

Demystifying ADA Obligations for Local Governments

By Robin Jones

The passage of the Americans with Disabilities Act (ADA) in 1990 marked a significant milestone for persons with disabilities in the U.S. This law solidified the rights of persons with disabilities to have equal access and the opportunity to actively participate in all aspects of society including employment, civic engagement, commerce, and communication. The purpose of the ADA was to expand integration and eliminate segregation. July 26, 2022, marks the 32nd anniversary of the ADA; and while there has been significant progress made, there are many areas which continue to require attention.

The ADA is structured with five titles.

Title I—Employment;

Title II—Local and State Government;

Title III—Places of Public Accommodation;

Title IV—Telecommunications;

and Title V—Miscellaneous.



The focus of this article is on the obligations under Title II—Local and State Government entities. There are five administrative requirements for local governments under the ADA. They include:

- **Identifying an ADA Coordinator.** Entities with 50 or more employees are required to identify a responsible employee often referred to as an “ADA coordinator” to coordinate and implement ADA compliance activities. Entities with less than 50 employees are encouraged to consider identifying a responsible employee to facilitate their ADA compliance activities as well. The duties of an ADA coordinator include, but are not limited to:
 - Implementing a self-evaluation and transition planning process;
 - Monitoring the implementation of the transition plan;
 - Handling requests for auxiliary aides and services (e.g., screen readers, computer-aided real-time transcription (CART), written materials;
 - Providing information about accessible programs and services;
 - Serving as an ADA resource;
 - Receiving and working to resolve complaints; and
 - Working with officials and administrators to ensure new/altered programs, services, and facilities are accessible.
- **Providing Public Notice of the Entity’s ADA Activities.** This applies to ALL local governments covered by Title II, even those with fewer than 50 employees. This notice should include relevant information regarding Title II of the ADA, and how it applies to the programs, services, and activities of the local government. An effective notice states the basics of what the ADA requires of the local government without being too lengthy, legalistic, or complicated.

It should include the name and contact information of the ADA Coordinator—the toolkit contains samples. The ADA notice is not a one-time requirement. Local governments should provide the information on an ongoing basis, whenever necessary.

- **Establishing and Publishing a Grievance Procedure.**

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA. Grievance procedures set out a system for resolving complaints of disability discrimination internally in a prompt and fair manner.

- **Conducting a Self-Evaluation.** This is a public entity's assessment of everything, including its programs, services, and activities; facilities; and current policies, practice, and procedures. The self-evaluation identifies and corrects barriers to access that are inconsistent with its Title II requirements.

- **Developing a Transition Plan.** This is applicable to local governments with 50 or more employees. A Transition Plan identifies the physical barriers present that prevent or limit persons with disabilities from accessing local government programs and services as identified during the self-evaluation process. Covered entities are required to develop a plan to fix them, which includes cost, schedule, and the responsible person or department. Compliance with the Americans with Disabilities Act 2010 ADA Accessibility Standards is the minimum, but attention should be made to ensure that entities comply with the Michigan Building Code (Chapter 11, Accessibility) where it is more stringent than the ADA Standards.

Complying with, and implementing, the administrative requirements under the ADA will ensure that local governments are equipped to address the needs of their citizens with disabilities. Compliance is an ongoing process. It is critical that the needs of persons with disabilities be incorporated into the overall planning and implementation of new programs and facilities.

The way in which programs and services are provided to citizens has evolved over time. There is an increased utilization of technology to conduct transactions including payment of fees and fines, submission of requests for information and services, enrollment in programs, solicitation of feedback on major initiatives, hosting of meetings and events, as well as general dissemination of information. Websites, social media, virtual meetings/recordings and electronic forms and documents are required to be accessible to persons who use assistive technology. The U.S. Department of Justice has noted that Title II entities must ensure that they follow the industry guidance and standards for accessible information technology. They can use either the Federal Section 508 Guidelines (www.section508.gov/manage/laws-and-policies/) or the World Wide Web Consortium Accessibility Guidelines (www.w3.org/WAI/standards-guidelines/).

Local governments are also employers and must ensure that their employment policies and practices are non-discriminatory and accessible to persons with disabilities. Employment obligations start at the point of recruitment, all the way through the benefits and privileges of employment. Local governments must ensure that they have policies and practices in place to facilitate the request and implementation of reasonable accommodations that will allow a qualified applicant and/or an employee with a disability to be able to perform their job functions.






There are many guides and resources available to assist Title II entities in addressing their ADA compliance responsibilities and questions.

- Department of Justice ADA Title II Regulations, www.ada.gov/ada_title_II.htm
- ADA Best Practices Toolkit for State and Local Governments, www.ada.gov/pcatoolkit/toolkitmain.htm
- ADA Requirements: Effective Communication, www.ada.gov/effective-comm.htm
- Accessibility of State and Local Government Websites to People with Disabilities, www.ada.gov/websites2_scrn.pdf
- ADA Update: A Primer for State and Local Governments, www.ada.gov/regs2010/titleII_2010/title_ii_primer.html

- ADA Guide for State and Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities, www.ada.gov/emergencyprep.htm
- Your Responsibilities as an Employer under the ADA, www.eeoc.gov/publications/ada-your-responsibilities-employer

The Great Lakes ADA Center is a federally funded technical assistance center that serves the State of Michigan. The center provides training, technical assistance, and consultation on all Titles of the ADA and is a neutral/ impartial resource. Please direct questions regarding the ADA to 800.949.4232 or visit www.adagreatlakes.org. 

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