

# Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST., N.W.

WASHINGTON, D. C. 20001



July 29, 1993

IN REPLY REFER TO:

L&O:LNG:lng

(93-249-L)

(x-ref. 92-391-L)

Marjorie B. Rachlin  
Chairperson  
Advisory Neighborhood Commission 3-F  
4401 connecticut Avenue, N.W. suite 401  
Washington, D.C. 20008

Re: Must ANC 3-F provide a sign language interpreter at a pUBLIC meeting upon the request of a hearing-impaired person who gives notice of his intention to attend the meeting?

Dear Chairperson Rachlin:

This is in reply to your June 25, 1993 letter to the Corporation Counsel in which you inquire whether Advisory Neighborhood Commission (ANC) 3-F is required by law to provide a sign language interpreter at its pUBLIC meetings for the benefit of a hearing-impaired person who resides within the boundaries of ANC 3-F and attends such meetings.

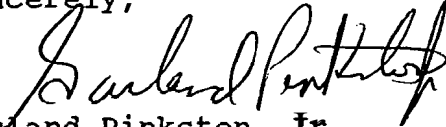
By letter dated October 22, 1992 (copy enclosed), this Office advised ANC 3-F that the Americans with Disabilities Act of 1990, approved July 26, 1990, Pub. Law 101-336, 42 U.S.C. § 12131 et seq., and the implementing regulations codified at 28 CFR § 35.101 et seq. (1992), required ANC 3-F, as a "public entity" under the Act, to provide an interpreter for a deaf candidate at ANC 3-F's candidates' forum meeting scheduled for October 26, 1992. The statutory and regulatory provisions quoted in that letter also apply to the instant situation, namely the provision of interpreter services for a hearing-impaired ANC 3-F constituent in order that that person may have "an equal opportunity to participate in, and enjoy the benefits of, a[n]...activity conducted by" the ANC. See 28 CFR § 35.160(b)(1) (1992). Thus, the answer to your principal question is "yes."

You ask whether ANC 3-F must provide this service at every pUBLIC meeting or only if the hearing-impaired person notifies ANC 3-F of his intention to attend a particular meeting. In this regard, 28 CFR § 35.160(b)(2) (1992) provides that "[i]n determining what type of auxiliary aid and service is necessary, a pUBLIC en-

tity shall give primary consideration to the requests of the individual with disabilities." This language suggests that it is entirely proper for ANC 3-F to require the hearing-impaired person to notify ANC 3-F in advance of the meeting date whether he will attend the meeting. In short, ANC 3-F is not legally required to have a sign language interpreter at every public meeting just in case this person appears, but only at a meeting that the person has informed ANC 3-F he will attend.

Finally, you ask whether the District is obligated or willing to give ANC 3-F a special allowance to cover this expense." There is no law obligating the District to provide a special allowance to ANCs to cover this expense. Thus, any payment due a sign language interpreter would have to come out of the ANC's quarterly allotments or private contributions received by the ANC.

Sincerely,



Garland Pinkston, Jr.  
Deputy Corporation Counsel  
Legal Counsel Division

Enclosure

cc: The Honorable Harold Brazil  
Chairman, Committee on Government Operations  
Council of the District of Columbia

Regena Thomas  
Director, Office of Constituent services

otis H. Troupe  
District of Columbia Auditor

---

You state in your letter that ANC 3-F welcomes all of its constituents to its meetings, and would be willing to send our [hearing-impaired] constituent copies of the minutes." Such an alternative would not satisfy the requirements of the Americans with Disabilities Act of 1990 unless the hearing-impaired person in question agreed.