

ANN ARBOR COMMISSION ON DISABILITY ISSUES

RESOLUTION TO SUPPORT DEVELOPMENT OF AN ORDINANCE REGARDING USE OF CLOSED CAPTIONING IN PLACES OF PUBLIC ACCOMMODATION

Adopted on March 9, 2016

WHEREAS, The purpose of the Ann Arbor Commission on Disability Issues is to:

- a) Promote equal opportunities for individuals with disabilities;
- b) Strive to enable full participation in all aspects of community life for persons with disabilities;
- c) Provide disability-related technical assistance, information, referral and advocacy to City Council personnel, the community, individuals and groups;

WHEREAS, The Ann Arbor Commission on Disability Issues is authorized to coordinate and provide recommendations to City personnel, citizens commissions, authorities, and committees; and community individuals and groups serving on annually designated programs to respond to identified service needs;

WHEREAS, The Ann Arbor Commission on Disability Issues agrees with the findings of the City Council of Portland, Oregon in adopting ordinance No. 187454 (Portland City Code Section 23.01.075), which requires activating closed captioning, where available, on televisions used in places of public accommodation, namely that:

1. Hearing loss is a significant problem in the United States. A study released in 2011 by researchers at Johns Hopkins estimated that approximately one in five Americans have some type of hearing loss in one or both ears that affect their ability to communicate and receive information.¹
2. In 1993, the Federal Communications Commission ("FCC") adopted regulations requiring all analog television receivers manufactured and sold in the United States with screens larger than 13 inches contain built-in decoder circuitry to display closed captioning.
3. Closed captioning consists of a transcript of the audio portions of television programming displayed on the television receiver screen when the user activates the caption feature.
4. In 1996, Congress amended the Communications Act to require that all video program distributors (including broadcasters, cable operators, etc.) add closed captioning to certain video programming and authorized the Federal Communications Commission (the FCC) to establish a transition schedule for complying with this requirement.

¹ http://www.hopkinsmedicine.org/news/media/releases/one_in_five_americans_has_hearing_loss (site visited February 1, 2016)

5. Following Congress's legislative directive, the FCC adopted administrative rules to ensure that video programming be accessible by closed captioning to the maximum extent possible. 47 CFR Part 79 sets forth the FCC's standards for accessibility of video programming.
6. In 2002, the FCC adopted closed captioning requirements for digital television receivers.
7. Under the FCC' s rules, video program distributors are required to add closed captioning to all new English language programming. Starting in 2010, a similar requirement has applied to Spanish language programming. The FCC also requires video program distributors to add closed captioning to a certain percentage of previously broadcast programs.
8. In 2010, Congress enacted the Communications and Video Accessibility Act ("CV AA"), extending the scope of closed captioning requirements to all devices that can play back video. Since September 30, 2012, new TV programming shown online is required to have closed captioning rendered as well.
9. Television receivers are increasingly used in facilities open to the general public, including hospital waiting rooms, bars and restaurants, health clubs, bus stations, airport lounges, and appliance stores. These and other public facilities represent the kinds of locations where the general public has access to television programming.
10. Television receivers in these locations enable members of the general public to obtain the latest news reports in an emergency, watch local sports teams, or simply pass the time while waiting for an appointment or service to be completed. People with hearing disabilities should not be excluded from being able to meaningfully participate in these activities while in public areas.
11. In order to avoid screening out those members of the general public who are deaf or hard of hearing in places of public accommodation, there should be a requirement closed captioning be activated so as to not exclude, deny service, segregate or otherwise treat those with hearing disabilities differently from being able to fully participate in or experience the full benefits of the television programming offered to the public in those settings;

RESOLVED, That the Ann Arbor Commission on Disability Issues recommends that City Council direct the City Administrator and City Attorney to develop an ordinance similar to Portland ordinance No. 187454 requiring activation of closed captioning, where available, on televisions used in places of public accommodation, and that the ordinance be enacted by City Council