

Donna Belton

19-729

From: Julian Leone <opra+request-5445-00233ceb@requests.opramachine.com>
Sent: Saturday, May 18, 2019 1:11 AM
To: clerkforms
Subject: OPRA request - Americans With Disabilities Act

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Dear Howell Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

The records that I am requesting are as follows:

Under the Americans with Disabilities Act of 1990 (42 U.S. C. 12131) a public entity shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Act. Please provide the name, office address, and telephone number of the employee that has been designated by Howell Township under this requirement.

In addition, a public entity shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Act. Please provide an electronic copy of these procedures and the date in which these procedures were adopted.

Please note that under the New Jersey Open Public Records Act, every public agency must provide electronic records free of charge.

Thank you,

Julian Leone

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-5445-00233ceb@requests.opramachine.com

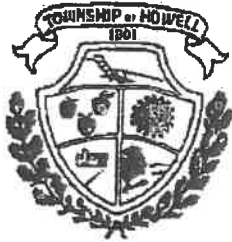
Is clerkforms@twp.howell.nj.us the wrong address for OPRA requests to Howell Township? If so, please contact us using this form:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fnew%3fbody%3dhowell_township&c=E,1,jgKSftPcPy2JSy2R88didKQ3QC0gSb_Z0HtmKxB3x05QNZaxvsjQZqH8mQMHanHAR8VGbZeFKrU7NkPMLPIxzueY7sWpUhky9vDpbNHk0WuFog,,&typo=1

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View this OPRA request & responses online:



TOWNSHIP OF HOWELL

251 Preventorium Road
Post Office Box 580
Howell, NJ 07731-0580

732 938-4500
FAX 732 919-7428
Web site: www.twp.howell.nj.us

TO: PAUL ORLANDO, CONSTRUCTION OFFICIAL
FROM: HELENE SCHLEGEL, TOWNSHIP MANAGER
DATE: SEPTEMBER 15, 2008
RE: ADA COMPLIANCE OFFICER

I am writing to inform you that I hereby appoint you as the Township's ADA Compliance Officer.

I am confident that you have the capability of performing this function efficiently.

Please reach out to Susan Moleon at the County Office at 732-761-3599, as she will be able to assist you with information in regards to this appointment.

Congratulations on your appointment.

HS/jt

CC: Jill Tripodi, Human Resources Administrator



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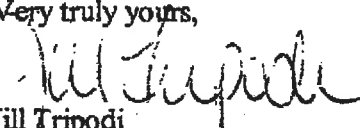
September 15, 2008

Susan Moleon, Director
Division on Aging, Disabilities & Veterans Interment Affairs
Office on Disabilities
21 Main & Court Center
PO Box 1255
Freehold, NJ 07728

Dear Ms. Moleon,

Pursuant to our conversation, I am writing to advise your office that the Township of Howell has appointed Paul Orlando as our ADA Compliance Officer. Mr. Orlando is currently the Township's Construction Official. I have forwarded your contact information to Mr. Orlando so that he may reach out to you. If you require further information, please do not hesitate to contact me at extension 2100. Thank you

Very truly yours,


Jill Tripodi
Human Resources Administrator
Township of Howell

CC: Helene Schlegel, Township Manager
Paul Orlando, Construction Official
George Gravatt, Mechanical Plant Supervisor
Bill Nunziato, Township Engineer

State and Federal Laws Regarding Accessibility

Accessibility for people with disabilities is required by several laws. The Americans with Disabilities Act is a Federal civil rights law that prohibits discrimination against people with disabilities in employment; government programs, services, and activities; and public accommodations and commercial facilities. The Americans with Disabilities Act applies to new construction and also requires that building owners improve the accessibility of their existing buildings, but no specific building improvements are required. The Americans with Disabilities Act exempts private clubs and religious entities from compliance. The enforcement of the Americans with Disabilities Act is through a civil law suit filed with the United States Department of Justice (DOJ) alleging discrimination.

The Federal Fair Housing Amendments Act is a Federal civil rights law that prohibits discrimination against people with disabilities in housing. The Federal Fair Housing Amendments Act applies to buildings with four or more dwelling units in a single structure that were constructed after March 1991. The Federal Fair Housing Amendments Act does not apply to buildings that were occupied for the first time prior to March 1991. The Federal Fair Housing Amendments Act is enforced by a complaint to the Department of Housing and Urban Development alleging discrimination. The FFHAA references the ANSI A117.1 standard for accessible design as a safe harbor, so compliance with the ICC/ANSI A117.1 technical standard referenced in Chapter 11 should result in compliance with the FFHAA.

Both these Federal laws include technical standards that provide direction on how to create an accessible building and building site. Failure to comply with the technical standards could result in a determination of discrimination.

New Jersey has a state civil rights law, the Law Against Discrimination. The Law Against Discrimination does not contain technical standards, but instead references the New Jersey Uniform Construction Code (UCC), specifically the Barrier Free Subcode (BFSC) as its standard of compliance. The Law Against Discrimination is enforced by a complaint filed with the New Jersey Division on Civil Rights.

The Barrier Free Subcode (Chapter 11, IBC) of the UCC sets the requirements for accessibility in new construction; the Rehabilitation Subcode (Subchapter 6 of the UCC) sets the requirements for accessibility in construction projects in existing buildings. It is important to note that the UCC does not require a building owner to undertake a construction project, but whenever a project is undertaken, there are specific standards of accessibility that must be met.

The interaction of these laws means that a project that is undertaken with the intention of complying with the Americans with Disabilities Act will be required by the local code enforcement office to meet the standards of the Barrier Free Subcode. The technical standards adopted as part of the Americans with Disabilities Act are much the same as those adopted as part of the BFSC. The Department reviews the Federal standards before proposing an updated model code to ensure that the dimensional requirements of the BFSC meet those of the ADAAG. The Department also reviews guidance issued by the US DOJ to ensure that any changes in the scoping of projects are also included.

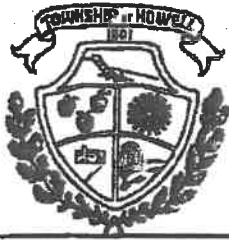
It is also important to note that although the Americans with Disabilities Act exempts some buildings (those that are owned and operated as private clubs and those that are owned and operated by religious entities), private clubs and religious entities are subject to the Uniform Construction Code. So, when a private club or a religious entity undertakes a construction project, the Uniform Construction Code, including the Barrier Free Subcode, applies.

An example might be helpful: A building owner could decide to install a ramp to make a building entrance accessible. If the building is a commercial building, the building owner could be doing this to improve accessibility, as is required by the Americans with Disabilities Act. The construction plans for the ramp would be submitted to the local code enforcement office and reviewed for compliance with the Barrier Free Subcode. If an exempt entity decides to install a ramp, that decision would be made not for compliance with the Americans with Disabilities Act, but simply to improve accessibility. The construction documents for that ramp would also be submitted to the local code enforcement agency and reviewed for compliance with the Barrier Free Subcode. The standards for a ramp are the same in both the Americans with Disabilities Act and the Barrier Free Subcode.

There are three general areas of possible conflict between the scoping of the ADAAG and the BFSC or the dimensional requirements of ADAAG and the BFSC. These are: areas where ADAAG is more stringent; areas where the NJ IBC is more stringent; and, finally, areas where there is a difference, such as a dimensional difference that does not impact usability, where both dimensions cannot be met. The actions to take are:

- Where the scoping requirements of the ADAAG or FFHAA are more stringent than the BFSC, allow compliance with the ADAAG or FHAA.
- Where the BFSC is more stringent than ADAAG or FFHAA, enforce the provisions of the BFSC.
- Where there is a difference, such as a dimensional difference, that does not clearly impact usability or safety, allow compliance with the ADAAG and require a variation. The variation will provide a legal record of the deviation from the UCC requirements.

Source: Emily W. Templeton, Code Development Unit, (609) 984-7609



TOWNSHIP OF HOWELL

DEPARTMENT OF COMMUNITY DEVELOPMENT & LAND USE

4567 Route 9 North, 2nd Floor

Post Office Box 580

Howell, NJ 07731-0580

Phone: (732) 938-4500 x2300

Fax: (732) 414-3243

Web: www.twp.howell.nj.us

AMERICANS WITH DISABILITIES ACT COMPLAINT FORM



COMPLAINANT INFORMATION

LAST NAME		FIRST NAME		MIDDLE NAME	
ADDRESS			CITY	STATE	ZIP
PHONE NUMBER	Home: () -	Work (optional): () -		DATE	

ALTERNATE CONTACT

LAST NAME		FIRST NAME		MIDDLE NAME	
ADDRESS			CITY	STATE	ZIP
PHONE NUMBER	Home: () -	Work (optional): () -			

COMPLAINT INFORMATION

AGENCY ALLEGED TO HAVE
DISCRIMINATED / DENIED ACCESS

DIVISION / UNIT

LOCATION (City / County)

DATE OF
INCIDENT

INCIDENT OR BARRIER

Please describe in detail the alleged barrier or discriminatory conduct -alleged to have occurred.
