

City of Hornell
Policy Regarding Compliance with Title II of the Americans with Disabilities Act
And
Section 504 of the Rehabilitation Act of 1973

As a recipient of funding under the Community Development Block Grant (CDBG) Act, as administered by the NYS Office of Community Renewal, the City of Hornell is required to take affirmative steps to ensure that qualified persons with disabilities are informed of the availability of program services and activities, and that the City's activities or services are readily accessible to, and usable by, individuals with disabilities. The City must provide handicapped persons with benefits and services that are as effective as those provided to non-handicapped individuals.

In order to ensure that NYS CDBG programs and activities are accessible, both structurally and administratively, to handicapped and disabled persons, the City is responsible for providing access to handicapped/disabled persons in four areas: communications, employment opportunities, program benefits and physically accessible housing. The City will address these issues as follows:

Accessible Communications: In order to ensure accessibility of program services and activities to persons with disabilities, the City has made provisions for individuals who may need alternate forms of communications. The City will participate in a Telecommunication Device for the Deaf (TDD) relay system.

The City is also prepared to make reasonable accommodations for persons requesting alternative forms of communication at Common Council or other public meetings. Such requests must be submitted to the City Clerk at least three business days prior to the meeting. Examples of auxiliary aids and services may include qualified sign language interpreters, assistive listening devices, open and closed captioning, note takers, written materials, telephone handset devices, qualified reader, taped texts, audio recordings, Brailled materials, materials on computer disk, and large print materials.

The City will give primary consideration to the type of auxiliary aid requested by a person with a disability; however, the City may provide a different type of aid if it can show that it is an effective means of communication.

Access to Employment: The City must make reasonable accommodation to known physical or mental limitations of an otherwise qualified individual, unless to do so would impose an undue hardship on the City. Cost alone does not constitute a hardship. A person with a disability is otherwise qualified if they can satisfy the requisite skill, experience and education requirements for the position and can perform the essential functions of the job with or without reasonable accommodations.

Program Accessibility: The City recognizes that all services, programs and activities must be accessible to everyone, including persons with disabilities, regardless of the accessibility of the City's facilities.

The City may not provide services or benefits to disabled persons through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits or services are equally effective. Even when separate programs are permitted, an individual with a disability has the right to choose to participate in the regular program, and the City may not require an individual with a disability to accept a special accommodation or benefit if the person chooses not to accept it.

If programs, services or activities are located in facilities that existed prior to January 26, 1992 (the effective date of Title II of the ADA), the City will ensure that they are also available to persons with disabilities, unless to do so would fundamentally alter a program, service or activity or result in undue financial or administrative burdens. The City notes that program accessibility may be achieved by: (1) relocating the program or activity to an accessible facility; (2) providing the activity, service or benefit in another manner that meets ADA requirements; or (3) making modifications to the building or facility itself to provide accessibility.

Physical Accessibility to Programs: The City has evaluated the Municipal Building to ensure the physical accessibility of the building. There are several building features that ensure the accessibility of the building, including:

- Elimination of steps to the front entrance.
- Power assisted entry doors.
- An elevator to facilitate access to the upper floors of the building.
- Designation of a handicapped accessible parking spaces in municipal parking areas near City Hall.
- Public restrooms that are accessible to handicapped persons.
- Installation of a counter at a lower level in the City Clerk's Office to accommodate persons who are unable to stand at the main counter.

In addition, the City has also designated handicapped parking spaces at City parks. The City has also established a policy to install handicapped accessible curb cuts as part of sidewalk replacement work or street improvements.

Accessibility Issues as Related to Housing. The ADA generally does not cover private residential facilities. These facilities are addressed in the Fair Housing Amendments Act, which prohibits discrimination on the basis of disability in selling or renting houses.

Under the provisions of the Fire Administration Authorization Act of 1992, all housing units assisted with Federal funds must be equipped with a hard-wired or battery-operated

smoke detector that includes appropriate wiring that makes it possible to install visual and/or sensory alarm systems if the need arises. This requirement applies to all new construction, reconstruction and rehabilitation projects on any multi-family or single family housing assisted with NYS CDBG funds. The City will ensure that this requirement is met for any NYS CDBG funded rehabilitation program implemented by the City.

The City also recognizes that there are other handicap accessibility requirements that apply to all facilities designed, constructed or altered after July 11, 1988, including:

New Construction, Acquisition or Rehab of Single Family Dwellings. Single family dwellings assisted with Federal funds must be made handicap accessible upon request of the owner or prospective buyer. That cost may be included in the mortgage amount. If costs exceed the allowable mortgage limits, those costs may be passed on to the prospective NYS CDBG buyer. All handicap accessible dwelling units must be distributed throughout the housing project and the sites made available in a range of sizes and amenities. Generally, historic properties must be made accessible unless doing so would substantially impair the significant historic features of the property or result in an undue financial or administrative burden.

The City will incorporate handicapped accessible features, as needed, into the scope of work undertaken on houses assisted with rehabilitation funds provided by the City.

New Construction or Substantial Rehab of Multi-Family Dwelling Units. In addition to the ADA requirements, residential structures (other than privately owned residential structures) are subject to requirements of the Architectural Barriers Act of 1968 [24 CFR Part 40]. Standards for the design, construction and alteration of publicly owned residential structures to ensure that physically handicapped persons have ready access to and the use of such structures can be met by following the Uniform Federal Accessibility Standards outlined in Appendix A of 24 CFR Part 40.

Complaint Procedures

Persons who believe they have been discriminated against with regard to provisions of the ADA may file a complaint with the City of Hornell on a form adopted by the Common Council (see attached). The complaint should be submitted to the City Clerk who will refer the matter to the appropriate department head and the Common Council for review. The department head will consider the specific accommodation or modification requested by the complainant and may propose an alternative accommodation, provided that the City can show that the alternative is equally effective. Department heads are encouraged to meet with the complainant to review possible accommodations and negotiate a mutually agreeable resolution of the complaint.

The complainant must be notified in writing of the City's proposed response to the complaint, including whether or not the department head had determined that a

reasonable accommodation would impose an undue financial or administrative burden on the City. In the event that the accommodation or modification proposed by the department head is not acceptable to the complainant, the complainant may request a meeting with the Common Council to appeal the decision. In the event that the complainant is unable to reach a satisfactory resolution of the matter with the Common Council, the complainant may pursue other remedies as allowed under the ADA regulations.

All complaints must remain confidential and information pertaining to the complaint cannot be disclosed to any entity except HUD.

Resource Materials

The City will maintain a file of resource materials on ADA compliance, including this policy statement and the complaint form, and will make these materials available for review at no cost in the City Clerk's Office. Copies of the reference materials may also be provided upon request, at a cost to the requestor of \$0.25 per page. Copies of the complaint form will be provided at no charge.

The City will also post this ADA policy statement in the City Clerk's Office and will publish a notice of the adoption of this policy and the related complaint procedures in the City's official paper. Such notice shall be published upon adoption of this policy statement and at least once during the implementation of any future NYS CDBG Program.