

THE AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE MODIFICATION POLICY (§35.130(b)(7))

It is the policy of the City of Arvada to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.

Requests for modifications in policies, practices, or procedures will be granted unless the City of Arvada can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

The City of Arvada is not required to provide a reasonable modification to an individual who meets the definition of “disability” solely under the “regarded as” prong of the definition of disability. Nothing in the Americans with Disabilities Act Part 35 regulations provides the basis for a claim that an individual without a disability was subject to discrimination because of a lack of disability, including a claim that an individual with a disability was granted a reasonable modification that was denied to an individual without a disability.

The City of Arvada may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the City of Arvada will ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

ADA Part 35 regulations do not require the City of Arvada to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.