



George E. Pataki
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NY 12243-0001

Brian J. Wing
Commissioner

Local Commissioners Memorandum

Section 1

Transmittal:	02 LCM 7	
To:	Local District Commissioners	
Issuing Division/Office:	Division of Temporary Assistance Division of Transitional Supports and Policy	
Date:	July 30, 2002	
Subject:	Americans with Disabilities Act (ADA) - Access to Local District Social Services Programs and Services and Activities	
Contact Person(s):	1-800-343-8859 DTA: Central Team, extension 4-9344 DTSP: Jane Wagner, extension 2-3599	
Attachments:	None	
Attachment Available On – Line:	None	

Section 2

I. Purpose

The purpose of this memorandum is to remind all social services districts of their obligation not to discriminate against qualified individuals with disabilities on the basis of disability in their services, programs, or activities. Social Services districts must provide access to individuals with disabilities who are applying for, or receiving temporary housing assistance (THA).

II. Background

The prohibition against discrimination on the basis of disability arises under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and social services regulations at 18 NYCRR § 303 (a).

III. Program Implications

Qualified persons with physical or mental disabilities must be afforded the protections prescribed by the Americans with Disabilities Act (ADA). This includes an equally effective opportunity to participate in or benefit from a social services district's benefits, programs and services. To be qualified, the individual with a disability must meet the essential eligibility requirements for receipt of services or participation in a social services district's programs, activities, or services with or without: (1) reasonable modifications to the social services

district's rules, policies, or practices; (2) removal of architectural, communication, or transportation barriers; or (3) provision of auxiliary aids and services. Districts must operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

If the applicant/recipient is determined eligible for a benefit such as temporary housing assistance, the district must coordinate all activities so that the process is as seamless as possible, and the identified need(s) of the applicant/recipient must be met. Social services districts must make "reasonable accommodations" to the known physical or mental limitations of otherwise qualified applicants/recipients with disabilities, unless the accommodation would impose an "undue hardship" on the operation of their programs.

Patricia Stevens
Deputy Commissioner
Division of Temporary Assistance

Shari Noonan
Deputy Commissioner
Division of Transitional Supports and Policy

Issued By

Name: Patricia A. Stevens

Title: Deputy Commissioner

Division/Office: Temporary Assistance