

Issuing PINES cards to homebound patrons

February 2019

Concern:

Sometime prior to December 2018, a potential patron's spouse shared a concern with the ADA Coordinator in Augusta. He was concerned that his wife had limited mobility and was unable to visit the library in person to get a PINES library card. The ADA Coordinator stated that this situation could represent an ADA violation.

Current PINES Policy:

General Policies

- Proper identification must be presented to register [1999.05]. (See: Acceptable Forms of ID)
- A library card is required in order to check out materials [1999.05, 2010.09]. Library card barcodes may also be scanned from handheld devices [2014.05]. (See: Scanning Barcodes from Mobile Devices)
- Applicants for a card must complete and sign an application form, available **at any PINES participating library's circulation desk**. Alternatively, applicants may fill out an online application form prior to **visiting the library to present their identification and complete their application** [2014.05]
- Patron account information is confidential and cannot be used for purposes other than PINES transactions. (See: Confidentiality)

Source: <https://pines.georgialibraries.org/dokuwiki/doku.php?id=circ:accounts>

Proposal:

Insert bullet point in PINES General Policies section on issuing library cards:

- Patrons who are unable to visit the library due to physical disability may complete and sign an application form that may be mailed to the patron from his/her participating library or printed from the online PINES application form. The applicant will make copies of his/her identification to be attached to the application form. The identification and application should be mailed to the local participating library. The participating PINES library will process the application and send a library card and any other materials typically shared with new patrons by mail to the patron. Copies of patron's identification documents will be shredded after the card has been issued.

Research on topic:

See Appendix .

Opinion from Georgia's State ADA Coordinator:

E-mail correspondence from Stacey Valrie Peace, *State ADA Coordinator*

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“As you know, Title II of the ADA states: A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity (28 C.F.R. § 35.130(b)(7)). A "fundamental alteration" is a change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. The burden of proving the fundamental alteration is on the service provider/entity. An service provider’s concerns for potential abuse of a service due to a modification of a procedure or policy generally is not sufficient grounds for a fundamental alteration defense. The DOJ has advised that even if one particular action would result in an undue burden or alteration this does not relieve a public entity from its obligation to provide overall program accessibility. In that case, a public entity would have to take other steps necessary to ensure that disabled individuals receive the benefits or services (Dept. of Justice Technical Assist. Manual § II -7.1.).

I am assuming that the individual is requesting “homebound” library services in lieu of being required to visit the library to complete particular transactions or services. If this is the case, I was able to locate a few DOJ settlement agreements where the provision of “homebound” library services was agreed to by the entities under the settlement agreements:

<https://www.ada.gov/DaviessCountyLibKYpca.htm> (DOJ Settlement agreement with the Daviess County Library, provision of “homebound” services was agreed to by both parties, please see #10)

https://www.ada.gov/montgomery_co_pca/montgomery_co_sa.htm (DOJ settlement agreement with Montgomery County, Maryland, provision of “homebound” library services was agreed to by all parties, please see item #17)

Additionally, I was able to locate information on Knox, County Tennessee Library Services which include “homebound” services

<https://www.knoxlib.org/about/services/homebound-and-disability-services>

Without knowing all of the particulars of the situation, I would advise that the PINES committee review all possible options/accommodations for the provision of services either via electronic/online means, via a proxy, via home services, etc. before determining how to best respond to this request for an accommodation.”

Appendix:

Examples of other library's policies

Source: <https://rockislandlibrary.org/RILibrary/files/87/873d1f25-d690-4b94-90c8-1f3ea437f454.pdf>

Homebound

- Any person who is not physically able to come to one of our Rock Island Public Libraries but lives within our service area may apply for a Rock Island Public Library card by email or by US mail.
- Requests may be made by email or by phone.
- Rock Island Public Library card registration form will be sent to the patron by mail or as an email attachment with instructions.
- Once the completed form is returned to Registrations and the database checked, a Rock Island Public Library card will be mailed to the patron.
- The patron may designate an authorized agent to check out library materials on his or her behalf.
- The Authorized agent must present the homebound patron's library card each time for checkout and show the agent's own photo ID.
- All materials checked out on a homebound card are automatically checked out for 6 weeks and renewed for 6 weeks. Libraries other than Rock Island Public Library are not obligated to check out for the extended period, but must modify the due dates manually at checkout.

Source: <https://www.nypl.org/help/library-card/terms-conditions#homebound>

Special Notes on Homebound/Books by Mail Borrowers

The books-by-mail program is for individuals who can use regular library materials, but are unable to leave their homes due to a temporary or permanent disability. Applications are available in all neighborhood branch libraries or by calling (212) 621-0564 or TTY (212) 930-0020 - 24 hours a day, 7 days per week. See Services for Persons with Disabilities: Books –By-Mail for more details.

Source: <http://millbrooklibrary.org/files/2016/09/Homebound-Lending-Program.pdf>

Homebound Lending Program Issuing Cards

A homebound library card can be issued to any Village of Millbrook, Town of Washington or Town of Union Vale resident who requires the assistance of another individual to obtain library materials due to temporary or permanent physical challenges that make it difficult or impossible to visit the Library in person. The library card is valid for three years and has the standard borrowing privileges and responsibilities. Library cards may be obtained by calling the Library

and requesting a homebound lending program application by mail. This application allows for the designation of an authorized person (designee) to check out library materials on the applicant's behalf. This application will remain on file in the Library. The designee must present the applicant's library card and designee's valid photo identification each time library materials are borrowed. The applicant is responsible for returning library materials on time and for paying any fines or fees incurred. The designee can only act on behalf of the patron for borrowing at the Millbrook Library.