



FOR IMMEDIATE RELEASE

Peoria Regional Human Rights Authority

Report of Findings

Peoria City Hall

HRA #09-090-9010

The Peoria Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission has completed its investigation of alleged rights violations at Peoria City Hall. In November 2008, the HRA notified Peoria City Hall of its intent to conduct an investigation, pursuant to the Guardianship and Advocacy Act (20 ILCS 3955). The following complaints were accepted for investigation:

- 1) The handicapped accessible restroom for men on the first floor is locked after 5 p.m. regardless of whether public meetings are occurring at City Hall.
- 2) When locked, access to the restroom can only be obtained from the Finance Department via an access code or key. This Department generally closes after 5 p.m.
- 3) Room 404 which is used for a variety of commission/committee meetings is not accessible for individuals with hearing impairments.
- 4) The city's last ADA self-evaluation was done in 1995 and is not available for public inspection.

If found substantiated, the allegations would violate the ADA (Americans with Disabilities Act -Title 42 of the United States Code), the ADA Accessibility Standards (71 Ill. Admin. Code 400), the Environmental Barriers Act (410 ILCS 25) and the Illinois Accessibility Standards. The

City Hall hosts meetings of a mayoral advisory committee that addresses the needs of persons with disabilities in the city of Peoria. City Hall is also the location of other public meetings, including the city council meetings.

To pursue this investigation, a site visit was conducted at which time the allegations were discussed with representatives of City Hall; the HRA inspected the building for accessibility.

Background

The Authority was notified of accessibility concerns for persons with disabilities when the concerns surfaced during the public comments portion of a public meeting. The Authority subsequently received information that individuals who use wheelchairs cannot access the accessible men's restroom after 5 p.m. unless they can find someone who has a key or an access code to allow entry. Many public meetings at City Hall are reportedly held in the evenings. The information states that the bathroom is kept locked because transients use the restroom; however, a key can be accessed until 5 p.m. from a City Hall department. The information provided also indicated that the City sponsors a committee for persons with disabilities and there are committee members who use wheelchairs. An attempt to access the City's accessibility information was allegedly unsuccessful. The complaint also indicated that public meetings are not accessible to persons with hearing impairments.

Findings

In response to the allegations, the HRA received a written response from the Interim City Manager that addressed each allegation. Regarding allegations #1 and #2, it was written that for security reasons and in response to numerous problems with transients, the City of Peoria initiated controlled access to the first floor accessible men's bathroom by requiring all users (disabled and non-disabled) to enter with a key or access code. Between 8 a.m. and 5 p.m. the

public can obtain a key from the Accounts Receivable Office or may be granted access by the access code. The location of the key is noted on the bathroom door. Individuals who are in the building after 5:00 p.m. attending a city sponsored meeting can obtain the access code from the staff liaison to that meeting. Citizens attending evening City council meetings or other authorized gatherings in the building can obtain the access code from the Public Information Officer who regularly attends all meetings.

At the site visit, the HRA toured City Hall and found that the women's restroom is accessible and not locked; the men's room is accessible but locked at all times. During average working hours a key can be obtained from Room 106. After average working hours, the individual needing the key must get the access code from a staff person, as Room 106 is also locked. There is an unmarked and locked women's restroom which is just used by staff members of City Hall. On the second and third floors, neither the women's nor the men's restrooms are accessible for the mobility impaired who must use wheelchairs. On the fourth floor, the women's restroom is accessible - the men's room is not.

In response to Allegation #3, it was written that several years ago, the City of Peoria purchased and installed in meeting room 404, an audio listening system for persons with hearing impairments. A notice of the system's availability is posted on the door. This Sound Mate system amplifies the voice of meeting participants and transmits to a headset available for use by attendees who are hearing impaired. Any commission or committee meeting in this room can use the equipment. It was written that a regular user of this equipment is the Mayor's Advisory committee for the Disabled.

At the site visit, the HRA noted the hearing enhancement system in Room 404. City Hall personnel stated that this has been there for about the past 3 or 4 years and it can be moved to other locations if necessary. The HRA was advised that at one point in time, there was a problem with background noise which was causing difficulty for one individual in particular who sat on the Mayor's Advisory Commission for the Disabled. A technician was brought in a couple of times and the member was asked if he wished to participate in making adjustments to the system; the individual declined this offer. It was stated that City Hall personnel have been trained to use the system and there is a similar system in Room 400, which is the Council chambers.

Regarding Allegation #4, the Interim City Manager wrote that after the ADA was enacted in 1990, the City of Peoria met its regulatory obligation by conducting a self evaluation and developing a transition plan in 1992. An update of this document was completed in 1995. In 2000, another audit to identify accessibility problems and solutions in City Hall was conducted. All of these documents are available for inspection by the public by contacting the ADA Coordinator for the City of Peoria.

The City provided the HRA with a copy of the 1992 evaluation which was updated in 1995. The City's ADA Coordinator stated that to his knowledge, no one had every requested to view any of the city's self-evaluations. Should someone want to see the evaluation, that person could either come to his office to review it, or they request a copy via the Freedom of Information Act.

Peoria City Council agendas, as posted on the city's internet site, indicate that council meetings routinely begin at 6:15 p.m. The Authority did not find agendas posted for the mayoral committee that addresses the needs of persons with disabilities.

Conclusion

Pursuant to the ADA, Section 12182, "No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation."

Pursuant to the Environmental Barriers Act Section 4, The Capital Development Board shall adopt and publish accessibility standards. Accessibility standards for public facilities shall dictate minimum design, construction and alteration requirements to facilitate access to and use of the public facility by environmentally limited persons.

Pursuant to the Illinois Administrative Code, Section 400.310, all public facilities to which the Environmental Barriers Act [410 ILCS 25] and this Code apply and which involve work of wholly new construction or reconstruction and not additions, alterations, or historic preservation, shall be accessible to environmentally limited persons on all floors (levels), mezzanines and tiers, unless specifically exempted in this Code by meeting certain requirements; accessible entries and accessible restroom are included in the requirements.

Pursuant to the Illinois Administrative Code Section 400.320, Assistive listening systems (ALS) are intended to augment standard public address and audio systems by providing signals which can be received directly by persons with special receivers or their own hearing aids and which eliminate or filter background noise. The type of assistive listening system appropriate for

a particular application depends on the characteristics of the setting, the nature of the program, and the intended audience. Magnetic induction loops, infra-red and radio frequency systems are types of listening systems which are appropriate for various applications. (ADAAG 4.33.7)

Because the accessible men's restroom is locked after 5 p.m. when public meetings are held and because current directions posted on the restroom door cannot be carried out after-hours, the Authority substantiates complaints #1 and #2 in violation of ADA protections as well the Environmental Barriers Act and recommends that accessible restrooms be made available on floors used by the public. The Authority does not substantiate complaints #3 and #4. However, the Authority does offer the following suggestions:

1. Consider making the current 4th floor, accessible women's restroom a single use, unisex restroom. Consider the same for the 1st floor.
2. Information regarding the mayoral advisory committee that addresses the needs of persons with disabilities is available on the city's internet site under the heading of Boards and Commissions. The information provided lists the committee members; however, the function of the committee and its availability to the public is not specifically addressed. To enhance public accessibility of this city resource, consider including information about the committee's purpose and availability on the city's internet site.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.



Office of the City Manager

July 1, 2009

Teresa Parks
Human Rights Authority Director
Regional Human Rights Authority
5407 North University Street, Suite 7
Peoria, Illinois 61614-4776

RE: City of Peoria
Case #09-090-9010

Dear Ms. Parks:

As per the Authority's request, the City of Peoria submits this response to the recommendations provided in the Report of findings for the above listed case.

With regard to the recommendation to change the first and fourth floor women's restrooms into a single use, unisex restroom, the City has determined that such a change may negatively impact our female users. To that end, the City will instead move forward with the removal of the lock on the accessible men's restroom on the building's first floor. This change allows the maintenance of separate rest room facilities and eliminates the concern regarding equitable access for male visitors to the building after hours.

Installation of a new heating and air conditioning system in City Hall made it possible to remove large floor mounted radiators throughout the building. The removal of these fixtures from the fourth floor men's restroom has provided enhanced accessibility to individuals in wheelchairs. Given this change, no further changes to the women's restroom on this floor will be pursued.

The recommendation to update the City Website will be implemented. In the Commission and Boards area, a statement of purpose will be added to the information regarding the Mayor's Advisory Committee for the Disabled. The change should be completed by the end of July 2009.

Lastly, by submitting the enclosed request form, the City herein asks that our response to the Authority's Report & Findings be made a part of the public record at the body's next regularly scheduled meeting.

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ADVOCACY COMMISSION
PEORIA REGIONAL OFFICE

We thank you for all of your assistance in this matter and appreciate the spirit of cooperation demonstrated throughout this process.

Sincerely,


Henry Holling
Interim City Manager

Attachment

cc Kimberly King, Legal
David Watkins, EOO

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ADVOCACY COMMISSION
PEORIA REGIONAL OFFICE**