

THE AMERICANS WITH DISABILITIES ACT (ADA) NONDISCRIMINATORY ELIGIBILITY CRITERIA POLICY (§35.130(b)(8))

The City of Golden, CO will not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

The City of Golden may impose or apply eligibility criteria that screen out or might screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, when such eligibility criteria are in place to avoid a fundamental alteration in the nature of a program or because of a legitimate safety requirement. The City of Golden will ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

In those circumstances where personnel of The City of Golden believe that waiving eligibility criteria would fundamentally alter a service, program, or activity, The City of Golden must prove that waiving eligibility criteria would result in such alteration. The decision that waiving eligibility criteria would result in such alteration must be made by the Golden city manager or his or her designee after considering all reasonable methods or means of providing access to the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration, the City of Golden must take any other action that would not result in such an alteration but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the City of Golden.