

The Legislative Lookout

Issue 6
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Published and distributed by the Catskill Center for Independence, “The Legislative Lookout” is a newsletter devoted to improving the quality of life for individuals with disabilities by taking action to achieve a barrier-free, fully inclusive society.

The vehicle used to accomplish this goal is the Statewide Systems Advocacy Network (SSAN). This newsletter is designed to keep you informed about the goals, actions and accomplishments of the SSAN. It also provides ideas and avenues for interested citizens like you to get involved.

A Message from Your Systems Advocate



Welcome to another issue of “The Legislative Lookout,” where an open invitation is always extended to anyone interested in becoming involved in the Statewide Systems Advocacy Network (SSAN). This newsletter is designed to introduce readers to the numerous barriers confronting persons with disabilities and point out the variety of ways individuals can participate in order to bring about positive change in their community, their family, and even improve their own quality of life. The difference our advocacy network makes is that people don’t work alone, but work in concert with many others.

In this issue, we have several successes to brag about. Thanks to your support and your response to action alerts, several bills related directly to the NYAIL Disability Priority Agenda have been passed by both the Assembly and the Senate and are awaiting the signature of our Governor. We must do whatever is necessary so that Governor Paterson does not veto the Polling Site Access bill or any of the other bills he has threatened to veto.

The passage of these bills is particularly significant to the disability community this year as we celebrate the 20th anniversary of the Americans with Disabilities Act. The State Legislature in both houses has voted for the will of the people and we encourage our “disabled” Governor to keep that in mind as he reviews these bills for his signature. Until these bills are signed, we must continually contact his office to impress upon him the importance of these bills and that a veto is not acceptable.

Don’t forget to visit our blog which complements this newsletter, promotes discussion and serves to inform participants about the goals, actions and accomplishments of the SSAN. It is a work in progress, so feel free to post your comments at:

<http://www.ssan-network.blogspot.com>

You can also sign up on our yahoogroups list, another way to foster communication among its subscribers regarding legislative issues and related action alerts. This group list is at: SSAN-CCFI@yahoogroups.com

If you have any other questions or concerns, call the Center at 607-432-8000.

As you read on, remember that the Center is always on the “lookout” for new advocates interested in getting involved in the community by becoming an SSAN volunteer. No previous experience is necessary, just a desire to be part of an exciting team working together to create a barrier free environment for all New Yorkers.

So, if you haven’t already done so, join today. Tell your family and friends about the SSAN and take this opportunity to let your voice be heard! You’ll be glad you did!

NYAIL 2010 Disability Priority Agenda Summary

The New York Association on Independent Living (NYAIL) and the Catskill Center for Independence (CCFI) are dedicated to removing barriers to full community integration of all people with disabilities.



The NYAIL Disability Priority Agenda (DPA) reflects this and is the foundation upon which action alerts are constructed. The overall theme of the DPA is that: Disability programs and policies should support living and working in the most integrated setting. This is a requirement of the Americans with Disabilities Act (ADA) and the 1999 Supreme Court Olmstead decision.

The abbreviated agenda below proposes the following priorities to address barriers to community living and ensure the civil rights of people with disabilities are protected.

1. HOUSING

- a) Incorporate the housing provisions of Section 504 of the Rehabilitation Act into State law. A.7851 (Titus)
Housing developers often fail to comply with Section 504’s requirement to set aside a certain percentage of accessible units for people with disabilities when federal dollars are used for construction.
- b) Establish standards for “visitability” in State law, requiring all newly constructed single-family houses, townhouses and ground-floor units of duplexes and triplexes built with public funds to be made accessible. A. 9409 (Millman) and S.1499 (DeFrancisco)
- c) Make discrimination by landlords based on a tenant’s source of income illegal under State Human Rights Law.
Landlords often reject tenants with rental subsidies, such as Section 8 and subsidies tied to the Nursing Facility Transition and Diversion and Traumatic Brain Injury Medicaid Waivers, sources of housing funds heavily relied upon by many people with disabilities.

2. CIVIL RIGHTS

- a) Incorporate Title II of ADA into NYS Human Rights Law. A.781-B (Paulin) and S.5396 (Huntley) – Veto message # 61
- b) Waive the State’s sovereign immunity to claims under the ADA and Section 504. A.3651 (Lifton) and S.2833 (Krueger)
The Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, each provides comprehensive protection for the civil rights of people with disabilities under federal law. Under the 1999 US Supreme Court Olmstead decision, people with disabilities are entitled to receive the services and supports they need to live in the community and avoid unwanted placement in nursing facilities and other institutions.

3. ELECTION REFORM

- a) Eliminate provisions in Section 4-104 (1-a) of State Election Law allowing waivers for polling place accessibility requirements.
- b) Require polling places to comply with ADA accessibility guidelines and ensure access surveys are conducted at all polling places.
- c) Require election workers to receive mandatory training in disability etiquette and use of Ballot Marking Devices (BMD). S.1058 (Addabbo) and A. 584 (Cahill) - Veto message # 60

4. MENTAL HEALTH

- a) Amend State Social Services Law Section 384-b to eliminate subdivisions (4)(c) and (6)(a-e), which permit termination of parental rights on the basis of mental illness or mental retardation. S. 2835 (Huntley) and A.6668 (Rivera)

5. TRANSPORTATION

- a) Cap fares for paratransit transportation at levels no higher than the base fares for transportation of non-disabled adults utilizing the transit system. S. 2933 (Duane) and A. 6489 (Kellner)
- b) Require transportation service providers, such as taxis, limousines and shuttle services, to purchase accessible vehicles. A.5549 (Titus)

Even though we often have the support of our law makers it can sometimes seem like we are trying to climb a mountain. Even today, after the ADA and other disability related law, people with disabilities still face so many barriers in employment, education, housing, health care and voting that the barriers sometimes seem insurmountable.

The Statewide Systems Advocacy Network (SSAN) employs a variety of strategies and methods in its efforts to achieve the goals outlined in the Disability Priority Agenda by coordinating volunteers across the state that stand “at the ready” and are mobilized to action when called upon.

The Center is always on the “lookout” for new advocates interested in getting involved in the community by becoming an SSAN volunteer. No previous experience is necessary, just a desire to be part of an exciting team working together helping to create a barrier free environment for all New Yorkers.

If you think you might qualify, please contact Charlie at the Center at 607.432.8000 or via email at ccfi@ccfi.us.

A Job Well Done
Thanks to the SSAN for Achieving Real Success



Four bills from the NYAIL Disability Priority Agenda recently passed the Senate as part of a disability legislation package: S.7860 ensuring poll site accessibility, S.7482 incorporating Title II of ADA into NYS Human Rights Law, S.7800 incorporating the housing provisions of Section 504 of the Rehabilitation Act into State law, and S.2933 capping paratransit fares. Also included were two resolutions; the first commemorating the 20th anniversary of the enactment of the Americans with Disabilities Act in 1990, the second honoring the hard work and achievement of the independent living movement over the past several decades.

Special thanks goes to the Catskill Center for Independence, NYAIL and NYAIL Subcommittees, the SSAN and you, our volunteer advocates, for your hard work, endless calls, letters, faxes and emails which helped to pass these bills.

Polling Site Access: Are we there *yet*?

Praise is due to the New York State Senate for passing several bills recently aimed at achieving greater equality for people with disabilities. Among these was A.10946/S.7860, a bill mandating polling sites comply with accessibility guidelines established by the federal Americans with Disabilities Act (ADA) of 1990.

Last year, the exact same legislation passed both the State Senate and Assembly, but was vetoed by our disabled Governor. Now we are working to safeguard the bill against another veto by Governor Paterson this year. Being able to vote privately and independently alongside everyone else is a fundamental right. It is ironic that the state has spent millions of dollars on accessible voting machines enabling disabled voters to vote, but lags behind in ensuring voters across the state can get into the polls to use them.



For nearly twenty years the Catskill Center for Independence and the Statewide Systems Advocacy Network (SSAN) have been at the forefront of voter access issues bringing civil action to our area of the state through the Attorney General's Office and initiating legislation that would make it possible for people with disabilities to have access to their polling site. From the Civil Rights Act to the Voting Access for the Elderly and Handicapped Act, the ADA and now the Help America Vote Act (HAVA), polling site access has been a legal concept for almost forty years. HAVA seals the deal and requires every polling site to be physically accessible - no exceptions, no excuses - and funds have been granted to every state to ensure this happens. Even with all these federal laws and

determined advocacy over the years, New York's Election Law still needs to be brought into alignment with federal guideline; the NYS Senate's June 10th passage of A.10946/S.7860 was a step towards that alignment.

This bill provides for oversight at the State level and empowers the New York State Board of Elections to enforce the minimum standards by providing clear and complete instructions to the county boards of election on meeting and maintaining ADA guidelines for accessibility at polling sites. This is desirable as county boards do not necessarily have the knowledge of accessibility standards, such as a clear path of travel, designating temporary accessible parking, and adequate directional signage. Poll site workers do not have knowledge of the requirements necessary to avoid inadvertent errors on Election Day during site set-up. Education and a guide would address the pervasive problem of inadvertent errors and lack of uniformity by creating a common template used by all counties.



One unfortunate note in this otherwise positive turn of events is our own state Senator James Seward, R-Milford, didn't vote for this bill. Seward spokesman Jeff Bishop said the senator cast a nay vote because of the financial implications for small communities. While Seward favors equal access for everyone at the polls, Bishop said Seward believes small municipalities need to have the means to comply before they can be forced to comply. This is difficult to understand because the state has been, under HAVA, receiving millions of dollars in federal money over the last several years to modernize its voting systems and make polling places accessible. This was quite a disappointment since Senator Seward has typically been a supporter of legislation to benefit persons with disabilities.

Getting A.10946/S.7860 signed into law is imperative in order to safeguard our basic civil rights. The disability community, representing one-fifth of the electorate in New York State, has waited long enough to be able to vote like our non-disabled neighbors.

What Is Visitability?

Or Why It Defies Logic to Build New Homes That Block People Out, When it's so Easy and Inexpensive to Build New Homes That Let People In!

The Catskill Center for Independence assists dozens of individuals each year who face significant barriers to accessing necessary quality housing that is both accessible and affordable. We frequently experience issues of scarcity of housing as well as encounter attitudes which express either a lack of interest in providing, or working towards planning for such housing.

As you may know, the lack of housing is the most significant barrier to full community integration for people with disabilities, seniors and in particular, for individuals wishing to transition from or avoid living in institutional settings.



New housing construction can easily be designed to incorporate necessary elements to provide access (visitability) at minimal cost, but has yet to become a common approach to new home construction. A trend that has been growing nationally over the past several years, visitability provides for single-family housing that is designed to be lived in or visited by anyone, including people with disabilities, young children, and the elderly. Visitability is an affordable design approach that integrates accessible features in newly built homes, designed in such a way that it can be lived in or visited by all people including people with disabilities, young children and the elderly, the fastest growing segment of our society. Accessible features are cost-efficient because they're included during the design stage rather than added on later.



Building housing that is universally accessible has always made sense—common sense and dollars and cents. For one thing, it's less expensive to build a home one can age in, not to have to sell and move once stairs become a nuisance to the occupants. Home builders are paying more attention to design as America's millions of Baby Boomers are approaching retirement, making the idea of "aging in place" a popular one.

Visitability (or universal design) also makes a home livable to anybody experiencing a temporary disability, such as a sprained ankle, knee-surgery or back injury. It's usually inevitable at some time in a person's life (hopefully not for long) to experience a temporary disability. But for millions of Americans, disability is a way of life, and that is why more building is being done with visitability in mind. Depending on where you live, state and federal regulations are evolving to mandate visitability features be included in newly constructed single-family houses, townhouses and ground-floor units of duplexes and triplexes built with federal or public funds.

Houses that are visitable have a gradual rise to the front door, rather than steps, wider doorways (at least 36 inches), first-floor restrooms with enough turning radius for a wheelchair, and grab bars. Lowered electrical switches and outlets are also included in some municipalities. And that's it: nothing fancy; no lifts, elevators, or other assistive devices.

Visitors can be grandparents, friends, siblings, or the not-so-unusual client who uses a wheelchair. Accessibility is even useful to "latchkey" kids when lowered counters are installed. I'm sure that each of us has friends, family members or acquaintances that would benefit by any one of these features.

It is important to note, that providing such features does not require funds from any social program or industry. Visitability simply does not cost a lot of money. It is estimated that achieving visitability in houses built on concrete slabs can cost \$100 or less per house, while houses built on a crawl space can achieve visitability for \$500 per house.

Our elderly population represents the fastest growing segment of our society. It is their comfort and safety, and eventually our own, which deserves immediate attention.

In conclusion, it is the desire of advocates for persons with disabilities that our legislators establish standards for visitability in state law to require all newly constructed single-family houses, townhouses and ground-floor units of duplexes and triplexes built with federal or public funds to be made accessible.

What needs to be fully understood is that there is a housing crisis in New York State for people with disabilities. As the federal government makes changes to existing housing programs, programs private owners often opt out of; the availability of housing for people with disabilities becomes scarcer every day. The bottom line is that people with disabilities can end up or remain in institutions because there is very little accessible and affordable housing available to them. Homes that are made visitable can help to reverse this trend.

Now that you know what visitability means and how important it is to you and your future, make sure that you contact your legislators to ensure that they know as well.

Please contact the Catskill Center for Independence for more information. In addition, the Rehabilitation Engineering Research Center on Universal Design at SUNY/Buffalo has produced the booklet "Visit-ability: an Approach to Universal Design in Housing." It is available for download at <http://www.udeworld.com/visbooklet/visitabilitybooklet.pdf>

If you would like any additional information regarding the content of this newsletter or about the Statewide Systems Advocacy Network contact:

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