



# Memorandum

**TO:** COMMITTEE ON ECONOMIC  
DEVELOPMENT

**FROM:** Sarah Zárate

**SUBJECT:** DISABILITY AFFAIRS ANNUAL  
REPORT

**DATE:** May 7, 2024

Approved

Date

5/10/24

## RECOMMENDATION

Accept staff's annual report on disability affairs FY 2023-2024 activities and key FY 2024-2025 initiatives.

## BACKGROUND

The Disability Affairs portfolio of work prioritizes a barrier-free environment and inclusion of people with disabilities across the organization in the design, implementation, and funding of City policies, programs, and services. On June 13, 2023, City Council formalized its commitment to disability access through adoption of the Disability Inclusion Equity Pledge, highlighting disability inclusion as a human right, and approval of an annual status report to the Community and Economic Development Committee.<sup>1</sup>

Improving access for people with disabilities emerged through lessons learned during the COVID-19 pandemic, community advocacy and partnerships, and City Council direction in an effort to reduce the burden on people with disabilities of navigating complex systems and advocating for equitable rights to services. Since the new Disability Affairs Officer position in the City Manager's Office was filled in December 2022, collaboration across City departments, community organizations, and individuals with lived experiences continues to play an invaluable role in the City's Disability Inclusion and Community Engagement Work Plan.<sup>2</sup>

## ANALYSIS

Based on the recent designation of people with disabilities as a minority population, people with disabilities make up the nation's largest diverse group of which anyone can become a member at

<sup>1</sup> [Disability Inclusion Equity Pledge \(www.sanjoseca.gov\)](http://www.sanjoseca.gov)

<sup>2</sup> Renamed to align with community terminology.

[Disability Community and Service Evaluation \(www.sanjoseca.gov\)](http://www.sanjoseca.gov)

any time, whether a disability is present at birth or acquired later in life, and either temporarily or permanently.<sup>3</sup> According to the Centers for Disease Control, a disability is “any condition of the body or mind that makes it more difficult for the person with the condition to do certain activities and interact with the world around them.” Disabilities (visible or invisible) can include difficulties in hearing, vision, cognitive function, and mobility. It can also include mental health and other chronic health issues.

The new designation serves as a reminder of the global movement to consider disability through a “social model” – i.e.; disabilities are part of the human experience, that people are actually disabled by the environment, and universal accessibility should be considered in the design of physical and social surroundings; and away from the “medical model” – i.e., people with disabilities are “flawed” and need to be “fixed,” which suggests an individual’s functional limitation is the cause for their inability to participate fully in society.

Notably, the designation of people with disabilities as a minority population signifies a significant step towards creating equitable opportunities and improving life outcomes for people with disabilities. In parallel, the City’s prioritization of a barrier-free environment (based on the social model) centers on a proactive and phased approach to accessibility. It aims to normalize disability inclusion and belonging through three guiding objectives:

1. Build institutional awareness about disability inclusion and access;
2. Support disability affairs organizationally; and
3. Improve accessibility in five areas across departments:
  - Communication and information access;
  - Community engagement;
  - Employment access;
  - Physical access; and
  - Shared data collection.

To advance the guiding objectives and begin operationalizing the adopted pledge, staff partnered with World Institute on Disability, an organization with deep expertise on disability issues, staff with lived experience, and familiarity with the local context. World Institute on Disability also worked with the County of Santa Clara in the first year of establishing its Office of Disability Affairs and Community Advisory Body.

### **Phase 1: Operationalize Disability Inclusion Equity Pledge**

Staff have been working to advance disability inclusion and access over the fiscal year. Key activities accomplished during Phase 1 include:

---

<sup>3</sup> “NIH Designates People with Disabilities as a Population with Health.” *National Institutes of Health (NIH)*, 26 Sept. 2023. [www.nih.gov/news-events/news-releases/nih-designates-people-disabilities-population-health-disparities](https://www.nih.gov/news-events/news-releases/nih-designates-people-disabilities-population-health-disparities).

- Advocated at all levels of government with the City Manager’s Office Intergovernmental Relations team, which included monitoring legislation and providing feedback on impacts to the City.
- Co-hosted two community events (in-person and virtual), bringing together business and disability communities to foster understanding and share resources on accessibility and Americans with Disabilities Act (ADA) compliance.
- Co-led (with Santa Clara County’s Office of Disability Affairs) the Disability Access Regional Working Group of local government agencies to advance a proactive approach to accessibility and share best practices/lessons learned.
- Collaborated/partnered with community stakeholders and other jurisdictions via 75+ meetings/events.
- Collaborated with City departments on accessibility improvements, including:
  - Access and Functional Needs (AFN) guidance in emergency management table-top and c-pod exercises.<sup>4</sup>
  - Developed ADA Mandatory Disclosure Flyer for all business licensees pursuant to Senate Bill (SB) 748.<sup>5</sup>
  - Identified nearly \$1 million of funding for Accessible Pedestrian Signal updates and internship opportunities for people with disabilities.
  - Restructured the City’s Disability Access Improvement Grant Program to include up to \$25,000 in funding for construction remediations/barrier removal.<sup>6</sup>
  - Updated guidance on assistive technology devices for City Hall Tower and library locations.
  - Updated Al Fresco parklet/sidewalk seating regulation and permit application to include an “accessibility plan” as part of the checklist for approval.
- Continued guidance and established “go to” contact for disability affairs (internal and external).
- Created two new City web pages (internal and external) centralizing disability access programs and resources for the community and employees.
- Developed Employee Disability Access Resource Guide.
- Implemented gap analysis for accessibility improvements through document review, on-site visits, employee surveys, and interviews with employees in pilot departments.<sup>7</sup>
- Implemented gap analysis for disability inclusion in the City’s emergency preparedness plans and provided feedback for improvement.
- Monitored ADA grievance procedure and implementation.
- Provided pilot education, training, and skill-building on disability fundamentals, ableism, and accessibility, including four training sessions with more than 70 employees. An

---

<sup>4</sup> Access and Function Needs represents individuals in need of additional response assistance and may include those who have disabilities, live in group or institutionalized settings, are seniors, children, from diverse cultures, have limited English proficiency or are non-English speaking, or transportation disadvantaged.

<sup>5</sup> [Mandatory ADA Disclosure Flyer](http://www.sanjoseca.gov) (www.sanjoseca.gov)

<sup>6</sup> [Disability Access Improvement Grant Program Info Memo](http://www.sanjoseca.gov) (www.sanjoseca.gov)

<sup>7</sup> Pilot departments include Building, Office of Economic Development and Cultural Affairs, Public Works, and Transportation.

Employee Lunch and Learn “Access for All: Navigating Digital Accessibility” is scheduled for May 30, 2024.

Staff has worked to institutionalize disability inclusion through the initiatives listed above and will continue to develop strategies that improve how City departments, programs, and services provide accessibility as opportunities arise. For example, during Phase 1, the Disability Inclusion Equity Pledge tenets were incorporated into the City’s Children and Youth Services Masterplan, Customer Service Vision and Standards Learning Modules, the Legislative Program, Emergency Communications Operations Plan, and the proposed Racial and Social Equity Ordinance.

### **Strategic Framework**

The City’s adopted Disability Inclusion Equity Pledge defines disability “as an evolving concept resulting from attitudinal and environmental barriers hindering the participation of persons with disabilities in society.” Thus, barriers to accessibility and inclusion often exist not just in physical environments but also in behaviors, attitudes, and policies. To remove these barriers and ensure full participation for people with disabilities, staff continues to advance the disability affairs portfolio of work through five strategic actions centered around a proactive approach to accessibility that aims to ensure equitable opportunities for people with disabilities, as shown in **Figure 1**.

**Figure 1: Disability Affairs Framework: Fostering Inclusion & Equitable Opportunities**



The framework is based on multiple workstreams that have evolved through Phase 1 and are anticipated for Phase 2 in collaboration with various stakeholders and people with lived experiences.

**Cultivate Proactive Accessibility** – Developing a proactive approach to accessibility in the design phase of projects helps ensure the inclusion of people with disabilities at the beginning, creating equitable opportunities and a barrier-free environment.

**Advance Policy & Advocacy** – Supporting policy development and identifying sources of funding that support key accessibility initiatives will improve life outcomes for people with disabilities and play a critical role in system change at all levels of government.

**Build Awareness** – Providing education, skill building, and training about disability fundamentals, rights, and ableism plays a critical role in fostering understanding and building institutional awareness about disability inclusion, equity, and accessibility.

**Partner with Community** – In the spirit of “Nothing About Us without Us,” including members of our community, prioritizing the expertise of people with lived experiences, and strengthening partnerships with community organizations representing these voices to ensure inclusion, representation, and effective input that creates a more welcoming and accessible City.<sup>8</sup>

**Strengthen Data Collection** – Collecting data about people with disabilities in our community will inform effective policy and play a foundational role in system change, equitable opportunities, and improved life outcomes.<sup>9</sup>

## **Phase 2: Continue Building Staff Capacity and Embed Disability Affairs into the City Manager’s Office Ongoing**

Based on the outcomes of Phase 1 and the intention to continue learning and make progress with the Disability Inclusion and Community Engagement Work Plan, key initiatives anticipated in Phase 2 (FY 2024 – 2025 and beyond) are centered around building capacity through continued collaboration with community organizations, stakeholders, and people with lived experiences, and include:

- Continuing collaboration with departments regarding accessibility improvements;
- Continuing training and developing modules for employees citywide to further educational resources and build disability inclusion awareness;
- Disseminating newly created resources and tools and collecting feedback to improve and expand the resources available;

---

<sup>8</sup> “Nothing About Us Without Us” is the idea that policies should be decided with the direct participation of members of the group affected by that policy. It relies on the principle of participation and is part of a global movement to achieve the full participation and equalization of opportunities for, by, and with persons with disabilities.

<sup>9</sup> Data collected ensures anonymity and does not include personally identifiable information, but rather informs policy and program design and advocacy.

- Establishing an internal working group of Accessibility Liaisons across departments that will include coordination around disability and language access;
- Launching an update of the ADA Transition Plan through departmental coordination and monitoring;
- Reviewing and updating internal policies to ensure accessibility and inclusion of people with disabilities and develop standardized procedures, as needed;
- Reviewing and updating language in requests for proposals, contracts, and agreements to ensure third-party compliance with disability access laws, as needed;
- Streamlining gap analyses with remaining City departments; and
- Reviewing the City of San José's updated Emergency Operations Plan to ensure there is a priority and intent to apply the principles of non-discrimination, whole community inclusion, equity, diversity, and accessibility and to comply with federal and state legislation.

### **Intersectionality in Disability**

Disability results from the interaction between an individual's condition (such as cerebral palsy or depression), personal and environmental factors (including negative attitudes, inaccessible transportation, or public buildings), and limited social support. Today, over one billion people, or about 15% of the global population, including children, have a significant disability, and this number is increasing.<sup>10</sup> Nationally, the Centers for Disease Control estimates one in four adults, or 27% of our population, have a disability.<sup>11</sup> Disability also often intersects with other structural forms of identity that work together to impact a person. For example, if someone is Black or Brown *and* has a disability, the combination of both factors together shapes a person's life experiences and often impacts their employment, education, housing, and access to healthcare at more than twice the rate of people without disabilities.

According to the American Census Survey (ACS) of 2022, San José has approximately 97,863 residents with disabilities (10.1 % of the total population).<sup>12</sup> The ACS provides disaggregated data by age, gender, race, and disability type. Notably, disability is known to vary across data sets, which makes it hard to quantify the true number of people with disabilities. Inconsistent data is likely due to a lack of consensus on the definition of disability, suggesting that people with disabilities are not reporting or might not have information to self-identify accurately. Regardless of the varying data, however, there is consensus that disparities result from a complex interaction of socioeconomic and demographic characteristics, often showing a relation between race, disability, and poverty.

Advancement of the City's disability affairs portfolio will allow staff to strengthen data collection, further learn where inequities exist, and create informed policies and interventions

---

<sup>10</sup> "Disability." *World Health Organization*, World Health Organization, [www.who.int/health-topics/disability#tab=tab\\_1](http://www.who.int/health-topics/disability#tab=tab_1)

<sup>11</sup> Disability Impacts All of Us Infographic | CDC. (2023, January 5). Centers for Disease Control and Prevention. <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>

<sup>12</sup> Bureau, United States Census. *Explore Census Data, San Jose Disability Characteristics*. <https://data.census.gov/table/ACSST1Y2022.S1810?q=San%20Jose%20city,%20California%20Health&g=160XX00US0668000&tid=ACSST5Y2022.S1810>

aimed at improving life outcomes for people with disabilities and other intersectional marginalized groups based on age, gender identity, immigration status, language, race, religion, and others that face systemic inequities.

### **Community Meeting, Stakeholder Input & Glossary of Terms**

The City Manager's Office hosted a virtual community meeting with City Councilmember Pam Foley on Thursday, April 18, 2024, to share an update on the disability affairs portfolio and a glossary of disability access terms for community input. In an effort to prioritize accessibility, multi-language translation (Chinese, Spanish, and Vietnamese) and American Sign Language interpretation were provided.

Community members expressed support and appreciation for the City's effort. Input included concerns regarding accessibility and disability inclusion in services for children, public safety and 911 alternate response for people with disabilities, emergency preparedness and response, digital accessibility, and lack of a citywide advisory body focused on disability access and inclusion. Staff plans to address and integrate the concerns expressed in the Phase 2 work plan, other existing City strategies, and initiatives as appropriate, and explore opportunities to raise awareness and develop policy around these focal topics within the organization and with external partners.

Feedback was also provided regarding the glossary (see Attachment), which has been incorporated accordingly to foster a shared understanding of disability inclusion. This Glossary of Terms has been posted on the City's Disability Access Programs and Services webpage.<sup>13</sup>

### **Next Steps**

The Administration is committed to further advancing the Disability Inclusion and Community Engagement Work Plan and embedding it into the City organizational structure. To do this, the City Manager's Proposed Budget for Fiscal Year 2024-2025 recommends continuing and making permanent the Disability Affairs Officer (Assistant to the City Manager) position.<sup>14</sup> In addition, if approved by the City Council, the position that was being piloted in the Office of Administration, Policy and Intergovernmental Relations would transition to the Office of Racial and Social Equity (formerly Office of Racial Equity). This transition aligns with best practices of other large, council-manager-governed cities across the nation that situate disability access practitioners within executive-led and equity-focused offices.

Integration of the disability affairs portfolio within the Office of Racial and Social Equity aligns with the Office's current strategy to normalize, operationalize, and embed equity practices across the City of San José. Disability intersects with race and other structural forms of marginalized identities, often compounding each other and exacerbating the stigma and discrimination experienced by people with disabilities. The integration will facilitate an intersectional approach

---

<sup>13</sup>[Disability Access Programs and Services](http://www.sanjoseca.gov) (www.sanjoseca.gov)

<sup>14</sup> The Assistant to the City Manager position is currently a temporary, limit-dated position that ends June 30, 2024.



May 7, 2024

**Subject: Disability Affairs Annual Report**

Page 8

to disability that considers the complexities of people's situations rather than just one aspect of their lives.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office, and the Office of Racial Equity.

/s/  
SARAH ZÁRATE  
Director, Office of Administration, Policy, and  
Intergovernmental Relations

The principal author of this memorandum is Raania Mohsen, Disability Affairs Officer. For questions, please email [Raania.Mohsen@sanjoseca.gov](mailto:Raania.Mohsen@sanjoseca.gov) or contact (408) 535-8147.

### **ATTACHMENT:**

Glossary of Disability Access Terms