

July 12, 2023

Committee on Local Government
California State Assembly
1020 N Street, Room 157
Sacramento, California 95814

Attention:
Assembly Member Blanca Pacheco and
Assembly Member Lori Wilson

RE: Support for AB 817 (Pacheco, Wilson)

Dear Assembly Committee on Local Government,

Disability Rights Education and Defense Fund (DREDF) writes in strong support of AB 817 (Pacheco, Wilson), which would modernize the Brown Act to permit participation in the meetings of local boards and commissions via teleconferencing, both for members of such boards and commissions and for members of the public.

Based in Berkeley, Calif., DREDF is a national nonprofit law and policy center dedicated to protecting and advancing the civil and human rights of people with disabilities. DREDF pursues its mission through education, advocacy, and law reform efforts. For more than three decades, DREDF has received funding from the California Legal Services Trust Fund (IOLTA) Program as a Support Center providing consultation, information, training, and representation services to legal services offices throughout the state as to disability civil rights law issues. DREDF is nationally recognized for its expertise in the interpretation of federal and California disability civil rights laws.

Since the official end of the public health emergency, DREDF has been contacted by numerous constituents with disabilities who need reasonable accommodations including teleconferencing to participate in the public meetings such as local advisory boards and commissions governed by the Brown Act. Many of our disabled constituents who seek to participate in public meetings are vulnerable to severe outcomes from COVID-19 and other infectious diseases and need to participate remotely to protect their health and well-being. Still others face obstacles relating to resources, mobility, and transportation. Our state's extensive experience during the pandemic demonstrates that remote participation is a feasible and effective means to include disabled and nondisabled members of our community.

Moreover, with respect to people with disabilities, the option of remote participation is a reasonable accommodation required under the Americans with Disabilities Act (ADA), which preempts state laws such as the Brown Act. *See Palmer v. Michigan*, No. 1:22-

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cv-90, 2022 U.S. Dist. LEXIS 57079, *16 (W.D. Mich., Mar. 29, 2022) (granting preliminary injunction permitting disabled plaintiff to continue full virtual participation as a board member of the Community Mental Health Authority); *Silver v. City of Alexandria*, 470 F. Supp. 3d 616, 625 (W.D. La. 2020) (granting preliminary injunction requiring City of Alexandria to allow disabled plaintiff to participate and vote virtually in all regular or special Alexandria City Council meetings).

Without changes such as those contained in AB 817, DREDF constituents will continue to be denied their rights under the ADA and will need to seek remedies.

Sincerely,

A handwritten signature in black ink, appearing to read "Claudia Center". The signature is fluid and cursive, with a prominent loop at the end.

Claudia Center
Legal Director