



Request for City Council Committee Action from the Department of

Date: Monday, July 7, 2014
To: Council Member Cam Gordon, Chair, Health, Environment and Community Engagement Commission
Referral to: City Council
Subject: **City of Minneapolis Federal Accessibility Law Compliance**

Recommendation: Direct NCR staff to present a Council Study session in August 2014 on Federal Accessibility Laws (Title II and Title VI) with the session covering the impact of laws for the accessibility of residents, risk management, and protocols to support best practices. In addition, the study session will frame a supportive role for a consultant team to audit our ADA compliance structure/administration, develop the steps necessary for an ADA transition plan, on-going ADA compliance monitoring, timelines and recommendations for all programs and services within the City of Minneapolis. Direct NCR staff to return to Council by the end of October 2014 with RFP for securing ADA consultants.

Department Information

Prepared by: Lance M. Knuckles, Access and Outreach Manager, ADA Title II Coordinator
Approved by:
David Rubedor, Neighborhood and Community Relations Director
Jay Stroebel, Interim City Coordinator
Presenters in Committee: Lance M. Knuckles, NCR Access and Outreach Manager, ADA Title II Coordinator

Reviews N/A

Financial Impact

- Action is within the NCR Business Plan
Federal Accessibility compliance is shaped and supported within the NCR Business Plan
- Other financial impact
NCR has included a \$150,000 request in our 2015 budget request to the Mayor's office to support securing a consultant to audit our ADA compliance structure/administration, to develop report that outlines the steps necessary to develop ADA transition plans, on-going ADA compliance monitoring structure, timelines and recommendations to gain compliance within programs, and services. NOTE: facilities audit is being conducted by property services.

Community Impact

- City Goals – *One Minneapolis*

- Providing engagement and access opportunities to services that allow all residents to fully participate is foundational to our goal of One Minneapolis.
- Minneapolis Advisory Council on People with Disabilities (MACOPD): the advisory committee that provides supports and advice ADA Title II Coordinator and to the enterprise on ADA related opportunities across Title I, II and III.
- The MACOPD is in full support of the ADA Title II Coordinator and the staff direction as outlined.

Supporting Information

The City of Minneapolis as a public entity is required to adhere to (2) federal laws that support full participation and prevents discrimination for residents within the city limits. These are being referred to as accessibility laws because they support access to our decision making processing, programs, services and facilities.

1. Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. National origin discrimination includes, among other things, failing to provide meaningful access to individuals who are limited English proficient (LEP). Executive Order 13166 requires federal agencies that provide federal financial assistance to develop guidance to clarify the language access obligations of recipients of such assistance.

On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" ([PDF](#)). The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

NCR is the department that supports and develops the LEP Plan for the enterprise and that document is currently being reviewed and modified for later adoption by the council and will include policy questions around levels of multi-lingual services within the [Limited English Proficiency Plan](#) informed by the council study session in August.

The NCR and Communications departments are conducting a study session in August 2014. The study session will have two sections. The first will focus on ADA work and the second section will cover multi-lingual/LEP services. NCR is partnering with the City Coordinator Office, Communications and other enterprise departments to consider meaningful options for delivering multi-lingual and LEP services. Within the study session, staff will present those options for discussion.

2. Americans with Disabilities Act of 1990 (ADA)

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services. The current text of the ADA includes changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009. The ADA was originally enacted in public law format and later rearranged and published in the United States Code.

THE 2010 REGULATIONS

On Friday, July 23, 2010, Attorney General Eric Holder signed final regulations revising the Department's ADA regulations, including its ADA Standards for Accessible Design. The official text was published in the Federal Register on September 15, 2010 (corrections to this text were published in the Federal Register on March 11, 2011).

The revised regulations amend the Department's 1991 title II regulation (State and local governments), 28 CFR Part 35, and the 1991 title III regulation (public accommodations), 28 CFR Part 36. Appendix A to each regulation includes a section-by-section analysis of the rule and responses to public comments on the proposed rule.

These final rules went into effect on March 15, 2011, and were published in the 2011 edition of the Code of Federal Regulations (CFR).

THE 1991 REGULATIONS

[ADA Regulation for Title II](#), as printed in the Federal Register on July 26, 1991, and effective until March 15, 2011.

[ADA Regulation for Title III](#), as printed in the Code of Federal Regulations July 1, 1994, and effective until March 15, 2011.