



Disability Discrimination Fact Sheet: Government Agencies and Other Public Entities

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Federal and State Disability Discrimination Laws

Title II of the Americans with Disabilities prohibits disability-based discrimination by state and local governmental entities. Title II also requires that governmental entities provide reasonable modifications in policies and practices to people with disabilities to ensure that they have equal access to government services. A sample letter to request a reasonable accommodation and a sample support letter from a treating professional are below. Section 504 of the Rehabilitation Act provides similar protections from discrimination by entities that receive federal funds.

California law provides similar protections to Title II and Section 504. The Unruh Civil Rights Act and the Disabled Persons Act prohibit disability-based discrimination by any business establishment. Government Code Section 11135 prohibits discrimination by businesses that receive state funds. Any violation of the ADA is also a violation of state law. However, in some circumstances, state law or other federal laws such as Section 504 may provide a higher level of protection than Title II.

Administrative Complaints

Title II of the ADA is enforced by the U.S. Department of Justice (DOJ). Section 504 can be enforced by individual federal agencies, which may

have arrangements for shared enforcement with the DOJ. State law is enforced by the California Department of Fair Employment and Housing (DFEH). Other agencies may also have jurisdiction to hear specific types of complaints regarding public entities. For example, the California Victim Compensation Board offers compensation for victims of violent crimes. If you believe that you have been discriminated against, you can file an administrative complaint with the DOJ under federal law, or with the DFEH under state law. Title II complaints must be filed with the DOJ within 180 days of the discriminatory conduct. DFEH complaints must be filed within one year of the discriminatory conduct.

Contact information for the DOJ and the DFEH is below.

DOJ Complaints:

U.S. Department of Justice Civil
Rights Division
950 Pennsylvania Avenue, N.W. Disability
Rights Section - NYAV
Washington, D.C. 20530

Online Filing: https://www.ada.gov/filing_complaint.htm

Phone: (800) 514-0301

TTY: (800) 514-0383

DFEH Complaints:

Online Filing: <https://www.dfeh.ca.gov/filing-a-complaint-online/>

Phone: (800) 884-1684

TTY: (800) 700-2320.

Mail: Call (800) 884-1684 and request the appropriate complaint form to print and return. Please allow additional time for mail and processing.

Litigation

Violations of the laws discussed above may also be enforced through private lawsuits. Please be aware that statutes of limitations restrict the timeframe for filing litigation, and that you could potentially lose claims if

you do not act within the applicable statute of limitations. These deadlines can be as short as two years from the date of discrimination.

Additionally, the Government Tort Claims Act requires that a government tort claim be filed within six months of a discriminatory incident before bringing a lawsuit for money damages against a state or local governmental entity. More information about tort claims can be found at <http://www.disabilityrightsca.org/pubs/522901.pdf> Please note that this website links to the form for claims against the state or a state agency or employee, which may not apply in your case. Other public entities may have their own tort claims form available on their website. If you are interested in pursuing litigation, you should consult with an attorney as soon as possible.

If you are seeking less than \$10,000 in money damages, another option is to file a discrimination case in Small Claims Court. The statutes of limitations discussed above will apply. You cannot use a lawyer if you go to small claims court. Here is a link to a Disability Rights California publication that explains the process of using Small Claims for discrimination cases: <http://www.disabilityrightsca.org/pubs/520601.pdf>.

Sample Letter to Request a Reasonable Accommodation

[Date]

Dear [Public Entity]:

I am writing to request reasonable accommodations for my disability/disabilities. I [am/would like to] receive services from [Public Entity]. Because of my disability, I need the following accommodations: [list accommodations]. My [physician/psychiatrist/psychologist/therapist/social worker/occupational therapist /other individual (describe)] has deemed these accommodations necessary in light of my disability. Please see the attached letter from [doctor or professional's name].

Federal and state law require that public entities accommodate people who have disabilities. Please respond to this request by [date]. Feel free to contact me at [your phone number and/or e-mail address] if you have any questions. Thank you.

Sincerely,

[Your name]

[Your address]

Sample Support Letter

[Date]

Dear [Public Entity]:

I am the [physician/psychiatrist/psychologist/therapist/social worker/occupational therapist] for [Name], and am familiar with his/her condition. [S/he] has a disability that causes certain functional limitations. These limitations include [list functional limitations that require the requested accommodation].

[The requested accommodation] is necessary for [Name] to [apply for/have equal access to the services and benefits of] [name of Public Entity]. [Describe how the accommodation will assist or support the individual]. Thank you for providing this reasonable accommodation for [Name].

Sincerely,

[Name and Title]

We want to hear from you! Please complete the following survey about our publications and let us know how we are doing! [\[Take the Survey\]](#)
For legal assistance call 800-776-5746 or complete a [request for assistance form](#). For all other purposes call 916-504-5800 (Northern CA); 213-213-8000 (Southern CA).

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.