

RESOURCES FOR MUNICIPAL ADA COMPLIANCE

State and federal laws place a wide range of obligations on municipalities to ensure that their practices and programs do not discriminate against persons with disabilities. The most well known of these laws is the Americans With Disabilities Act (the ADA). The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. The ADA defines an individual with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Vermont towns and cities provide a variety of essential programs and services. Applying for a zoning permit, attending town meeting, or calling 9-1-1 are all municipal programs, activities, or services covered by the ADA. It is essential that Vermonters with disabilities have an opportunity to participate in the programs and services that Vermont municipalities offer.

The United States Department of Justice publishes several excellent ADA resources for municipal government. *“The ADA and City Governments: Common Problems”* contains a sampling of common problems shared by municipal governments of all sizes that have been identified through the Department of Justice’s ADA enforcement activities. The *“ADA Guide for Small Towns”* focuses on the challenges faced by smaller municipalities in meeting the requirements for town facilities, new construction and alteration, and policies and procedures governing town programs, services, and activities. Another excellent resource is *“The ADA Best Practices Tool Kit for State and Local Governments.”* It explains how to survey facilities and identify common architectural barriers for people with disabilities; how to identify red flags indicating that municipal programs, services, activities, and facilities may have common ADA compliance problems; and how to remove the barriers and fix common ADA compliance problems that have been identified. All of the documents are available through the Department of Justice website, www.ada.gov/.

One of the most commonly overlooked ADA requirements is the obligation to provide notice to the public about your municipality’s ADA obligations and about accessible facilities and services in the town. According to the *“ADA Guide for Small Towns,”* the notice must inform the public about the ADA’s nondiscrimination requirements. It may also describe how the public or employees may contact specific town officials about problems with accessibility and the need for effective communication. The information must be accessible to the public, including people who have disabilities that affect communication, such as blindness, low vision, deafness, and hearing loss. Although no specific method is required to reach the public, notice can be provided in more than one format and by using more than one type of media. A model notice is available in chapter two of *“The ADA Best Practices Tool Kit for State and Local Government,”* available at www.ada.gov/pcatoolkit/chap2toolkit.htm.

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