

# **ADA FACT SHEET**

## **Settlement Agreement between the United States of America and the City of New Orleans, Louisiana**

On July 26, 2007, the Department of Justice entered into an Amended Settlement Agreement with the City of New Orleans, Louisiana, under title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-12134, and the Department's implementing regulation, 28 C.F.R. Part 35. The Amended Settlement Agreement is the 155th agreement reached under Project Civic Access, a wide-ranging initiative to improve state and local government compliance with the requirements of the ADA.

The Amended Settlement Agreement amends and supplements a previous Settlement Agreement entered into with the City of New Orleans on January 30, 2002, that resulted from the Department's compliance review of the City under title II of the ADA. The 2002 Agreement was to remain in effect until January 30, 2007, or until the parties agreed that all work required under the 2002 Agreement had been completed. Section C (Physical Changes) of the 2002 Agreement required the City to make physical changes to specified facilities within specific time frames. However, in August, 2005, Hurricane Katrina produced widespread flooding in the City. As a result, almost all of the facilities listed in Section C of the 2002 Agreement were closed. The remaining facilities have been damaged. The Amended Settlement Agreement signed on July 26, 2007, updates the original 2002 Agreement and reflects a plan to address the current ADA issues facing the City of New Orleans.

The Amended Settlement Agreement is designed to facilitate the City's compliance with the requirements of Title II of the ADA with respect to its emergency operations plan and its efforts to address hurricane-related damage to its buildings and facilities. The Department worked closely with the City to identify the remaining facilities that remained open. The Amended Settlement Agreement will help ensure that the new construction of public buildings by the City will be ADA compliant. It also provides for certain training and technical assistance to help ensure that City building officials, architects, engineers, contractors, and others involved in rebuilding public and private facilities in the City of New Orleans are meeting their obligations to design, construct, and alter buildings and facilities so they are accessible to people with disabilities. In addition, the Civil Rights Division will provide the City with technical assistance to ensure that the City's emergency planning includes the steps needed to address the needs of persons with disabilities, as required by Title II of the ADA.

The text of the Amended Settlement Agreement specifies the steps the City of New Orleans will take to ensure access for people with disabilities to its facilities, programs, services, and activities. Among other things, the City has agreed to:

- complete physical changes required in the 2002 Agreement that had not yet been made;
- ensure that all of its facilities will be constructed or rehabilitated in full compliance with ADA requirements;
- ensure that programs, services, and activities housed in facilities built before the effective date of the ADA are accessible to and usable by individuals with disabilities.

The Department has agreed to provide technical assistance to assist the City of New Orleans in its efforts to provide facilities that are accessible to persons with disabilities. The Department has agreed to provide:

- design reviews of certain plans for new construction and modification to facilities;
- training on ADA architectural requirements for key City personnel and for local architects, engineers and contractors;
- live ADA consultation for private business owners, landlords, contractors, architects, and others who are designing or rebuilding facilities covered by Title III of the ADA.

Finally, the Amended Settlement Agreement sets out a collaborative relationship between the City and the Department related to emergency management issues and compliance with title II of the ADA. Under the Amended Settlement Agreement, the City will provide the Department with the City's Emergency Operations Plan ("EOP"). The Department will provide technical assistance to the City on modifications required to ensure compliance with title II of the ADA, and the City has agreed to revise its EOP consistent with technical assistance provided by the Department, ensuring that the plan is revised and implemented in compliance with the ADA.

The Department recognizes that the City of New Orleans has already completed many of the provisions of its original 2002 Settlement Agreement and taken a number of steps to increase access to its programs, services, and facilities. Access to City Hall, recreation centers, parks, and other important city facilities have expanded and will be further improved in the next few years. The Mayor's Advisory Council for Citizens with Disabilities and its ADA Coordinator have implemented an active program that reflects the City's commitment to lead New Orleans into compliance with the Americans with Disabilities Act. The City's website reflects that goal of maintaining communications that are accessible to all. The City has taken steps to notify residents and visitors to register for the City's emergency notification system that is now available. The Amended Settlement Agreement will remain in effect for four years from July 26, 2007. It is available on the ADA Home Page at [www.ada.gov](http://www.ada.gov).