



BOARD/COMMISSION RECOMMENDATION

Mayor's Committee on People with Disabilities

Recommendation Number: 20200814-2A: A Resolution Affirming the Rights of People with Disabilities and the Obligation to Maintain Access During COVID-19

WHEREAS, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Americans with Disabilities Amendments Act of 2008 remain fully in effect and has not been repealed, modified, or suspended during the COVID-19 pandemic; and,

WHEREAS, on March 28, 2020 the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) issued a Bulletin on Civil Rights, HIPAA, and the Coronavirus Disease 2019¹ reminding healthcare providers and other relevant entities that regulations and civil rights related to people with disabilities are still relevant and enforceable and healthcare “rationing” based on disability status is prohibited; and

WHEREAS, people with disabilities still have the right and need to participate in their communities for personal, professional, health and recreational purposes; and,

WHEREAS, many people with disabilities are at higher risk of contracting COVID-19 due to an inability to social distance with personal care attendants or because of residence in a nursing home, institutional or group setting; and

WHEREAS, many people with disabilities are considered “high risk” for complications of COVID-19 due to existing health conditions; and

WHEREAS, modifications to operating procedures or service provision due to safety protocols may not be designed or implemented in ways that provide access in physical and virtual spaces; therefore preventing people with disabilities from accessing public goods and services or exposing them to higher risk (such as being unable to follow the “one way” flow of traffic due to only one doorway being accessible or being unable to see directional signage); and

¹ Office Of Civil Rights: <https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf>

WHEREAS, some people with disabilities in Austin have reported denial of assistance as a reasonable accommodation to access good or services due to risk to staff or inadequate staffing, without being offered an equally effective method of providing access; and

WHEREAS, existing municipal outreach efforts have not always prioritized or considered the specific needs, concerns, issues, and challenges especially facing people with disabilities; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor's Committee for People with Disabilities recommends that local prevention and control efforts fully include, support, and affirm the human rights, dignity, and particular needs of all local people with disabilities throughout the COVID-19 pandemic. We also encourage the City of Austin to ensure all decision-making processes and communication regarding prevention and safety measures include a consideration for maintaining access for people with disabilities to ensure they have equal access to, and full participation in, the programs, products and services available to people without disabilities in the safest manner possible.

Date of Approval: 08/14/20

Record of the vote: Unanimous on a 6-0 vote

Attest: *David Ondich*

(David Ondich, Staff Liaison to The Mayor's Committee for People with Disabilities)