



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM Sarah Zárate
Jim Shannon

**SUBJECT: DISABILITY COMMUNITY
ENGAGEMENT AND SERVICE
EVALUATION**

DATE: May 23, 2022

Approved

Date: 5/25/2022

RECOMMENDATION

1. Approve the Disability Services and Community Engagement Workplan for 2022-2023.
2. Approve the following amendments to the 2022-2023 Proposed Operating Budget in the General Fund:
 - a. Decrease the Disability Evaluation and Next Steps Reserve by \$200,000; and
 - b. Increase the City Manager's Office Personal Services Budget by \$200,000.

BACKGROUND

The Mayor's [June Budget Message for the Fiscal Year 2021-2022](#) as approved by the City Council, directed the Administration with completing an assessment related to disability access, funded with an initial allocation of \$150,000, which was to include gathering input from stakeholders, preparing a report, developing a proposed work plan, and planting the seed for the creation of an Office of Disability Affairs where ongoing funding would need to be identified.

In response to this direction, staff explored the foundational federal, state, and local policy context, and assessed the City's past and present experience with disability access service delivery, both internally and externally. Staff also conducted key informational interviews with internal and external stakeholders, including City staff, county and state partners, community-based organizations, and staff in other jurisdictions who serve the disability community. Further, staff held several community meetings to hear directly from residents, especially from those with lived experience. The culmination of this work is the attached report which identifies five organizational areas for improvement: 1) communications and information access, 2) community sensitivity, 3) physical access, 4) employment access, and 5) shared data collection.

ANALYSIS

Since 2020, the City has grappled with challenges resulting from the COVID-19 pandemic that exacerbated long-standing inequities that impact the City's disability community, including access to basic services, public meetings, and emergency resources such as communication, and representation. Disability advocates highlighted that the City lacked dedicated representation for disability affairs, with many advocates noting that the City had been without a dedicated Americans with Disabilities Act (ADA) coordinator for many years, as the staff person coordinating complaint responses has had other primary duties.

While the City is committed to working alongside the disability community to improve communication and information access, respond to ADA requests, and facilitate organizational and cultural change within the organization, more is needed. By engaging internal and external stakeholders, the assessment found that much can be done to elevate disability affairs more broadly and throughout the City. Internal and external stakeholders identified priorities that can immediately be implemented and can be added to a disability lead's work plan to determine the most appropriate strategy to organizationally support disability affairs on an ongoing basis.

To address existing gaps in five areas identified, the report identified several key recommendations divided into two phases—those for immediate consideration and those for future consideration.

Recommendations - Immediate Actions

The following actions are recommended as the first phase of a long-term disability access commitment for the City of San José:

- As a starting point, dedicate a full-time employee to serve the disability community;
- Declare the City's affirmative commitment to ensuring disability access;
- Review and update the City's communication and community engagement strategies for the disability community;
- Coordinate and align with the County of Santa Clara's Office of Disability Affairs;
- Centralize and update disability resources and City-managed platforms and communications;
- Share knowledge, train, and provide technical assistance about disability needs and associated issues;
- Provide language uniformity regarding disability, access, and other terminology related to the disability community, in consultation with community members; and
- Advocate for disability inclusion policies at federal, state, and county levels.

Recommendations - Actions for Further Consideration

In addition to the immediate actions above, the City should commit to establishing a disability equity framework, in partnership with the community and in coordination with the County of

Santa Clara’s Office of Disability Affairs, that embeds disability access into the City organization, and that may include:

- Creating a Citywide, interdepartmental disability affairs working group;
- Establishing a public-facing disability group, in coordination with the County of Santa Clara;
- Creating an organizational Disability Access Council Policy; and
- Exploring the creation of disability-related metrics to help inform policy and program decisions.

Next Steps for a Sustained Commitment to Disability Affairs

To deepen the City’s commitment to disability issues in the next fiscal year, in response to the disability assessment, staff recommends as a starting point funding a limit-dated Assistant to the City Manager (A2CM) position for 2022-2023 in the Office of Administration, Policy, and Intergovernmental Relations. This A2CM position (to be titled Disability Affairs Officer) would lead disability affairs and serve as the ADA coordinator for the City, be the point of contact with the community, further assess disability access gaps and opportunities at a department level, support the development of solutions with departments and the community, and lead the organization in operationalizing the immediate recommended actions proposed in the attached report. Staff further recommends allocating funding for targeted disability-related training for staff in the organization and additional non-personal/equipment funding to support community outreach and other activities required for the immediate recommended actions.

Staff estimates the cost of an A2CM position to be approximately \$190,000 with an additional \$125,000 in non-personal/equipment funding to support consulting, training, community outreach, and other needs related to the implementation of the recommended actions. It should be noted that the County of Santa Clara’s newly formed Office of Disability Affairs has contracted with a consultant to provide disability outreach, training, and advisory services to support the development of the office’s initial framework. The A2CM could work with the County to learn what areas of community outreach and training may benefit the City of San José.

Staff Recommendation

Item	FY 2022-2023	Functions
Assistant to the City Manager position	\$ 190,000	Outreach, Coordination, and Assessment Support
Non-Personal/Equipment	\$ 125,000	Implementation of recommended Immediate Actions, with a priority for staff training
Total	\$ 315,000	

To support this recommendation, this memorandum recommends liquidating the Disability Evaluation and Next Steps Reserve of \$200,000 established in the 2022-2023 Proposed Operating Budget. To provide non-personal/equipment funding for disability community engagement and service evaluation, the Administration also intends to rebudget current year

savings of \$125,000 from the unexpended \$150,000 allocation in 2021-2022 as part of the *Recommended Amendments to the 2022-2023 Proposed Operating and Capital Budgets* Manager’s Budget Addendum scheduled for release on June 3, 2022.

Proposed Workplan for 2022-2023

As not all of the recommendations in the report are feasible to implement in the first fiscal year—a phased approach is required which may lead to the final outcome of how to best support disability affairs within the City. The Disability Affairs Officer would be expected to implement the following recommendations in the first fiscal year:

Quarter	Immediate Recommendations	Activity
Q1	Affirmative Declaration	Develop a shared mission, vision, and accessibility statement in consultation with community members.
Q1	Develop a workplan to support City departments in analyzing their services and communications for the disability community.	To better understand services, facilities, and communication gaps at the department level, the A2CM will support departments through an analysis, which may include conducting SWOT analysis (Strengths, Weaknesses, Opportunities, Strengths). It may not be possible to analyze all departments in the first fiscal year; as such the workplan must be prioritized.
Q1-Q2	Share knowledge, train, and provide technical assistance about disability needs and associated issues.	Develop a training curriculum (either internally or through a procurement process) customized for City staff to support cultural understanding, general disability rights, reasonable accommodations, and cultivate the need to include disability concerns in the design of policies, programs, and practices.
Q1-Q3	Review and update the City's communication and community engagement strategies for the disability community.	Coordinate with the City Manager’s Office of Communications, Language Access Coordinator, and outreach teams to review and update strategies for the disability community. Produce updated materials and guides and hold trainings with City staff.
Q2 – Q3	Centralize and update disability resources and City-managed platforms and communications.	Coordinate with the City Manager's Office of Communications, and other departments to develop a strategy to make information more readily accessible and intuitive for the public.

Q2-Q3	Provide language uniformity regarding disability, access, and other terminology related to the disability community, in consultation with community members.	Engage community members to produce a glossary of shared terms that City staff should use and reference regularly.
Q2-Q4	Support departments in developing opportunities to address gaps found in the department analysis.	Work with departments to understand accessibility gaps from the perspective of members of the community. Help coordinate potential solutions with the departments. Maintain analysis record.
Q4	Phase 2 Work Plan	Following the assessment of detailed departmental needs and opportunities, the disability lead will develop the Phase 2 work plan and make a recommendation related to the sustainable, long-term needs for the organization to serve its disability community.
Ongoing	Coordinate and align with the County of Santa Clara's Office of Disability Affairs.	Maintain a City-County relationship to coordinate holistically by meeting regularly and finding inter-jurisdictional solutions that meet city resident needs.
Ongoing	Advocate for disability inclusion policies at the federal, state, and county level.	Work with the City Manager's Office of Administration, Policy, and Intergovernmental Relations to support various disability legislation.

CONCLUSION

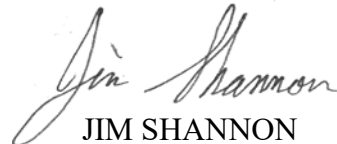
As directed by City Council’s approval of the Mayor’s June Budget Message for Fiscal Year 2021-2022, the Administration conducted an organizational disability assessment that explored the historical context of disability rights and how the City of San José is serving its disability community. Several recommendations were made in that assessment; however, a more in-depth analysis is required of departments to fully understand staffing needs and make a final recommendation related to an Office of Disability Affairs. Nonetheless, staff recommends adding a limit-dated A2CM position (Disability Affairs Officer) to lead the immediate actions required to better serve the disability community and right-size a recommendation related to staffing needs for a sustained commitment to disability affairs. The Administration will also bring forward separate recommendations to rebudget current year savings into 2022-2023 to

support consulting, training, community outreach, and other activities required to operationalize the immediate actions noted in the report.

COORDINATION

The Manager's Budget Addendum has been coordinated with the City Attorney's Office.

/s/
SARAH ZARATE
Director of Administration, Policy,
and Intergovernmental Relations



JIM SHANNON
Budget Director

For questions, contact Nora Chin, Assistant to the City Manager at nora.chin@sanjoseca.gov.

Attachment: Organizational Disability Assessment, City of San José

ORGANIZATIONAL DISABILITY ASSESSMENT CITY OF SAN JOSE

City Manager's Office
May 13, 2022

Office of Administration, Policy, and Intergovernmental Relations
CITY OF SAN JOSE 200 East Santa Clara Street, 17th Floor, San José CA 95113

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TERMS OF REFERENCE

The following are definitions for terms used in this report. It is important to note the evolution of language over time and that different studies and data sources may use different terminology.

Ableism	Discrimination or prejudice against individuals with disabilities. An example of ableism can include viewing a person with a disability as inspirational for doing typical things, such as having a career.
Accessible	Refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.
Access and Functional Needs (AFN)	Access and functional needs refer to individuals who are or have: physical, developmental, or intellectual disabilities, chronic conditions or injuries, limited English proficiency, older adults, children, low income, unhoused persons, and/or transportation disadvantaged, or pregnant women. A detailed AFN library provides more information.
Accessible web design	Accessible design is how easily all people can use a website. Specifically, it focuses on inclusivity by providing web pages that are easy to navigate and understand by everyone, including people with low vision, hearing loss, limited mobility, and/or other challenges.
ADA Coordinator	An employee designated to coordinate efforts to comply with ADA Title II requirements, including investigation of any complaint or actions that may constitute non-compliance with or related laws and regulations.
Alternative text (alt-text)	Helps ensure people with low or no vision or other physical or cognitive challenges can access and understand visual content such as images, charts, and graphs.
Americans with Disabilities Act of 1990 (ADA)	Title II of the federal Americans with Disabilities Act of 1990 (42 U.S.C. 12131) and subsequent amendments; prohibit discrimination based on disability by public entities and private businesses.

Auxiliary Aids and Services	Services, equipment, devices, and actions that are required to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity. This includes, but is not limited to, the provision of qualified interpreters, assistive listening devices, captioning, qualified readers, and information in alternate formats.
Blind and Low Vision	The definition of low vision is “a decrease in the ability to see to a certain degree that causes problems not fixable by usual means, such as glasses.” Blindness is “the state of being unable to see due to injury, disease, or genetic condition.”
Department ADA Liaison	An employee designated by a department to coordinate department-level compliance with state and federal disability civil rights laws and regulations.
Disability	The term "disability" means, concerning an individual (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment (reference: Americans with Disabilities Act of 1990).
Effective Communication	Under ADA Title II (State and Local Government) a government agency must provide auxiliary aids to ensure that communication with people with disabilities is just as effective as communication with people without disabilities (e.g., Braille, sign language, note reader, note-taker, etc.)
Equity	The state, quality, or ideal of being just, impartial, and fair.
Inclusion	Disability inclusion means understanding the relationship between the way people function and how they participate in society and making sure everybody has the same opportunities to participate in every aspect of life to the best of their abilities and desires.
Mobility Device	A wheelchair, scooter, or any other force or motor-driven device that allows an individual with a disability to move from place to place.

Reasonable Accommodation	Any change or adjustment to the job, the work environment, or the way work is customarily done permits a qualified applicant or employee with a disability to perform the essential functions. A reasonable accommodation is anything reasonable to help this employee with this disability to do this job.
Undue Burden	The defense of undue burden is one used by an entity when denying an individual reasonable accommodation under ADA Title I or reasonable modification under ADA Title II. Undue Burden can be classified as unduly expensive, extensive, and substantial or a fundamental alteration; or some combination of the three.
Unruh Civil Rights Act (Section 51 of the Civil Code)	All persons within the jurisdiction of the State of California are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

Executive Summary

The Americans with Disabilities Act (ADA), enacted in 1990, fundamentally and foundationally set the framework prohibiting discrimination against people with disabilities in employment, transportation, public accommodations, communications, and access to state and local government programs and services. The City must meet these basic requirements by embedding disability access and equity into the programs and services delivered to the community. Moreover, 30 years before the ADA, the State of California enacted the Unruh Civil Rights Act (Section 51 of the Civil Code) that provides that all persons, regardless of sex, race, color, religion, ancestry, national origin, disability, or medical condition, are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. Failure to provide access to persons with a disability is a violation of both the ADA and Unruh Act.

In 2020, the City of San José (City) faced challenges resulting from the COVID-19 pandemic public health emergency that exacerbated long-standing inequities that impact the City's disability community, including access to basic services, public meetings, and emergency resources. Disability advocates highlighted that, although the City has a designated person to coordinate ADA complaints (not on a full-time basis), it has been without a dedicated, full-time Americans with Disabilities Act (ADA) coordination for years.

The Mayor's June 2021-2022 Budget Message directed the Administration to prepare a report regarding the exploration of creating an Office of Disability Affairs. In response to this directive, staff conducted extensive interviews with City staff and members of the disability community; held multiple community meetings in-person and virtually; researched other cities' disability services programs and identified strengths and weaknesses of those programs; and connected with local jurisdictions, including the County of Santa Clara, to identify services and opportunities available for shared constituents. City staff and community members overwhelmingly support and encourage the City's efforts to ensure disability access and equity in programs, facilities, and services. Based on the research conducted and input received, staff highlighted key organizational gaps and developed recommendations for improvement.¹

¹ *Consider recommendations relating to supporting equitable inclusion of persons with disabilities in all County of Santa Clara policies, programs, and services. (Chavez). Consider recommendations relating to supporting equitable inclusion of persons with disabilities in all County of Santa Clara policies, programs, and services. (Chavez) - The County of Santa Clara, California. (n.d.). Retrieved May 7, 2022, from*

Key Findings – Disability Access

- According to the American Census Survey (ACS) from 2019, San José has about 94,000 residents with special needs or disabilities (9.2% of the total population with a margin of error of 0.6%);
- Internal and external interviews identified five opportunities for improvement including communications and information access, community sensitivity, physical access, employment access, and shared data collection;
- Gaps in the accessibility of public service and programming identified by staff mirror community feedback.

Recommendations for Allocating Resources to Respond and Support Disability Access

To respond to the urgent needs of residents, the City of San José should consider taking a series of actions—some immediate, others for future consideration. Importantly, as the County of Santa Clara recently created and is in the process of setting up an Office of Disability Affairs, it is recommended that the City of San José work closely with the County to align efforts to serve the disability community to optimize communications and service delivery and reduce opportunities for duplication.

Immediate Actions

The following actions are recommended as the first phase of a long-term disability access commitment for the City of San José:

- As a starting point, dedicate a full-time employee to serve the disability community;
- Declare the City’s affirmative commitment to ensuring disability access;
- Review and update the City’s communication and community engagement strategies for the disability community;
- Coordinate and align with the County of Santa Clara’s Office of Disability Affairs;
- Centralize and update disability resources and City-managed platforms and communications;
- Share knowledge, train, and provide technical assistance about disability needs and associated issues;
- Provide language uniformity regarding disability, access, and other terminology related to the disability community, in consultation with community members; and
- Advocate for disability inclusion policies at federal, state, and county levels.

http://sccgov.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=106589&highlightTerms=office+of+disability+affairs

Actions for Further Consideration

In addition to the immediate actions above, the City should commit to establishing a disability equity framework, in partnership with the community and in coordination with the County of Santa Clara's Office of Disability Affairs, that embeds disability access into the City organization, and that may include:

- Creating a citywide, interdepartmental disability affairs working group;
- Establishing a public-facing disability group, in coordination with the County of Santa Clara;
- Creating an organizational Disability Access Council Policy; and
- Exploring the creation of disability-related metrics to help inform policy and program decisions.

1. Background

The City of San José is home to people who share many different social identities, some of whom feel excluded from various aspects of public life. In recent years, the City has been working to understand its history of exclusion and how different forms of bias can lead to exclusive policies, programs, and practices or disparate outcomes in communities. An initial step in that process was a City Council study session in 2019 that focused on building a shared understanding of equity work in the context of city government. In 2020, the City formed the Office of Racial Equity (ORE) to embed a racial equity practice to examine and improve San José's policies, programs, and decision-making that will lead to improved outcomes for communities of color (Black, Indigenous, Latino/a/x, and Asian and Pacific Islander). The formation of the ORE came amid the COVID-19 pandemic, as communities of color within the City were disproportionately affected by the novel coronavirus, and as racial justice protests accelerated across the country in response to the killing of George Floyd and others within the African American community.

Concurrently, the challenges of the pandemic surfaced inequities that impact the disability communities, such as a lack of alternative communication offerings like closed-captioning at public meetings, safety alerts, and inaccessible City facilities, services, and emergency resources. (See Appendix B.) Further, members of the disability community lacked dedicated representation within the City, with many advocates noting that the City of San José had been without dedicated ADA coordination for many years and only has someone coordinating complaint responses on a part-time basis.

2. An International Perspective

In 2018, the United Nations conducted its assessment of its disability inclusion strategy, internally and with its member nations. The United Nations defines disability inclusion as, “The meaningful participation of persons with disabilities in all their diversity, the promotion of their rights and the consideration of disability-related perspectives, in compliance with the Convention on the Rights of Persons with Disabilities.” The United Nations’ assessment includes an annual report with a national scorecard for accountability.² This aspirational vision shapes how United Nations member nations, including the United States, should consider their human rights and disability inclusion frameworks.

3. National History

The first federal actions on disability rights/access started in the 1860s –1920s period when Gallaudet University was authorized to accept and grant people with disabilities with college degrees and the Smith-Sears Veterans Rehabilitation Act provided employment assistance to military personnel with disabilities upon service discharge.³

In 1935, the Social Security Act signed by President Franklin D. Roosevelt provided payments to people with disabilities who contributed to social security through taxation of their earnings.⁴ Importantly, the Pre-Civil Rights Act era (1940 - 1963) shifted from largely financial/employment federal action to access.

The period between the Civil Rights Act of 1964 to the 1970s saw the enactment of many landmark bills that granted rights to persons with special needs or disabilities (though the Civil Rights Act of 1964 itself did not include these rights until an amendment in 1988). The Urban Mass Transportation Act, for example, established that all mass transit systems must have a wheelchair lift. Medicare and Medicaid were added to the Social Security Administration benefits to provide healthcare to persons with special needs or disabilities and aging adults.⁵ The Voting Rights Act of 1965 enabled persons with special needs and disabilities to have assistance to vote in elections and the Higher Education Act of 1965 provided financial assistance for persons with special needs or

² United Nations. (n.d.). *UN Disability Inclusion Strategy*. United Nations. Retrieved May 7, 2022, from <https://www.un.org/en/content/disabilitystrategy/>.

³ *Timeline of disability rights: Resources*. Timeline of Disability Rights | Resources | Accessibility.com. (n.d.). Retrieved May 7, 2022, from <https://www.accessibility.com/resources/timeline-of-disability-rights>.

⁴ Ibid

⁵ Ibid

disabilities entering colleges and universities.⁶ Lastly, although the Fair Housing Act, which prohibited discrimination in the sale, rental, and financing of housing based on race, religion, and national origin, was originally passed without persons with special needs or disabilities represented, they were later added in 1988.⁷

The period between the 1970s and 1990s was an era of new disability activism, starting in 1972 with the Independent Living Movement at the University of California, Berkeley in which activists advocated for the right to live self-sufficient lives. The Rehabilitation Act of 1973 (Section 504) was the first explicit disability rights-based legislation; it prohibited exclusion from participation, denial of benefits, or discrimination of persons with special needs or disabilities under any program or activity that received federal financial assistance such as hospitals, schools, social welfare benefits, or government offices.⁸ However, by 1977, regulations to enforce Section 504 had not been issued, which frustrated members of the disability community. In response to the delay, an organized group of persons with disabilities protested by occupying federal buildings in 10 major U.S cities, including a protest in San Francisco that lasted for 28 days, and demanded enforcement of Section 504. The protests resulted in the Secretary of Health, Education, and Welfare issuing Section 504 regulations in April 1977.

Precursors of what would become the landmark ADA emerged throughout the 1980s. In 1988, amendments to the 1960s civil rights legislation finally included the rights of persons with special needs or disabilities. However, to this point, there was no comprehensive disability rights legislation. The ADA had stalled in Congress in 1990, which prompted the Capitol Crawl where hundreds of protestors abandoned their wheelchairs and crutches and crawled up the steps of the west Capitol entrance to the Capitol Building in Washington D.C. Finally, the ADA was signed into law by President George H.W. Bush in late July 1990, guaranteeing persons with special needs or disabilities unrestricted access to public buildings, equal opportunity in employment, and equal access to government services and employment opportunities. Another notable action post-ADA occurred in 1999 when the United States Supreme Court, in *Olmstead v. L.C.* (527 U.S. 581), played a role in categorizing mental impairment as a disability under the ADA and found that unjustified segregation of people with disabilities constituted discrimination that violated the ADA.⁹

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ Carmel, Julia. "Nothing About Us Without Us: 16 Moments in the Fight for Disability Rights." *The New York Times*, July 22, 2020, sec. U.S. <https://www.nytimes.com/2020/07/22/us/ada-disabilities-act-history.html>.)

The post-ADA (1990 – today) legislative environment is characterized by a steady transition to a disability access and rights framework but has not yet embraced an equity or inclusion lens. For a comprehensive list of ADA legislation throughout the century, please refer to Appendix B. National and State Disability Legislation.

4. Disability Legislation in California

California’s Unruh Civil Rights Act enacted in 1959 predates the ADA by more than three decades and provides that all persons, regardless of sex, race, color, religion, ancestry, national origin, disability, or medical condition, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

In addition to the Unruh Civil Rights Act, many other bills seeking to address issues of liability for construction-related accessibility violations have been considered by the state legislature in the past 15 – 20 years. Of significance, the 2000 – Human Services: Individuals with Disabilities Act, under the California Fair Employment and Housing Act, made it unlawful to refuse to hire or employ a person or discriminate because of personal characteristics, a mental or psychological disorder, or physical disability, or a medical condition. A list of relevant legislation and brief descriptions is contained in Appendix B.

5. City of San José Context

General ADA Coordination

Under Title II of the ADA¹⁰, a public entity that employs 50 or more persons must designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the act, including investigating complaints of noncompliance or allegations of prohibited under Title II.

In 2007, the City of San José created its first ADA coordinator position whose sole duties were to ensure ADA compliance throughout the City.¹¹ This staff person was responsible for planning and coordinating overall compliance efforts, ensuring that implementation was completed, and receiving and investigating complaints related to discrimination based on disability.¹² In addition to this Citywide ADA coordinator, each City department had an ADA liaison who

¹⁰ Americans with Disabilities Act: Title 2, 28 C.F.R. § 35.107 (a), https://www.ada.gov/ada_title_II.htm

¹¹ Report to the City Council: Report 17-02, March 2017, “Office of Equality Assurance: Increased Workload Warrants Reevaluation of Resource Needs” page 41, <https://www.sanjoseca.gov/home/showpublisheddocument?id=33882>

¹² *City of San José Memorandum by City Manager’s Office*. (n.d.). Retrieved May 8, 2022, from <http://www3.sanjoseca.gov/clerk/Agenda/20100622/20100622ed.pdf>

coordinated ADA compliance activities for that department.¹³ The ADA coordinator would work with department ADA liaisons to conduct complaint investigations and train staff on ADA requirements. Examples of City ADA coordinator projects included holding a biannual meeting to bring together ADA stakeholders and organizing a full trade show to promote ADA services offered within the community. Due to budgetary constraints during the Fiscal Year 2011-2012, the senior executive analyst (SEA) position in charge of this ADA work was deleted and the ADA responsibilities merged with an existing SEA role. However, the title and responsibilities later transitioned to the Department of Public Work's Office of Equality Assurance's (OEA) division manager. Currently, the City of San José's Public Works website provides a phone number and text relay for ADA coordination.

The bulk of the City's recent activity around ADA issues has been complaint-based. According to a 2017 report assessing the Office of Equality Assurance¹⁴, the ADA coordinator currently investigates ADA complaints and does not perform proactive activities for City staff.¹⁵ In this report, it is estimated that there are fewer than 10 ADA complaints a year and they generally fall into three categories: physical access to City-managed spaces, communication, and information access, and community sensitivity. Once complaints are filed, the ADA coordinator works to coordinate responses with the appropriate City department and provides courtesy follow-up calls six weeks after complaints are filed to ensure concerns are addressed.

ADA and AFN Coordination during COVID-19 Pandemic

Many of the challenges that the disability and access and functional needs (AFN) communities experienced during the COVID-19 pandemic existed before 2020; however, like many other health disparities and inequities exposed during the pandemic, access challenges and vulnerabilities for these communities were exacerbated at the beginning of the pandemic. To address these issues, City departments such as the San José Public Library played a key role in sharing information, identifying where vulnerable individuals resided and facilitating outreach events in conjunction with COVID-19 vaccination clinics. Moreover, the Library implemented COVID safety protocols at each facility and initiated programs like a library media delivery service for vulnerable persons.

Additionally, the City Manager's Office of Emergency Management (OEM) recommended that the Emergency Operations Center (EOC) designate an AFN liaison to work alongside stakeholders and community partners to address challenges and promote the wellness of the whole community during the pandemic. It is important to note that the AFN community includes the disability community but is more expansive and inclusive of additional functional needs. One example of how decision-making during this emergency adversely impacted both the disability and AFN community is seen in the decisions made regarding public

¹³Ibid, page 18

¹⁴ Report to the City Council: Report 17-02, March 2017, "Office of Equality Assurance: Increased Workload Warrants Reevaluation of Resource Needs" page 41,
<https://www.sanjoseca.gov/home/showpublisheddocument?id=33882>

¹⁵ Ibid, page 41

transportation—a resource that many in both communities depend on to subsist, and for some, is essential to remain independent. Another example is the temporary ordinance allowing dining tables on sidewalks. The unintended consequence of this creative solution was that many with access needs were not able to use the sidewalks and were challenged in moving around certain areas of the city.

After the COVID-19 pandemic lasted for six months, it was decided that a preliminary operational assessment review was necessary to evaluate how response efforts were going and to adjust operations where necessary. One element of the review process specifically called out the AFN community and the need to discover how the pandemic was impacting them. The City of San José's COVID-19 Access and Functional Needs Discussion Sessions Summary Report¹⁶ published in 2021 highlighted perspectives, events, and factors that play a role in the challenges that the AFN community faced during the pandemic. The report provided key findings around several categories including, a) physical barriers, b) technological barriers, c) communication barriers, and d) economic barriers, and provided recommendations to address those challenges. The report also recommended that the City identify and support the development of a trained, permanent AFN coordinator position to represent the City as a liaison and to consistently invest in a strong and mutually respectful working relationship with the AFN community.

A. Data

Some researchers suggest it is hard to quantify the true number of people with special needs or disabilities in the United States because there is a lack of consensus on the definition of disability.¹⁷ This suggests that there are people who might have special needs or are disabled and are not reporting or might not have information to self-identify accurately. The Centers for Disease Control estimates that about 26% of the population in the United States (one in four) are persons with special needs or disabilities.¹⁸ Accurately capturing the characteristics of San José's disability community is challenging, just as it is at the national level. In trying to estimate the size of a disability population, many jurisdictions cite ACS for population totals and characteristics. According to the ACS from 2019, San José has about 94,000 residents with special needs or disabilities (9.2% of the total population with a margin of error of 0.6%).¹⁹ Data with additional specificity is not available.

¹⁶ City of San José COVID-19 Access and Functional Needs Discussion Sessions Summary Report (2021).

¹⁷ Equity in Transportation Research - C2SMART Home. C2SMART Home - Connected Cities for Smart Mobility toward Accessible and Resilient Transportation. (2021, November 15). Retrieved May 8, 2022, from <https://c2smart.engineering.nyu.edu/event/equity-in-transportation-research/>

¹⁸ Centers for Disease Control and Prevention. (2020, September 16). Disability impacts all of us infographic. Centers for Disease Control and Prevention. Retrieved May 8, 2022, from <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>

¹⁹ U.S. Census Bureau. (2019). American Community Survey 1-year Estimates [Table S1810]. Retrieved from <https://www.census.gov/acs/www/data/data-tables-and-tools/subject-tables/>; (December 6, 2021)

6. City Organization & Disability Equity

During the 2021-2022 period, the Administration interviewed internal staff to learn more about their experience with training, leadership and cultural awareness, coordination, and resources related to the disability community. Staff were transparent about gaps in training, programs, and awareness, but proposed ideas and recommendations to support a more holistic approach towards increasing inclusion and equity in disability affairs in San José.

City staff interviewed and held public engagement sessions with external stakeholders including disability advocates and the disability community; their reflections mirrored the Administration's internal assessment. Importantly, a theme heard throughout conversations with city staff is that there is a strong desire to work alongside community members to address the challenges in promoting disability access in the City.

A. Internal Assessment

Staff conducted an internal analysis of policies, practices, and procedures that intersect with disability rights and equity. This assessment consisted of interviews with City staff. Those discussions highlighted several themes, including training, leadership, internal coordination, lack of resources, and attitudinal barriers. Each is described below in turn.

Training

Of the individuals interviewed, few received any form of meaningful training in disability rights, with few having received training in ADA compliance. There were instances of employees who chose to self-train from resources they gathered from community organizations, conferences, and state/federal regulatory guidance. All respondents interviewed suggested they would benefit from specific training in disability rights and access from the City organization.

It should be noted, however, that the San José Police Department (SJPD) conducts training regarding disabilities and mental health through its Crisis Intervention Training. General training and training bulletins include shared resource information to community-based organizations that have specialties in the specific disabilities or mental health subject area, as well as specific information around intellectual

disabilities, autism spectrum disorders, and Joshua's gift. Such trainings provide foundational information to understand issues, examples, and resources.

Leadership

Nearly all staff interviewed noted the need for dedicated and centralized guidance on disability rights and equity. Customer-facing department staff who work with people with special needs or disabilities indicated that focusing on disability equity is challenging with other departmental priorities and without additional resources. Additionally, staff felt having a "go-to," full-time ADA coordinator could help interdepartmental cohesion, specifically as it pertains to knowing where to refer residents for questions and resources.

Internal Coordination

Some staff referenced a need for enhanced cross-departmental coordination around disability policies, practices, and procedures. Others noted the benefits that could be gained from coordinating learning experiences with colleagues in other departments and learning how other departments are working with and serving persons with disabilities.

Lack of Resources

Many respondents referenced a lack of time and funding as a driving factor limiting their work with the disability community. The City, for example, does not have a full-time, dedicated ADA coordinator, which some respondents suggested was a barrier to responding to urgent disability equity concerns. More directly, some departments expressed a need for baseline data about the demographics and number of persons with disabilities in the City of San José to better deliver services that meet their needs.

Cultural Understanding

A common theme among interviewees was a lack of understanding or general awareness about disability equity and policies and a sense that interviewees had not been provided enough time or resources to understand the issues. While examples were given of City staff trying to independently learn, there was a general feeling that the organization could be more proactive about providing disability-related training and resources.

B. External Assessment

Staff analyzed public concerns that had been logged by the City's Public Works coordinator. Additionally, staff conducted outreach and met with community members, parents of children with special needs, and experts and advocates in the disability equity community. Overall, the external assessment reflected many of the same themes as the internal assessment. More details about the community engagement sessions can be reviewed in Appendix B. Community members identified five areas of improvement:

Communications and Information Access and Equity

Community members noted that city, county, and non-profit organizational information related to accessing is challenging to find and not apparent nor intuitive.²⁰ Community members stated that from an outside perspective there is a lack of coordination between all jurisdictions. Advocates in the special needs community encouraged the City to leverage technology and invest in greater digital information dissemination. Others added that consideration should also be given to individuals with neurodiversity when accessing information. Parents of children with special needs highlighted greater information sharing and coordination between the City and other entities.²¹ Overall, the community noted the need for a centralized point of contact to coordinate different agencies and increase communications and information access.

Community Sensitivity and Equity

Reflective of staff's internal assessment of cultural awareness barriers, community members cited the need for cultural change by building institutional awareness through education about accessibility and ableism. Community members added that partnering on educational campaigns and training with experts in disability and equity access can help improve the way the City approaches designing systems, delivering services, and shifting attitudes. The public also suggested that the City consider seeking the support and advice of community experts in disability equity when implementing programs and projects.²²

Physical Access and Equity

²⁰Interview by Nora Chin. Virtual Interview. Zoom, Thursday, March 22, 2022

²¹Ibid

²² Ibid

Many respondents noted that opportunities exist to streamline the design of public-facing City processes and procedures such as program applications. A recurring theme that emerged is accessibility to City-owned and managed spaces such as the public right-of-way, curb, and other access points. Some commented that the City should be more mindful of color contrasts for public signage, and entrance and egresses of City-managed facilities. Public meeting attendees also added that if the City plays a role in the delivery of public projects—such as affordable housing or street-related projects—disability access should be prioritized. While community members identified areas of improvement, they also expressed the value and positive experiences of City public events and spaces. If the information on how best to navigate these activities was made intuitive, participating in public life would be that much better.

Employment Access and Equity

The ADA covers five parts, including Title I. Employment; Title II. State and Government; Title III. Public Accommodations; Title IV. Telecommunications; and Title V. Miscellaneous Provisions. Concerning Title I, community members would like to see more persons with disabilities in roles with decision-making responsibilities to inform and infuse access equity throughout the organization. In this regard, community members believe lived experience is essential to make disability issues aforesought in design and not an afterthought.

Shared Data Collection

Community members asserted that there is a need for a coordinated effort to assess qualitatively, and perhaps quantitatively, information about the makeup of the special needs community in the City of San José. Despite the availability of ACS data, as noted, it likely does not capture the true population in San José. An advocate suggested a need for technical skill sets to further explore those details and greater coordination to capture information.²³

7. Best Practices in Other Jurisdictions

The disability rights movement is ongoing. Within the past 30 years, many cities throughout the United States allocated resources, dedicated budgets, and consolidated efforts in tangible ways to implement disability access and equity policies. Cities throughout the United States approached the implementation of disability access and equity in various ways including establishing and/or embedding policy offices and

²³Interview by Nora Chin. Virtual Interview. Zoom, Thursday, March 22, 2022

departments within their organizational structures. Through these applications, cities are delivering public programs, projects, and services to meet the needs of the disability community.

Other large cities in California have greater dedicated resources to respond to ADA requests and complaints, which allows them to approach the needs of the disability community in a more systematic way. For example, the City of San Diego has an Office of ADA Compliance and Accessibility that, as of 2022, has three staff including an ADA coordinator and a Citywide ADA compliance officer.²⁴ The City of Los Angeles has a Department on Disability with a proposed FY 2022-2023 budget of almost \$5 million supporting 28 staff members.²⁵

The City and County of San Francisco also have dedicated resources in the Mayor's Office of Disability, embedded within the City Administrator's Office, which consists of nine full-time staff including specialists in ADA architecture, programs, compliance, and multiple investigators. Its policy and coordinating influence are wide-ranging in attempting to address systemic, infrastructure, and programmatic disparities.²⁶

Some examples of these offices, departments, and programs include:

San Francisco (population size: 881,549)

Mayor's Office on Disability was established in 1998

Jurisdiction description: City and County Government

Program Description: City Administrative office. Programming includes architectural access; programmatic access; disaster planning; policy guidance (through Mayor's Council).²⁷

Los Angeles (population size: 3,979,576)

Department on Disability established in 1998

Jurisdiction description: City Government

Program description: City department. In 1998, the Mayor and the City Council created the Department on Disabilities. Programming includes community outreach, referrals, and education; HIV/AIDS coordinator; and a disability access and services division

²⁴Interview by Eric Rodriguez. Virtual Interview. Virtual Interview. Zoom, N/A.

²⁵Strainaire, Geoffrey. Interview by Eric Rodriguez. Virtual Interview. Zoom, N/A

²⁶Bohn, Nicole. Interview by Nora Chin. Virtual Interview. Zoom, Thursday, February 10, 2022

²⁷ *Mayor's Office on Disability*. City and County of San Francisco Disability Specific Programs | Mayor's

Office on Disability. (n.d.). Retrieved May 8, 2022, from <https://sfgov.org/mod/city-and-county-san-francisco-disability-specific-programs>

(includes accessibility, training, and emergency response).²⁸ The Mayor's Office on Disability, a policy division, was created in 1975 in response to the Rehabilitation Act of 1973.

New York (population size: 8,336,817)

Mayor's Office for People with Disabilities established in 1973

Jurisdiction description: City Government with Public Health Department

Program description: Mayoral Office. Programming includes advocacy and policy-making in partnership with city offices & agencies: Health and well-being; technology; transportation; employment; financial empowerment; housing; access to city services; and education²⁹.

San Diego (population size: 1,423,851)

City of San Diego Office of ADA Compliance and Accessibility established in 1991

Jurisdiction description: City Government

Program Description: Stand-alone office. Programming includes facilitating disability programs of existing departments, staff advisory boards, and reporting³⁰.

Chicago (population size: 2,693,976)

Mayor's Office for People with Disabilities established in 1980

Jurisdiction description: City Government with Public Health Department

Program description: Mayoral office. Programming includes systemic change, information and referral, education and training, public policy, and direct services (resources and referral; employment services; training, accessibility compliance; public information/awareness; youth programs; housing services).³¹

Boston (population size: 692,600)

City of Boston Mayor's Commission for People with Disabilities established in 1990

Jurisdiction description: City Government with Public Health Commission

Program description: This is not an office, but a commission. It provides training, technical assistance, services, and programming to meet the needs of the disability

²⁸ *Welcome to the Department on Disability's website! Home* | Department on Disability. (n.d.). Retrieved May 8, 2022, from <https://disability.lacity.org/>

²⁹ *Reports & Publications*. Reports & Publications - MOPD. (n.d.). Retrieved May 8, 2022, from <https://www1.nyc.gov/site/mopd/about/reports-publications.page>

³⁰ *ADA compliance and Accessibility*. The City of San Diego. (n.d.). Retrieved May 8, 2022, from <https://www.sandiego.gov/adacompliance>

³¹ *Mayor's Office for People with Disabilities*. City of Chicago: Mayor's Office for People with Disabilities. (n.d.). Retrieved May 8, 2022, from <https://www.chicago.gov/content/city/en/depts/mopd.html>

community.³²

Detroit (population size: 670,031)

City of Detroit Office of Disability Affairs established February 2021

Jurisdiction description: City Government with Public Health Department

Program description: Housed in the city of Detroit's Civil Rights, Inclusion & Opportunity Department. Programming includes increasing public engagement, improving accommodations/ADA processes, increasing hiring, disability awareness, emergency preparedness, accessible housing, digital content, law enforcement, emergency responder interactions, and equitable access to healthcare.³³

8. Recommendations

After evaluating the City of San José's history with disability access, interviewing City staff, engaging with the disability community, advocates, and elected offices, and evaluating national city programs and departments, several recommendations are proposed:

A. Recommendations for Immediate Consideration

- *Dedicate a Full-time Employee to Serve the Disability Community*
- *Declare the City's Affirmative Commitment to Ensuring Disability Access*
- *Review and Update City Communication and Community Engagement Strategies for the Disability Community*
- *Coordinate with County of Santa Clara Office of Disability Affairs*
- *Centralize and Update Disability Resources and City-Managed Platforms and Communications*
- *Share Knowledge, Train, and Provide Technical Assistance*
- *Provide Language Uniformity on Disability in Consultation with Community Members*
- *Advocate for Disability Inclusion Policies at State, Federal, and County Levels*

Dedicate a Full-time Employee to Serve the Disability Community

The disability discipline is wide-ranging, multi-disciplinary, and cross-functional. Disability specialties can include areas in program development and management, training, public policy, civil engineering, architectural and building design, and compliance investigations. A constant theme during this assessment was the organizational need to dedicate at least one resource to serve the disability community. With one full-time employee (FTE), the City of San José must be

³² *Disabilities Commission*. Boston.gov. (2016, February 1). Retrieved May 8, 2022, from <https://www.boston.gov/departments/disabilities-commission>

³³ *Office of Disability Affairs*. City of Detroit. (n.d.). Retrieved May 8, 2022, from <https://detroitmi.gov/departments/civil-rights-inclusion-opportunity-department/office-disability-affairs>

intentional about the scope of work that the disability lead can accomplish within the first year(s).

It is recommended that the City staff a full-time employee with disability expertise to a) respond to the needs, requests, and questions of the community; b) coordinate with City departments to assess the gaps in disability services, programs, and projects; c) work with City communication leads to enhance communications access; and d) partner with the City's intergovernmental relations team to advocate for disability affairs at all levels of government.

The disability community emphasized the added value of a dedicated role such as elevating disability affairs and having the authority to advocate and implement in areas of disability access and equity throughout the organization. The creation of this role will require a work plan that spans the entire City organization, with department liaisons working directly with the disability lead. Importantly, this role could come at a critical moment when the County of Santa Clara is working to establish and build up a county-wide Disability Office, and therefore could support organizational alignment between the two organizations to reduce duplication and/or confusion with the broader community around which entity to engage for support. Some examples of the disability lead's scope of responsibilities could include improving intentional hiring and recruitment of persons with disabilities; coordinating training for City staff; developing, and managing disability metrics to embed into City departments to support disability inclusion; initiating robust disability inclusion assessments by the department to recommend department-specific service, communication (physical and digital), and physical improvements; and provide annual updates on disability progression.

It is further recommended that the full-time employee who specializes in ADA needs, is also trained in AFN requirements. This person could work with the Office of Emergency Management to ensure that the City's emergency preparedness efforts, emergency response efforts, and recovery efforts also included consideration of the AFN community.

Declare the City's Affirmative Commitment to Ensuring Disability Access

Best practices from other jurisdictions point toward a shared mission, vision, set of values, and goals in approaching disability affairs at the local level. The City of San José should elevate the importance of people with disabilities by developing a shared mission, vision, and accessibility statement in support of equitable access. This effort can be accomplished by engaging with the disability community.

Review and Update City Communication and Community Engagement Strategies for the Disability Community

The dedicated disability lead should partner with City communication leads to review and provide updates on disability communications throughout the City. This should entail identifying ways to consolidate website content and platforms, as well as increase staff's

awareness and education on disability access digital tools. This review should also explore community engagement strategies such as the use of language interpreters, targeted information sharing, and building a list of disability partner organizations in the community. Disability officials in other cities added that if there are limited resources, the City should “at a minimum ensure the maintenance of communications.”

Coordinate with County of Santa Clara Office of Disability Affairs

In parallel to the City of San José’s current efforts, the County of Santa Clara is developing its own Office of Disability Affairs, and as part of that effort, it is preparing a comprehensive disability engagement, consulting, and training request for proposal. To ensure organizational alignment and communications to the disability community, the City should engage and coordinate with the County to identify areas of shared interest and opportunities.

Centralize and Update Disability Resources and City-Managed Platforms and Communications

Although the City of San José currently has disability services information on its Department of Public Work’s webpage, community members have voiced a need to intuitively design and centralize information about disability access and resources. A larger citywide strategy should be evaluated to streamline disability access and information on City-managed platforms.

Share Knowledge, Train, and Provide Technical Assistance

The City of San José should consider partnering with private entities as well as community-based organizations that are well-versed in both the disability discipline as well as the access and functional needs discipline. The City’s disability lead, in partnership with the City’s Human Resources Department and the City Manager’s Office of Employee Relations, should explore how best to provide disability training to City staff, including the potential for external consultants with skilled training and expertise, off-the-shelf training modules, sharing trainings from other cities, or internally developing a curriculum to train City staff, management, and elected offices. Training should include emergency response considerations and could be coordinated with the Emergency Operations Center to include ADA/AFN considerations. A disability official from another jurisdiction also recommended an annual training to “train employees to understand their basic obligations” to the disability community.

Provide Language Uniformity on Disability in Consultation with Community Members

The City should partner with community members to collaborate on shared definitions, language, and disability vernacular. This effort has the potential to influence the culture around disability sensitivity and create a shared language between staff and the public.

Advocate for Disability Inclusion Policies at State, Federal, and County Levels

The work portfolio for a disability lead should include a partnership with the City's intergovernmental relations team to advance advocacy for disability inclusion at the county, state, and federal levels. Advocacy can also include seeking funding to support the City's efforts to resource disability affairs programming and projects.

B. Recommendations for Further Consideration

- Create citywide interdepartmental disability affairs working group
- Establish a public-facing disability group, in coordination with the County of Santa Clara
- Create an organizational Disability Access Council Policy
- Explore the collection of disability-related metrics to help inform policy and program decisions

Create Citywide Interdepartmental Disability Affairs Working Group

Internally, City staff proposed an interdepartmental disability affairs working committee to better coordinate and collaborate on issues of importance to the disability community. The committee could take the form of department liaisons who come together to share information, and resources, train the trainers, and cross-share information with other department staff.

Establish a Public-Facing Disability Group, in Coordination with the County of Santa Clara

Disability officials in other jurisdictions recommended that the City create a public-facing space for the community to discuss and uplift disability affairs. This recommendation could be explored through two different means. First, as the County of Santa Clara is establishing an Office of Disability Affairs, to reduce duplication and confusion in the disability community, it may be beneficial to partner with the County on the creation of an outward-facing group. Alternatively, City staff and advocates can elevate disability issues through existing City groups, such as the City of San José's Human Rights Commission (HRC), as the previous Disability Commission was consolidated into HRC.

Create an Organizational Disability Access Council Policy

The key to serving the needs of the disability community is ensuring that disability access is embedded in the organizational structure. One way of doing this is for the City of San José to create a citywide disability access council policy that establishes the framework under which certain minimum communication, community engagement, and training expectations are met. Such a policy could cover areas like information notices, grievance procedures, service animals, mobility devices, maintenance of accessible features, information and signage, effective

communication, website access, City-sponsored meetings, special events access, and nondiscrimination by City contractors.

Explore the Collection of Disability-related Metrics to Help Inform Policy and Program Decisions

To better target and deliver services to the disability community, City departments, community members, and other jurisdictions stated that the available demographic information from the 2020 ACS did not capture the appropriate information to profile the different needs of Santa Clara County's and the City of San José's individuals with disabilities. To address this broader gap, the City can advocate improving demographic data collection at the federal level. At the local level, many recommended greater coordination between government agencies to initiate the collection of these details, as well as data analysis to ensure that policies and programs serve the needs of San José's disability constituency.

9. Conclusion

The disability rights movement in the United States spans more than a century. The landmark Civil Rights Act of 1864, the Americans with Disabilities Act of 1990, as well as the State of California's Unruh Civil Rights Act of 1959 are foundational and fundamental at the very least. While the City of San José has created previous roles to implement and meet the requirements of the ADA, it is an imperative to ensure that City programming and policies meet the current needs of individuals with disabilities in San José. To ensure that the City delivers equitable services, experiences, and programs to the disability community, the City must partner with the disability community at the beginning of processes to address communications and information access, manage organizational change around disability needs, as well as broader opportunities around physical spaces and infrastructure.

Appendix A. Public Outreach Meetings

Public Outreach Focus

Public outreach focused on engaging with advocates, individuals with disabilities, caretakers, parents, and members who are blind or have low vision. The City wanted to partner with community members to identify opportunities that can immediately improve different ways in which individuals access services, communicate, gather information, and make decisions about how to navigate the City system. Outreach materials were translated into three languages including Spanish, Chinese, and Vietnamese.

List of Stakeholder Meetings

City of San José Disability Study Engagement Session #1	Open to the public/online	Thursday, April 14, 2022; 6:00 P.M. to 7:15 P.M.
City of San José Disability Study Engagement Session #2 with the Vista Center for the Blind and Visually Impaired	Open to the public/online	Tuesday, April 19, 2022; 1:00 P.M. to 2:15 P.M.
City of San José Disability Study Engagement Session #3 with Councilmember Pam Foley	Open to the public/online	Wednesday, April 20, 2022; 6:00 P.M. to 7:15 P.M.
City of San José Disability Study Engagement Session #4	Open to the public/online	Thursday, April 28, 2022; 6:00 P.M. to 7:15 P.M.

Public Outreach Meetings Summary

Community members expressed frustration about disability cultural competency and sensitivity. Some examples include unmet requests to access closed captioning for virtual public meetings. Other examples include digital information not intuitively designed for individuals with hearing impairments and or low vision in mind. Community members feel there is an opportunity to enhance how the City meets the basic requirements of the ADA, and they want equitable treatment and access to information, communications, and physical spaces. It was noted that ableism is pervasive. Like racial equity, disability access and equity need to be embedded into the structure of the organization at the most fundamental level. Transcripts and recordings for public meetings are available upon request.

Appendix B. National and State Disability Legislation

National Disability Legislation³⁴

1916 – PL 64-85, 39 Stat. 166 (Hay), The National Defense Act provided an opportunity for soldiers to receive instruction to facilitate their return to civilian life; for the first time legislatively, the country recognized its obligation to persons injured in service to their country.

1917 – PL 64-347; 39 Stat. 929 (Smith and Hughes), The Smith-Hughes Act established the Federal-State Program in vocational education; created a Federal Board of Vocational Education with the authority and responsibility for vocational rehabilitation of disabled veterans.

1918 – PL 65-178 (Smith and Sears), The Smith-Sears or Soldiers Rehabilitation Act expanded the role of the Federal Board of Vocational Education to provide services for vocational rehabilitation of veterans disabled during World War I; also referred to as the Soldier's Rehabilitation Act.

1920 – PL 236 (Smith and Fess), The Smith-Fess Act (referred to as the Civilian Vocational Rehabilitation Act) began the rehabilitation program for all Americans with disabilities patterned after the Soldiers Rehabilitation Act; established the Federal-State program in rehabilitation and provided (50/50 match) for primarily vocational services; vocational guidance, training, occupational adjustment, prosthetics, and placement services; only for persons with physical disabilities; it did not include physical restoration or social orientation rehabilitation.

1935 – PL 74-271; 49 Stat. 620 (Doughton and Lewis), The Social Security Act was enacted to establish an income maintenance system that targeted those unable to work; included provisions furnishing medical and therapeutic services for crippled children and made permanent the vocational Rehabilitation program; provided for continuous authorizations, increased grant awards, and increased support from the federal government.

1936 – PL 93-516 (Randolph and Sheppard), The Randolph-Sheppard Act recognized that persons who were blind had vocational potential; gave the state the authority to license qualified persons with blindness to operate vending stands in federal buildings.

1938 – PL 111-350, §3, Jan. 4, 2011, 124 Stat. 3833 (Wagner and O'Day), The Wagner-O'Day Act required the federal government to purchase designated products from workshops for persons who were blind.

³⁴ "Disability Legislation History." Student Disability Center, www.disabilitycenter.colostate.edu/disability-awareness/disability-history/#:~:text=1918%20%80%94%20The%20Smith%2DSears%2Veterans

1943 – PL 113 (Barden and LaFollette), The Vocational Rehabilitation Amendment (Barden-LaFollette Act) made substantial changes in the federal/state program of rehabilitation; broadened the program's financial provisions. Offered a comprehensive definition of vocational rehabilitation, expanded services to include physical restoration, and each state had to submit a written plan for approval by the federal agency as to how federal/state dollars would be used; expansion of services included on a limited basis to persons who were mentally handicapped and mentally ill; fostered separate agencies for general rehabilitation and rehabilitation of persons who were blind.

1948 – To aid returning World War II veterans, Congress passed legislation prohibiting discrimination based on physical handicaps in United State Civil Service employment.

1954 – PL 565 (Brademas), The Vocational Rehabilitation Amendments reshaped the roles of the federal and state government in the rehabilitation program; established the basis for a working relationship between public and private rehabilitation and expanded the role of the state agency; established funding sources for (1) college and university training of rehabilitation professionals; (2) improvement and remodeling of rehabilitation facilities; and (3) research and demonstration grants; increased federal funding to states three federal dollars for every two dollars from the state; increased services to persons with mental retardation and mental illness through items (2) and (3) above, along with agency expansion and improvement grants.

1961 – The American National Standards Institute (ANSI) issued the first minimum requirements relating to architectural access to common structures.

1965 – PL 89-333 (Brademas), The Vocational Rehabilitation Act Amendments expanded services to include persons with socially handicapping conditions, such as alcoholism, lack of education, and prison records; expanded evaluation to determine individual eligibility for services where feasibility was not easily determined; allowed rehabilitation counselors to take more risks in serving persons with vocational handicaps, thereby serving more people with severe disabilities; established a National Commission on Architectural Barriers; deleted economic need as a general requirement for services; and increased federal match to 75%.

1967 – PL 89-333 (Brademas), The Vocational Rehabilitation Amendments provided rehabilitation services for migratory workers, eliminated the state residency requirement, and supported the construction and operation of the National Center for Deaf/Blind Youth and Adults.

1968 – PL 90-391 (Brademas), The Vocational Rehabilitation Act Amendments added follow-up services for maintaining a person with a handicap in employment and providing services to family members; gave authority to provide vocational evaluation and work adjustment services to persons disadvantaged by reasons of age, level of vocational attainment, ethnic or other factors; the federal share was increased to 80%. The Architectural Barriers Act required

buildings constructed with federal funds or leased by the federal government to be accessible to the people who were handicapped.

1970 — PL 91-453 (Minish), The Urban Mass Transportation Assistance Act required local transportation authorities to plan and design mass transit systems to be accessible to people who were handicapped.

1971 — PL 92-28, 85 Stat. 77 (Javits), The Javits-Wagner-O'Day Act retained priority for blindness in the provision of products for the federal government and added people with severe handicaps as eligible for participation. *Pennsylvania Association for Retarded Children vs. Pennsylvania* and *Mills vs. Board of Education* established that denying education to handicapped children or treating them differently within the educational system was a denial of equal protection and due process under the U.S. Constitution.

1973 — PL 93-112 (Brademas), The Rehabilitation Act was the first act to address the notion of equal access of people with disabilities through the removal of architectural, employment, and transportation barriers; further supported the rights of persons with disabilities through affirmative action emphasis and the legal support established in Title V: Section 501 focused on the federal government's hiring practices, Section 502 created the Architectural and Transportation Barriers Compliance Board (ATBCB) to enforce standards set under the Architectural Barriers Act of 1968, Section 503 prohibited discrimination in employment on the basis of physical or mental handicap on the part of businesses with federal contract or their subcontractors, Section 504 prohibited discrimination on the basis of physical and mental handicaps in programs receiving federal funds; also established the Client Assistance Demonstration Projects (CAPS) to provide assistance in informing and advising clients and applicants of all available benefits under the Rehabilitation Act; emphasized priority of services for persons with the most severe handicap and the development of the Individual Written Rehabilitation Plan (IWRP); established by statute the Rehabilitation Services Administration. Section 508 addressed issues related to access to communication and computer technology. (Note: Section 508 has not taken effect until very recently even though it was originally part of this law). The Federal-Aid Highway Act required transportation facilities receiving federal assistance to be accessible.

1974 — PL 93-516 (Brademas), The Rehabilitation Act Amendments included a broader definition of handicapped individuals, transferred the Rehabilitation Services Administration to the Department of Health, Education and Welfare, strengthened the Randolph-Sheppard Act; and provided for convening a White House conference on "Handicapped Individuals."

1975 — PL 94-142 (Williams), The Education for All Handicapped Children Act ensured a free, appropriate, public education for all students with handicapping conditions; established that students have a right to receive related services that are developmental, corrective, or other supportive services including, but not limited to, speech pathology, audiology, psychological

services, physical therapy, occupational therapy, counseling, and medical services (for diagnostic and evaluation purposes only).

1977 — Groups of individuals with disabilities took over federal buildings across the country in protest because the rules and regulations associated with Section 504 had not been signed by the Secretary of Health, Education, and Welfare for implementation. The take-over in San Francisco last 28 days and ended only after the rules and regulations were signed to implement the provisions and protections of non-discrimination based on disability. At the same time, these were signed, the rules and regulations for the Education for All Handicapped Children Act were also implemented.

1978 — PL 95-602 (Brademas), The Rehabilitation Act Amendments provided comprehensive services for independent living through Title VII, including provisions for Comprehensive Services, Centers for Independent Living, Independent Living Services for Older Blind Individuals, and Protection and Advocacy of Individual Rights; mandated that applicants for funds under Title VII assure that individuals with disabilities would be employed, substantially involved in policy, and consulted on the direction and management of independent living centers; this major focus recognized that achievement of substantially gainful activity (employment) was not the only significant outcome that could be gained from the rehabilitation system and expanded the view of the person with needs that cut across the bureaucracy; also provided vocational relocation service grants to Native American tribes.

1984 — PL 98-221 (Hatch), The Rehabilitation Act Amendments established Client Assistance Programs in each state and inserted “qualified” before the word “personnel” for training programs in the Act.

1986 — PL 99-506 (Williams), The Rehabilitation Act Amendments stipulated that rehabilitation services are to be provided by qualified personnel; defined and established supported employment as an acceptable goal; provided grants for special projects and demonstrations in supported employment; established a program to assist state agencies to develop and implement supported employment services; added rehabilitation engineering as a vocational relocation service.

1987 — PL 94-142 (Williams), The Code of Federal Regulations extended the services under the Education for All Handicapped Children Act to include school health services, social work services in schools, and parent counseling and training.

1988 — PL 100-407 (Harkin), Technology-Related Assistance for Individuals with Disabilities Act provided states with grants to achieve systems change so that assistive devices and services will be available to underserved groups, viewing each child, adult, and older adult as entitled to equal access to opportunities achieved through assistive technology; one of the first laws to repeatedly drive home the mandate for consumer-responsive services and significant inclusion of persons with disabilities in planning, implementing, and evaluating progress toward systems

change. Students at Gallaudet University went on strike and closed the university in protest of the appointment of another non-deaf university president. Officials finally relented and appointed the school's first deaf president.

1990 — PL 101-596 (Harkin), The Americans with Disabilities Act guarantees the rights of persons with disabilities to have equal access to, and non-discriminatory behavior based on disability, in employment (Title I), government services including transportation (Title II), public accommodations (Title III), telecommunications (Title IV), and other services such as insurance (Title V); inclusion, integration, accommodation, and accessibility are the underlying premise. The Individuals with Disabilities Education Act amended the Education for All Handicapped Children Act, changing its name and adding rehabilitation counseling, recreation (including therapeutic recreation), and social work services to the federal definition of related services.

1992 — PL 102-569 (Owens), The Rehabilitation Act Amendments emphasized employment as the primary goal of rehabilitation; mandated presumptive employability, which means that applicants will be presumed to be employable unless proven otherwise; a state that eligible individuals must be provided choice and increased control in determining the vocation rehabilitation goals and objectives, determining services, providers of services, and methods to provide and/or security services.

2008 — PL 110-325 (S 3406), The Amendments to the Americans with Disabilities Act (ADA) reiterate who is covered by the ADA civil rights protections. It revises the definition of "disability" to more broadly encompass impairments that substantially limit a major life activity. It also states that mitigating measures, including assistive devices, auxiliary aids, accommodations, medical therapies, and supplies (other than eyeglasses and contact lenses) have no bearing in determining whether a disability qualifies under the law. Changes also clarify coverage of episodic impairments or in remission when active, such as epilepsy or post-traumatic stress disorder, that can substantially limit a major life activity. These amendments took effect on January 1, 2009.

State of California Disability Legislation

1999 – AB 873, (Committee on Human Services), Rehabilitative Services: Assistive Technology – Existing law requires independent living centers to perform various functions and duties concerning aiding individuals with disabilities, including providing services and referrals regarding transportation, job development, equipment maintenance and evaluation, and training in independent living skills, mobility assistance, and communication assistance. This legislation added assistive technology among the services and referrals required to be provided by independent living centers. It also requires assistive technology activities to involve collaboration with the Department of Rehabilitation and the nonprofit contractor selected to implement the federal law relating to assistive technology, which would be required to serve as the framework for aiding individuals with disabilities.

1999 – SB 1242 (Ortiz), Building Standards: Tactile Signage – This legislation requires that buildings, structures, and facilities that are leased, rented, contracted, sublet, or hired by any municipal, county, or state division of government or any special district be made accessible to, and usable by, persons with disabilities, thereby requiring a higher level of service from local governments and imposing a state-mandated local program. More importantly, the legislation requires the Department of General Services to develop regulations that ensure braille, tactile, or visual signage for elevators, rooms, spaces, functions, and directional information is installed and for the purposes set forth. This bill was renamed the account as the Disability Access Account and was used to include a host of updates and changes such as building regulations amendments to comply with state and federal accessibility standards as well as reimbursements which expired on December 31, 2004.

2000 – AB 1001 (Villaraigosa), Human Services: Individuals with Disabilities - Under the California Fair Employment and Housing Act it is an unlawful employment practice for an employer or employment agency to refuse to hire or employ a person or otherwise discriminate because of specified personal characteristics, including a mental or physical disability or medical condition. The act defines mental disability for its purposes to include any mental or psychological disorder, as specified and defines physical disability to include, among other things, any physiological disease, disorder, condition, disfigurement, or loss that affects specified body systems and limits an individual's ability to participate in major life activities. The act defines "medical condition" to include any health impairment related to or associated with a diagnosis of cancer for which a person has been rehabilitated or cured. This legislation covers definitions of mental disabilities, physical disabilities, and medical conditions; made it illegal for employers to inquire about mental, physical, or medical conditions; requires state agencies to implement affirmative action employment programs for persons with disabilities and to make reasonable accommodations and delete the definition of "reasonable accommodation" outlined in these provisions.

2000 – SB 2025 (Burton), State Civil Service: Persons with Disabilities: Administrative Proceedings - This legislation would apply the definitions contained in the California Fair Employment and Housing Act about unlawful practices to the State Civil Service Act. This measure would require an award of costs or attorney's fees to the petitioner to be borne by the real party in interest and not the State Personnel Board unless there is no real party in interest.

2001 – SB 105 (Burton), Services: blind: visually impaired: deaf: hard of hearing – Existing law provides for the Department of Rehabilitation, which administers various programs and services for disabled persons, including the blind and visually impaired. This measure established the Division of Services for the Blind and Visually Impaired and the Deaf and Hard of Hearing. It also established the responsibilities of the division, requires the director of the division to report to the Legislature and the Governor on programs administered by the division required the director to appoint a Blind Advisory Committee and a Deaf Advisory

Committee to advise the director on certain issues and would make related and conforming changes.

2001 – AB 219 (Committee on Utilities and Commerce), Public Utilities: Deaf and Disabled Telecommunications Program – Existing law required the Public Utilities Commission to establish a rate recovery mechanism through surcharges on intrastate telephone service, until January 1, 2001, to recover the costs for providing telecommunications devices capable of serving the needs of the deaf and hearing-impaired and telecommunications equipment for the disabled. This measure authorized a series of allowable actions related to funding from a special fund as well as the State's General Fund specifically for the deaf and disabled.

2001 – AB 925 (Aroner), Employment of Persons with Disabilities – Existing law contained various programs to assist persons with disabilities to obtain employment. This legislation requires the California Health and Human Services Agency and Labor Workforce Development Agency to create a tangible strategy to find ways to employ people with disabilities. It also creates a committee dedicated to seeking a pathway to employment for people with disabilities and allows the committee to make grants available for this specific purpose.

2002 – AB 1859 (Papan), Education: Special Education -- Existing law, the federal Individuals with Disabilities Education Act, required that all individuals with disabilities residing in the state, regardless of the severity of their disabilities, and who need special education and related services, be identified, located, and assessed as required by federal law. This measure prohibits an employee of a school district, county office of education, or a special education local plan area from directly or indirectly using or attempting to use the official authority or influence of the employee to intimidate, threaten, or coerce a person, or attempting any of those actions against a person, to interfere with the right of that person to assist a parent or guardian of a pupil with exceptional needs to obtain services or accommodations for that pupil

2002 – AB 2787 (Aroner), Building standards: universal design -- This measure would require the Department of Housing and Community Development, in consultation with specified state agencies, and without significantly impacting housing cost and affordability, to develop guidelines and at least one model ordinance for new construction and home modifications that are consistent with principles of universal design or other similar design guidelines. The legislation would encourage developers of housing for senior citizens, persons with disabilities, and other persons and families, in a city or county where a universal design ordinance has not been adopted, to seek information regarding the principles of universal design.

2002 – AB 2271 (Aanestad), Access to Government Programs – This legislation requires that the notices and agendas of public meetings and closed sessions and the public records distributed at these public meetings and closed sessions be made available in

appropriate alternative formats upon request by any person with a disability consistent with the ADA. The measure would also require that the notice include information on the availability of disability-related aids or services to enable the person to participate in a public meeting. It also would require that the agendas, agenda packets, and other writings distributed to members of a legislative body be made available in appropriate alternative formats to persons with a disability and that the agendas include information on the availability of disability-related aids or services to enable the person to participate in the public meeting consistent with the ADA.

2003 – SB 262 (Kuehl), Buildings: Access – Enforcement – The ADA and the California Building Standards Code require that specified buildings, structures, and facilities be accessible to and usable by, persons with disabilities. Existing law established in the Department of General Services the State Architect with responsibilities relating to architectural services and state buildings.

This measure requires the State Architect to establish and publicize a program for voluntary certification by the state of any person who meets specified criteria as a certified access specialist. It would require the State Architect, no later than January 1, 2005, to determine the minimum criteria a person must meet for certification, which may include knowledge sufficient to review, inspect, or advocate universal design requirements, completion of specified training, and testing on standards governing access to buildings for persons with disabilities. It would require the State Architect to annually publish and make available to the public a list of certified access specialists and provide that this certification is effective for 3 years and renewable. Further, the measure would authorize the State Architect to require applicants for certification and renewal of certification under this program to pay specified fees, which would be deposited in the Certified Access Specialist Fund created by the bill. The legislation would continuously appropriate this fund for use by the State Architect to implement the certified access specialist program.

2003 – AB 1342 (Jackson), Discrimination: State Policies and Programs – This measure declares that the Legislature intended to apply the provisions requiring compliance with the accessibility requirements of the federal Rehabilitation Act of 1973 and its implementing regulations to improve the accessibility of persons with disabilities to electronic or information technology to the California State University. The legislation states that it clarifies that the California State University is subject to that provision and requires the California State University, in determining the cost of developing or procuring electronic or information technology, to consider whether the technology meets the accessibility requirements of a specified provision of the federal Rehabilitation Act of 1973 would reduce the long-term cost incurred by the California State University in providing access or accommodations to future users of this technology who are persons with disabilities, as required by existing law.

2003 – AB 813 (Salinas), Cost Recovery and Fund Allocation – This measure would declare that the Legislature intended to apply the provisions requiring compliance with the accessibility requirements of the federal Rehabilitation Act of 1973 and its implementing regulations to improve the accessibility of persons with disabilities to electronic or information technology to the California State University. It also states that it clarifies that the California State University is subject to that provision and requires the California State University, in determining the cost of developing or procuring electronic or information technology, to consider whether the technology meets the accessibility requirements of a specified provision of the federal Rehabilitation Act of 1973 would reduce the long-term cost incurred by the California State University in providing access or accommodations to future users of this technology who are persons with disabilities, as required by existing law.

2003 – SB 577 (Kuehl), Protection and Advocacy Agencies – Existing law prescribes, by federal law, the powers of the protection and advocacy agency, which is a private, nonprofit corporation, charged with protecting and advocating for the rights of persons with developmental disabilities and mental disorders. This measure expands the authority of the agency to protect and advocate for the rights of persons with disabilities. It also ensures the protection of the rights of persons with developmental disabilities and persons with mental illness.

2004 – SB 1234 (Kuehl), Crimes: Civil Rights – This measure would change the term “developmentally disabled and mentally ill persons” to “mentally disabled persons.” This legislation would include in the course instruction the fact that the crime was committed in whole or in part because of an actual or perceived disability of the victim is a hate crime. The bill would require the development of a two-hour telecourse to be made available to all law enforcement agencies in California on crimes against homeless persons and on how to deal effectively and humanely with homeless persons, including homeless persons with disabilities.

2004 – AB 2536 (Lieber), Public Buildings: Disability Access – This measure requires the State Architect to develop and submit to the California Building Standards Commission for approval and adoption, of regulations and building standards relating to access for persons with disabilities that are consistent with the standards for buildings and structures contained in pertinent provisions of the latest edition of the selected model code, as adopted by the California Building Standards Commission.

2007 – SB 633 (Alquist), Persons with Disabilities: Care in Community Settings and Hospital Discharge Planning Policies – This legislation would declare the intent of the Legislature regarding the state’s commitment to providing services for persons with

disabilities and seniors in the most integrated setting. This measure would require a hospital to provide every patient anticipated to need long-term care at the time of discharge with contact information for at least one public or nonprofit agency or organization dedicated to providing information or referral services relating to community-based long-term care options for the patient's county of residence and appropriate to the needs and characteristics of the patient.

2008 – SB 549 (Corbett), Disabled persons: equal access rights: civil actions – The legislation would establish the California Commission on Disability Access for certain purposes relating to disability access and would require the commission to conduct studies and make reports to the Legislature.

2009 – AB 386 (Huff and Romero), Public postsecondary education: instructional materials: disabled students – This legislation would require publishers to provide a captioned format of instructional materials or an electronic format of those materials and a license to create a captioned format of the materials, upon request by a public postsecondary educational institution, and would authorize the public postsecondary educational institution to create a captioned format, subject to prescribed conditions, if the publisher provides a license to create the captioned format or fails to respond to a request for a captioned format.

2012 – SB 1186 (Steinberg, Chapter 383, Statutes of 2012) gave defendants that are small businesses the right to an early settlement conference and reduced civil penalties. It also required a one-dollar additional fee to be paid by any applicant for a *local business license*, permit, or similar instrument when it is issued or renewed. The fee applied to applications and renewals filed between January 1, 2013, and December 31, 2018, and was collected by the issuing jurisdiction (city, county, or city and county). The purpose of the fee was to increase disability access and compliance with construction-related accessibility requirements. Additionally, the fee assisted local jurisdictions in supporting the CASp program and provides the State Architect with funds to maintain oversight of the CASp program.

2016 – SB 269 (Roth and Vidak), Chap. 13, Stats. 2016, made several significant changes to existing law to provide financial relief to small businesses and encourage compliance with construction-related accessibility standards. Specifically, it established that certain "technical violations" are *presumed* not to cause a person difficulty, discomfort, or embarrassment for an award of minimum statutory damages in a construction-related accessibility claim, where the defendant is a small business, the defendant has corrected, within 15 days of the service of a summons and complaint asserting a construction-related accessibility claim or receipt of a written notice. "Technical

violations” are defined as the following deficiencies (many of which can be noted in “drive-by” inspections of the premises by persons who are not actual patrons of the establishment):

(A) Interior signs, other than directional signs or signs that identify the location of accessible elements, facilities, or features, when not all such elements, facilities, or features are accessible.

(B) The lack of exterior signs, other than parking signs and directional signs, including signs that indicate the location of accessible pathways or entrance and exit doors when not all pathways, entrance, and exit doors are accessible.

(C) The order in which parking signs are placed or the exact location or wording of parking signs, provided that the parking signs are visible and indicate the location of accessible parking and van-accessible parking.

(D) The color of parking signs, provided that the color of the background contrasts with the color of the information on the sign.

(E) The color of parking lot striping, if it exists and provides sufficient contrast with the surface upon which it is applied to be reasonably visible.

(F) Faded, chipped, damaged, or deteriorated paint in otherwise fully compliant parking spaces and passenger access aisles in parking lots, if it indicates the required dimensions of a parking space or access aisle in a reasonably visible manner.

(G) The presence or condition of detectable warning surfaces on ramps, except where the ramp is part of a pedestrian path of travel that intersects with a vehicular lane or another hazardous area.

The measure also provided a 120-day period in which certain businesses cannot be sued for minimum statutory damages after obtaining a CASp inspection.

2015 – AB 1521 (Assembly Judiciary Committee, Chap. 755, Stats. 2015), to curtail the small percentage of ADA claims filed in bad faith and motivated to obtain quick settlements from unsophisticated small business owners who are unaware of their legal rights and responsibilities under the ADA, this legislation provided additional resources and information to small business owners. It also limited the practice of high-volume lawsuits that are motivated by quick settlement with business owners, rather

than correction of construction-related accessibility violations, by imposing a higher filing fee and additional pleading requirements on a person who meets the definition of a “high-frequency litigant.”

2016 – AB 2093 (Steinorth) Disability access. This measure increased information about the ADA and a commercial property's compliance with construction-related accessibility standards that is available to prospective tenants of commercial property. It also created a presumption that the responsibility for making any repairs or modifications necessary to correct violations of construction-related accessibility standards that are noted in a CASp report (before lease of the property) is the responsibility of the commercial property owner or lessor, unless otherwise mutually agreed upon by the commercial property owner or lessor and the lessee or tenant. Status: Chapter 379, Stats. 2016.

2017 – AB 1379 (Thurmond) CASp funding. This legislation increased funding for the state Certified Access Specialist Program (CASp) program to increase the availability of CASp services and ultimately improve compliance with state and federal construction-related accessibility standards. The measure, among other things, required, on and after January 1, 2018, through December 31, 2023, any applicant for a local business license or equivalent instrument or permit, and any applicant for the renewal of a business license or equivalent instrument or permit, to pay an additional fee of \$4 for that license, instrument, or permit, to fund CASp services by the city, county, or city and county that issued the license, instrument, or permit. Status: Chap. 667, Stats. 2017.

2018 – AB 3002 (Grayson) Disability access: information to applicants for building permits and business licenses. This bill promoted disability access at commercial businesses and places of public accommodation by requiring local government agencies to provide building permit applicants with an advisory about federal and state disability access laws, encouragement to obtain an inspection from a Certified Access Specialist (CASp), information about how to contact a CASp, and notice regarding the availability of state and federal programs to assist small businesses with disability access expenditures. Status: Chap. 680, Stats. 2018

Appendix C. Profiles of Disability Offices in Other Jurisdictions

This section provides a brief overview of disability offices, commissions, and departments of several major cities throughout the United States. It should be noted that while certain jurisdictions prioritize disability affairs from a policy level, some jurisdictions’ programming and services are more comprehensive based on funding availability. For instance, the City of Chicago’s budget for disability affairs for 2021 is nearly \$2.5 million with a per capita budget of \$8.19. For FY 2022 to 2023, the City of Chicago’s budget increased due in part to contributions from private corporate partners.

By comparison, the City of New York’s Office for People with Disabilities is \$820,000 for a population of 19 million – where staffing levels fluctuate because of transitions between administrations. The tables below provide a snapshot of its budget per capita.

Annual Funding for Mayoral Offices for People With Disabilities, 2021		
City	2021-2022 Budget	Budget Per Capita
CITY	2021-2022 BUDGET	BUDGET PER CAPITA
NEW YORK CITY	\$820,000	\$0.88
WASHINGTON, DC	\$2,237,560	\$28.69
LOS ANGELES	\$4,800,246	\$12.09
CHICAGO	\$2,473,477	\$8.19

Annual Funding for Mayoral Offices for People With Disabilities, 2021		
City	2021-2022 Budget	Budget Per Capita
BOSTON	\$623,936	\$7.90
HOUSTON	\$646,800	\$2.80

*Annual Funding for Mayoral Offices for People with Disabilities, 2021*³⁵

San Francisco, CA

Mayor’s Office of Disability³⁶

The City and County of San Francisco’s Mayor’s Office of Disability were established in 1998. It is embedded within the City Administrator’s Office. The Mayor’s Office of Disability was formally created by the Board of Supervisor Charter. The Office’s placement and name within the City government organizational structure provide the Office the authority to implement and ingrain disability policies into the city system.

Staffing

- Nine Full-Time Employee positions

³⁵*Access Opportunity: Expanding Economic Opportunity for New Yorkers with Disabilities*. Center for an Urban Future (CUF). (n.d.). Retrieved May 8, 2022, from <https://nycfuture.org/research/access-opportunity>

³⁶ *Ibid*, Page 11

- Some specialty areas include – Deputy for Architectural Access, Deputy for Program Access, Grievance Access, and three architectural specialists specifically ADA reviews for buildings and affordable housing projects.
- Each department assigned an ADA Coordinator

Programs and Services

- Developed a seven-part training module to train department ADA coordinators to teach them the basics.
- Assisted with COVID-19 assessments for public spaces, homebound programs, special clinics, public meeting access, and more.
- Operates a consortium with disability advocates to lobby for federal legislative matters

Budget

- Proposed FY 22-23 – \$1.1M operating budget - \$350,000 from general fund
- Proposed FY 22-23 – \$1.1M capital budget for transition plan/barrier removal

Los Angeles, CA

Department on Disability³⁷

The City of Los Angeles Department on Disability was established in 1998. The Office was created in 1975 in response to the Rehabilitation Act of 1973 as a Division within the Mayor’s Office. At the time, the Mayor and Council created the Department on Disabilities, the first of its kind in the nation.

Staffing

- 28 Full-Time Employee positions
- Program areas include General Administration, Community Affairs and Outreach, ADA Compliance, and AIDs Coordinator’s Office
- Executive Director Department on Disability
- Assistant Executive Director – Department on Disability

Programs and Services

- General Administration and Support
- Community Affairs and Outreach
- AIDs Coordinator’s Office
- ADA Compliance

*Budget*³⁸

- Proposed FY 2022-2023 – Salaries: \$3,196,483

³⁷ Ibid, page 12

³⁸ *Cao.lacity.org*. (n.d.). Retrieved May 8, 2022, from <https://cao.lacity.org/budget22-23/2022-23BlueBookVol1.pdf>

- Proposed FY 2022-2023 – Expense: \$1,800,497
- Proposed FY 2022-2023 – Special: \$92,521

New York, NY

Mayor’s Office for People with Disabilities³⁹

The Mayor’s Office for People with Disabilities includes advocacy and policymaking in partnership with city offices & agencies: Health & well-being; technology; transportation; employment; financial empowerment; housing; access to city services; and education.

Staffing

- 4 employees

Programs and Services

- AccessibleNYC
- Accessibility Waivers
- ASL Direct
- Disability Service Facilitators (DSF)
- EmpoweredNYC
- Inclusive Design Guidelines
- MOPD Meeting Guide
- Project Open House

Budget

- FY 2020-2021 – \$820,000

Chicago, IL

Mayor’s Office for People with Disabilities⁴⁰

The Chicago Mayor’s Office for People with Disabilities appears to provide comprehensive levels of services and programs for people with disabilities. With a \$7M budget, Chicago is committed to delivering public services to people with disabilities. Some programs include systemic change, information and referral, education and training, public policy, and direct services (resources & referral; employment services; training, accessibility compliance; public information/awareness; youth programs; housing services).

Staffing

³⁹ Ibid, pg. 35

⁴⁰ *www.chicago.gov*. (n.d.). Retrieved May 8, 2022, from

https://www.chicago.gov/content/dam/city/depts/obm/supp_info/2022Budget/2022OverviewFINA L.pdf

- 36 Full-Time Employees
- Program Areas include Administration, Employment Services, Accessibility Compliance, Prevention Programs, Disability Resources, Independent Living Program

Programs and Services

- Disability Resources: Information & Referral, Independent Living Program, Case Management Services, Assistive Technology Program, & Personal Assistance Services.
- Employment Services: Social Security Work Incentives Planning and Assistance outreach and education, Consultation and Technical Assistance to Employers, and Employment Counseling and Training to Job Seekers through partner agencies
- Training: Independent Living Skills, Disability Awareness, and Etiquette, Training.
- Accessibility Compliance: Site Surveys, Technical Assistance, Consultation, Plan Review, Information about Accessibility Laws.
- Public Information and Education: Disability Awareness, Special Events, Workshops and Seminars, Publications, Community Outreach.
- Youth Programs: Substance Use Prevention Program for the Deaf and Hard of Hearing (SAPPD), National Job Shadow Week, One Summer Chicago Program for Students with Disabilities.
- Housing Services: Information & Referral, HomeMod Program, Outreach, and education.

Budget

- FY Proposed 2022-2023 – \$7,847,273

Boston, MA

City of Boston Mayor’s Commission for People with Disabilities⁴¹

The City of Boston’s disability commission is minimal and addresses standard ADA compliance issues. The Commission includes a Commission, a Chief of Staff, and specialists in architecture and support staff.

Staffing

- 6 positions
- Specialty Areas include Architectural Access and Outreach and Engagement

Programs and Services

⁴¹ Ibid, pg. 35

- Parking Reservations
- ADA Grievance
- ADA Curb Ramp Installation or Repair
- ADA Compliance

Budget

- FY 2021-2022 – \$623,936

Detroit, MI

City of Detroit Office of Disability Affairs⁴²

This Office was launched in February 2021 within the Office of Civil Rights, Inclusion, and Opportunity Department. The Office of Disability Affairs has sketched out a comprehensive three-year work plan to begin the process of responding to persons with disabilities. The Office is made permanent and prioritized.

Staffing

- 2 positions

Programs and Services

- Three-Year Strategic Plan
 - Capacity building
 - Internal Assessment and Training
 - Evaluate the performance of community partners

Budget

- Proposed FY 2022-2023 – \$1.4 M

⁴² *Housing Stability Resources - Detroitmi.gov*. (n.d.). Retrieved May 8, 2022, from <https://detroitmi.gov/sites/detroitmi.localhost/files/2022-03/Detroit%20Housing%20Resources%20FINAL%203.21.22.pdf>

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