

MEMORANDUM

The Commission on Disability Issues provides the following memorandum regarding the proposed closed captioning ordinance:

Summary of Proposed Ordinance: Require closed captioning, where available, to be activated on all televisions used in places of public accommodation. Does not require purchase of new equipment. Civil penalty of \$500 if found in violation.

Reasons behind Ordinance:

1. Safety/emergency preparedness

(a) It is essential to have closed-captioning on televisions at all times in the case of an emergency so that Deaf/Hard-of-Hearing consumers may be able to access emergency information broadcasted on televisions.

2. Ease of access to content

(a) The City of Ann Arbor aims to be inclusive for all of its citizens, and having closed captioning on at all times would remove the barrier of information access for its residents and visitors with hearing disabilities, as well as those with hearing who may have difficulty hearing the aural content on televisions in noisy environments.

Model this Ordinance is based on: Portland, Oregon

Other cities a similar ordinance has been enacted in:

1. Portland, Oregon (2015)
2. San Francisco (2008)
3. Article 44 of the San Francisco Police Code, "CLOSED CAPTIONS ACTIVATION REQUIREMENT ORDINANCE."

Examples of places that would be subject to this Ordinance:

1. Waiting Rooms in hospitals, outpatient clinics, and other medical offices
2. Lobbies and reception areas of businesses open to the public
3. Service areas of bars and restaurants
4. Exercise, lounge, dressing and bar and restaurant areas of health clubs
5. Sales areas of retail stores
6. Service areas of barbershops, hair, or nail salons

Prior challenges in enacting ordinances similar to this:

1. Closed captioning in sports bars - bar owners argue that closed captioning impedes the viewing of the sports game.
 - (a) Counterarguments:
 - i. Sports fans' enjoyment does not trump the Americans with Disabilities Act and the needs of those with hearing loss

ii. If captioning is poorly placed on the television during the sports game, a report should be made to the Federal Communications Commission, the federal agency overseeing the use and placement of closed captioning on television programming. The FCC will be able to remedy poorly-placed closed captioning.

Educational Materials:

1. An advocacy group created this website for the Portland Ordinance:

<http://captionsonnow.net/>

- (a) A similar informational webpage illustrating how business can comply with this ordinance could be created with the support of personnel in the City Communications Office.
- (b) Cards could be created for distribution to businesses for education.