



## ADA REASONABLE MODIFICATION POLICY

### PURPOSE

The purpose of the ADA Reasonable Modification Policy is to ensure equal and effective opportunities and access to City programs, services and activities for persons with disabilities and full compliance with the provisions of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.

### POLICY STATEMENT

The City of Mountain Home is committed to providing equal access and opportunity to qualified individuals with disabilities in all City programs, services and activities. The City of Mountain Home recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modification to policies and practices. The City of Mountain Home will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs, services and activities for persons with disabilities. Questions regarding reasonable modification and/or discrimination on the basis of disability should be directed to the City of Mountain Home ADA Coordinator. Contact information for the ADA Coordinator can be found on the City website or by calling the Human Resources Department.

The City shall make reasonable modifications in policies and practices when the modifications are necessary to avoid discrimination on the basis of disability, unless the City can demonstrate that making the modifications would fundamentally alter the nature of the program, service or activity.

The City shall take appropriate steps to ensure that communication with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the City shall furnish, upon request, appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a program, service or activity conducted by the City. In determining what type of auxiliary aid or service is necessary, the City shall give primary consideration to the requests of the individual with a disability.

The City of Mountain Home recognizes that providing programs, services and activities in an integrated setting through architectural barrier removal is the most desirable method to provide equally effective opportunities and benefits for many individuals with disabilities.

The City is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program, service or activity, or any action that would result in an undue financial or administrative burden.

Any **determination** that compliance with the City's responsibility to provide reasonable modifications and/or effective communication for individuals with disabilities would fundamentally alter the program, service or activity or unduly burden the City shall be made by the City of Mountain Home ADA Coordinator in conjunction with the Department Head after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that determination.

When barrier removal is "technically infeasible" or when reasonable modification would result in "undue financial or administrative burden" or "fundamental alteration in the nature of a program, service or activity," the procedures in this policy will help ensure that the City of Mountain Home adheres to the requirements of the ADA regulations and guidelines with respect to burden and infeasibility.

#### DEFINITIONS

**Qualified individual with a disability:** An individual with a disability who, with or without reasonable modifications to policies or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

**Reasonable Modification:** Modifications or adjustments to a program, service or activity that will enable equal access, to the maximum extent possible, for qualified individuals with a disability.

#### **Auxiliary Aids and Services: "Auxiliary aids and services" includes:**

(1) qualified interpreters, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments;

(2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments;

(3) acquisition or modification of equipment or devices, and;

(4) other similar services and actions.

**Technically Infeasible:** With respect to an alteration of a building or a facility, is something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

**Undue Burden:** Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, an agency shall consider all agency resources available to the program or component for which the product is being developed, procured, maintained, or used.

#### REASONABLE MODIFICATION PROCEDURES

1. The City of Mountain Home will make all reasonable modifications to its policies and practices to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.
2. Anyone who requires a modification of policies or practices to participate in a program, service, or activity of the City of Mountain Home should contact the City of Mountain Home's ADA Coordinator or the City Department that is sponsoring the event as soon as possible, but no later than 72 hours prior to the scheduled event. Please complete the attached Reasonable Modification Request Form

and include the name, location and date of the program, service or activity and your contact information. The request will be routed through the appropriate Department.

3. The City of Mountain Home will generally, upon request, provide appropriate auxiliary aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City of Mountain Home's programs, services and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing or vision impairments. Requests for auxiliary aids and services for effective communication should be directed to the City of Mountain Home's ADA Coordinator or the City Department that is sponsoring the event as soon as possible, but no later than the recommended timeframes outlined below. Please complete the attached Reasonable Modification Request Form and include the name, location and date of the program, service or activity and your contact information. Anyone requiring an auxiliary aid or service for effective communication to participate in a City Council Meeting should contact the City Clerk's Office at (208) 587-2104 as soon as possible, but no later than 9:00 A.M. on the day of the meeting.
  - a. Audio Tape: Audio tape recordings of printed materials will be provided upon request by the City of Mountain Home's ADA Coordinator or the City Department that is sponsoring the event, with one week advance notice.
  - b. Braille: Pamphlets, brochures, and printed information will be provided in Braille upon request by the City of Mountain Home's ADA Coordinator or the City Department that is sponsoring the event, with two weeks advance notice.
  - c. Reader: A reader will be provided upon request by the City of Mountain Home's ADA Coordinator or the City Department that is sponsoring the event, with one week advance notice.
  - d. Aide: An aide will be provided upon request to qualified individuals with disabilities by the City of Mountain Home's ADA Coordinator or the City Department that is sponsoring the event to help ensure that printed materials are readily accessible to individuals with disabilities with a two-day advance notice. Example: Such aide may provide assistance to an individual in filling out an application.
  - e. Home Mailings: All printed information provided by the City of Mountain Home, which is typically available to the general public who visit City facilities, will also be mailed to individuals, where the individual's disability prevents or circumvents the individual's ability to obtain the materials on-site at City facilities. Printed information will be mailed upon request by the City of Mountain Home's ADA Coordinator or the City Department that is sponsoring the event with a one week advance notice.
  - f. Large Print Format: Printed information that is available to the general public will be provided in large print upon request by the City of Mountain Home's ADA Coordinator or the City Department that is sponsoring the event with two weeks advance notice.
  - g. Interpreter: It is the policy of the City of Mountain Home to provide an effective sign language interpreter in situations where the communication taking place is lengthy or complex; and/or other situations where a sign language interpreter may be necessary to effectively communicate with individuals who are deaf or hard of hearing. A sign language interpreter will be provided upon request with one week advance notice to the City of Mountain Home's ADA Coordinator or the City Department that is sponsoring the event.
  - h. Other Assistance: The City of Mountain Home will help ensure that all services, programs and activities are fully accessible to individuals with communication disabilities by providing auxiliary aides or services, where necessary, due to an eligible individual's disability as defined by the Americans with Disabilities Act.

Note: The City of Mountain Home will make every attempt to provide the specific type of alternate format requested, however a different type of alternative format may be provided, if and when, such different type of alternative format provides equally effective communication.

4. In the provision of auxiliary aids or services, including modifications in policies, practices, or procedures, the City of Mountain Home will not place surcharges on individuals with disabilities to cover the costs involved in making programs accessible.
5. The City of Mountain Home facilities are either fully structurally accessible to individuals with disabilities or will be made fully accessible as described in the City's ADA Self-Evaluation and Transition Plan. Should any facility not be fully accessible, all services normally provided to the public at that location will be provided at a fully accessible location, upon request.
6. Departments wishing to declare technical infeasibility, undue administrative or financial burden, or that a modification would fundamentally alter the nature of the program, service or activity must follow these procedures:
  - A. The Department Head or equivalent will submit a detailed written request for exemption, fully explaining the situation and stating the justification for exemption to the City of Mountain Home ADA Coordinator.
  - B. The City ADA Coordinator will present all requests to the City of Mountain Home Mayor for review.
  - C. The Mayor may:
    - i. Request additional information from the Department Head
    - ii. Reject the request and notify the Department Head of the decision
  - D. Documentation of all requests will remain on file in the ADA Coordinator's office.
7. In alterations where the Mayor has determined that compliance with applicable requirements is technically infeasible or would result in undue administrative or financial burden, the alteration shall comply with the requirements to the maximum extent feasible, as determined by the Mayor.
8. The above policy and procedure is intended for events and circumstances where advance notice and scheduling is possible. In cases of emergency services, which are unplanned and may require complex and important communication, every effort will be made to accommodate the request, but may not be available in the time allotted.
9. The City ADA Coordinator shall, in conjunction with Department Heads and the Mayor, coordinate the City's efforts to comply with and carry out its responsibilities under Section 504 of the Rehabilitation Act and Title II of the ADA, including investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that are prohibited under Section 504 of the Rehabilitation Act and Title II of the ADA. The City shall make available to all interested individuals the name, office address and telephone number of the ADA Coordinator and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that is prohibited under the ADA. Complaints that a program, service, or activity of the City of Mountain Home is not accessible to persons with disabilities should be directed to the City of Mountain Home ADA Coordinator, and may be filed using the City of Mountain Home's ADA Grievance Procedures.
10. For additional information, or to receive this document in alternate format, please contact the City of Mountain Home ADA Coordinator.

Adopted by the City of Mountain Home, Idaho this 23<sup>rd</sup> day of November, 2015

Tom Rist, Mayor