - 646-873-4000  
(Department of Citywide Services has a contract with this company)

Sign Language Resources, Inc. - 888-964-5553

Comprehensive Network - 718-382-2020

New York Society for the Deaf - 212-366-0066

Deaf & Hard of Hearing Interpreting Services Inc. - 212-647-1092

All Hands in Motion - Pro. Sign Language Interpreters, LLC. - 718-997-0472

## **PRINTED MATERIAL**

All print notices and other materials should be in at least 18 point font. Use bold type because the thickness of the letters makes the print more legible. Provide color contrast using either light background with dark print or a dark background with light print. Avoid decorative cursive fonts including italics, and avoid using all capital letters, since these forms of print make it more difficult to differentiate among letters.

## **ELECTRONIC MATERIAL**

All electronic materials must be in a format that is accessible to individuals who have a visual disability or use a screen reader. Examples of accessible formats include, Word documents, Accessible PDF or basic html. Electronic materials

## SYMBOLS

When providing information about accommodations already in place, it may be more efficient to use universally recognized symbols in lieu of words as follows:



Location is accessible to individuals using wheelchairs and other mobility devices



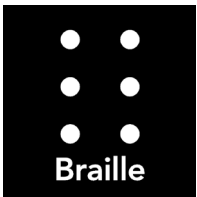
Sign Language Interpreters are provided



Induction Loop System is in place



Assistive Listening System is in place (indicate the type of system Infrared, FM, or Induction Loop)



Printed materials are provided in Braille



Printed materials are provided in large print



Real Time Captioning is provided

[Download International Symbol of Access here](#)  
[Download all other accessible symbols here](#)

## Formal Invitation example

To whom it may concern,

You are cordially invited to join the NYC Mayor's Office for People with Disabilities for a meeting to discuss accessibility. Monday, June 6, 2016 from 3 – 4pm at 100 Gold Street, 2nd Floor, New York, New York.

Please RSVP to [rsvp@mopd.nyc.gov](mailto:rsvp@mopd.nyc.gov) with the name and titles of attendees and their affiliated organization no later than close of business Thursday, June 2nd.

Access Provided:



100 Gold Street's main entrance has an automatic door and is accessible to persons using wheelchairs and others with disabilities. The meeting will be translated by an ASL interpreter, CART and an Induction Loop System will be provided in the meeting room. Restrooms on the second floor are accessible including a single user restroom. For further information or requests regarding accessibility please email MOPD's Disability Service Facilitator at [mopd\\_dsf@mopd.nyc.gov](mailto:mopd_dsf@mopd.nyc.gov) or call (212) 555-5555 by June 4th.



**Event Flyer example**

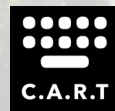
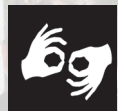
# **New York City Disability Pride Parade**

**Monday July 10th, 2016**

**11:00AM**

**Union Square Park**

**Access Provided:**



**The parade route is fully accessible. Accessible portable toilets, CART, ASL interpretation and induction loop technology will be provided.**

**To request additional accommodations please contact  
MOPD\_DSf@cityhall.nyc.gov or 212 - 788 - 2830 by July 7th.**



**Mayor's Office for  
People with Disabilities**



## Facebook example (limited space)



**New York City Mayor's Office for People with Disabilities**

January 15

On January 26th come to the [NYPL The New York Public Library #DescribeAthon17](#) from 12:00PM to 6:45PM at the [Andrew Heiskell Braille and Talking Book Library](#) and help make video on the web more accessible for blind viewers. Learn more here: <http://on.nypld.org/2itnIKT#a11y>

### **Describeathon 2017** **Thursday, January 26th** **12:00PM - 6:45PM**

**Andrew Heiskell Braille & Talking Book Library**



New York  
Public  
Library



Entrances & Restrooms are fully accessible  
To request additional accommodations please  
email [Jsmith@NYPLemail.com](mailto:Jsmith@NYPLemail.com)  
72 hours before the event

**Describeathon 2017 - help make your favorite web videos accessible!**

Help make video on the web more accessible for blind viewers by adding your voice to DescribeAthon17.

## Twitter example (limited space)



**NYC MOPD** @NYCDisabilities December 28th

Jazz Legends for disability pride, legendary lineup of jazz musicians raising money for 2017 Disability Pride Parade  
[winterjazzfest.com/jazzlegends](http://winterjazzfest.com/jazzlegends)

### JAZZ LEGENDS *For* DISABILITY PRIDE



Jimmy Cobb



George Coleman



Benny Golson



Harold Mabern



Ron Carter

And many others.

2017 Disability Pride Parade Fundraiser - January 5th, 6:30 - 9:30 PM  
Quaker Friends Meeting Hall, 15 Rutherford Place, NYC



This venue has an accessible entrance & bathroom.

For accommodation requests, contact [nycpres@gmail.com](mailto:nycpres@gmail.com) 72 hours before event

If you have any additional questions about your notices, please contact



**Mayor's Office for  
People with Disabilities**

(212) 788-2830

# Training Slides



Mayor's Office for  
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DSF/ACTCP Training










Training Pilot Program 2017  
Course Code: C7941

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

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Mayor's Office for  
People With Disabilities







Mayor's Office for People with  
Disabilities

- We work hand-in-hand with City agencies to ensure that the voice of the disabled community is represented and that City programs and policies address their needs
- We are an information/referral service for people with disabilities
- We work with businesses and community groups to ensure access to their goods and services



[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

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Goals of the Training

- Provide basic understanding of the ADA and other laws, guidelines, best practices and resources
- Networking and information sharing
- As a pilot looking for your valuable feedback

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

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- 10 regional centers throughout the country
  - Each center focuses on the region's unique and specific needs
  - Purpose is to ensure nationally, the network is meeting the needs of disabled populations.



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## Symposium May 14-17, 2017



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## Prior Symposiums

- Orlando, Florida  
March 12 – 14, 2012
- Indianapolis, Indiana  
May 30 – June 1, 2012
- San Antonio, Texas  
May 12 – 15, 2013
- Atlanta, Georgia  
May 10 – 13, 2015
- Denver, Colorado  
June 15 – 18, 2014



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## Important Resources

- **ADA.gov**
- U.S. Access Board: **[www.access-board.gov](http://www.access-board.gov)**
- National Disability Rights Network: **[ndrn.org](http://ndrn.org)**
- U.S. Department of Justice: **[justice.gov](http://justice.gov)**
- Federal Transit Administration: **[transit.dot.gov](http://transit.dot.gov)**
- U.S. Department of Labor: **[dol.gov](http://dol.gov)**
- U.S. Health & Human Services: **[hhs.gov](http://hhs.gov)**

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

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Mayor's Office for  
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## Questions



[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

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Mayor's Office for

People With Disabilities

Disability Service Facilitators

Presentation Developed by  
Mayors Office for People with Disabilities  
2017

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

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Mayor's Office for

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NYC Numbers

Non-Disabled 88.8%

Disabled 11.2%

99,000  
Wheelchair  
Users

NYC Population 8.5 million people

948,208 people with disabilities

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

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Laws

- Americans with Disabilities Act
- Section 504 of the Rehabilitation Act of 1973
- New York city Human Rights Law
- New York State Human Rights Law
- New York City Building Code
- Various NYC Local Laws

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

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Mayor's Office for  
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## Local Law 27 of 2016

- Requires the head of each agency, in consultation with MOPD to designate an employee as the agencies Disability Service Facilitator (DSF)
- DSFs coordinate the agency's efforts to comply with and carry out its responsibilities under the ADA and other federal, state, and local laws concerning access for people with disabilities
- Agencies with 50 or fewer employees, in consultation with MOPD, designate a city employee to serve as the DSF for more than one of these agencies

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## Functions of the DSF

- Serve as primary contact for persons with disabilities requesting auxiliary aids and services
- Agencies are required to post on their website the facilitator's name, office address, email address and telephone number
- In order to best manage public contact it is suggested that an agency chose to create a general email address such as "disabilityfacilitator@youragency.nyc.gov" along with a dedicated phone line.

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## Functions of the DSF

- Coordinate the auxiliary aids and services requested
- Examples include - readers, note takers, sign language interpreters, assistive listening systems and devices, open and closed captioning, text telephones (TTYs), videophones, large print, Braille, audible or electronic formats, real-time captioning (CART), or video remote interpreting (VRI)

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## Functions of the DSF

- **Respond to inquiries** from the public concerning accessibility
- Individuals with disabilities are provided with a specific contact person who has knowledge and information about the ADA other federal, state, and local laws and regulations so that questions by staff can be answered efficiently and consistently

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## Functions of the DSF

- **Develop agency policies and procedures** to ensure full programmatic and communication accessibility for persons with disabilities
- DSFs should review, provide updates and develop (if not already in existence) their agency's policies and procedures concerning accessibility for people with disabilities

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## Functions of the DSF

- **Conduct periodic training** for staff on disability access issues, as may be required by the head of such agency
- Resources include MOPD, EM, CCHR, ADA National Network, U.S. Access Board, and community organizations
- Other Agencies

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## Functions of the DSF

- **Provide notices** to members of the public advising them of their rights under the ADA, the New York State Human Rights Law, New York City Human Rights Law
- ADA Notice and Grievance procedures (if not already in existence) are required to be provided to the public
- The notice and grievance procedures should be posted on the agency's website

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## Functions of the DSF

- **Assist in the investigation of any complaint** received by the agency alleging its noncompliance with the ADA, and/or other applicable federal, state, and local laws relating to people with disabilities, or alleging any actions that would be prohibited by such laws
- Timeframes and protocols regarding investigations are generally included in the agency's grievance procedures

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## Functions of the DSF

- **Document and maintain records** of complaints made pursuant to the ADA and other applicable federal, state and local laws relating to people with disabilities
- Forward these complaints to MOPD

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## Functions of the DSF

- **Analyze and make recommendations** to the head of the agency and to MOPD to resolve physical and programmatic access issues
- Perform any other functions that may be assigned to you by the head of the agency

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## DSF Training

- The head of each agency shall make the DSF available to confer with and to receive periodic training from MOPD
- MOPD conducts quarterly meetings with the DSFs, offers training throughout the year and/or provides information on beneficial trainings by outside sources

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## ADA Coordinator

- 28 CFR 35.107 - Designation of responsible employee and adoption of grievance procedures
- (a) A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.
- (b) A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

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## ADA Coordinator

- Primary Role -
- Ensure that all citizens in community and members of your workforce have an opportunity to participate in the programs, activities and services offered in a full and meaningful way
- Ensure that ADA violations do not occur OR are remedied if they do
- Serve as primary point of contact for ADA compliance, for both your employer and for members of the community.

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## Local Laws

- Local Law 47 of 2012 - adds additional provisions to the NYC Building Code for signage
- Local Law 26 of 2016 - provides for accessibility of city government websites for persons with disabilities
- Local Law 28 of 2016 - requires advertising and other materials pertaining to public events to include information regarding accessibility for people with disabilities

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

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## Local Laws

- Local Law 51 of 2017 - require the installation of induction loops systems for certain capital projects paid in whole or in part from the city treasury and requiring the publication of public locations where such systems are available



[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

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## Accessible Meeting Notices

- Local Law 28 requires that all advertisements, posters, invitations, notices, and other publicity materials -- whether in print or via electronic means -- for events and meetings open to the public contain information about the accessibility of the facility and other accommodations for people with disabilities
- The materials must provide contact information including an e-mail address and telephone number to request accommodations and a timeframe in which to make the request (48 to 72 hours is a reasonable timeframe)

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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Mayor's Office for  
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## Accessible Meeting Notices

- Notices of events, to the extent practicable for the selected form of media, need to include information regarding the availability of:
  - wheelchair accessibility
  - communication access real-time translation
  - sign language interpretation
  - assistive listening systems, and when available, the specific kind of system, including, but not limited to, induction loop assistive listening systems
  - any other accommodations for people with disabilities that will be available at the venue or venues for the event

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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


## Accessible Meeting Notices

- When providing information about accommodations already in place, it may be more efficient to use universally recognized symbols in lieu of words as follows:









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## Know Your Physical Space

- Where are the accessible facilities
- Where are the accessible entrances
- Where are the accessible restrooms
- What accommodations do you offer
  - Large Print/Braille/Audio Programs
  - Assistive Listening Systems
  - CART
  - ASL Interpreters

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## Questions



[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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Mayor's Office for  
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## Thank You

Mayor's Office for People with Disabilities

212-788-2830

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)

[www.nyc.gov/mopd](http://www.nyc.gov/mopd)
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## 2010 ADA Standards for Accessible Design

### Presented By:

Nicholas A. Kaminski, Director, ADA Compliance, NYC School Construction Authority  
Jennifer Perry, Access Specialist, Northeast ADA Center

September 14 & 15, 2017



Cornell University

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## Americans With Disabilities Act of 1990 (ADA)



- Federal Civil Rights Law signed by President George H.W. Bush on July 26, 1990
- Described as one of the most sweeping pieces of civil rights legislation since the Civil Rights Act of 1964

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## 5 Titles of the ADA:



- Title I – Employment
- Title II – State & Local Government Entities
- Title III – Places of Public Accommodation
- Title IV – Telecommunications
- Title V – Miscellaneous Provisions

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## 1968 New York City Building Code



- Amended in 1987 to include legislation known as "Local Law 58".
- Included provisions for all types of facilities, including residential & commercial
- In 2003, largest revision to the NYC Construction Codes took place and released as the 2008 NYC Building Code.
  - It is based on a 3 year revision cycle, revised again in 2014.
  - Currently up for revision in 2017

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## Which Do I Comply With?



The code or standard that provides the greater level of accessibility

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## ADA Design Requirements



- For new construction, alterations, additions, barrier removal and program accessibility efforts, the 2010 ADA Standards for Accessible Design apply as of March 15, 2012.
- For facilities constructed between 1992 and March 15, 2012, the 1991 ADA Accessibility Guidelines (ADAAG) regulated the construction of these facilities.
- In addition to ADA Compliance, the NYC Construction Code applies accessibility requirements to newly constructed and/or altered facilities.

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## Safe Harbor Provisions and the 2010 ADA Standards for Accessible Design



- The 2010 ADA Regulations include a general **safe harbor** under which those elements in covered facilities built or altered in compliance with the 1991 Standards are not required to be brought into compliance with the 2010 Standards until those elements are scheduled for alteration.
- The **safe harbor** does not apply to those elements in existing facilities that were not governed by the 1991 Standards, but are now governed by the new regulations (i.e. Recreational Facilities, residential dwelling units, courtrooms, etc...)

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## 2010 ADA Standards



Apply to:

- State/ local gov't facilities 
- Places of public accommodation 
- Commercial facilities
- Transportation facilities (DOT's 2006 Standards) 

Federal facilities covered by ABA Standards

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## New York City Requirements



### Scoping Requirements:

"What, Where & How Many"  
Chapter 11 – 2014 NYC Construction Code and Appendices E, N and P



### Technical Requirements:

"How"  
ICC/ANSI A117.1-2009



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## Accessibility laws are often cumulative.

### Note to Designers:

Building officials enforce the code, while designers are responsible for meeting all applicable requirements.



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## What about “old” buildings, built pre-ADA, that are not being altered?

What is required under the ADA then?

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## Title II & “Program Accessibility”

- State & local governments must ensure that individuals with disabilities are not excluded from services, programs and activities because programs are not accessible.
- Public entities will not have to make each facility accessible to individuals with disabilities as long as equivalent access to the program is ensured.  
*For example: Relocating a workshop from the 2<sup>nd</sup> to 1<sup>st</sup> floor.*

“Undue Burden” standard – places responsibility on the public entity to demonstrate that any accessible modifications or accommodations would result in a fundamental alteration in the nature of a service or program, or cause excessive financial and administrative burden.

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## Title III & "Barrier Removal"



- Title III requires that private entities that own, operate, or lease places of public accommodation may not discriminate on the basis of disability in providing goods and services and must remove all structural and architectural barriers to accessibility if such removal is "readily achievable." (*Easily accomplishable without much difficulty or expense*)
- Additionally, public accommodations and entities which operate places of public accommodation must make newly constructed and altered buildings "readily accessible" to persons with a disability, unless such accessibility is "structurally impracticable."

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## Barrier Removal & Title III of the ADA – No such thing as "grandfathered"!



- Barriers can often be removed by making small changes to the physical environment, **HOWEVER**, the exact costs that must be spent on barrier removal are not detailed in the ADA.
- The judgment of what is readily achievable is done on a case-by-case basis. This process is not a one-time effort, but rather is something that must continually be re-evaluated. Something that is cost prohibitive today for a hotel, might be affordable if planned for in the following year's budget.



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## DOJ ADA Standards & Regulations

The Department of Justice (DOJ) published updated ADA regulations based on the Access Board's guidelines.

These regulations include additional design requirements that supplement the standards.



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## There are Specific Requirements in Title II and III Regulations for:



- Places of lodging
- Social service center establishments
- Assembly areas
- Medical care facilities
- Housing at a place of education
- Residential Facilities
- Detention and Correctional Facilities

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## 2010 ADA Standards



### Application and General Scoping



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## CHAPTER 1



### Application and Administration

- 101 – Purpose
- 102 – Dimensions for Adults and Children
- 103 – Equivalent Facilitation
- 104 – Conventions
- 105 – Referenced Standards
- 106 – Definitions

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## Conventions



- Dimensions – range instead of absolute dimension where possible
- Construction *and* manufacturing tolerances
- Calculation of percentages
- Figures – informational; text governs

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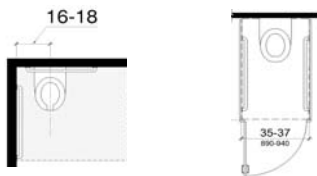
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## Ranges instead of absolute dimensions



Water closet centerline (16-18")

Width of ambulatory accessible stall (35" - 37")



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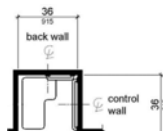
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## Some absolute dimensions remain



Transfer shower stall (36" x 36")



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## Construction Tolerances



- Tolerances are not a “mistake factor”. Nor, is it a failsafe for careless field errors.
- Not intended for design work.
- STAY AWAY FROM BARE MINIMUMS AND ABSOLUTE MAXIMUMS!

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## Referenced Standards



- Powered doors (ANSI/BHMA A156.10 & A156.19)
- Elevators and lifts (ASME A17.1 & A18.1)
- Egress (IBC)
- Alarms (NFPA 72)
- Play surfacing & equipment (ASTM standards)

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## Adult and Children's Dimensions



- Anthropometrics drive the design
- New children's guidance covers:
  - Drinking fountains
  - Water closets
  - Toilet compartments
  - Lavs/sinks
  - Dining and work surfaces



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## Equivalent Facilitation



### 103 Equivalent Facilitation

- Nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in **substantially equivalent or greater accessibility and usability.**

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## CHAPTER 2



### General Scoping and Exceptions

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### Application (201)



#### Premise:

All areas of newly designed/ constructed facilities to comply unless indicated

Exceptions more thoroughly covered

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## Temporary and Permanent Structures



**201.3** – Regulations apply to both

- Classrooms
- Bleachers
- Stages
- Platforms/daises
- Exhibits
- NOT Construction



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## Existing Buildings and Facilities (202)



- Additions
- Alterations
- Primary Function Areas – Path of Travel
- Qualified Historic Facilities

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**What about Alterations to Existing Buildings...what does the ADA require then?**



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## Alterations



- Specific provisions for alterations located throughout the ADA standards ([www.ada.gov](http://www.ada.gov)) (refer to “alterations” or “existing facilities”)



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## Application & Scoping

Within an altered space, standards apply to those elements that are altered



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## Alterations



### ***“Technical Infeasibility” =***

- Existing physical/site constraints that prohibit compliance
- *Example:* removing fixture to create accessible stall conflicts with plumbing code

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## Technical Infeasibility



Is relative to scope of work; where renovation = more extensive, technical infeasibility = less likely

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## Alterations



### Technical Infeasibility:

- case-by-case determination
- based on existing constraints/ conditions and scope of work
- compliance required to the *maximum extent feasible*

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## Waivers of Accessibility Provisions



### Recommendation is required by MOPD

- based on specific findings as per building code
- does NOT exempt you from Federal ADA provisions

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### Alterations: Path of Travel (§202.4)



- Additional requirements for alterations to areas containing a “primary function” (major activity intended for facility)
- Example: classrooms at a school

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### Alterations: Path of Travel



- Alterations to primary function areas require an accessible “path of travel”:
- accessible route (from site arrival points, parking, building entrances)
- restrooms
- phones
- drinking fountains

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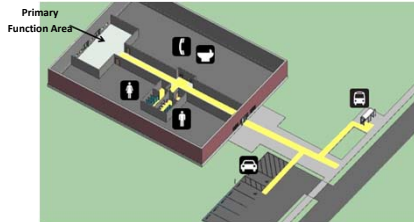
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### Alterations: Path of Travel



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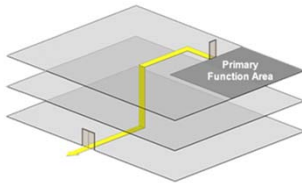
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## Path of Travel

Path of travel may require vertical access  
between floors



Exceptions for vertical access allowed in new  
construction still apply

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## Path of Travel



- Path of travel is required to the extent that it is not “disproportionate” to the project cost (more than 20%)
- Compliance required up to the 20% limit

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## Path of Travel



Example project calculation:



- Total cost of all alterations: \$200,000
- Cost pertaining to PF areas: \$100,000
- Path of travel cost cap: \$20,000 (20%)

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## Path of Travel



Prioritization where 20% cap reached – access to:

1. entrance
2. route connecting primary function area
3. restrooms
4. phone
5. drinking fountain
6. other elements (e.g. parking, storage, etc.)

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## NYC Building Code Scoping



- Based on:
  1. Change of Occupancy or How a Space Is Used.
  2. Value of Alteration.

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## Change of Occupancy



- Accessibility is required to the entire building when there is a change in the main use or dominant occupancy.
- Accessibility is required throughout a space (and immediate entrance) when there is a change to the occupancy classification or zoning use group.

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## Value of Alteration



- Accessibility is required to the entire building where the value of the alteration exceeds 50% of the value of the existing building.
- Accessibility is required to the portion of the existing building being altered, where the value of the alteration does not exceed 50% of the value of the existing building.

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## General Exceptions (203)

Sites, buildings, facilities and elements that are exempt from these requirements...

- Construction sites
- Raised areas
- Limited access spaces
- Machinery spaces



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## General Exceptions (203)



- Single occupant structures (e.g., toll booths)
- Certain common use spaces in detention and correction facilities and residential facilities
- Employee work areas\*



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## Raised Areas

Exempt: areas raised for security, life/fire safety



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## General Exceptions (203)

- Raised referee judging and scoring areas
- Water Slides
- Animal containment areas
- Raised boxing, wrestling rings
- Diving boards and platforms



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## Operable Parts (205)

When located on accessible elements, routes and rooms, must be accessible.

### EXCEPTIONS:

- When intended for maintenance personnel, etc.
- Dedicated electrical, communication & floor receptacles
- HVAC diffusers
- Redundant controls
- Exercise equipment



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## Accessible Routes (206)



Where required:

- Site arrival points
- Within sites (not required if no pedestrian route provided)
- Between stories (elevator exceptions)
- Space and elements
- Specific spaces (e.g., restaurant & cafeteria, performance area, press box)

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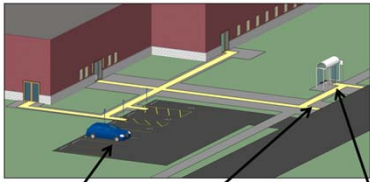
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## Accessible Routes

At least one accessible route to building entrances from site arrival points provided



parking & passenger loading zones



streets & sidewalks



transportation stops

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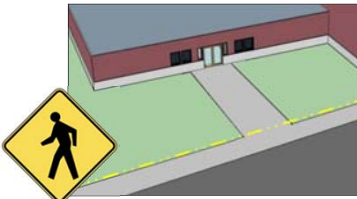
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## Site Arrival Points

Connection to public streets & sidewalks - may require coordination with local jurisdictions.



Board developing guidelines for public rights-of-way

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## Site Arrival Points

- *Exception for sites where the means of access between site arrival points and entrances are via a vehicular way not providing for pedestrian access.*

Accessible routes within the site shall be provided from:

- public transportation stops;
- accessible parking;
- accessible passenger loading zones;
- public streets or sidewalks to the accessible building entrance served.



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## Within A Site

- At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site.
- *Exception for sites that have, as the only means of access between them, a vehicular way not providing for pedestrian access.*



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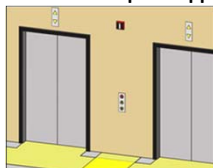
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## Multi-Story Facilities (§206.2.3)

At least one accessible route must connect each story and mezzanine unless an exception applies



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## Exceptions (§206.2.3)

AR between floors (“elevator exception”)

Private sector facilities only:



less than 3 stories

OR



less than 3,000 sf/ flr)

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## Exceptions

Exception not allowed for:

- Shopping centers/ malls with 5 or more sales or retail establishments)
- Professional offices of health care providers
- Terminal, depots, or stations used for public transportation
- Government (Title II) Facilities



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## Multi-Story Facilities – NYC Exception



In nonresidential buildings, an accessible route is not required to levels and mezzanines above and below accessible levels where the aggregate area of all such levels and mezzanines that are not provided with accessible routes is not more than 2,500 square feet.

Note that the exceptions shown on the previous slide are also applicable under the NYC Construction Code (i.e. shopping malls, government facilities, office of health care providers, public transportation sites, etc... do not qualify for the vertical accessibility exception.)



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### ADA Employee Work Areas



- “approach, entry, & exit”
- circulation paths (in areas 1000 sq ft)
- means of egress
- wiring for visible appliances where audible alarms provided



NYC - at least one and not less than five percent of seating, tables and/or work stations, if provided, within employee work areas shall be accessible.

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### ADA Employee Work Areas



Circulation paths = Accessible unless:

- Work areas < 1000 sq. ft. (<300 sq. ft.) defined by permanent partitions, casework, counters, or furnishings
- paths = integral part of equipment
- exterior areas fully exposed to the weather (this exception does not apply in NYC)




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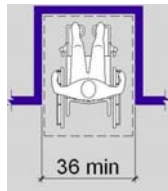
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### Building Blocks (Chapter 3)



- Floor or Ground Surfaces
- Changes in Level
- Turning Space
- Clear Floor/ Ground Space
- Knee & Toe Clearance
- Protruding Objects
- Reach Ranges
- Operable Parts




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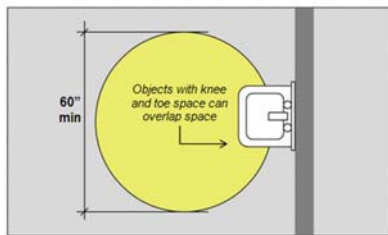
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## Turning Space



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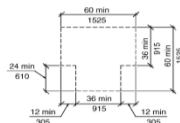
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### 304.3.2 T-shaped Wheelchair Turning Space



- **Common Error –**
- The 5 ft. turning diameter is not the only option for providing a wheelchair turning space. T-shaped spaces are also permitted.



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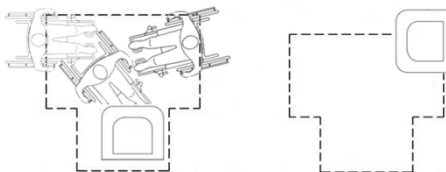
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### Turning Space (304)



Overlap permitted for only one arm of T-shaped space

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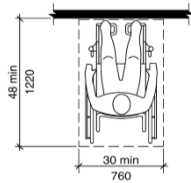
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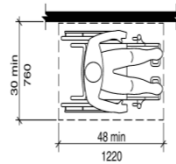
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## Turning Space (304)

305.5(a) Forward Clear  
Floor or Ground Space

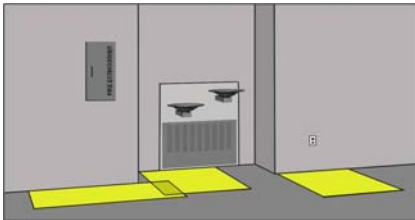


305.5(b) Parallel Clear  
Floor or Ground Space

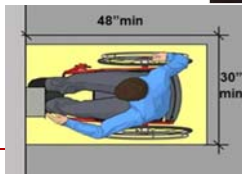
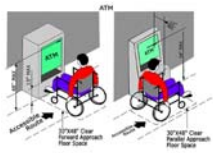


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## Clear Floor Space at Elements




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### Clear Floor Space (\$305)


#### Forward Approach




Required at:

- dining/ work surfaces
- drinking fountains
- lavatories & most sinks

#### Side Approach



Allowed at other elements (including sales/service counters), specified for: beds & most appliances



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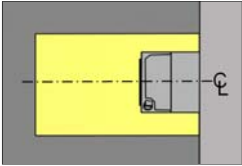
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### Clear Floor Space

Centering the space is often advisable, but is only required at:

- drinking fountains
- kitchen work surfaces
- washers and dryers
- (side approach)





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### Toe Clearance



### Knee Clearance





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## Clear Floor Space (306)

Forward Approach: Objects with knee/toe clearance can overlap a portion of the space (required at some elements, e.g. DFs & lavs)



Toe space (9" high min.):  
Max. depth 6"



Knee & Toe Space:  
Max. depth 25"

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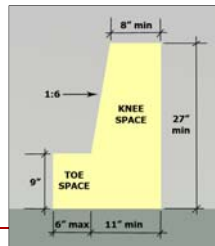
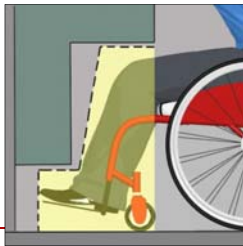
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## Knee & Toe Space (§306)

Knee and Toe Clearances




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Sink with no clear floor space/knee clearance



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- Sinks in kitchens and kitchenettes require knee clearance for a forward approach – unless there is no cooktop/range in the room.



- Sink height is still limited to 34 inches max. above finish floor.



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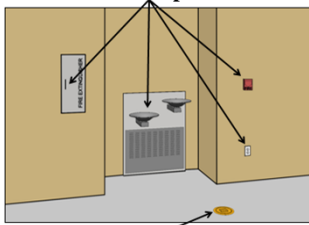
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## Operable Parts (205)

### Examples



*Exempt: floor receptacles and operable parts used only by service or maintenance personnel*



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## Operable Parts (309)

- Operability
- Reach range
- Clear floor space
- No more than 5 pounds of force



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## Reach Ranges (308)

Unobstructed Side Reach  
Range Reduced:

48" – 15"

(same as forward reach)



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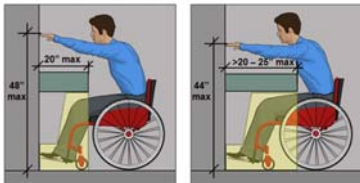
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## Reach Range (308)

Forward reach depth over obstruction limited to 25"  
(max. height reduced to 44" when depth exceeds 20")



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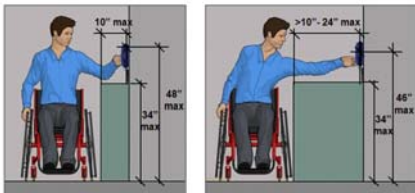
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## Reach Range

Side reach depth over obstruction limited to 24"  
(max. height reduced to 46" when depth exceeds 10")



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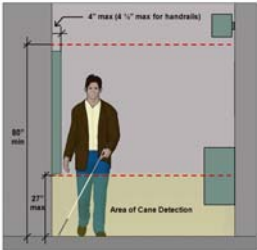

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### Protruding Objects (307)

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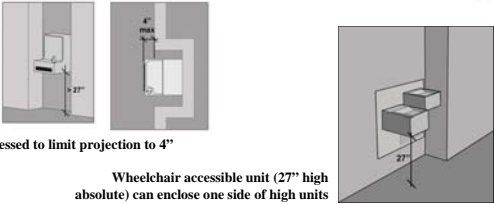
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### Protruding Objects

Drinking fountains (leading edge above 27" AFF)



Recessed to limit projection to 4"

Wheelchair accessible unit (27" high absolute) can enclose one side of high units



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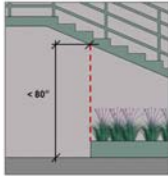
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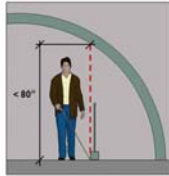
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## Protruding Objects

Barriers at circulation areas with reduced vertical clearance



Reduced Clearance  
Below Stairway



Clearance Reduced at  
Curved (or Sloped Walls)

85

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## Accessible Routes (Chapter 4)



### Accessible Route Components

- walking surfaces
- doors, doorways, gates
- ramps
- curb ramps
- elevators
- limited use/ limited application elevators
- private residence elevators
- platform lifts

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## Performing Areas



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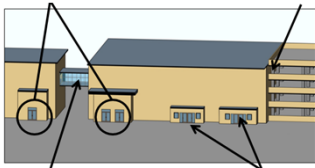
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## Entrances (206.4) Minimum Number

At least 60% of  
public entrances

At least 1 entrance serving  
each direct access from  
parking structures



At least 1 entrance from  
each elevated walkway or  
pedestrian tunnel

At least 1 entrance to  
each tenancy in a facility

89



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## NYC Public Entrances

### 1105.1 Public entrances.

In addition to accessible entrances required by Sections 1105.1.1 through 1105.1.6, all public entrances shall be accessible.

#### Exceptions:

1. An accessible entrance is not required to areas that are not required to be accessible by this chapter or Appendix E.
2. Loading and service entrances that are not the only entrance to a building or a tenant space.
3. Revolving doors, revolving gates, or turnstiles shall not be required to be accessible provided that an accessible entrance is available adjacent to such revolving doors, revolving gates or turnstiles

90



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## Entrances



- Automated openers recommended for exterior doors
- Required for Federal GSA buildings

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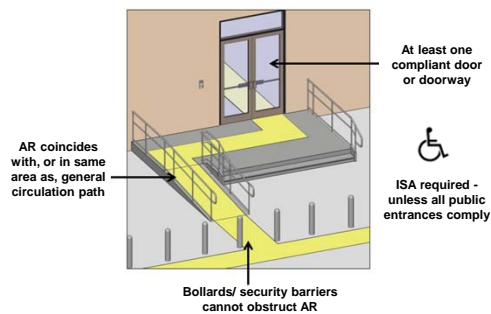
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## Entrances




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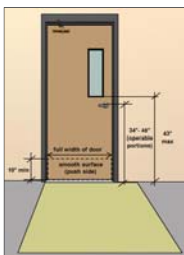
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## Doors, Doorways, Gates (404)



- Clear Width (32" min.)
- Opening Force\* (5 lbf max)
- Vision/ Side Lights
- Compliant Hardware
- Smooth Surface (bottom, push side)
- Thresholds (1/2" max)
- Maneuvering Clearance (both sides unless usable in 1 direction only)

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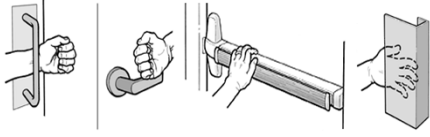
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## Door or Gate Hardware



- NO tight grasping, pinching, or twisting of the wrist.




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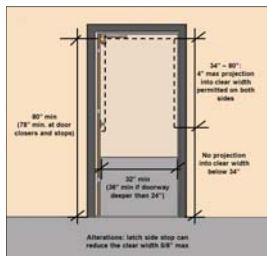
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## Doors, Doorways, Gates



Limited  
projections into  
door clear width

Hardware height:  
34" – 48"

95

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## Maneuvering Clearances



- Minimum space for positioning/ maneuvering at doors



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## Maneuvering Clearances



- clearance applies to full height (80" min.)
- No changes in level (other than thresholds)

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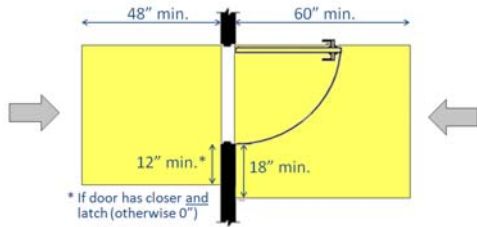
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## Maneuvering Clearances Forward Approach



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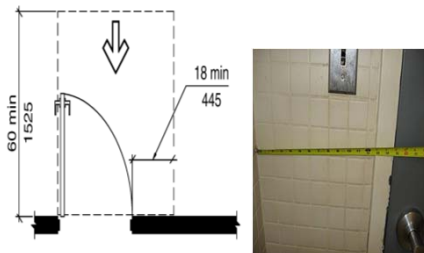
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## 404.2.4.1(a) Front Approach, Pull Side



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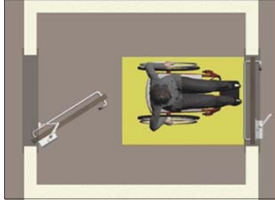
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## Doors in Series

- 48" min. separation between swing of doors



100




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## Controls



**Wheelchair space at controls must be outside the door swing**

101




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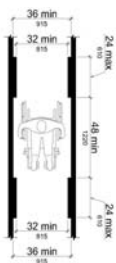
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## Walking Surfaces (403)

(Portions of accessible routes that slope no more than 1:20)

- Minimum separation (48") between reduced clear widths
- Handrails along walking surfaces required to comply




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## Slope



- Cross Slope should never exceed 1:48 (2%)
- Running Slope never to exceed 1:20 (5%)
  - Any slope greater than 1:20 is a ramp.

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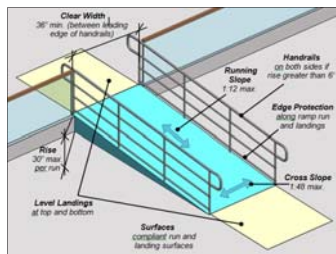
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## Ramps




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## Ramps (405)




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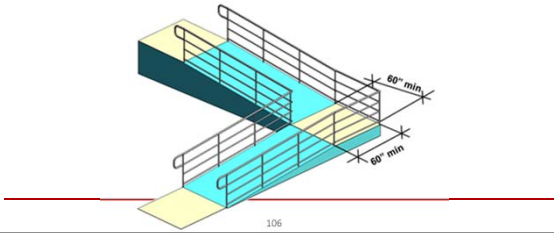
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## Ramps: Landings

Intermediate landings 60" x 60" min. required where ramps change direction



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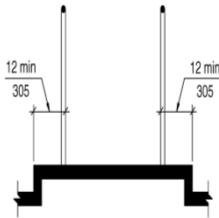
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## Extended Surface Edge Protection



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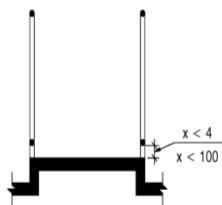
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## Curb or Barrier Edge Protection



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## Special Technical Provisions for Alterations to Existing Buildings and Facilities (405.2):



- (i) A slope between 1:10 and 1:12 is allowed for a maximum rise of 6 inches (150 mm).
- (ii) A slope between 1:8 and 1:10 is allowed for a maximum rise of 3 inches (75 mm). A slope steeper than 1:8 is not allowed.

109

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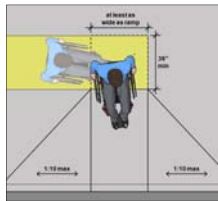
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## Curb Ramps

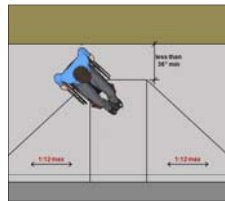


### New Construction



Top landing: easier maneuvering without travel across flares

### Alterations



Alterations: if landing space unavailable, side flares = 1:12 max.

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## Curb Ramps



Lack of space at top makes curb ramps difficult to use

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## Accessible Means of Egress & Areas of Rescue Assistance (207)



- Technical requirements not included
- Scoping (207) references technical requirements in the IBC



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## General Site & Building Elements (Chapter 5)



- Parking
- Passenger Loading Zones
- Stairways
- Handrails

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## Parking and Drop-Off Areas (502)



- Are the required number of accessible spaces provided? *(See next slide)*
- Are the spaces identified with International Symbol of Accessibility?
- Are the car accessible spaces at least 8 ft. wide with a 5 ft. wide (minimum) access aisle?
- Is at least one in every 6 spaces 8 ft. minimum wide with an adjacent 8 ft. minimum wide access aisle and 98 in. of vertical clearance provided for lift equipped vans? **OR** is at least 1 in 6 spaces 11 feet wide minimum with an adjacent 5 feet wide (minimum) access aisle?

114

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## NYC – Accessible Parking Scoping



- **1106.1 Required.**
- Where parking is provided, 5 percent of the total number of parking spaces provided for a facility, but not less than one parking space, shall be accessible parking spaces.

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## ADA Number of Required Accessible Parking Spaces

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus one for each 100 over 1,000



116

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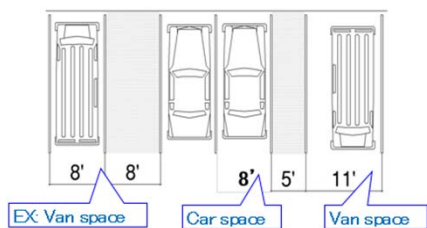
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## Van Spaces (502)




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Good or Bad...

Bad... 8'-2" is required if Van Accessible Spaces provided.

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### Passenger Loading Zones (209)

- At least 1 for every 100 linear ft. of loading zone space provided

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### Passenger Loading Zones

- Aisles - same level as pull-up space
- Aisles to be marked
- No level changes in space or aisle

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## Plumbing Elements & Facilities (Chapter 6)



- Drinking Fountains
- Toilet & Bathing Rooms
- Water Closets & Toilet Compartments
- Urinals
- Lavatories & Sinks
- Bathtubs
- Shower Compartments
- Grab Bars
- Seats
- Washing Machines & Clothes Dryers
- Saunas & Steam Rooms

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## Drinking Fountains (211)



Where provided on an exterior site or floor,

- 2 required: wheelchair accessible & standing access
- alternative: single unit with dual access (e.g., "hi-lo" units)
- multiple installations: 50% of each type



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## Toilet & Bathing Facilities (213)



Scoping for rooms & elements (e.g., toilets, lavs, mirrors)

- When toilet rooms are clustered at 1 location: 50% scoping
- Unisex toilet rooms
- Urinals - must be accessible when more than 1 provided



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## Accessible Stalls (604)



- Is the stall door operable with a closed fist, inside and out?
- Is there a wheelchair-accessible stall that has an area of at least 5 feet by 5 feet, clear of the door swing?
- In the accessible stall, are there grab bars behind and on the side wall nearest to the toilet?
- Is the toilet seat 17 to 19 inches high?

124

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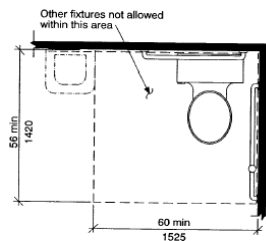
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## Size of Clearance for Water Closet



125

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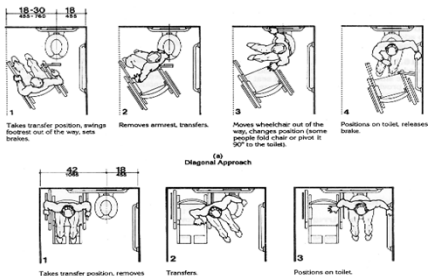
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## Wheelchair Transfers



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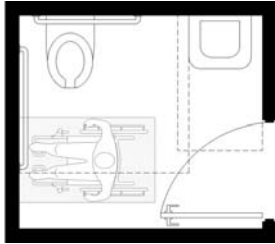
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## Toilet & Bathing Rooms (603)



Door can swing into  
fixture clearances if  
clear floor space  
provided beyond door  
swing



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## NYC – Family or Assisted Use Toilet Rooms



### 1109.2.1 Family or assisted-use toilet and bathing rooms.

In assembly and mercantile occupancies, an accessible family or assisted-use toilet room shall be provided where an aggregate of six or more male and female water closets is required.

128

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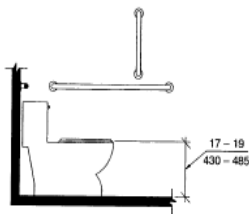
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## Height of Water Closet



129



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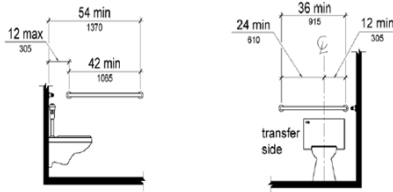
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## 2010 ADA Standards (604.5) Grab Bars at Water Closets



Grab bars shall be installed in a horizontal position, 33 inches minimum and 36 inches maximum above the finish floor measured to the top of the gripping surface

The space between the wall and the grab bar shall be 1 1/2 inches

130




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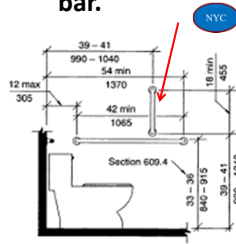
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## Additional ICC ANSI A117.1 vertical grab bar.



131




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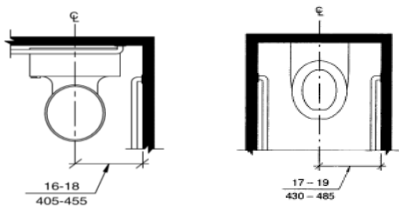
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## 2010 ADA Standards Water Closet Location



132




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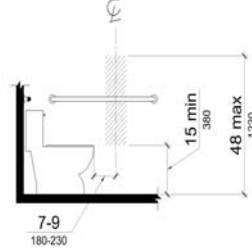
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## 2010 ADA Standards Water Closets (604)



Revised location  
for toilet paper  
dispenser

133

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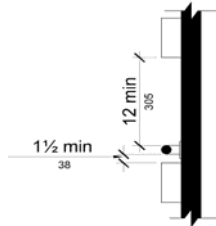
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## 2010 ADA Standards - Grab Bars (609)



- 12" min. clearance above

- 1 1/2" min. below



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## Ambulatory Water Closet Compartment



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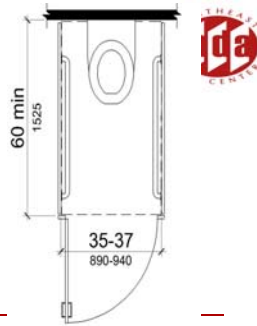
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**2010 ADA Standards - Ambulatory Accessible Stalls (604.8.2)** – Required when you have 6 or more stalls OR stalls and urinals in a room. Provided in addition to the accessible stall.

- depth specified (60" min.)
- width: 35"- 37" (instead of 36" absolute)



136

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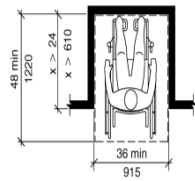
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**Urinals – at least one accessible if more than one in a room**



Urinals shall be the stall-type or the wall-hung type with the rim 17 inches maximum above the finish floor or ground



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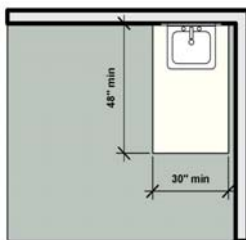
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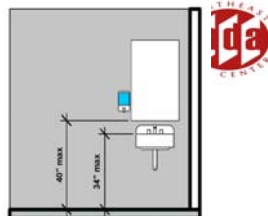
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## Lavatories

At least one accessible



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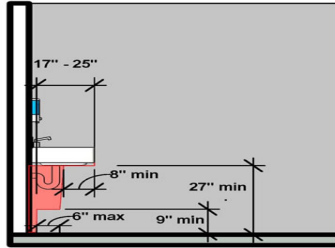
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### Knee & Toe Clearance at Lavatory



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### 2010 ADA Standards: Single Occupant Toilet Rooms

- 60" turning space required in the room
- A door **can** swing over the space where someone sits to use the lavatory, toilet or urinal **provided** a 30" x 48" space is provided past the swing of the door
- A fixture **cannot** overlap the clear floor space of another fixture

141




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## Communication Elements & Features (Chapter 7)



- Fire Alarm Systems
- Signs
- Telephones
- Detectable Warnings
- Assistive Listening Systems
- ATMs & Fare Machines
- Two-Way Communication Systems

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## Fire Alarm Systems (215)



- public and common use areas
- employee work areas (wiring)
- transient lodging
- residential facilities
- alterations: compliance required where system upgraded or replaced or a new one is installed

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## 2010 ADA - Signs (216)



### Scoping clarified:

- tactile/ visual – labels for permanent rooms & spaces, exit doors
- visual – directional or informational signs
- exempt: temporary signs ( 7 days or less), building menus, directories, addresses, company names and logos



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## NYC - Signage



- **1101.3.3 Directional accessibility signage.**
- Directional signage shall be provided at or in close proximity to inaccessible building entrances, inaccessible public toilets and bathing facilities, and elevators not serving an accessible route indicating the route to the nearest like accessible element where such accessible element is provided, such that a person with disabilities will not be required to retrace the approach route from the inaccessible element.
- **Accessible entrances where not all entrances are accessible.**
- The sign, where provided, shall include a contact telephone number or instructions to gain access if an otherwise accessible building entrance is locked at all times or locked when the building is otherwise open.

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## Signs (216)



Specific provisions for:

- **Parking**
  - Signage at spaces comply with 502.6
- Where a total of four or fewer parking spaces, including *accessible* spaces, are provided on a site, parking signage shall not be required.
- In residential facilities, where parking spaces are assigned to specific residential dwelling units, parking signage shall not be required

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## Signs (216)



Specific provisions for:

- **Entrances**
  - Where not all entrances comply with 404, entrances complying with 404 shall be identified by the International Symbol of Accessibility complying with 703.7.2.1.
- Directional signs complying with 703.5 that indicate the location of the nearest entrance complying with 404 shall be provided at entrances that do not comply with 404.

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## Signs (216)



Specific provisions for:

- Toilet and bathing rooms

- Where existing toilet rooms or bathing rooms do not comply with 603, directional signs indicating the location of the nearest toilet room or bathing room complying with 603 within the facility shall be provided.
- Directional signs shall comply with 703.5 and shall include the International Symbol of Accessibility complying with 703.7.2.1.

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## Signs (216)



Specific provisions for:

- Toilet and bathing rooms

- Where existing toilet rooms or bathing rooms do not comply with 603, the toilet rooms or bathing rooms complying with 603 shall be identified by the International Symbol of Accessibility complying with 703.7.2.1.
- Where clustered single user toilet rooms or bathing facilities are permitted to use exceptions to 213.2, toilet rooms or bathing facilities complying with 603 shall be identified by the International Symbol of Accessibility complying with 703.7.2.1 unless all toilet rooms and bathing facilities comply with 603.

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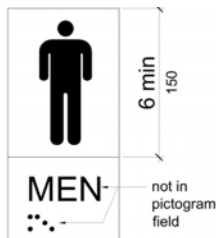
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## Tactile Signs (703)



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## Assistive Listening Systems (219 & 706)



Required in assembly areas where:

- audible communication is integral to use of the space and
- audio amplification provided
- courtrooms



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## Induction Loop Systems (Local Law 51 of 2017)

NYC



Required to be installed in Capital Projects with a construction cost of \$950,000 or more involving the construction or reconstruction of an assembly area.

- At least one assembly area shall be equipped with an induction loop, and
- Security, information or reception desk for screening or check-in, shall have a micro-loop, and
- Accessible directional signage is also required.



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## ATMs & Fare Machines (220 & 707)



Access to 1 of each type at each location

- speech output
- privacy
- input controls
- display screen
- Braille instructions



(for speech mode)

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## Special Rooms, Spaces & Elements (Chapter 8)



- Assembly areas
- Dressing, fitting, and locker rooms
- Kitchens and kitchenettes
- Medical care and long-term care
- Transient lodging
- Prison cells
- Courtrooms
- Dwelling units
- Transportation facilities
- Storage

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## Built-In Elements (Chapter 9)



- Dining & Work Surfaces
- Benches
- Check-Out Aisles & Service Counters



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## Dining & Work Surfaces (226)



Access to at least 5%, not fewer than 1



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## Sales & Service (227 and 904.4)



### 227 Scoping

- Counters – 1 of each type
  - Cash register not factor

### 904.4 Technical

- Accessible part same depth
- Parallel or forward approach
- No alternatives
- Exception for alterations
- Security glazing – voice communication



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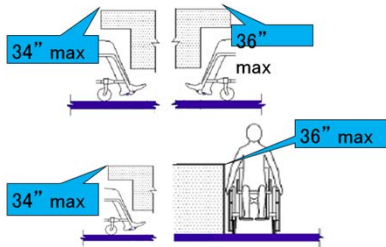
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Work Surface (902)

Service Counter (904)



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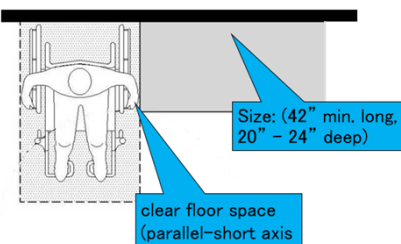
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Changing Benches (903)



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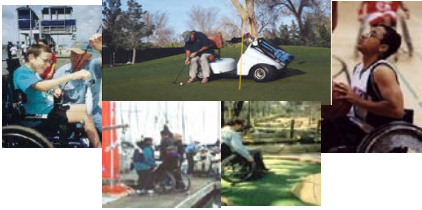
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## Recreation Facilities (Chapter 10)



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## Resources:

U.S. Department of Justice

[www.ada.gov](http://www.ada.gov)

800-514-0301 (voice)

800-514-0383 (TTY)

U.S. Access Board

202-272-0080 Voice

202-272-0082 TTY

[www.access-board.gov](http://www.access-board.gov)

Northeast ADA Center

[northeastada@cornell.edu](mailto:northeastada@cornell.edu)

800.949.4232

[www.northeastada.org](http://www.northeastada.org)



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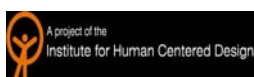
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## ADA Checklist

Produced by the New England ADA Center,  
A Project of the Institute for Human Centered Design

<http://www.adachecklist.org/>



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**Technical Guides on the Standards**  
Available on the Access Board's website

[www.access-board.gov](http://www.access-board.gov)



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**Thanks for Attending!**



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## Effective Communication

Presenters:  
Carolyn Krub, Senior Counsel, General Litigation, NYC Law Dept.  
Joe Zeski, Program Manager, Northeast ADA Center  
September 14, 2017



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## The ADA

- Contains five titles
- Provides for equal access and equal opportunity
- Title II covers public entities and all of their programs, services, and activities



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## Defining a Public Entity

- Any State or Local Government OR
- Any Department, Agency, Special Purpose District, or Instrumentality of State or Local Government
  - Examples include social service offices, police departments, public libraries, city parks and recreation, state/local courts, etc.



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## Title II of the ADA

- Requires equal access to services and programs in the most integrated settings possible
- Prohibits discrimination on the basis of disability in all services, programs, and activities
- Must furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity



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## Effective Communication

“effective communication” means that communication:  
**must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.**



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## Effective Communication

Note that the standard for achieving effective communication is on the **outcome** of the communication.

**Clearly Understood Information  
by Both Parties**



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## Effective Communication

**Communication is often both  
receiving and sending.**

**Both Parties Need to be Able to  
Clearly Understand and  
Communicate with One Another**

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## Effective Communication Application

Applies to:

- Face to Face Communication
- Printed materials
- Television, Radio, Telephones, & Videos
- Websites, Electronic Communication
- Emergency Communications

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## Effective Communication Application

Applies to all programs and services including:

- Job application process
- Web sites
- Help Desks
- Correspondence
- Customer Service
- Paying Bills
- Emergency Services

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## Effective Communication

State & local governments must also make information about the **location of accessible services, activities, and facilities** available in a format that is accessible to people who are deaf or hard of hearing and those who are blind or have low vision.

Highly recommended businesses do the same!

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## Effective Communication

An auxiliary aid is:  
“a device or service that enables effective communication for people with disabilities”



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## Examples of Auxiliary Aids and Services



- Hearing disabilities — Qualified interpreters, written materials, assistive listening devices & technology, closed captioning, transcription services, note-takers, video remote interpreting (VRI), assistive listening devices, captioning
- Visual disabilities — Braille, audio descriptions and recordings, large print, CDs/tapes, qualified readers, physical guidance, accessible website



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## Deciding the Aid or Service



Determining aid or service considerations:

- The method of communication used by the person with a disability
- The nature, duration, impact/importance, and difficulty of the communication
- The complexity of the communication involved
- Number of people involved and/or in need of the communication
- "Primary consideration" given to the individual's preferred method



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## Deciding the Aid or Service Cont.



"Primary consideration" means that the public entity should/makes all attempts to provide the auxiliary aide that was requested unless:

- Can demonstrate that another equally effective means of communication is available
- The chosen method would result in a fundamental alteration in the service, program, or activity
- The method chosen would result in an undue financial and/or administrative burden
- Still must provide the next best form of effective communication



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## Who Picks up the Bill?



- Cannot ask individual to assume part or the entire cost of aid or service (no surcharges)



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# Effective Communication

Regulations and Guidelines  
for Providing Interpreters

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# Effective Communication--Interpreters

**Entities are required to use qualified interpreters.**

**Qualified means the interpreter must be able to:**

- interpret both receptive and expressive
- effectively
- accurately
- impartially
- be able to use necessary specialized vocabulary

Speaker to Sender  
Sender to Speaker

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18 -From 35.104 Definitions in Title II Regulations

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# Effective Communication—Interpreters

**Entities are required to use qualified interpreters.**

- **Note:** ADA regulations do **NOT** stipulate certification or licensure as part of the requirements to be considered a qualified interpreter.
- However, certification and formal training are often criteria used to determine the effectiveness, accuracy and professionalism of an interpreter.
- State and local regulations may have these requirements
- Many entities put these requirements in their own policies.

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## Effective Communication—Interpreters

Family members and companions of deaf persons should not be **required** to serve as sign language interpreters.



From: Subpart E-Communications 35.160 General (c.2 ii )

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## Effective Communication—Interpreters

### Why?

- Bias Issues
- Privacy Issues
- May put family member in difficult/emotional situation.



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## Video Relay Services (VRS)



- Uses interpreters connected to callers by video hook-up.
- Designed to provide telephone services to persons who are deaf and use American Sign Language.
- Funded through the Interstate Telecommunications Relay Services Fund and overseen by the Federal Communications Commission.
- No fees for callers to use the VRS interpreters and the video connection, may be relatively inexpensive initial costs to the public entity to purchase the necessary equipment
- FCC clear VRS is intended to facilitate phone communication, not substitute for interpreter for in person interaction



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## Video Remote Interpreting (VRI)



- Video remote interpreting (VRI) uses video conference technology to provide sign language interpreting over a high speed internet connection
- If used as a means of interpreting, must always be available, the technology utilized must meet performance standards, and a staff member must always be available who can set up and use VRI properly
- Should be used judiciously as VRI can easily have technical issues for users



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## Legal Remedies

- **Injunctive (Non-Monetary) Relief**
- Freydel v. New York Hospital, 242 F.3d 365 (2d Cir. 2000)
  - Plaintiff argued she had standing because:
    - (1) likely to return to the hospital because she had several chronic health conditions and the hospital was part of the medical network, and
    - (2) likely to experience problems because the hospital did not improve training/policy
  - Court held: No standing – possibility of returning was speculative
    - Patient's doctor was no longer associated with the hospital
    - Other hospitals were closer to patient's home

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## Legal Remedies

- **Monetary Damages**
- Compensatory damages for emotional harm, frustration, embarrassment
  - "Garden variety" damages? Up to \$125,000 (per violation?)
- Majority of courts require a showing of "deliberate indifference"
  - No need to show any personal animosity or ill will
  - Intentional discrimination can be inferred from the circumstances when a policymaker acted with "at least deliberate indifference to the strong likelihood that a violation of federally protected rights will result from the implementation of the challenged policy or custom"
  - Deliberate indifference also requires that "[a]n official who at a minimum has authority to address the alleged discrimination and to institute corrective measures on the recipient's behalf ha[ve] actual knowledge of discrimination in the recipient's programs and fail[] to adequately respond." Loeffler, 582 F. 3d at 275-76.

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## Arguments against a finding of “deliberate indifference”

- Attempts to obtain an interpreter (even if unsuccessful as “the law does not require her to have succeeded”)
- Assessment of communication abilities conducted, and assessment was ongoing
- Evidence that alternative auxiliary aids were used to communicate with the individual who is deaf
- Documenting occasions where people decline the use of an interpreter
- Policies, practices, and training are in place

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## Intentional Discrimination

- Loeffler v. Staten Island Univ. Hosp., 582 F.3d 268 (2d Cir. 2009)
- The Court found that a reasonable jury could find deliberate indifference/intentional discrimination. Why?
  - The patient/his family requested an interpreter several times
  - The doctor “laughed off” requests even though the hospital had a policy in place to provide interpreters to patients
  - The patient’s 13 and 17 year old children acted as interpreters and missed school to do so

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## Associational Discrimination

- Can a non-disabled family member bring a claim under the ADA?
- Yes. Companions are filling in the gap created by the ADA violation
- In Loeffler, the children (who were both hearing) suffered an independent injury casually related to the hospital’s failure to provide auxiliary aids and services to their parents (who were both deaf)
  - The children were “needlessly and involuntarily exposed to their father’s condition” placing them at risk of emotional trauma due to their young age

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## When can we use friend/family member to interpret?

- Cannot use an adult to interpret/facilitate communication except:
  - “emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available” OR
  - The individual specifically requests that accompanying adult provide the interpretation, the adult agrees, and the reliance is appropriate
- Cannot use a minor except:
  - “emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available”

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## What’s the impact of advances in technology?

- As advances in technology are made, additional legal questions will arise about the scope of the City’s obligation to ensure effective communication
  - Tablets for Video Remote Interpretation
  - Texting to 911 (Dupree v. City)
  - ASL videos
- Arguably narrows application of “emergency” exception

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## Training is key

- ASL is not a word for word visual translation of the English language
  - Some use another foreign sign language
  - Some are limited English proficient
- Even highly-skilled lip-readers may only understand two-thirds of conveyed words, and lip-reading should not be relied upon
- Gestures may not indicate comprehension, such as nodding
- Stress can affect comprehension in any method
- An interpreter should be called when requested, and employees must ask if one is needed
- Employee documentation of all efforts

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## Recent ADA Lawsuits

- ACS:
  - Viera v. City of New York (trial scheduled for Dec. 2017)
- DHS:
  - Armenta v. City (28 plaintiffs, including associational claims)
- NYPD:
  - Jones v. City of New York (\$60,000)
  - Ingram v. City of New York (\$80,000)
  - Gordon v. City of New York (\$100,000)
  - Rapa v. City of New York (\$100,000)
  - Williams v. City of New York (\$750,000)
  - Feliz v. City of New York (ongoing, includes injunctive relief)
- HHC:
  - Berry-Mayes v. HHC (on appeal to the Second Circuit; Rule 68 of \$150K)
  - Batista v. HHC (\$37,500, including an association claim)
- NYC Emergency Management:
  - BCID v. City (lost at trial, negotiated a settlement on the nature of the remedy)

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# EMERGENCY PLANNING & PREPAREDNESS FOR PEOPLE WITH DISABILITIES



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## INCLUSIVE EMERGENCY MANAGEMENT

- I. Emergency Management 101
- II. Functional Planning Principles: Evacuation, Transportation, Communication, Shelter
- III. Individual & Community planning
- IV. Scenarios & Questions
- V. Resources

NYC Emergency Management

NYC Mayor's Office for People with Disabilities

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## EMERGENCY MANAGEMENT 101



NYC Emergency Management

NYC Mayor's Office for People with Disabilities

- I. All Hazards
- II. Nat. Incident Mgt. Sys and CIMS
- III. Phases of a Disasters

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## EMERGENCY MANAGEMENT 101



Accessible parking spaces destroyed by Sandy



Mayor's Office for  
People with Disabilities

- I. Key Definitions
- II. ADA and other Laws
- III. Important Cases:
  - Pennsylvania Dept. of Corrections v. Yeskey
  - Communities Actively Living Independent & Free (CALIF) v. City of Los Angeles
  - Brooklyn Center for Independence of the Disabled v. Bloomberg



Mayor's Office for  
People with Disabilities

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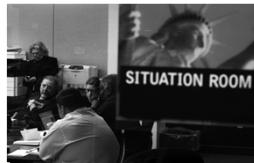
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## EMERGENCY MANAGEMENT 101



Planning boxes who, why, where, when, how, what



NYC Emergency Management Situation Room

Engage Leadership  
Plan Review  
Roles and Responsibilities  
Resource Management



Emergency  
Management

Agreements  
Document and Codify Efforts  
Community Engagement



Mayor's Office for  
People with Disabilities

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## FUNCTIONAL PLANNING PRINCIPLES



Accessible taxi van in New York City



Volunteer pushing a wheelchair in a shelter

Self-determination  
"Case by Case" Assessment  
Equal access to benefits  
Inclusion  
Integration



Emergency  
Management

Physical access  
Equal access  
Effective communication  
Modifications  
No Charge



Mayor's Office for  
People with Disabilities

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## EVACUATION – ACCESSIBLE PLANNING



Cars driving on multi-lane city highway.



- I. Timeline of evacuation operations
- II. Effective public messaging
- III. Choosing appropriate place for intake

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## EVACUATION – ACCESSIBLE TRANSPORTATION



Accessible taxi van in New York City.



- I. Understand paratransit operations
- II. Consider other assets
- III. Plan to transport service animals and durable medical equipment

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## ACCESSIBLE COMMUNICATION



Man using an electronic tablet.



- I. Flexible and multiplatform
- II. Alternative formats
- III. Info and alerts

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## ACCESSIBLE SHELTERING



View of shelter from DOJ Guidelines.



Mayor's Office for  
People with Disabilities



Mayor's Office for  
People with Disabilities

- I. Consider developing a facility matrix or database for sheltering
- II. Functional Needs Supporting Services (FNSS)
- III. Training and exercises

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## INDIVIDUAL & COMMUNITY PREPAREDNESS

- I. Public Messaging
- II. Building Visibility
- III. Engagement



Preparedness guides and Notify NYC flyer



Emergency  
Management



Mayor's Office for  
People with Disabilities

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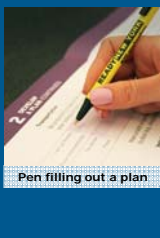
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## PERSONAL PREPAREDNESS

### Make a Plan



Pen filling out a plan

### Gather Supplies



Go bag with supplies

### Stay Informed



Phone on a keyboard



Emergency  
Management



Mayor's Office for  
People with Disabilities

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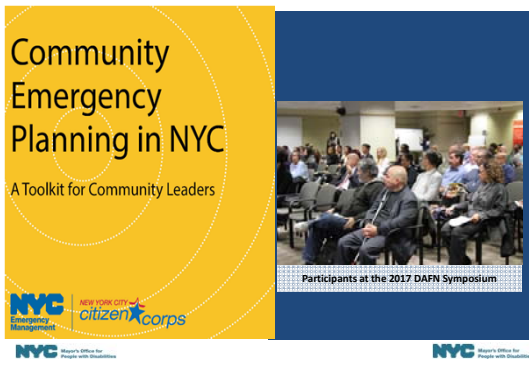
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## COMMUNITY PREPAREDNESS



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### SCENARIO I

- **Q.** Rafael has low vision and has come to a Hurricane Shelter seeking a safe place to spend the night. He recently evacuated following an evacuation order. He has come to you with concerns about where the restroom is as well as maneuvering from the dormitory (gymnasium) area to the eating area (cafeteria). He says that he is very independent and normally travels without anything except his cane. How can you help Rafael utilize the services of the Shelter including the restroom, dormitory and cafeteria?



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### SCENARIO II

Q. Sarah has been deaf most of her life and has recently come to a Hurricane Shelter after evacuating from her apartment. Sarah plans on staying at the Shelter for a few days until she can return to her home. A fellow volunteer has come to you wanting to assist her with her pet that is staying with her at the Shelter. Your co-worker explains that because he has a mustache and you don't, Sarah should be able to read your lips and therefore you're better suited to help her. The fellow volunteer also mentions that a request for an ASL interpreter would be too expensive since the ASL interpreter would be needed 24/7. How can you assist Sarah?



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### SCENARIO III

Q. Jing utilizes a motorized wheelchair and has just come to a Reception Center after her apartment was vacated. She is concerned that the Center does not have a wheelchair accessible restroom on the first floor, that the main area is only accessible via a number of steps and that it was difficult to find the accessible entrance to the Center. How can you assist Jing? What actions can you take to make the Center more accessible?



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### Questions

Q1. I'm about to run out of my medicine. Do you have more?

Q2. Will someone help me in and out of bed?

Q3. I have trouble urinating, I am on dialysis. Can I come to your emergency facility?

Q4. My family member/friend lives in a group home. What should I do in an emergency?

Q5. I have a disability. Is there an emergency list I can register with for help in times of emergency?

Q6. Can I request evacuation assistance via 311 if I am homebound or cannot get to the curb on my own?



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### RESOURCES & CONTACTS

I. **NYCEM and MOPD Online:**  
Sources and materials

II. **FEMA: Functional Needs Support**  
Services for Shelters(FNSS)

III. **ADA.GOV:** Title II Emergency  
Manager Tool Kit

IV. **Regional Catastrophic**  
**Planning Team (RCPT):**  
Promising Practices Guides

V. **ADA Pacific/FEMA Webinar**  
**Series:** Emergency Management  
and Preparedness-Inclusion of  
People with Disabilities



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Eli Fresquez, Esq.  
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212-788-2505  
jfresquez@cityhall.nyc.gov



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The ADA National Network

## Self-Evaluation and Transition Plans

Presented by

Great Plains ADA Center
1-800-949-4232
www.gpadacenter.org

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## Self Evaluation

All public entities subject to Title II of the ADA must complete a self-evaluation by  
**January 26, 1993**

(One year from the effective date of DOJ's regulation)


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## Who is subject to Title II?

A public entity covered by Title II is defined as:

- Any state or local government, regardless of size
- Any department, agency, special purpose district, or other instrumentality of a state or local government
- Certain commuter authorities and AMTRAK


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## What Activities are Covered?

Title II prohibits discrimination against qualified individuals with disabilities by public entity activities, including:

- All services & programs offered by the entity
- All aspects of the employment relationship
- Government services carried out by contractors
- Activities of state or local legislative & judicial branches
- Public transportation

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## How is Title II Enforced?

ADA provides 3 methods of enforcement:

- File a complaint under the public entity's grievance procedure
- File a complaint with a designated federal enforcement agency
- File a lawsuit

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## What is Program Access?

- Requires that individuals with disabilities have an equal opportunity to participate in **all programs and activities** conducted by the Title II covered entity
- Such access is to be provided in the most integrated setting, with each person participating as independently as possible

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## Basic Title II Requirements

- Requires a Self Evaluation or assessment of services, policies, practices, and procedures
- Requires a Transition Plan where physical changes are necessary to achieve **program access** (if 50 or more employees)



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## Procedural Requirements

- Physical Modifications- to be completed by Jan 26, 1995 - 28 CFR 35.150(c)
- Designation of an official responsible for ADA implementation (better known as an "ADA Coordinator") - 28 CFR 35.107(a)
- Set up a Grievance Procedure (if 50 or more employees) – 28 CFR 35.106
- Notice to the Public – 28 CFR 35.106



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## Grievance Procedure

The grievance procedure should include:

- Description of how and where a complaint under Title II may be filed with the government entity
- Statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative



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# Grievance Procedure

The grievance procedure should include:

- Description of the time frames and processes to be followed by the complainant and the government entity
- Information on how to appeal an adverse decision
- Statement of how long complaint files will be retained

 Great Plains ADA Center


- Description of the time frames and processes to be followed by the complainant and the government entity
- Information on how to appeal an adverse decision
- Statement of how long complaint files will be retained

[illegible]

# Grievance Procedure

- Grievance procedure should be distributed to all agency heads
- Post copies in public spaces of public building and on the government's website
- Update the procedure and the contact information as necessary

In addition, the procedure must be available in alternative formats so that it is accessible to all people with disabilities

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- In addition, the procedure must be available in alternative formats so that it is accessible to all people with disabilities



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[illegible]


- [illegible]

[illegible]

**Why do a Self Evaluation and Transition Plan Now?**

The ADA is over 25 years old

- Think about all that has changed in the last 25 years
  - Technology
  - Web sites
- How has your disability community changed
- Do you have the same programs
- Has there been updates to your facilities

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**Why do a Self Evaluation and Transition Plan Now?**

**Was it done initially?**

**Was it done RIGHT the first time?**

 Great Plains ADA Center

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**Why do a Self Evaluation and Transition Plan Now?**

New DOJ Regulations  
Effective March 15, 2011 & March 15, 2012

Are you willing to try to comply without a plan?

*“if you fail to plan, you plan to fail”*

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## Revised DOJ Regulations

- New regulations effective March 15, 2011
  - Mobility devices
  - Service animals
  - Ticketing
  - Effective Communication
  - Residential Facilities
  - Detention & Correctional Facilities
  - Safe Harbor

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## Revised DOJ Regulations

- New regulations effective March 15, 2012
  - 2010 Standards for Accessible Design
  - Hotel Reservations (*effective 2012*)

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## Self Evaluation

- What do your policies say?
- How do they affect people with disabilities?

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## Self Evaluation

- Need to look at all program policies, as well as, assess how they are practiced.
  - Look at all *“we’ve always done it this way”* scenarios.
  - Written and unwritten policies.

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## Self Evaluation- Department Survey

- Develop survey form to assess programs for accessibility- (See Handout)
- Train team of staff members from different departments to carry out survey interviews
- Department team should fill out survey form for each department program
- Information goes into database

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## Program Interviews

- Department heads/employees should be interviewed using a developed survey questionnaire that can be used to determine
  - If a program is fully accessible
  - If a program has known or unknown discriminatory features

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## Survey Questions

Should include questions on:

- Qualifications of program
- Accessibility of physical location
- Communication
- Transportation
- Auxiliary Aids
- Service Animals
- Other Power Driven Mobility Devices

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## Advisory Council

- In addition to surveying department programs, an advisory council should be established.
- The advisory council should:
  - Consist of members representing the disability community
  - Provide entity information about programs and services
  - Be included in determining priorities for transition plan

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## Self Evaluation

- Perform access surveys on all facilities to determine if any barriers exist
- Record this information in your database to be prioritized and used in the transition plan

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## Site Surveys

- Entity may contract this out or perform themselves
- Needs to be thorough and accurate
- Should be organized to aid in prioritization
- Existing technical standards should be applied to the extent possible

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## Essential Tools

- Writing Tablet (and multiple pens)
- Accessibility Guidelines/Checklist
- Tape Measure
- Level
- Door Pressure Gage
- Camera
- Tool to measure small changes in level/thresholds (contour gage)

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## Helpful Tools

- Recorder
- Digital Level
- Laser Level
- Clip Board
- Blueprint and/or map of site
- Backup batteries and other supplies
- Door Stop
- Credentials

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## Helpful Tools

- Tools for Clear Floor Spaces
  - Fabric or other material cut-outs
  - Multiple tape measures
- Rolling measuring tape for length of accessible routes
- Quick-reference sheets
  - Maneuvering clearance at doors
  - Water closet specs
  - Rec Guides

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## Helpful People

- A Second Person: The Power of 2  
One person can conduct a survey, but it's easier with two people. One person can take the measurements and the other person can fill out the checklist and take photos
- A partner also will provide a second opinion and help assure you don't accidentally "miss" something

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## Site Surveys

- Tie in with surrounding features (sidewalks, transportation stops, etc.)
- Overall parking resources and how they are addressed (by lot or overall)
  - Shortest accessible route
  - Judgment regarding dispersion
- Accessible routes to all necessary spaces
- Signage (directional and identifying spaces)

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SITE INSPECTION

Stick to the Regulation –

It’s only a barrier (violation) if the specifications in the standards say it is

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SITE INSPECTION

Approach the site systematically –

The more uniform each site is surveyed, the easier it will be for the person doing the write up (parking, exterior facilities, entrances, first floor second floor, etc.)

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SITE INSPECTION

Specific Measurements –

Always take specific measurements and write them down – don’t write phrases such as “seems”, “appears”, “looks”, etc.

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## SURVEY REPORT

AREA	DESCRIPTION OF BARRIER	ADAAG REQUIREMENTS	OBSERVATIONS AND BARRIER REMOVAL OPTIONS
Parking	The surface slope of the accessible parking spaces and accessible routes shall be level with surface slopes not exceeding 1:50 (2%) in all directions (ADAAG 4.6.3).	According to ADAAG accessible parking spaces should not have surface slopes exceeding 1:50 in all directions, unless it is technically infeasible to do so. See the enclosure titled "Built-in MS Parking" for more information regarding surface slope and removal information.	
Path of Travel	The transition from the accessible parking spaces into the ramp is not smooth.	Changes in level greater than 1/2" shall be accomplished by means of a ramp (ADAAG 4.8.2).	The parking space is not ADAAG compliant. The accessible route from the parking space into the ramp is not ADAAG compliant with the accessible route rule of a level landing complying with 4.7. The existing station from the accessible route to the ramp may be a sloping ramp, but will not be able to provide for a wheelchair user. (See photo 2)
Ramp	A level landing shall be provided at the bottom of the ramp.	Ramps shall have level landings at the bottom and top of each ramp and each ramp run (ADAAG 4.8.4).	A level landing at the bottom of the ramp complies with 4.8.4. A level landing at the top of the ramp is not ADAAG compliant as it is a wheelchair transfer area on a level surface. (See photo 2)
Ramp	Handrails on the exterior ramp side.	Top of handrail gripping surfaces shall be mounted between 34" and 38" above ramp surfaces (ADAAG 4.8.6.1).	See photo 2
Ramp	Handrails on the interior ramp side.	Handrails shall be not continuous, they shall extend at least 12" beyond the top and bottom of the ramp segment and shall be parallel to the floor or ground surface (ADAAG 4.8.6.2).	See photo 2

## SURVEY REPORT

4.17 Toilet Stalls			
4.17.3 Size and Arrangement		RRR U	3.20.2012: The toilet stalls in the Men's and Women's Restrooms on Level 1 and 2, the toilet is too far from the sidewalk at 10' from the centerline to the sidewalk finish, exceeding the 18" absolute required.  The size and arrangement of the standard toilet stall shall comply with Fig. 300a, Standard Stall. Standard toilet stalls with a minimum depth of 60" in (1525 mm) (see Fig. 300a) shall have wall-mounted water closets. If the depth of a standard toilet stall is less than 60" in (1525 mm), stalls of non-mounted water closets may be used. Arrangements shown for standard toilet stalls may be reversed to allow either a left- or right-hand approach. Additional stalls shall be provided in conformance with 4.22.4.
4.19 Lavatories and Mirrors			
4.19.4 Exposed Pipes and Surfaces		RRR U	3.20.2012: There is no protection provided at the hose clamps at the piping at the lavatories in the Men's and Women's Restrooms.  Hot water and drain pipes under lavatories shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories.

## Transition Plan Approaches

- Follow each program or
- Assess the facilities and how they are used, then document where accessible programs can be offered
- Assess both at once, then consider together

## Developing the Plan

- Involve your community
- Keep regulatory changes in mind
- Develop usable databases
- Establish priorities and limits
- Get public comment
- Post on the web

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## Prioritization

- Physical barriers found when performing access surveys need to be assessed to determine a time table for removing them

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## Prioritization Factors

- Where are the users
- Use frequency
- Danger/Safety Concerns
- Severity/Work Around
- Cost- Quantitative
- Cost- Efficiency

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## Just Do It

- The entire purpose of a self evaluation/transition plan is to:
  - Improve your community
  - Eliminate discrimination
  - Comply with the ADA
- A Plan Requires Action
  - Execution, Execution, Execution

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## Transition Plan Examples

- Google Search “ADA transition plan sample”
- <http://www.cmap.illinois.gov/ada-transition-plans>
- [http://plan.abag.ca.gov/members/rmm/dbp/ADA%20Draft%20ADA%20Transition%20Plan%20Sample%20\(City%20of%20Emeryville\).pdf](http://plan.abag.ca.gov/members/rmm/dbp/ADA%20Draft%20ADA%20Transition%20Plan%20Sample%20(City%20of%20Emeryville).pdf)

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## Project Civic Access

United States Dept. of Justice Program

- Effort to make sure that counties, cities, towns, and villages comply with the ADA
- Over 175 localities in all 50 states
- Affects local governments of all sizes
- DOJ reviews the entire locality

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QUESTIONS

Thank You

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## Fair Housing & Disability




### The Rights of People with Disabilities in Housing: New York City Human Rights Law and the Fair Housing Act

September 15, 2017  
DSF/ADA Training Program

Jennifer Perry, Northeast ADA Center  
Vanessa Ramos, NYC Commission on Human Rights

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## Disclaimer

This presentation is designed to give you an overview and outline of the Commission and the Human Rights Law and in no way should be construed as an exhaustive outline of the Commission's duties or the Human Rights Law itself. Specific questions and/or complaints should be addressed directly to the Commission.

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## Northeast ADA Center

1-800-949-4232




### Northeast ADA Center

...providing training, technical assistance, consultation, and materials on a broad range of topics related to disability in the United States.

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- See our website for more information.

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## Agenda

- Why Is This Topic Important?
- New York City Human Rights Law and Protections for Persons with Disabilities in Housing
- The Fair Housing Act

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## Why Is This Topic Important?

The shortage of accessible housing in the United States, compiled with discrimination in the housing market, reduces the availability of housing for persons with disabilities and complicates their experiences within their homes and communities.

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## Why Is This Topic Important?

- Nearly 37 million people in our country have a disability and nearly 25% of today's 20 year olds will experience disability in their lifetime.
- Housing discrimination towards individuals with disabilities is illegal under the Fair Housing Amendments Act (FHAA) of 1988, the Americans with Disabilities Act (ADA), the Architectural Barriers Act (ABA), Section 504 of the Rehabilitation Act of 1973 (Section 504) and the New York City Human Rights Law.
- Fair housing complaints under the category of **disability** have been the most frequently filed type of complaint with the U.S. Department of Housing and Urban Development (HUD) in recent years and have increased every year since 2012.

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## FY 2016 FHA Complaints

Basis of Complaint	# of Complaints
Disability	4,908
Race	2,154
National Origin	917
Familial Status	882
Sex	800
Retaliation	785
Religion	204
Color	143
Total	8,385

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## State and Local Human Rights Laws

There are numerous state and local human rights laws that also protect people with disabilities in housing. Some of these laws prohibit discrimination on additional basis, such as source of income or marital status.



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## What Is the NYC Commission on Human Rights?

**Community Relations (CRB)**

- Promotes equality, understanding, mutual respect
- Works with schools, community groups and faith communities
- Educates the public, leads programs, campaigns, hosts trainings and presentations

**Law Enforcement (LEB)**

- Accepts complaints from the public
- Files Commission-initiated cases
- Bring cases before the City's Office of Administrative Trials and Hearing and conciliates settlements

**Office of Mediation & Conflict Resolution**

- Provides mediation services, at no cost, to facilitate resolution of cases filed with LEB
- Cases are referred by LEB and all parties must agree to mediate
- The Office is independent from any other Commission office to ensure neutrality

**Office of the Chair**

- Issues final decisions, legal guidance, rules and regulations
- Drafts policy & legislation

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## What Is the City Human Rights Law?

Prohibits discrimination in several areas:



- The last incident of discrimination must have occurred **within the last year** to file a complaint with the Commission. Only covers incidents in NYC.
- Individuals may also file a claim in court up to three years after the last discriminatory act instead of going to the Law Enforcement Bureau.

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## What Are the Protected Classes Under the Law?

- **Disability** (reasonable accommodation required)
- Race
- Religion/Creed (reasonable accommodation required)
- Color
- Age
- National origin
- Alienage or citizenship status
- Gender
- Gender identity
- Sexual orientation
- Pregnancy (reasonable accommodation required)
- Marital status and partnership status


### Additional protections in employment based on:

- Arrest or conviction record
- Status as a victim of domestic violence, stalking, or sex offenses (reasonable accommodation required)
- Unemployment status
- Caregiver status
- Credit history

### Additional protections in housing based on:

- Lawful occupation
- The presence of children
- Lawful source of income
- Status as a victim of domestic violence, stalking, or sex offenses

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## Equal Access in New York City



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## What Is Discrimination Under the City Human Rights Law?



- Unfair or unequal treatment of a person or group based on certain characteristics, or membership in a protected class.
- Affects the way people are treated in all domains of society such as education, employment, health services, housing and the criminal justice system.
- Disparate treatment and/or disparate impact.

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## What Is a Disability Under the City Human Rights Law?

**Disability** is any physical, medical, mental, or psychological impairment or a history of record of an impairment.

A person with a **disability** must be provided with a **reasonable accommodation**.

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## What Is a Reasonable Accommodation for Persons with Disabilities?

- Accommodating their needs to ensure that they have meaningful access to enjoy a housing unit, or a public accommodation.
- Can be structural, involving architectural modifications, or can involve policy or rule changes.
- Does not cause **undue hardship** to the housing or public accommodation provider.

**The housing or public accommodation provider has the burden of proving undue hardship.**

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## How Do We Determine “Undue Hardship”?

The Commission determines if the accommodation requested constitutes **undue hardship** by looking into, among other things:

- The nature and cost of the accommodation;
- Financial resources;
- Tax records, financial statements, depreciation, and any documents covering revenues and expenses.

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## What Is Cooperative Dialogue?

- A good faith dialogue by which a housing provider and a person entitled to an accommodation engage concerning the person's accommodation needs, alternatives to a requested accommodation, and the difficulties that such potential accommodations may pose for the housing provider.
- The accommodation needed must be requested by an applicant or a resident with a disability.
- The law requires the landlord/owner to pay for the accommodation, if reasonable.

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## Housing Providers Must Comply with the City Human Rights Law

It is unlawful to discriminate in private and public housing, land, and commercial spaces. **This means:**

- **Any person who is selling, renting, or leasing – including landlords, superintendents, building managers, brokers, and realtors – cannot discriminate because of a person's actual or perceived protected status under the law.**

### Some exceptions include:

- A two-family residence where the owner or members of the owner's family occupies one of the units. This exemption under NYCHRL applies only if the landlord/owner has not advertised.
- Rental of rooms in a housing accommodation where the rental is made by the owner and the owner or family member resides there.
- Housing limited to the elderly or disabled.
- Gender-specific, dormitory-type residences.

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## Scenario 1: A Building Is Not Wheelchair Accessible

A mother and her two children with disabilities lived in a building where the main and a rear entrance were not wheelchair accessible. She requested an accessible ramp and a 24-hr. access elevator to the basement.

The Commission decided that the landlord discriminated against tenants by refusing to make reasonable accommodations to allow tenants with disabilities to enjoy their apartments on an equal basis as non-disabled tenants. The Commission ordered the landlord to construct a wheelchair accessible ramp, provide a 24-hour access elevator, and pay compensatory damages.

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## Scenario 2: Refusal to Install a Ramp at the Main Entrance

A shareholder in a co-op requested the Board to install a ramp to permit her to enter and leave the building in her wheelchair. Instead, the Board offered to install an exterior elevator lift to the moat below the sidewalk.

The Commission ordered this co-op in a landmarked area to pay compensatory damages and construct a ramp to the co-op's main entrance. Further, the co-op's offer to install an exterior lift to the basement was unreasonable because the lift would not provide equal, safe and reliable access.

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## Some Common Barriers Faced by Persons with Disabilities in Housing

- The most common complaints received by the Commission are lack of ramps or grab bars.

Video:

<https://www.youtube.com/watch?v=6BHWkQfNi8c>

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## Some Common Barriers Faced by Persons with Disabilities in Housing

- Steps at the primary entrance to the building--either interior or exterior
- Inaccessible path of travel into the building
- No handrails on steps
- Doors that are too narrow or too heavy
- Stairs leading to laundry room or mailboxes with no alternative paths
- Bathtubs that are too difficult to enter

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## Some Common Barriers Faced by Persons with Disabilities in Housing

- No grab bars by the toilet or in the bathtub
- Pet policies that prohibit service and emotional support animals
- Lack of accessible parking spaces
- No sign language interpreters at co-op board meetings
- Elevators that break down frequently or are out for renovations

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## Examples of Reasonable Accommodations

- Installing interior or exterior ramps at the building to provide wheelchair access
- Installing grab bars or handrails in bathrooms
- Permitting service animals
- Installing electronic doors
- Permitting a tenant who has depression or anxiety to have an emotional support animal in their home, despite a building's 'no pets' policy

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## Common Excuses for Not Providing Equal Access

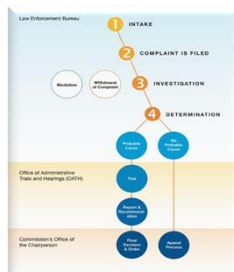
- My building is too old and is "grandfathered in" under a building code.
- A ramp will ruin the facade of my building.
- I don't have to make accommodations for one individual.
- My building is landmarked and a ramp installation is not possible.

## Penalties and Remedies

- The Commission can impose \$125,000 in civil penalties for violations, and up to \$250,000 for violations that are the result of willful, wanton, or malicious conduct.
- These penalties are in addition to the other remedies including, but not limited to: ordering to provide the accommodation; mandating landlord or housing provider to attend training; awarding damages for the victim for emotional distress and/or other out of pocket expenses related to the discrimination.

## I See a Problem: What Can I Do?

### COMMISSION PROCESS



## I See a Problem: What Can I Do?

- Call **311** and ask for the Commission on Human Rights or call our Infoline at **718-722-3131**.
- See our website for more information.

Learn more at [nyc.gov/humanrights](http://nyc.gov/humanrights)

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## The Fair Housing Act



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## Reminder - Local, State & Federal Funds: Section 504 & the 2010 ADA Standards for Accessible Design

### GENERALLY:

#### Section 504 HUD Funding:

- 5% of the units must comply with 4.34 of the Uniform Federal Accessibility Standards (UFAS) OR the 2010 ADA Standards (except for certain provisions – effective 5/23/14) – see <https://federalregister.gov/a/2014-11844>
- 2% of the Units must have accessible communication features
- Applies to Municipal Housing Authorities, college dorms, other federally-funded dwellings or dwellings constructed by recipients of federal funds.

#### ADA Title II – Residential Units that receive state or local government funding:

- 5% of the units must comply with the 2010 ADA Standards – Sections 233 & 809
- 2% of the units must have accessible communication features – Sections 233 & 809.5

**REMEMBER – FHA is not contingent upon Federal Funds!**

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## How Does the FHA Define a Person with a Disability?

A person with a disability is someone:

- With a physical or mental impairment that substantially limits one or more major life activities;
- Who is regarded as having such an impairment; or
- With a record of such an impairment.

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## Fair Housing Act of 1968

"It is the policy of the United States to provide, within Constitutional limitations, for fair housing throughout the United States."

- 42 U.S.C. § 3601

The First Five (5) Protected Classes:

- Race
- Color
- Religion
- National Origin
- Sex (Act amended, 1974)

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## Fair Housing Act of 1968

Act amended in 1988 (effective March 13, 1989) to include:

- Familial Status
- Handicap (*Disability*) Status

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## Markets Covered

- Rental
- Sales
- Lending
- Insurance

(All Areas Connected with Residential Housing)

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## FHA Covered Individuals/Entities

- Owners
- Managers
- Homeowner's Associations
- Lenders
- Real Estate Agents
- Brokers
- Governments
- Insurers
- Developers/Builders
- Architects
- Contractors
- Engineers
- Landscape Architects
- All Persons/Entities Involved with Residential Housing

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## FHA Covered Individuals/Entities

The Act also covers individuals without disabilities who live or are associated with persons with disabilities.

- Parents
- Children
- Friends
- Spouses
- Care Providers
- Roommates
- Patients
- Subtenants, etc...

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## FHA Coverage Specific to Persons with Disabilities

If a person has a disability under the Act, a landlord may not:

- Refuse to let the person make **reasonable modifications** to the dwelling or common areas, at tenant expense, if necessary for the person with a disability to use the housing.
- Refuse to make **reasonable accommodations** in rules, policies, practices or services if necessary for the person with a disability to use the housing.

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## Reasonable Modifications

Housing providers that receive federal financial assistance are also subject to the requirements of Section 504 of the Rehabilitation Act of 1973, therefore, must provide and pay for modifications.

- Public Housing Authorities
- HUD Subsidized Housing Programs
- USDA Subsidized Housing Programs

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## Service Animals

Service Animals and Assistance Animals in Housing and HUD-Funded Programs:

**FHEO Notice: FHEO-2013-01**

- For purposes of reasonable accommodation requests, neither FHA nor Section 504 requires an assistance animal to be individually trained or certified.
- Housing providers are to evaluate a request for a reasonable accommodation to possess an assistance animal in a dwelling using the general principles applicable to all reasonable accommodation requests. After receiving such a request, the housing provider must consider the following:

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## Reasonable Accommodations and Assistance Animals

- 1) Does the person seeking to use and live with the animal have a disability — i.e., a physical or mental impairment that substantially limits one or more major life activities?
- 2) Does the person making the request have a disability-related need for an assistance animal?

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## Reasonable Accommodations and Assistance Animals

- If the answer to question (1) or (2) is "no," then FHA and Section 504 do not require a modification to a provider's "no pets" policy, and the reasonable accommodation request may be denied.
- Where the answers to questions (1) and (2) are "yes," FHA and Section 504 require the housing provider to modify or provide an exception to a "no pets" rule or policy to permit a person with a disability to live with and use an assistance animal(s) in all areas of the premises where persons are normally allowed to go, unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of the housing provider's services.

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## Reasonable Accommodations and Assistance Animals

The request may also be denied if:

- 1) the specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or
- 2) the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

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## Reasonable Accommodations and Assistance Animals

- Housing providers may ask individuals who have disabilities that are not readily apparent or known to the provider to submit reliable documentation of a disability and their disability-related need for an assistance animal.
- However, a housing provider may not ask a tenant or applicant to provide documentation showing the disability or disability-related need for an assistance animal if the disability or disability-related need is readily apparent or already known to the provider.

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## Reasonable Accommodations and Assistance Animals

- A housing provider also may not ask an applicant or tenant to provide access to medical records or medical providers or provide detailed or extensive information or documentation of a person's physical or mental impairments.
- Like all reasonable accommodation requests, the determination of whether a person has a disability-related need for an assistance animal involves an individualized assessment.
- A request for a reasonable accommodation may not be unreasonably denied, or conditioned on payment of a fee or deposit or other terms and conditions applied to applicants or residents with pets, and a response may not be unreasonably delayed.

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## Can a Request for Reasonable Accommodation Be Denied?

YES.

- If there is no disability related need for the accommodation.
- In addition, a request for a reasonable accommodation may be denied if providing the accommodation is not reasonable.

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## Can a Request Be Denied?

If it would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the provider's operation.

- Once the request has been made, the burden of proof that it is "unreasonable" falls upon the housing provider.

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## Determining What Is Unreasonable

Must be made on a case-by-case basis involving various factors:

- Cost of the requested accommodation;
- The financial resources of the provider;
- The benefits that the accommodation would provide to the requester;
- The availability of alternative accommodations that would effectively meet the requester's disability-related needs.

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## What Information May Be Requested?

A housing provider may request reliable disability related information that:

- Is necessary to verify that the person meets the Act's definition of disability;
- Describes the needed accommodation;
- Shows the relationship between the person's disability and the need for the requested accommodation.

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## Who Can Provide the Information?

- A doctor or other medical professional
- A peer support group
- A non-medical service agency
- A reliable third party who is in a position to know about the individual's disability

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## Fair Housing Amendments Act

### Design & Construction Requirements

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## FHAA Accessibility Requirements

- Failure to design and construct certain covered multifamily dwellings built for first occupancy after March 13, 1991 is a violation of the Act.
- Residential multifamily dwellings include condos, single-story townhouses, garden apartments, vacation timeshares, dormitories, homeless shelters, etc.

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## Covered Multifamily Dwellings

Multifamily buildings consisting of four or more units.

- Multifamily buildings with one or more elevators will make **all** units accessible.
- Multifamily buildings without an elevator will make **all ground-floor** units (including ground-floors at different levels in the same building) accessible.

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The Fair Housing Act (FHA) design and construction requirements do NOT apply to:

- Single family houses, duplexes or triplexes
- Multistory dwelling units\*
- Alterations in existing buildings
- Changes in occupancies in existing buildings
- Additions, less than four (4) new dwelling units

\*Multistory Unit : A dwelling unit with finished living space located on one floor and the floor or floors immediately above or below it. The Fair Housing Act's design and construction requirements do not cover multistory units, unless the building has an elevator.

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## Seven Design Requirements

1. Accessible Entrance on an Accessible Route
2. Accessible Public and Common-Use Areas
3. Usable Doors
4. Accessible Routes Into and Through the Dwelling Unit
5. Accessible Light Switches, Electrical Outlets, and Environmental Controls
6. Reinforced Walls in Bathrooms
7. Usable Kitchens and Bathrooms

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## Home Modification Resources

- It is advisable to contact your local Center for Independent Living (CIL) to see if there are any local funding resources or grants for accessible home modifications that may be available to you. Visit this link to locate your local CIL: <http://www.ilru.org/projects/cil-net/cil-center-and-association-directory>
- Some States operate funding assistance programs, like the NYS Access To Home program. Visit the link below for additional information. <http://www.nyschr.org/Programs/AccessToHome/>
- Veterans Service Organizations and the Department of Veterans Affairs may be able to assist qualified veterans with funding assistance and/or grants for accessible home modifications. Visit this link to a Directory of Veterans Service Organizations: <http://www.va.gov/vso/>

## Additional Resources

- Joint Statement of The Department of Housing And Urban Development and The Department of Justice: Accessibility Requirements For Covered Multifamily Dwellings Under The Fair Housing Act: [http://www.ada.gov/doj\\_hud\\_statement.pdf](http://www.ada.gov/doj_hud_statement.pdf)
- HUD Fair Housing & Equal Opportunity Website: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_o\\_pp](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_o_pp)
- Fair Housing Accessibility FIRST (on line training/resources on the Fair Housing Act): <http://www.fairhousingfirst.org/>
- U.S. Access Board (information on the ABA): [www.access-board.gov](http://www.access-board.gov)

**Thank you for  
attending!**

## Northeast ADA Center

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# Accessible Digital Technology

**Presenters:**  
Walei Sabry; Digital Accessibility Coordinator  
Dept. of Information Technology and Telecommunications  
Joe Zesski; Program Manager  
Northeast ADA Center  
September 15, 2017




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# Experiencing Inaccessibility

**Volunteer needed for a 5 minute activity**

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# Relevant Federal Laws

- ADA Title II applies to state/local government and its instrumentalities
- Rehabilitation Act Section 504 applies to all entities receiving federal financial assistance
- Section 508 applies to federal government agencies


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## Title II of the ADA

- Prohibits state and local government entities from discrimination against qualified individuals with disabilities by excluding such individuals from participation in or denying them the benefits of the services, programs, or activities of a public entity
- A public entity must take steps to ensure that communications with individuals with disabilities are as effective as communications with others and shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to that entity's services, program, and activities



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## Section 504 and 508 of the Rehabilitation Act

- Section 504 applies to all programs receiving federal funds
- Has no specific standard, but provides context for Section 508; 504 context- 508 direction
- No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.



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## Section 508

- Requires all information and communication technology (ICT) procured by the federal government be accessible to people with disabilities
- Includes items such as computer hardware, software, websites, and multimedia
- Rule published January 18 2017; compliance date January 18 2018
- Harmonizes previous 508 with WCAG 2.0AA and other recognized standards



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## Local Law 26 of 2016

- In March of 2016, Mayor Bill De Blasio signed Local Law 26. It requires the following:
- The City of New York adopt either WCAG 2.0 level AA or Section 508
- The Mayor shall appoint a designee to ensure web accessibility is addressed
- A report on the state of accessibility of all websites managed by or on behalf of the City of New York must be submitted to City Council on July 1, 2017 and every two years thereafter.



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## What is WCAG 2.0

- Developed by the Web Accessibility Initiative of the World Wide Web Consortium
- Uses testable statements and not based on specific technology
- Intended to increase universal access and to provide sustainability
- Principles of POUR; Perceivable, Operable, Understandable, Robust
- Has three conformance levels: A, AA, and AAA



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## WCAG 2.0 Web Content Accessibility Guidelines

- **Perceivable**  
e.g., Captioning, alt text, not using color to signify meaning, etc.
- **Operable**  
e.g., Keyboard access through tabbing, skip to links to avoid scrolling, etc.
- **Understandable**  
e.g., Consistency in design and presentation, simple language, no unnecessary movement like flashing, etc.
- **Robust**  
e.g., Keeping up with technology changes, keeping in mind that users have different screen sizes, browsers, platforms, assistive technologies, etc.



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## WCAG 2.0 Levels

### Three Levels of Conformance: A, AA, AAA

- **A**: lowest level conformance
- **AA**: intermediate level conformance
- **AAA**: advanced or fully accessible conformance



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## Most common web accessibility errors

Lack of or incorrect:

- Alt text
- Forms
- Tab access
- Color contrast
- Clear hierarchy of content
- Tables
- Accessibility of third-party assets and websites



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## Coordinating an Accessibility Effort Best Practices

- Create a culture of accessibility
- Include all staff in discussion regarding accessibility; not just a technical issue
- Develop an EIT/web accessibility policy
- Test for usability and accessibility regularly by staff
- Formally test for accessibility via outside party or contractor (include users with various disabilities)
- Test any third-party application for accessibility and make reasonable efforts to ensure its accessibility
- Train staff (e.g., creating accessible PDFs, effectively using styles in Word)
- Publish accessibility statement
- Make sure to allow for accommodation requests



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## Screen-reader Demo

- Voiceover on iPhone
- Twitter app
- Accessible social media


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## Audio Description




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## Non-Described Video Profile




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## Described Video Profile




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 Institute on Employment and Disability



## Accessibility is for Everyone!


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# Disability Service Facilitator/ADA Coordinator: Quiz

Name\_\_\_\_\_

*This is a self-graded examination. Please read each question carefully, and then circle (True) or (False) or (A), (B), (C), (D) on the line next to the question.*

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1. True or False: The NYC Human Rights Law protects against discrimination based on pregnancy, disability and lawful source of income.

True

False

2. True or False: A person with a disability must be provided with a reasonable accommodation by a housing provider.

True

False

3. True or False: An example of a reasonable accommodation is installing grab bars or handrails in the bathroom of a unit in a housing facility.

True

False

4. What is the permitted construction tolerance permitted in ADAAG when a range of dimensions are given?

- A. Not more than 1"
- B. Not more than  $\frac{1}{2}$ "
- C. Not more than  $\frac{1}{4}$ "
- D. None

5. Which title of the ADA applies to City Services?

- A. Title I
- B. Title II
- C. Title III
- D. Title IV

6. Program Accessibility means the city is required to?

- A. Modify all buildings owned or operated by the City so it is fully accessible
- B. Ensure that people with disabilities participate only in separate programs open only to people with disabilities
- C. Ensure the benefits of its programs, activities, and services are available to individuals with disabilities
- D. Do nothing until someone complains

7. Disability Service Facilitators are required to do all of the following except?

- A. Post their contact information on their agency website
- B. Refer all requests from people with disabilities to MOPD
- C. Coordinate requests for sign language interpreter at a meeting hosted by their agency
- D. Conduct training for staff on issues affecting people with disabilities

8. According to the latest Census, how many people have self-reported a disability?

- A. Less than 250,000
- B. More than 900,000
- C. More than 2 million
- D. No number exists

9. True or False: A public entity does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or an undue financial and administrative burden.

True

False

10. True or False: People with disabilities should only go to accessible shelters or special medical needs shelters which are designated by the City to uniquely meet their needs?
- True False
11. True or False: People with disabilities should receive Advance Warning Messages (AWS) and not Notify NYC messages since AWS messages are specially tailored for people with disabilities.
- True False
12. True or False: The City can never rely on a child for interpretation service for persons who is deaf. Only an impartial and qualified interpreter may be used.
- True False
13. True or False: Under Title II of the ADA only dogs and cats can be service animals.
- True False
14. What are the only questions you can ask a person with a service animal under the ADA?
- A. Is the animal required because of a disability and what work or task has the animal been trained to perform?
  - B. Is the animal required because of a disability and is it licensed as a service animal with the State or City?
  - C. Is the animal licensed as a service animal with the State or City and does it pose a direct threat to anyone?
  - D. What work or task has the animal been trained to perform and does it pose a direct threat to anyone?
15. True or False: Under the ADA a sign language interpreter must be certified by the State or Local government in order to be deemed “qualified”.
- True False

16. True or False: The ADA only protects people who have a physical or mental impairment that substantially limits one or more major life activities.

True

False

17. True or False: In NYC, directional signs posted at inaccessible entrances must include a contact telephone number or instructions to gain access if an otherwise accessible building entrance is locked at all times or locked when the building is otherwise open.

True

False

18. What is the maximum running slope of a ramp in new construction?

- A. 1:12
- B. 1:15
- C. 1:20
- D. 1:10

19. What is the minimum clear width of an accessible door?

- A. 30"
- B. 32"
- C. 35"
- D. 40"

20. True or False: Under the Fair Housing Act, if a person has a disability a landlord may not refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the person with a disability to use the housing, unless it is an undue burden to do so.

True

False

21. True or False: The Fair Housing Act requires an assistance animal to be individually trained or certified.

True

False

22. The determination of whether a City provided auxiliary aid or services would be an “undue burden” for a public entity, may only be made by?

- A. ADA Coordinator/DSF
- B. Law Department or other qualified lawyer in the agency
- C. The head of the public entity or that person’s designee
- D. None of the above

23. What is a requirement under Local Law 26?

- A. All city websites must be accessible according to WCAG 2.0
- B. All city websites must be accessible according to WCAG 3.0
- C. MOPD will provide monthly reports on city agency website accessibility
- D. Each city agency is required to appoint a Digital Accessibility Coordinator

24. True or False: Many older high schools in the City were built before the ADA was passed however they are grandfathered?

True

False

25. True or False: Sally is 21 and hearing. She accompanied her mother to the hospital and acted as a sign language interpreter for her mother, who is deaf. Hospital staff knew the mother was deaf but also knew Sally was an adult and willing to act as an interpreter for her mother. Her mother was at the hospital to learn the test results of a recent medical examination. The test results were bad – she has cancer and has only a few months to live. Sally and her mother were very upset by this news. Sally has the right to sue the hospital for a violation of her rights under the Americans with Disabilities Act.

True

False

### **Answer Key:**

1. True
2. True
3. True
4. D
5. B
6. C
7. B
8. B
9. True
- 10.False
- 11.False
- 12.False
- 13.False
- 14.A
- 15.False
- 16.False
- 17.True
- 18.A
- 19.B
- 20.True
- 21.False
- 22.C
- 23.A
- 24.False
- 25.True