



Commission on Disability

CONSENT CALENDAR
February 23, 2021

To: Honorable Mayor and Members of the City Council
 From: Commission on Disability
 Submitted by: Alex Ghenis, Chairperson, Commission on Disability
 Subject: Service Animals Welcome Training

RECOMMENDATION

That the City Council refer to the City Manager a request to implement education and training provisions of the Service Animals Welcome Policy and Program:

- a. Work with Business Improvement Districts and Commercial District Organizations to provide opportunities for businesses to learn about their responsibilities regarding service animals in their places of business.
- b. Provide information on Service Animals and Access Rights of Persons with Disabilities accompanied by a Service Animal as required staff training on non-discrimination under applicable federal, state and local statutes, regulations and policies.
- c. Provide necessary and adequate support to the Disability Compliance Program.
(Motion: Walsh, Second: Singer, Ghenis: Aye, Smith; Aye, Ramirez: LOA, Leeder: LOA, No: None)

POLICY COMMITTEE RECOMMENDATION

On January 25, 2021, the Health, Life Enrichment, Equity and Community Policy Committee sent the item to Council with a qualified positive recommendation to take the following action:

Refer to the City Manager to review existing information provided to businesses on the Service Animals Welcome Policy and Program as well as other information related to the rights of people with disabilities (pursuant to the Americans with Disabilities Act) and to continue efforts to create an online training.

Further, refer to the City Manager to: (a.) Work with Business Improvement Districts, the Chamber of Commerce, and other business organizations to provide opportunities for businesses to learn about their responsibilities regarding service animals in their places of business and the rights of people with disabilities, using, for example, the business license renewal as an opportunity to communicate to businesses; (b) Provide information on Service Animals and Access Rights of Persons with Disabilities accompanied by a Service Animal as required City staff training on nondiscrimination under applicable federal, state,

and local statutes, regulations and policies. (c) Provide necessary and adequate support to the Disability Compliance Program. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

Staff time.

CURRENT SITUATION AND ITS EFFECTS

The 2019 Berkeley Business License Renewal Packet contained information on the Service Animals Welcome Policy and guidance from the U.S., Department of Justice Civil Rights Division on Service Animals in places of public accommodation.

Most Berkeley Business License holders received the 2019 packet but may not have seen or read the materials on Service Animals. As recently as October 2018, a case was documented of a Berkeley Business License holder who refused access and services to a person with a disability accompanied by a service animal (dog) trained to assist her relative to her specific disability and functional limitations. The License Holder stated that she was unaware of City policy or applicable law regarding Service Animals.

According to update information from staff as recently as September 2018, there has been no formal provision of training to City staff, especially for departments and positions with whom face-to-face contact with the public is required. This information is also important for staff in various City Departments who interact with businesses .e.g. Business Improvement District contract staff, the Berkeley Police Department, contracted health and community services providers. Such training can be most efficiently provided online to City staff.

Service Animals Welcome training is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

BACKGROUND

On May 12, 2012, the City Council adopted the Service Animals Welcome Policy and Program, Resolution Number 65,751-N.S. The City Manager was directed to take certain implementation steps including:

- a. Incorporate educational materials in the Business License Tax process to inform business owners of their responsibilities regarding service animals;
- b. Include content about service animals and the responsibilities of Berkeley Businesses on the City's website; also include the phone number for the Disability Services Specialist;
- c. Provide signs for businesses to voluntarily put in their windows regarding service animals; and
- d. Work with Business Improvement Districts (BIDs) and Commercial District Organizations (CDOs) to provide opportunities for businesses to learn about their responsibilities regarding service animals in their places of business

ENVIRONMENTAL SUSTAINABILITY

Unknown.

RATIONALE FOR RECOMMENDATION

As defined under the 2010 revision of the Americans with Disabilities ACT implemented in March 2012, denying a disabled person access to goods or services, in city and local

governments or places of public accommodation based on being accompanied by a service animal is unlawful.

The Disability Compliance Program only has authority to enforce Title II of the Americans with Disabilities Act as it relates to programs and services. However it can provide information and training to encourage compliance.

Implementation of training will significantly contribute to decreased incidences of discrimination in Berkeley based on a person's disability. It will significantly contribute to increasing and enhancing access for the persons with disabilities accompanied by a Service Animal who live, work and visit Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

Do not provide Service Animals Welcome Training.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

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