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NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
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ALBANY, NY 12243-0001

Brian J. Wing  
Commissioner

## Local Commissioners Memorandum

### Section 1

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

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**Issued By**

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