

Michigan Court of Appeals Requires Disability Accommodation for Public Comment at Municipal Meetings

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A recent published opinion from the Michigan Court of Appeals underscores the need for municipalities and other public bodies to ensure that their public participation policies comply with the Persons with Disabilities Civil Rights Act (PWDCRA) and provide meaningful access for individuals with disabilities.

In *Blackwell v. Inkster*, the Court of Appeals addressed the scope of a municipality's obligation to accommodate individuals with disabilities in the context of public participation at municipal meetings. The decision clarified that, under the PWDCRA, public bodies can be required to provide accommodations that ensure that disabled individuals can meaningfully participate in public comment, even when doing so requires modification of standard participation procedures.

The case arose after a resident who was unable to attend city council meetings in person due to a spinal cord injury requested that the City of Inkster allow him to submit written comments in advance and have those comments read aloud during the public-comment portion of meetings. Although the city initially granted this request, it later adopted a policy restricting public comments to in-person participation and declined to continue the accommodation. The resident filed suit under the PWDCRA, which guaranteed individuals with disabilities "the opportunity to obtain... full and equal utilization of public accommodations [and] public services... without discrimination because of a disability" and required accommodation unless doing so would impose an undue hardship.

Affirming the trial court, the Court of Appeals held that the opportunity to provide public comment at a city council meeting constituted a "public service" and included "services, privileges, advantages, and accommodations" within the meaning of the PWDCRA. The court emphasized that disabled individuals were entitled to the "full and equal enjoyment" of those services and rejected the city's argument that allowing written comments to be submitted, but not read aloud, was a sufficient accommodation. According to the court, that

alternative failed to provide equivalent participation because nondisabled individuals could have their comments heard “by all members of the public in attendance,” while the plaintiff’s comments would not be heard during the meeting itself.

The court further applied the PWDCRA’s burden-shifting framework, explaining that once a plaintiff established a prima facie case for accommodation, the burden shifted to the public entity to demonstrate that the requested accommodation would impose an “undue hardship.” The City of Inkster failed to meet this burden, as it offered no evidentiary support for its position and had previously provided the same accommodation without difficulty. The court noted that a reasonable accommodation was one that “impose[d] no fundamental alteration in the nature of the program or undue financial and administrative burdens,” and it concluded that requiring the city to read the plaintiff’s comments aloud satisfied that standard.

Importantly, the court rejected the city’s reliance on the Open Meetings Act (OMA) to justify its policy. The court acknowledged that the OMA permitted public bodies to establish reasonable rules for conducting meetings but emphasized that it “does not even address the issue of accommodation” and therefore did not displace the obligations imposed by the PWDCRA. The court harmonized the two statutes, concluding that requiring the city to read submitted comments aloud did not fundamentally alter the nature of the meetings and remained consistent with the OMA’s framework. As the injunction required only that the city read the plaintiff’s comments “out loud during Inkster City Council meetings, subject to any other rules and policies which apply generally,” the accommodation was both limited and reasonable.

Practical Implications and Action Items

Municipalities should review existing policies that require in-person participation in municipal meetings and evaluate whether alternative methods—such as reading written comments aloud or providing other mechanisms for real-time participation—might be necessary to afford “full and equal enjoyment” of public services.

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