



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: December 1, 2023

Re: Ordinance 23-31 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Re: Amending Chapter 2.23 (Community and Family Resources Department) by adding Section 2.23.240 - Closed Captioning in Places of Public Accommodation

Synopsis

This ordinance is sponsored by Councilmember Volan and makes amendments to Title 2 of the Bloomington Municipal Code to add a new Section 2.23.240 entitled "Closed Captioning in Places of Public Accommodation" that would require places of public accommodation to activate closed captioning on closed captioning television receivers.

Relevant Materials

- Ordinance 23-31
- Memo to the Council from Cm. Volan, District 6, Sponsor
- Closed Captions Quick Guide – prepared by the Indiana Association of the Deaf and the Hearing Loss Association of America

Summary

Ordinance 23-31 would amend [Chapter 2.23](#) ("Community and Family Resources Department") of the Bloomington Municipal Code ("BMC") to add a new Section 2.23.240, entitled "Closed Captioning in Places of Public Accommodation". This ordinance is sponsored by Cm. Volan and has been developed in coordination with several individuals, including the city's Special Projects Coordinator Michael Shermis and Holly Elkins, working with the Indiana Association of the Deaf.

The Bloomington/Monroe County Human Rights Commission considered this proposal at its meeting on November 20, 2023 and recommended passage of the ordinance. Likewise, the Council for Community Accessibility considered the ordinance at a meeting on November 27, 2023 and recommended adoption.

The proposed regulation would require places of public accommodation within the City of Bloomington to enable closed captioning on capable televisions that are in use in public places during regular business hours. Bloomington Municipal Code already defines public accommodation for purposes of the human rights ordinance as any establishment which offers its services, facilities, or goods to the general public.



Ordinance 23-31 provides certain exceptions to the general requirement, as follows:

- a television that is turned off does not need to be turned on to comply with the ordinance;
- a place of public accommodation is not required to provide a television;
- a place of public accommodation is not required to upgrade or replace a television that is incapable of displaying closed captions; and
- if two or more televisions are displaying the same channel or program, then only one of every five televisions must have closed captioning enabled (or two of every ten televisions, etc., with consideration for spacing out those televisions).

Enforcement of this requirement would be handled through a complaint process handled by the Bloomington/Monroe County Human Rights Commission (“Commission”). The Commission has an established enforcement procedure that allows it, among other powers, to investigate complaints, to make probable cause determinations (in coordination with the Legal Department), to schedule public hearings, to reach consent agreements with relevant parties, and to issue temporary or permanent orders.

More information about the Commission, its membership, and its processes is available online at <https://bloomington.in.gov/boards/human-rights>.

Several cities and states across the United States have enacted similar requirements, including [Boston, MA](#); [Salt Lake City, UT](#); [Rochester, NY](#); [Ann Arbor, MI](#); [Toledo, OH](#); [Portland, OR](#); and [San Francisco, CA](#). States with similar regulations include [Washington](#) and [Maryland](#). An Indiana House Bill ([H.B. 1390](#)) that would have added similar requirements to state law was offered in 2023 but did not make it out of committee.

The ordinance’s impact would include a possible increase in workload for the Commission and the city staff that support the Commission. The amount of additional work would depend, among other things, on the number of complaints submitted to the city. If existing staff capacity is insufficient to implement the ordinance, the administration could request additional resources, which would depend on future legislative action.

Contact

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