

Legislation Details (With Text)

File #: 230430 **Version:** 1 **Name:**

Type: Resolution **Status:** ADOPTED

File created: 5/11/2023 **In control:** Committee on Law and Government

On agenda: **Final action:** 6/22/2023

Title: Proposing an amendment to The Philadelphia Home Rule Charter to provide for the creation of an Office for People with Disabilities, to provide for the powers and duties of such Office, to eliminate a duplicative office and to otherwise provide for incorporation of the Office into the City government; and providing for the submission of the amendment to the electors of Philadelphia.

Sponsors: Councilmember Brooks, Councilmember Gauthier, Councilmember Vaughn, Councilmember Driscoll, Councilmember Lozada, Councilmember Thomas, Councilmember Squilla

Indexes:

Code sections:

Attachments: 1. Resolution No. 23043001, As Amended.pdf, 2. Signature23043001

Date	Ver.	Action By	Action	Result	Tally
6/22/2023	1	CITY COUNCIL			
6/15/2023	1	CITY COUNCIL			
6/8/2023	0	Committee on Law and Government	HEARING NOTICES SENT		
6/8/2023	0	Committee on Law and Government	HEARING HELD		
6/8/2023	0	Committee on Law and Government	AMENDED		
6/8/2023	1	Committee on Law and Government	REPORTED FAVORABLY		
5/11/2023	0	CITY COUNCIL	Introduced and Referred		

Proposing an amendment to The Philadelphia Home Rule Charter to provide for the creation of an Office for People with Disabilities, to provide for the powers and duties of such Office, to eliminate a duplicative office and to otherwise provide for incorporation of the Office into the City government; and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to The Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to The Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE III - EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

CHAPTER 1

OFFICERS, DEPARTMENTS, BOARDS,
COMMISSIONS AND OTHER AGENCIES

§3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated.

The executive and administrative work of the City shall be performed by:

(a) The following elected or appointed officers:

* * *

[Handicapped and Disabled Advocate;]
Director of Sustainability;
Director of Lesbian, Gay, Bisexual and Transgender (LGBT) Affairs;
Director of Immigrant Affairs;
Victim [Advocate.] *Advocate*;
Director of the Office for People with Disabilities.

* * *

CHAPTER 2
ELECTION OR APPOINTMENT

* * *

§ 3-211. [Handicapped and Disabled Advocate.] *Director of the Office for People with Disabilities.*

[The Mayor, with the advice and consent of the majority of all the members of the Council, shall appoint the Handicapped and Disabled Advocate.]

The Mayor shall appoint the Director of the Office for People with Disabilities.

* * *

CHAPTER 6
COMPENSATION

§ 3-600. The Mayor and Other Officers.

Until the Council shall otherwise ordain, annual salaries shall be payable in equal semi-monthly installments as follows:

* * *

[Handicapped and Disabled Advocate, \$100,000;]

* * *

ARTICLE IV
EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES
The Mayor, The City Representative and Departments, Boards, Commissions and
Offices Under the Mayor

* * *

CHAPTER 15
[HANDICAPPED AND DISABLED ADVOCATE]
OFFICE FOR PEOPLE WITH DISABILITIES

[§ 4-1500. Powers and Duties.]

[The Handicapped and Disabled Advocate shall have the power and its duty shall be to perform the following functions:

- (a) Act as an advocate for all handicapped and disabled persons with respect to all matters relating to their handicaps or disabilities.
- (b) Advise and inform handicapped and disabled persons as to their rights under federal, state and local law with respect to handicapped and disability issues, including but not limited to rights under the federal "Americans With Disabilities Act" and act as an advocate for all persons with a handicap or disability in securing such rights.
- (c) Appoint and fix the compensation of such employees as may be required for the proper conduct of the work of the office of the Handicapped and Disabled Advocate, including, but not limited to, assistant advocates. The number and compensation of such employees shall not be subject to the approval of any other officer.]

§ 4-1500. Creation. The Office for People with Disabilities is hereby created, headed by the Director of the Office for People with Disabilities.

§ 4-1501. Powers and Duties. The Office for People with Disabilities shall have the power and its duty shall be to perform the following functions:

- (a) *Coordinate the City's compliance with federal, Commonwealth and City legal requirements to create and provide access by people with disabilities to City services and programs and with respect to employment of people with disabilities, including through the development of City policies and the provision of training within the City related to such compliance;*
- (b) *Receive complaints and inquiries from the public regarding access to City services and programs as well as public accommodations where such access is required by law governing reasonable accommodations for people with disabilities, confer with City agencies and places of public accommodation concerning such complaints and inquiries, and seek to aid in their resolution, including, where appropriate, by referring complaints to the Philadelphia Commission on Human Rights and other relevant law enforcement entities;*
- (c) *Provide education and guidance to the public on the rights and interests of people with disabilities and addressing ableism and disability-positive practices; and*

(d) *Support the appointees and activities of any City commission or board created to support people with disabilities;*

(e) *Coordinate with any City office or agency dedicated to issues concerning diversity, equity and inclusion with respect to ensuring that accessibility for people with disabilities is incorporated into City policies and programs concerning such issues.*

* * *

CHAPTER 4
EXECUTIVE AND ADMINISTRATIVE BRANCH

§ 8-400. Certain General Provisions to Apply to Certain Officers.

All of the provisions of this charter which apply generally to department heads or departments, boards and commissions shall apply to the Mayor, the Managing Director, the Director of Finance, the City Treasurer, the City Representative, the Insurance Public Advocate, the Public School and Child Advocate, [the Handicapped and Disabled Advocate,] the Victim Advocate, *the heads of offices created under this Charter* and the Personnel Director and to their offices.

* * *

APPENDIX

* * *

CHAPTER A-2

§ A-200. Schedule.

This Charter shall become effective on the first Monday of January, 1952, except in the following particulars:

* * *

() *The amendments to this Charter relating to the Office for People with Disabilities shall take effect January 1, 2024.*

Explanation:

[Brackets] indicate matter deleted.

Italics indicate matter added.

