



JAMES K. HAHN
CITY ATTORNEY

Office of the City Attorney
Los Angeles, California

WRITER'S DIRECT DIAL: (213) 485-5432
FAX: (213) 485-8899
TTY:

April 5, 2001

Rosalind Stewart, General Manager
Department of Neighborhood Empowerment
305 E. First Street
Los Angeles, California 90012

Re: Legal Issues Regarding Neighborhood Councils -
Americans With Disabilities Act

Dear Ms. Stewart:

This letter responds to a question you posed to this office concerning neighborhood councils. Your question and our answer are set forth below.

Question: Will the Americans With Disabilities Act apply to neighborhood council meeting sites and communications?

Answer: Yes.

Discussion

Title II of the ADA is embodied in 42 U.S.C. § 12131 et seq. and specifically prohibits discrimination on the basis of disability by public entities. All services, programs and activities of a public agency must be made readily accessible to and usable by disabled individuals. As such, Title II imposes an affirmative obligation on the public entity to ensure accessibility to individuals with disabilities to all of its programs and activities. The terms "services," "programs," and "activities" are interpreted broadly to mean all aspects of the operation of the public entity. The regulations implementing this statute are at 28 CFR 35.102. That section provides "... the regulation applies to all services, programs and activities provided or made available by public entities. ..." Title II also extends to all

* In previous correspondence to your Department, this office opined that certified neighborhood councils will be subject to the Ralph Brown Act (Cal. Gov't. Code § 54950, et seq.) because they will be a type of legislative body not unlike other advisory bodies of the City. See letter dated November 16, 2000. By the same token, for the purpose of the ADA, the neighborhood councils are considered instrumentalities of the City and must also comply with the provisions of the ADA. The Brown Act also has a requirement that no meeting of a legislative body may be held "which is inaccessible to disabled persons." Cal. Gov't. Code § 54961.

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services, programs and activities by local governments or any of their instrumentalities, regardless of the receipt of federal financial assistance.

Since neighborhood councils fall within the definition of an instrumentality of local government by virtue of being established by the City Charter with advisory duties to the City, the neighborhood councils fall under the ADA and must ensure that their meeting sites are accessible and that their communications can be accessed through assistive devices. A certified neighborhood council, therefore, should provide language in its agenda and meeting notice indicating that it is an entity covered by Title II and should provide information as to how an individual may request assistance devices. It is anticipated that the Department would provide assistance to the councils to ensure that compliance with the ADA is met. See Draft Plan, Article VI, Sections, 12, 14 (page 14).

Please let us know if we can be of additional assistance to you in connection with this matter.

Very truly yours,



GWENDOLYN RYDER POINDEXTER (Lmbt)
Assistant City Attorney

GRP:rp

cc: The Honorable Richard J. Riordan, Mayor
Each member of the City Council
Each member of the Board of Neighborhood Commissioners

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