

File No. 100204

Committee Item No. 10
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date April 1, 2010

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER

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Completed by: Linda Wong

Date March 26, 2010

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Americans with Disabilities Act – Reasonable Modification Policy.]

2
3 **Ordinance adding Administrative Code Section 2A.22.3 to adopt a Citywide Americans**
4 **with Disabilities Act Reasonable Modification Policy that requires City departments to:**
5 **(1) provide notice to the public of the right to request reasonable modification; (2)**
6 **respond promptly to such requests; (3) provide appropriate auxiliary aids and services**
7 **to people with disabilities to ensure effective communication; and (4) train staff to**
8 **respond to requests from the public for reasonable modification, and that requires the**
9 **Mayor's Office on Disability to provide technical assistance to City departments**
10 **responding to requests from the public for reasonable modifications.**

11 Note: Additions are single-underline italics Times New Roman;
12 deletions are ~~striketrough italics Times New Roman~~.
13 Board amendment additions are double underlined.
14 Board amendment deletions are ~~striketrough-normal~~.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. The San Francisco Administrative Code is hereby amended by adding Section
17 2A.22.3, to read as follows:

18
19 **SEC. 2A.22.3. AMERICANS WITH DISABILITIES ACT – REASONABLE MODIFICATION**
20 **POLICY**

21 (a) It is the policy of the City and County of San Francisco ("City") to provide reasonable
22 modifications in its policies, practices, and procedures for all qualified people with disabilities and to
23 provide these modifications quickly, easily, and with minimum burden to the person with the disability.
24 Denial of a modification should occur only in situations for which the policy modification would
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1 fundamentally alter the program, service, or activity, or would constitute an undue financial and/or
2 administrative burden.

3 (b) All City departments shall take the following steps to implement the City's reasonable
4 modification policy for the benefit of the public:

5 (1) Provide notice, in accessible formats, to members of the public of their rights to
6 ask for a modification in policies, practices, and procedures or the use of an auxiliary aid or service in
7 order to accommodate a disability.

8 (2) Respond to a request for a reasonable modification in a timely manner -- within
9 72 hours, if feasible. A department should never delay providing life-preserving modifications.

10 (3) Provide adequate communication devices for people with disabilities requesting
11 communication assistance, such as qualified interpreters, note-takers, computer-aided transcription
12 services, written materials, audio recordings, computer disks, large print and Brailled materials, and
13 assistive listening systems to ensure that the City will be able to communicate effectively with
14 individuals with disabilities, and that individuals with disabilities will be able to participate in the
15 range of services and programs offered by the City.

16 (4) Provide appropriate training to staff members who will respond to requests for
17 reasonable modifications.

18 (c) In working with a person who has a disability to address a reasonable modification
19 request, City departments and their contractors shall not:

20 (1) Require a person with a disability to fill out a form, or provide medical
21 documentation, in order to request or receive a reasonable modification, except as provided in
22 subsection (c)(2), below.

23 (2) Inquire about the specific diagnosis or medical history of the requestor's disability.
24 Most requests for reasonable modification to policies, practices and procedures to City services shall
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1 be granted readily unless a City department or contractor can demonstrate that doing so would
2 constitute a fundamental alteration to the nature of its program or service or an undue financial and/or
3 administrative burden.

4 Medical or written documentation shall be required only in cases where the reasonable
5 modification request appears unusual given the circumstances, exceeds the level of excellent customer
6 service expected of City staff and contractors or there is no apparent nexus between the disability and
7 the requested modification. Medical inquiries shall be limited to documentation of specific functional
8 limitations, including an explanation of how the functional limitation necessitates the need for the
9 requested modification.

10 (d) The Mayor's Office on Disability ("MOD") shall maintain on its website a list of City-
11 approved vendors who can provide auxiliary aids and services necessary for effective communication
12 with individuals with disabilities. MOD shall also provide guidance and technical assistance to City
13 departments that have questions about the appropriate response to a request for reasonable
14 modification.

15
16 Section 2. Additional Provisions.

17 (a) Disclaimer. In adopting and implementing this Ordinance, the City and County
18 of San Francisco is assuming an undertaking only to promote the general welfare. The City is
19 not assuming, nor it is imposing on its officers and employees, an obligation for breach of
20 which it is liable in money damages to any person who claims that such breach proximately
21 caused injury.

22 (b) Best Practices. The City finds that the requirements of this Ordinance reflect
23 best practices regarding reasonable modifications for members of the public. Accordingly, in
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1 adopting and implementing this Ordinance, and in following best practices, the City may be
2 doing more than is required by state and federal disability rights laws.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: *Adine Varah*
ADINE VARAH
Deputy City Attorney

LEGISLATIVE DIGEST

[Americans with Disabilities Act (ADA) – Reasonable Modification Policy.]

Ordinance adding Administrative Code Section 2A.22.3 to adopt a Citywide ADA Reasonable Modification Policy that requires City departments to (1) provide notice to the public of the right to request reasonable modification, (2) respond promptly to such requests, (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication, and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.

Existing Law

The City does not currently have a Citywide policy regarding how City departments respond to requests from members of the public for reasonable modifications to allow access to City programs, services, or activities.

Amendments to Current Law

The proposed Ordinance would create a Citywide reasonable modification policy "to provide reasonable modifications in [City] policies, practices, and procedures for all qualified people with disabilities and to provide these modifications quickly, easily, and with minimum burden to the person with the disability." The proposed Ordinance would require City departments to take certain steps to implement this policy for the benefit of the public, including (1) providing notice, in accessible formats, to members of the public of their rights to ask for a modification in policies, practices, and procedures or the use of an auxiliary aid or service in order to accommodate a disability (2) responding promptly (within 72 hours if possible) to such requests, (3) providing adequate communication devices for people with disabilities requesting communication assistance, such as qualified interpreters, note-takers, computer-aided transcription services, written materials, audio recordings, computer disks, large print and Brailled materials, and assistive listening systems, (4) providing appropriate training to staff members who respond to requests for reasonable modification and (5) requiring the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.

Background Information

The City, following review by the Mayor's Office on Disability, finds that the requirements of this Ordinance reflect best practices regarding reasonable modifications for members of the public. Accordingly, in adopting and implementing this Ordinance, and in following best practices, the City may be doing more than is required by state and federal disability rights laws.

Mar. 25. 2010 10:38AM

No. 2101 P. 2

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

MEMORANDUM

TO: Mayor's Office of Disability
FROM: Angela Calvillo, Clerk of the Board
DATE: March 2, 2010
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Rules Committee

2010 MAR -3 PM 3:01
MAYOR'S OFFICE
ON DISABILITY

The Board of Supervisors Rules Committee has received the following proposed ordinance, which is being referred to the Mayor's Office of Disability for comment and recommendation.

File: 100204

Ordinance adding Administrative Code Section 2A.22.3 to adopt a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.

Please return this cover sheet with the department's response to Linda Wong, Clerk, Rules Committee.

RESPONSE FROM MAYOR'S OFFICE OF DISABILITY- Date: 3/24/10

No Comment
 Recommendation Attached

Signature

Mar. 25, 2010 10:38AM

No. 2101 P. 3



MOD Memo

Mayor's
Office on
Disability

Gavin Newsom
Mayor
Susan Mizner
Director

TO: Linda Wong, Clerk, Rules Committee
FROM: Susan Mizner
SUBJECT: File No. 100204 – Rules Committee
DATE: March 25, 2010

The Mayor's Office on Disability strongly supports the Ordinance adding Administrative Code Section 21.22.3 to adopt a Citywide Americans with Disabilities Act Reasonable Modification Policy.

We have participated in the drafting of this Ordinance, and believe it will both clarify processes for City Departments, and aid in training new staff. None of the elements of the ordinance create new obligations for the Departments. Nor should the ordinance increase any costs.

