



DEPARTMENT OF JUSTICE-AMERICANS WITH
DISABILITIES ACT OF 1990 COMPLIANCE REVIEW
VETERANS ACCESS INITIATIVE

RS-21-086

June 15, 2021

Background Information



2

- ❑ The Department of Justice(DOJ) Civil Rights Division works with State and local governments to assist in compliance with Title II of the Americans with Disabilities Act of 1990 (ADA)
- ❑ Title II of the ADA prohibits discrimination against persons with disabilities in programs, services, activities and access to facilities of State and local governments
- ❑ DOJ is responsible for enforcing the provisions in Title II of the ADA
- ❑ In 2018, Killeen was selected for review, in part because of the high number of service members that live in and near the city
- ❑ The DOJ initiative is called the Veteran's Access Initiative

Background Information-continued

3

- Noncompliance with ADA requirements if proven, may also constitute a violation of Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination based on disability in programs and activities that receive Federal funding

DOJ On-site Review of Facilities, Programs, Services, Policies, and Procedures

4

In 2018, staff from DOJ performed an onsite review of several City facilities, programs, services, policies and procedures:

- ▣ City facilities
- ▣ Public notices
- ▣ Grievance procedures
- ▣ Curb ramps and sidewalks
- ▣ Voting
- ▣ Security and Emergency Preparedness Measures
- ▣ Use of Internet
- ▣ Effective Communication systems
- ▣ Telecommunications
- ▣ 911
- ▣ Employment
- ▣ Service Animals
- ▣ Mobility Devices
- ▣ Ticketing for Events or Series of Events
- ▣ Maintenance of accessible features
- ▣ Jails, detention and correctional facilities

DOJ Compliance Review Results

5

- DOJ completed the compliance review in 2021 and proposes a Settlement Agreement to resolve ADA compliance matters:
 - ▣ Ensure that all City facilities constructed or altered after January 26, 1992 are readily accessible to and usable by persons with disabilities
 - ▣ Make physical changes to facilities in accordance with ADA standards
 - ▣ Provide public notices of the requirements of Title II of the ADA
 - ▣ Deliver services, programs and activities in alternate ways to be inclusive of persons with disabilities
 - ▣ Ensure that all communications with persons with disabilities are as effective as communications with others, including furnishing auxiliary aids and services when necessary

Compliance Review Results-continued

6

- Provide information for interested persons with disabilities concerning the existence and location of the City's accessible services, activities and facilities
- Provide DOJ a copy of the City's Emergency Operations Plan to ensure it complies with the ADA
- Provide signage at all accessible entrances to a facility, directing users to an accessible entrance or to information about accessible facilities

Compliance Review Results-continued

7

- Notify applicants, participants, beneficiaries, and other interested persons, including veterans with disabilities, of their rights and the City's obligations under Title II and the DOJ's regulation
- Have a responsible employee to manage and coordinate the City's efforts to comply with and carry out the City's ADA responsibilities
- Retain an independent licensed architect to certify alterations, additions or modifications identified in the agreement are done in accordance with ADA and prepare certifications to DOJ along with reporting requirements
- Establish a grievance procedure for resolving complaints of Title II violations

Summary

8

- Proposed Settlement Agreement is for a period of three years
- Proposed timelines for compliance have been negotiated and determined based on complexity and availability of funding to address violations
- City facility and related ADA violations are presented as a project in the Capital Improvements Program

Alternatives

9

- ❑ Do not enter into the Settlement Agreement with DOJ for a period of three years. DOJ will file civil suit
- ❑ Enter into the Settlement Agreement with DOJ for a period of three years and actively monitor, report and comply with all conditions and requirements outlined in Settlement Agreement with DOJ

Recommendation

Enter into the Settlement Agreement with DOJ for a period of three years and actively monitor, report and comply with all conditions and requirements outlined in Settlement Agreement with DOJ and that the City Manager or his designee is expressly authorized to execute said agreement.