

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

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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 *strikethrough italics Times New Roman*.
13 Board amendment additions are double underlined.
14 Board amendment deletions are ~~strikethrough 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:

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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.

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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 it 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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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

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6 By: _____
7 ADINE VARAH
8 Deputy City Attorney

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