

**NYC
Disability Budget & Policy
Coalition**

Presents

**The Disability Budget Agenda
for the
City of New York**

2004-2005

Submitted by:
Disabilities Network of NYC
United Spinal Association

Organizations Supporting the NYC Disability Budget & Policy Coalition Agenda for 2004-2005:

- 504 Democratic Club
- 504 North Star Dems
- Achilles Track Club
- ASPIRE
- The Associated Blind
- Barrier Free Living
- Brooklyn Center for Independence of the Disabled
- Bronx Independent Living Services
- Center for Independence of the Disabled in NY
- Community Access
- Disabilities Network of NYC
- Disabled in Action of Metropolitan New York
- FEDCAP
- Harlem Independent Living Center
- Independence Care System
- International Center for the Disabled
- League for the Hard of Hearing
- Lexington Vocational & Mental Health Center
- Lighthouse International
- Manhattan Borough President C. Virginia Fields
- New York Lawyers for the Public Interest
- New York Society for the Deaf
- New York State Independent Living Council
- Queens Independent Living Center
- Self Help for the Hard of Hearing, NYC
- United Cerebral Palsy of NYC
- United Spinal Association
- VISIONS Services for the Blind & Visually Impaired
- Washington Heights Inwood Coalition on Aging
- YWCA-NYC Angela Perez Center for People with Disabilities

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**NYC DISABILITY BUDGET & POLICY COALITION
AGENDA
FY 2004-2005**

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**NEW YORK CITY
DISABILITY BUDGET AND POLICY COALITION**

Mission Statement

The mission of the nonpartisan New York City Disability Budget and Policy Coalition (DBPC) is to work together to meet the needs of individuals with disabilities and families regarding access to services and improvement of their delivery.

The DBPC focuses on cross-disability issues that foster greater community integration, promote consumer control and choice and empower people of all ages and disabilities to realize their dreams of inclusion and independence. We seek enactment of legislative and budgetary initiatives to support and advance these goals.

The DBPC promotes issues that are:

- ❖ Cross-disability.
- ❖ Reflective of consumer control and choice.
- ❖ Integrating and inclusive for people of all ages and disabilities into all aspects of our communities.

The coalition will not specifically promote the operating budgets of coalition members or other nongovernmental agencies/organizations.

Statement of Purpose

The purpose of the New York City Disability Budget and Policy Coalition (DBPC) is to:

- ❖ Achieve fiscal equality for disability-related programs and issues in the New York City budget.
- ❖ Integrate people with disabilities into their communities.
- ❖ Actively promote equality and equal opportunity for people of all ages and disabilities.
- ❖ Present a unified front of coalition members on a variety of disability-related issues.
- ❖ Develop citywide policies that embrace the ideals and provisions of the Americans with Disabilities Act, The New York City Human Rights Law and other civil rights legislation.

The New York City Disability Budget & Policy Coalition Agenda 2004-2005 is a project of the Disabilities Network of NYC (DNNYC) and its members who have signed on in support of the issues raised in this document.

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Section 2

INTRODUCTION TO DISABILITY TRANSPORTATION ISSUES

Although the need for accessibility in various transportation options are highlighted, namely franchise buses, liveries and taxis, ferries, mass transit subways and paratransit, and curb ramps are included in separate categories within this document, several other transportation issues require comment in this third annual NYC Disability Budget and Policy Agenda. This statement does not cover all possible transportation issues for people with disabilities, but attempts to provide an overview for some significant ones.

Newly created or extensively modified transportation programs trigger accessibility concerns. New transportation options in NYC continue to expand: a fully accessible livery service called A Ride for All, the Second Avenue Subway, the Free Downtown Transportation Loop and the planned revitalization and the redevelopment and creation of an intermodal transportation hub at the World Trade Center site.

The Americans with Disabilities Act (ADA), the New York State Human Rights Law, and the NYC Human Rights Law require that these systems be accessible for all people, including those with disabilities. Constructing new, accessible buildings is more cost and time effective than accessibility retrofits. Planning for access prior to

beginning construction does not always add to the cost of new construction. People with disabilities should be invited to add their knowledge, skills and abilities in the planning, construction, signage and all other aspects of building and operational design essential for full accessibility.

The NYC Department of Transportation (DOT) is responsible for piers, ferries, franchise buses and pedestrian safety; all of these entities represent areas of concern for the disability community.

Ferries could be an excellent method of transportation for many people who have difficulty using subways, but in order to be usable by people with disabilities, the piers and the ferries must be accessible, as well as the ramps and gangways that provide access. Piers are generally built on land owned by NYC, while ferries are generally privately owned and operated under a franchise with NYC. Accessibility is required, regardless of ownership. In addition, the fixed route buses that are part of the Waterborne Transport System are not accessible, and are therefore not in compliance with federal, state, or city laws.

Pedestrian safety at pedestrian street crossings in NYC has been especially hazardous for children, people in wheelchairs and scooters, people with mobility impairments, and elderly people. We do not have the statistics to verify this fact but we do know that many people in wheelchairs and scooters have been injured and several killed. To increase all pedestrians' safety, we suggest that traffic lights have a six-second lag.

MTA Metropolitan Transit Authority/NYC Transit (MTA/NYCT) is responsible for the subway system, the local bus system, and many express buses. Problems for people with disabilities using public transit discourage the use of the various transit systems and decreases independence.

Many wheelchair and scooter users do not regularly ride the subway because of the vertical and horizontal gaps. It is unsafe for a person with a disability to navigate these open spaces with the possibility of getting stuck in the gap and being dragged by the train. Most subway stations do not have elevators and the elevators that are installed are often unreliable. MTA/NYCT must inspect elevators in all stations that have them checked several times a day, keep the hotline up-to-date, repair broken elevators the same day they break and eventually include elevators in all stations.

Wheelchair and scooter users will use the subway system as long as it is safe and reliable because it is part of a unified transportation plan for the whole city, and the cheapest and most reliable form of transportation from borough to borough. For the gap problem, we suggest a contest among people who design and work on subways in NYC as well as other interested parties to encourage innovation on solving the gap problem. This idea was inspired by the successful contest sponsored by the Queens Borough President's Office and the Van Alen Institute that resulted in the creation of Queens Plaza.

The local bus system has recently incorporated low floor and articulated buses into the fleet. Many people who use motorized wheelchairs and scooters have difficulty turning while boarding these buses where the first three seats face the aisle. Wheelchair and scooter users, many of whom must navigate this tight entrance backwards, fear injuring the legs and feet of the riders sitting in these front seats that are designated for ambulatory elders and people with disabilities. If MTA/ NYCT continues to use these articulated buses, the number of wheelchair seats should be increased from two to four, because the percentage of wheelchair seats has decreased compared to the total number of seats. Currently, many wheelchair and scooter bus riders are forced to wait longer for an available wheelchair location on the bus, often in terrible weather. Before MTA/NYCT purchases newly designed wheelchair lifts or bus configurations, we welcome them to test prospective equipment at a Disabled In Action meeting. These monthly organizational meetings include people using a wide variety of wheelchairs and scooters.

Seven private bus companies also provide public mass transit services in NYC: Command, Green, Jamaica, Liberty, New York, Queens, and Triboro. Wheelchair riders complain about lift maintenance, bus operator conduct and long waits between accessible buses. In comparison with the MTA bus operation, private bus lines don't deliver the same level of accessibility and customer satisfaction. We suggest including and advertising an ADA passenger phone complaint system run by DOT, not the bus lines, similar to the MTA complaint system.

Express buses, Command Bus Service and all other weekday bus services should operate on a schedule expanded to include weekend services. While all New Yorkers will benefit from expanded weekend services, for riders with disabilities, with more limited options, this increase in service will have the greatest impact. In general, express buses should operate on a schedule that closely follows the route of the subway until all subways are accessible. Frequent problems include bus operators experiencing difficulty operating the lifts, inadequately configured wheelchair spaces, difficulty moving and securing the seats and sidewalks blocking the doors.

FRANCHISE BUSES

NYC Transit (NYCT) of the Metropolitan Transportation Authority (MTA) directly provides bus service to city riders. MTA also contracts with the seven private franchise bus companies to provide service in the Bronx, Brooklyn, Queens, and Staten Island. Currently, the NYC Department of Transportation (DOT) pays MTA over \$100 million a year to defray operating costs. Last year, the Mayor's Office of Transportation announced that the MTA would take over the franchise bus routes because the Mayor believed that MTA would run these systems more efficiently and reduce the City's budget.

It is widely agreed that the franchise bus companies offer less service to bus riders, including riders with disabilities, than NYCT. Problems range from inoperable lifts to operators with unprofessional conduct. By contrast, the wheelchair lifts on NYCT buses function the majority of the time. Furthermore, NYCT takes complaints from customers seriously. As far as moving people, NYCT clearly seems to do its best. The franchise bus companies claim that they do not receive enough money to provide lift-equipped buses and to properly maintain the wheelchair accessible buses they do have. As a result, the likelihood of being able to get on a franchise bus without calling a business day in advance is impossible on some lines.

Private bus companies recommend that people with disabilities contact them 24 hours in advance, because they know they are running buses with inoperable lifts. This seems to go against both the letter and the spirit of the Americans with Disabilities Act of 1990 (ADA). The

companies isolate the systemic complaints of disabled riders, preventing them from providing practical solutions to these problems.

People with disabilities do not have many transportation options. The subway system leaves much to be desired. Both taxis and liveries are still not wheelchair accessible. Access-A-Ride, NYCT's paratransit system requires a reservation and is not reliably timely. We need and depend on reliable fixed-route bus service. People with disabilities should be able to board buses consistently and without trepidation, just as their able-bodied counterparts.

The people of NYC have waited long enough and deserve better. It is deplorable that franchise bus riders, especially those with disabilities, are being held hostage in the budgetary battle with the franchise bus companies. We support the proposed NYC Transit takeover of the franchise bus companies so that bus service throughout the City will meet the needs of all New Yorkers.

RECOMMENDATIONS: We endorse the immediate transfer of routes run by franchise bus companies to NYC Transit, with no decrease in service or in the number or length of routes.

FISCAL IMPACT: Budget Neutral

ACCESSIBLE LIVERIES AND TAXIS

NYC depends on the inter-modal connections of public and private transportation, including buses, subways, paratransit, taxis, liveries, ferries and shuttles to move residents and visitors around the five boroughs. Each time taxi drivers' unions talk about striking, we are reminded that taxis and liveries, the on-call car services, are an integral part of our local transportation system. Unfortunately, the taxi and livery industry has not offered a meaningful level of accessible service.

Mayor Bloomberg announced last spring that 900 taxi medallions would be made available to increase the current taxi fleet over the next three years. In July, the Mayor signed a law requiring that only 9%, or 81 taxi medallions would be sold for vehicles that would be fully accessible for people with disabilities. Adding this number to the existing 5 accessible taxis means that NYC will have 86 accessible taxis out of approximately 13,900 vehicles in the next three years. This is not sufficient to meet the needs of residents and visitors with disabilities. Because taxis are only available through street hails, people trying to flag down an accessible taxi are still seeking the proverbial needle in a haystack.

NYC and the Taxi and Limousine Commission need to commit to offering a useful level of taxi service for people with disabilities. This could be accomplished at no additional cost to the City by passing the bill known as Intro 84, City Council Member Margarita Lopez's bill mandating that all 900 new medallions, and all future medallions be sold for accessible vehicles. If NYC offered 900 accessible taxis out of 13,900 in total, it would be a

meaningful and positive start towards accessible taxi service.

Accessible livery or advance reservation car services are as vital to NYC's disability community as accessible taxis. A Ride For All is a fully accessible livery car service provided by the passage of City Council Intro 555, with a current fleet of three vehicles serving the City. While we support the laudable efforts of City Council and A Ride For All, we maintain that NYC needs at least one accessible vehicle on each livery base, as stated in City Council Member John Liu's bill, Intro 444.

For many people, particularly those living in Brooklyn, the Bronx, Staten Island and Queens, livery vehicles are the only for-hire vehicles that serve their neighborhoods. This makes accessible liveries in all neighborhoods crucial to serving the needs of people with disabilities who live, work and play all five boroughs of NYC.

RECOMMENDATIONS: NYC Council should pass Intro 84, requiring all new taxi medallions be sold for accessible vehicles only and Intro 444, requiring that every livery car service base should offer at least one accessible vehicle.

FISCAL IMPACT: Budget Positive (from sale of medallions)

TAXI & LIMOUSINE COMMISSION: OPERATION REFUSAL

The Disabilities Network of NYC applauds the Taxi and Limousine Commission (TLC) for their efforts in Operation Refusal, an undercover mission in which inspectors pose as potential riders to ensure that medallion drivers stop when hailed. Operation Refusal discourages taxi drivers from illegally refusing street hails.

In 1989, the City Council enacted Administrative Code provisions, which set forth mandatory minimum penalties for service refusals. The NYPD retained primary responsibility for the enforcement of TLC rules and regulations while TLC inspectors conducted special operations.

In 1996, Operation Refusal began in direct response to consistent complaints regarding taxi drivers' refusal to transport passengers to their chosen destinations. Undercover TLC inspectors and NYPD enforcement officers posed as passengers and hailed taxicabs throughout the City. Included were persons with babies in carriages, visually impaired persons with service dogs, wheelchair users and people of all races, ethnicities and genders. On-duty taxicab drivers who refuse to stop for a hail, or to accept a passenger once stopped were issued summonses with penalties that may include substantial fines and/or license suspension or revocation.

In 1996, inspectors and NYPD officers posed as visually impaired persons with police dogs. In 1997, they switched to working with service dogs and trainers from Guiding

Eyes for the Blind. In 2003, Operation Refusal began using visually impaired individuals and their service dogs. Wheelchair users have also worked with Operation Refusal. The TLC reported the following compliance rates: 79% in 1996, 87% in 1998, 85% in 2001, 97%, in 2002 and 93% in 2003.

The TLC has identified geographical areas of concentrated refusal and passenger groups drivers are more likely to refuse. This allows the TLC to strategically enforce key locations, using specially selected decoys. In addition, the TLC encourages passengers refused service to file a complaint by calling 311, although this is difficult for passengers with visual impairments.

RECOMMENDATIONS: The Taxi and Limousine Commission should continue to survey passenger denials through Operation Refusal. The TLC needs to work with the visually impaired community to assist passengers from this community in reporting passenger refusals. City Council should support these laudable efforts by including Operation Refusal in all future bills relating to the Taxi and Limousine Commission.

FISCAL IMPACT: To be determined (minimal costs of training and implementation of program)

ACCESSIBLE FERRIES

Since 1994 (when licenses were issued to operators) a new component in the transportation infrastructure of NYC has been in development—waterborne commuter services (a.k.a. “ferries”). Until Sept. 11, 2001 ferry transportation did not catch—but since then, it has increased fivefold. This "mass-transit option" is heavily subsidized by the federal government and state and local agencies, and it can be and should be a viable alternative for meeting the needs of the disability community to move between all five boroughs of NYC and from state to state (NY-NJ).

At this time, no specific regulations exist that provide guidelines for barrier-free design of passenger piers, docks and ferry boats. This fact indicates the need for a NYC law detailing accessibility standards as soon as possible.

Hon. Margarita Lopez, Chair of the NYC Council Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse and Disability Services, has proposed such legislation to regulate ferries and their environs.

Bill Summary

This proposed legislation, the Accessible Waterborne Commuter Service Facilities Transportation Act (AWCSFTA), sets uniform standards to ensure that passenger ferry transportation services are accessible and safe for people with disabilities throughout the City of New York. Currently, people with disabilities attempting to travel by commuter ferry are not assured that they can access all the passenger piers, docks, ferry boats, shuttle buses and terminals. This legislation will benefit all

members of the public, and is particularly beneficial to seniors who often have mobility or other disabling impairments.

The specific standards for accessibility and safety provided by the AWCSFTA comply with the American with Disabilities Act's (ADA) mandate of reasonable accommodations for the disabled and addresses serious concerns of public safety and welfare as follows:

- At least one entry and departure point to the vessel must have a minimum clear width of 32 inches and this must be provided through bulwarks, lifelines, deck rails, and toe rails.
- Walking surfaces must have a non-slip surface and be properly maintained free of ice and snow.
- Doors and doorways must have a minimum standard width of 32 inches.
- Door hardware protrusions must have a maximum of 4 inches from the door and a mounting height of 34 inches minimum and a mounting height of 43 inches maximum from the floor.
- Ramps must have a minimum clear width of 36 inches which are to be measured between the leading edge of handrails;
- Ramps must have a maximum running slope of 1:12 and a maximum cross slope of 1:48. Ramp landings must not slope more than 1:48.
- Ramps must have handrails and the clear width between handrails must be at least 36 inches wide.
- Ramps must have edge protection running along both sides of the ramp and floor and other barriers must be provided to protect the safety of disabled passengers

using wheelchairs, canes, seeing eye service dogs or other aids to access vessels and facilities.

- Transition plates and/or ramps must be provided for access to inner cabins of vessels with any step or steps going into the inner covered cabins.
- Each vessel shall carry at least one evacuation chair suitable for use in an emergency situation to evacuate persons with disabilities and at least one crewmember must be trained in evacuation.

The AWCSFTA establishes a superior standard for safety, high quality service, and the need for fair treatment of people with disabilities in compliance with the ADA-- important concerns to all New Yorkers in the 21st Century.

RECOMMENDATIONS: City Council should pass the proposed legislation to protect ferry passengers with disabilities and to ensure that all people have the same opportunities to enjoy accessible ferry service.

FISCAL IMPACT: To be determined

MAKING SUBWAYS AND ACCESS-A-RIDE WORK FOR PEOPLE WITH DISABILITIES

Access-A-Ride, NYC Transit's (NYCT) paratransit service provides alternative mass transit rides for NYCT customers who cannot utilize the fixed-route system due to functional disability issues. Unfortunately, many people with disabilities report intolerable levels of systemic errors with Access-A-Ride, ranging from late pickups, scheduling disasters, disputed no-shows leading to suspensions from service, a lack of etiquette on the part of some dispatchers and paratransit operators and long telephone queue lines to schedule rides.

While NYCT's paratransit system should efficiently enable people whose disabilities would otherwise prevent them from using mass transit to navigate NYC, we feel that it is imperative to reiterate that all of NYCT should be accessible to all people. Demands on Access-A-Ride continue to increase, because for many people with disabilities, it is the only reasonable way to get around town in less than a three hour bus ride. While key subway stations are accessible or will be in the future, the majority of subway stops are not accessible for many people with disabilities. Subways provide the major interborough travel service in NYC, rendering the lack of subway access extremely disruptive for people with disabilities. In other words, even if Access-A-Ride was a perfect system, it would still not obviate the need for full subway accessibility.

Access-A-Ride users report frequent service complaints, most of which stem from an inadequate and inefficient scheduling system. For example, many riders are

inconvenienced by traveling on Access-A-Ride from one borough to another, when their destinations are in their home boroughs. This frustrating experience can be detrimental to the health of many paratransit riders with serious health concerns. Another scheduling limitation is that multiple riders going from the same point of origin to the same destination are often not grouped together in the same ride, even when the vehicle has the space to accommodate them. As taxpaying citizens, we are not impressed with this inefficient use of time and money.

RECOMMENDATIONS: NYC Transit needs to go beyond basic ADA compliance and make all of its systems accessible to all people. This would save money over the long term by reducing the budgetary reliance on paratransit for rides that people with disabilities would be thrilled to take on an integrated, accessible subway system. NYC Transit needs to resolve the scheduling and etiquette issues that continue to negatively impact Access-A-Ride customers and operators by integrating schedules more effectively, thereby reducing the stressful levels of customer – operator disputes.

FISCAL IMPACT: To be determined

CURB RAMPS

On September 9, 2002, NYC entered into an agreement with the Eastern Paralyzed Veterans Association (now United Spinal Association) to commit \$217,862,000 for the installation of curb ramps, or curb cuts on 61,074 inaccessible street corners. This agreement calls for blitz construction, concentrating on building accessible curb ramps in large, contiguous areas to save time and money. Most corners should be ramped by 2008, with the remaining 1% of difficult or problematic corners completed by 2012.

According to the NYC Department of Transportation's website,

www.NYC.gov/html/dot/html/sidewalks/pedramps.html

To date, the City has installed pedestrian ramps at 97,664 locations (reflecting 61.5 percent of the City's 158,738 corners). The City's first priority has been to install ramps in the most heavily traveled sections of the City as well as other locations regularly used by individuals with disabilities. As a result, approximately 80 percent of the intersections in Manhattan have already had pedestrian ramps installed.

We look forward to the full implementation of this settlement agreement, when all residents and visitors will have the ability to safely and conveniently navigate all curbs.

RECOMMENDATIONS: We endorse the expedient implementation of the existing settlement agreement requiring installation of curb ramps on all street corners.

FISCAL IMPACT: \$15,646,000, in FY 2004 (3rd year of 6 year settlement of \$217,000,000 over 6 years)

EMPLOYMENT AND INTERNSHIPS FOR YOUTH WITH DISABILITIES

According to the United States Census Bureau, one in five Americans has a disability. The U.S. Department of Labor reports, "although many people with disabilities are being employed and remaining employed, the unemployment rate for people with disabilities is unacceptably high" (Win with Ability Educational Kit, 2001). Research conducted by the National Institute on Disability and Rehabilitation Research (NIDRR) "shows that youth with disabilities face tremendous difficulties in accessing post-secondary education and making the transition from school to work."

When President Bush launched the New Freedom Initiative on February 1, 2001, he clearly stated that the Federal government must be a model for the employment of people with disabilities. This model should be followed on all levels of government.

The benefits to the community far outweigh the costs by integrating people with disabilities into their communities' work, civic and social fabric. This program's ultimate goal is to assist people with disabilities to become tax-paying citizens.

In New York City, there are 98,572 youth with disabilities age 16 -20 out of a total youth population of 521,879. Only 28% of youth with disabilities in this age group participate in the labor force. (Institute for Community Inclusion, 2003).

To help eliminate the barriers to employment, the creation of out-of-school, after school and summer employment

programs specifically for youth with disabilities is needed. The Citizens' Committee for Children of New York recently said, "Decreasing access to the summer jobs program for in-school youth deprives young people of the opportunity to gain work experience and earn income, and also places a strain on summer camps and community programs that depend on the involvement of young people to staff their programs."

The establishment of a new citywide program offering at least minimum wage jobs (day, after school and summer) for youth with disabilities will provide these at-risk young adults with work experience and the opportunity to develop a work history. A major barrier to permanent and/or full-time employment is the lack of prior work experience. Without access to after school and summer jobs, youth with disabilities will not be able to compete with their peers seeking future positions in the work force. In NYC, only 52% of adults with disabilities age 21 to 64 are employed as compared to 67% of adults without disabilities. (Institute for Community Inclusion, 2003)

During the 2002 Summer Youth Employment Program, 2000 of the 38,000 youth hired were youth with disabilities. This number represents only 5.2% of the total number hired. To better address the needs of this underserved population in the future, we respectfully recommend that the Department of Youth & Community Development increase the number of youth with disabilities hired for day, summer and after school employment to 10,000 (approximately 10% of New York City's population of youth with disabilities). An additional 5,000 youth with disabilities who are not yet work- ready

should be offered paid internships under the guidance of mentors in city government and the private sector.

RECOMMENDATIONS:

- The Mayor and the New York City Council should allocate funding to the Department of Youth and Community Development for Day, After School and Summer Employment Programs for Youth with Disabilities in an amount sufficient to annually hire 10,000 disabled youth age 16 to 21 at least minimum wage. The jobs should exist in city government as well as in the private sector. This will begin to address the needs of this underserved population. This investment will result in an increased tax base in the future, as people with disabilities participate in the workforce and in a reduction in expenditures for future benefits for unemployed people with disabilities residing in New York City.
- The New York City Council should create and implement a mentoring program for people with disabilities to provide interagency paid internships for 5000 people who are newly disabled or under the auspices of a rehabilitation agency. This program should provide paid internships for disabled youth age 16 to 21 years to broaden their perspective. These internships should be designed as mentoring programs, to supplement competitive employment programs.

FISCAL IMPACT: \$10,000,000

EDUCATION TRANSITIONS: HIGH SCHOOL TO WORK AND COLLEGE

“Each year, approximately 9,500 students receiving special education services exit the NYC school system by graduating, dropping out, or aging out of the system. Despite federal and state requirements that mandate comprehensive transition planning, 39% of students with disabilities in NYC high schools do not receive adequate transition services¹... Students with disabilities in NYC are half as likely to graduate than their non-disabled peers. Those that do graduate are half as likely to pursue postsecondary education or vocational training. One year after leaving high school only 38% of students with disabilities are competitively employed compared to 68% of students without disabilities.²

Both the Federal Individuals with Disabilities Education Act (IDEA) and New York State education law reflect the importance of transition services for students with disabilities by requiring that all students eligible for special education services, receive ongoing transition planning starting no later than age 14. More than just a mandated set of services, transition planning is a process with profound implications for the future success of a student with a disability. Transition planning helps students with disabilities identify future goals and prepare for the transition to the adult world of independence, post-secondary education and employment. Transition services are the coordinated set of activities that will help students

¹ Transition Matters, The State of Transition Services for Youth with Disabilities in NYC, New York Lawyers for the Public Interest

² Ibid

with disabilities meet their identified goals. Transition services often include, but are not limited to, college and career counseling, internships and job training, the development of independent living skills (i.e. independent travel training, managing a bank account, cooking, or personal care), and referrals to community based organizations and government agencies for assistance with benefits counseling and vocational rehabilitation services and assessments. Explaining and exploring the importance of this process to students, parents, educators and community members is crucial in increasing the probability of successful long-term adult outcomes for students with disabilities.

Over the past year, the NYC Department of Education has undergone massive organizational changes. A renewed focus on instruction and accountability, while important, must not overshadow the importance of ensuring that the needs of students with disabilities are met. During this period of growth, attention must be paid to ensuring that students with disabilities receive consistent and high quality transition services. A new city-wide “single point of entry” for transition services has the potential to ensure consistent services across the system, and regional special education coordinators, if properly trained in transition, have the potential to provide necessary support to transition coordinators at the individual school level. However, new organization is not enough. Without a citywide system of accountability and oversight of transition services, there will be no way to determine whether or not students with disabilities are receiving the legally mandated services and whether or not those services are adequately meeting their needs.

Furthermore, transition linkage coordinators, with enormous average caseloads of 165 students and full teaching schedules are unable to give students with disabilities the individualized attention required for successful transition planning.

There is a model program that has made a difference. In operation since 2001, New York State's successful transition pilot program—partnering community based independent living centers with local schools has changed the lives of many students. The pilot currently operates in six areas of New York State: Binghamton, Utica, White Plains, Yonkers, Newburgh and New York City. During the period from July 2001 to June 2003, Independent Living Centers served nearly 500 students. In New York City, one of the Big Five Cities and a high needs district showing the grossest disparities in outcomes for students with disabilities, the New York State Department of Education made a \$125,000 investment in the one and a half-year old Youth in Charge Program (YIC) serving 71 students. In 2003, YIC changed the lives of the students it served:

- Of graduating students, 100 percent went on to post-secondary education;
- None of the students aged out of school without a diploma and only 2 students dropped out of school;
- One hundred percent of the students served had work experiences
- Nearly 72 percent achieved goals in their transition plans—demonstrating preparedness for the post-school experience;

- Nearly one-half of the students were connected to community-services that address community living needs and lead to improved post-school outcomes;
- YIC provided training to 347 New York City school personnel, community service providers, students with disabilities and parents.

These outcomes demonstrate that even with the most difficult to serve students in a high needs school district, progress that changes children’s lives is possible.

If NYC truly wants to ensure that “no child is left behind” then services for students with disabilities, including transition services, must be given the same value and attention as is given to all education services.

RECOMMENDATIONS: The New York City Council should support continued and increased State funding for transition programs that link community based organizations with local schools.

FISCAL IMPACT: N/A

ENHANCING EMPLOYMENT OPPORTUNITIES FOR ADULT PERSONS WITH DISABILITIES

Tony Coelho, former Chair of the President's Committee on Employment of People with Disabilities has stated, "Work provides discipline and structure in our lives. It is a source of identity and social acceptance. While love makes relationships and family possible, work makes sustaining life and building a material existence vastly easier. Without work we are doomed to fail. With work, we may still fail, but we at least have the dignity of trying to succeed for ourselves... That is why I believe the right of Americans with disabilities to work must become an important part of our national debate."³

According to a survey conducted by Louis Harris for the National Organization on Disability in the year 2000, "people with disabilities aged 18 to 64 are much less likely to be employed (either full time or part time) than those without disabilities (32% vs. 81%). This gap of 49% is the largest ... and helps to explain other gaps in income, entertainment and health care."⁴ "People with slight disabilities are 8 times more likely to be employed than people with more severe disabilities (64% vs. 8%), but still less likely to be employed than those without disabilities."⁵

Among those aged 18 to 29, the gap between those with disabilities and without disabilities is the smallest-- 25%.

³ Hon. Tony Coelho, "Our Right to Work, Our Demand to be Heard: People with Disabilities, the 2004 Election, and Beyond," Address at New York Law School, October 24, 2003

⁴ N.O.D./Harris 2000 Survey of Americans with Disabilities

⁵ Ibid.

When looking only at people who say they are able to work, 56% of people with disabilities actually are working, and the gap shrinks to 25%.

Discrimination against persons with disabilities is pervasive-- 36% of people with disabilities say they have encountered some form of discrimination in the workplace because of their disabilities, the most prevalent of which is not being offered a job for which they are qualified.

Other forms of discrimination include being denied a workplace accommodation, being given less responsibility than co-workers, being paid less than other workers with similar skills in similar jobs, being refused a job promotion, and being refused a job interview.

Two out of three persons with disabilities would prefer to be working and contributing to the economy. Among those with a college education, 55% of people with disabilities are still unemployed, compared to 14% of their college-educated counterparts without disabilities.

NYC can do more to stimulate employment of persons with disabilities. Intro. 439, the local "Civil Rights Restoration Act," should be enacted to restore the protections against discrimination that federal courts have removed from the Americans with Disabilities Act.

NYC should fill all 700 civil service non-competitive positions in the 55-a program. Qualified people with disabilities can only fill these positions having the skills necessary to carry out the jobs' duties. Jobs in this category do not require taking and passing the civil service

exam. It is a self-recruitment program, so qualified job-seekers with disabilities need to proactively apply seeking employment at agencies of their choice. NYC can also work to dramatically increase the number of persons with disabilities in City employment.

All City government agencies should be required to determine the extent to which their programs and policies promote employment of people with disabilities. A Task Force on Employment of Adults with Disabilities should be created to stimulate bold measures to increase employment of adults with disabilities

NYC can also use its power to issue contracts to advance the employment of persons with disabilities. The Federal Small Business Administration's 8(a) program already does this, for small firms owned by women and the socially disadvantaged.

City contracts should be reviewed to ensure increased utilization by and award of contracts to people with disabilities. Preferences in contracts can also be issued to purchase products and services from nonprofit agencies serving persons with disabilities.⁶ Regulations preventing contractors from discriminating against racial minorities and women should also be extended to persons with disabilities.

RECOMMENDATIONS:

- NYC should fill all 700 positions in 55-a Program for non-competitive employment for persons with disabilities;

⁶ New York State Finance Law Article XI, Section 162 of

- NYC should increase the number of persons with disabilities in City employment;
- All City agencies should be required to report the extent to which their programs and services promote the employment of persons with disabilities;
- The Mayor's Office should organize a Task Force on the Employment of Persons with Disabilities; increase the utilization of and award of contracts to firms owned by people with disabilities;
- contract with non-profit agencies serving persons with disabilities;
- and require that contractors not discriminate against persons with disabilities & their businesses;
- support the passage of Intro. 439, the local Civil Rights Restoration Act.

FISCAL IMPACT: To be determined

AFFORDABLE, ACCESSIBLE HOUSING

Social Security Disability (SSD) recipients each receive \$789 per month, a disabled worker's spouse receives \$199 per month and a disabled worker's child would receive \$230 per month.⁷ This is not nearly sufficient to cover the costs of housing in NYC. According to the National Low Income Housing Coalition, The Housing Wage in New York is \$18.87. This is the amount a full time (40 hours per week) worker must earn per hour in order to afford a two-bedroom unit at the area's Fair Market rent. This is 366% of the minimum wage (\$5.15 per hour). Between 2002 and 2003 the two-bedroom housing wage increased by 3.48%.

A unit is considered affordable if it costs no more than 30% of the renter's income. Most New Yorkers are not paying affordable rent, with many paying more than half of their monthly income on rent. For people on low or fixed incomes, like many people with disabilities, this disproportionately high rent can imperil their ability to afford food, prescription and non-prescription medications, doctor visits and even insurance co-pays, among other non-discretionary expenses.

For most people, locating, securing and maintaining affordable housing is an arduous task; affordability is only half of the housing dilemma for many New Yorkers with disabilities. People with disabilities need housing that accommodates their disabilities. For people with mobility impairments, housing accessibility is a main concern, as their dwellings need to allow them to independently enter, exit, use and enjoy the same features as all other

⁷ AARP.org/econ/fs92_ssdi.htm#FIFTH

residents expect in exchange for their rent or mortgage. For people with sensory disabilities, common features like doorbells, intercom systems, fire alarms and security systems may require accommodations. All people with disabilities living in shared dwellings, like apartment buildings or coops, may need programmatic accommodations, even if their apartments are accessible. Common programmatic accommodations are being granted a parking space in the parking lot closest to the accessible walkway, being moved up on the waiting list for a ground floor apartment or being allowed to use the entrance commonly reserved for staff only.

The combined need for affordable, accessible housing places a real burden on many New Yorkers with disabilities, who live in a mostly unaffordable, inaccessible city. The housing that currently meets these definitions is dwindling. Affordable and accessible housing stock must be preserved, through the reauthorization of subsidies granted to owners, like Mitchell Lama grants and the subsidies given to housing seekers, like Section 8 Vouchers.

Additionally, there is a great need for an increase in affordable, accessible housing. As new developments are built, housing needs to be set aside that will be affordable and accessible. The 80% market value/20% below market value set aside apartments for low income people were designed to do just this, however the rents in these buildings are still too high for the majority of low income households especially those households that rely on SSI.

Because of a shortage of available voucher subsidies, individual vouchers for people with disabilities are no longer a viable option. Even the NYC Housing Authority will only accept Section 8 Applications from people who are victims of domestic violence, people who are officially in the homeless shelter system and people who are classified as intimidated witnesses, because there are not enough vouchers to fill the needs.⁸ Although new Section 8 vouchers are not readily available, it is important to remember that individuals with disabilities who already possess a voucher are often living in inaccessible housing and are constantly looking to move with their voucher to an accessible apartment.

Another viable option for future affordable, accessible housing is the Olympic Village if the Olympics and Paralympics are held in NYC in 2012. The Olympic Village will need to include accessible housing. Once the Olympics are over, these units can be utilized to increase NYC's affordable accessible housing.

New Yorkers with disabilities need the Mayor, the City Council, the Public Advocate, the Comptroller and other elected and appointed officials to keep affordable, accessible housing in mind at all times. When a new bill for increasing affordable housing stock is introduced, it needs support and specific provisions adding the requirements for accessible units. When planning for the Olympics, the eventual need for selling or renting the dwelling units, particularly the accessible ones, below market price should be a priority. NYC needs to make affordable, accessible housing a priority so that people

⁸ <http://www.NYC.gov/html/NYCha/html/section8.html>

with disabilities are not forced to enter the shelter system to qualify for housing they can pay for and enjoy.

RECOMMENDATIONS: NYC's elected and appointed officials need to ensure that all bills, enforcement provisions and other opportunities relating to housing include provisions to maintain the current stock of affordable, accessible housing and create additional affordable, accessible housing as they seek to increase the available number of units.

FISCAL IMPACT: To be determined

EXPAND SCRIE TO INCLUDE PEOPLE WITH DISABILITIES

The Senior Citizen Rent Increase Exemption (SCRIE) prevents seniors on low, fixed incomes from becoming homeless. Non-senior people with disabilities need the same level of economic dedication from NYC.

The NYC Disability Budget Coalition recommends that the NYC Council offer its full support to extending SCRIE to offer the same rent abatement to low income non-elderly people with disabilities.

Every New Yorker deserves to live in housing that is safe, independently navigable and affordable for their income level. For many NYC dwellers, finding affordable housing is a serious problem. For New Yorkers with disabilities, finding accessible, affordable housing is an even more daunting task. Maintaining housing despite escalating rent renewals from the Rent Guidelines Board further exacerbates these problems.

The New York State Temporary Commission on Rental Housing recommended the concept of extending SCRIE to people with disabilities in 1980. The New York State Assembly has repeatedly approved legislation allowing NYC an extension of the Senior Citizens Rent Increase Exemption Program (SCRIE) to include low-income people with disabilities. These grants NYC the authority to extend the SCRIE program to provide this needed rent abatement to low-income people with disabilities whose inability to pay rent increases jeopardizes their housing.

According to NYC's Independent Budget Office, raising the income threshold for qualifying SCRIE applicants and expanding the program to include non-elderly, low-income people with disabilities would cost NYC just over \$2 million in the first year, rising to \$12 million in the fifth year of expansion. This cost is relatively low compared to the costs of building new affordable housing. The recent economic downturns have escalated the need for affordable housing. While SCRIE does not build much-needed new housing units, it does preserve the existing affordable housing that is so necessary in NYC.

Housing one person in the NYC shelter system now exceeds \$25,000 each year, and the annual cost of nursing home care exceeds \$90,000. Without rental increase abatement, such as the extension of the SCRIE program, it is clear that many people with disabilities will become homeless.

The biggest obstacle to the expansion of the SCRIE program has and remains the opposition of NYC's Mayoral administration. Without the support of the Bloomberg administration, the State Senate and the Governor will not approve the expansion of the program. The Bloomberg administration and the current City Council members have the opportunity to proactively voice their support. During his campaign, Mayor Bloomberg pledged to support the expansion of the SCRIE program to assist more tenants in need of assistance. We hope that this support, and the backing of the new City Council, will culminate in the removal of the last remaining legislative obstacle and immediate local implementation.

RECOMMENDATIONS: The NYC Council should demonstrate their full support for the expansion of the Senior Citizens Rent Increase Exemption program (SCRIE) to include low-income non-elderly people with disabilities.

FISCAL IMPACT: \$2,000,000

VISITABILITY LAW FOR NYC

Availability and affordability are major housing problem for many NYC residents. People with disabilities often have the additional problems of accessibility and integration.

Adaptable design, which incorporates certain fixed access features but allows others to be added to existing structures as they are needed, is required by the federal Fair Housing Amendment Act of 1988 for all buildings with four or more housing units.

Adaptable design features are as follows:

- At least one building entrance must be on an accessible route.
- All public and common-use areas must be on readily accessible routes.
- All doors into and within all premises must be wide enough to allow passage by wheelchair users.
- All premises must contain an accessible route into and through the dwelling unit.
- All light switches, electrical outlets, thermostats, and environmental controls must be in an accessible location.
- Reinforcements in the bathroom walls for later installation of grab bars around toilet, tub, and shower must be provided.
- Usable kitchens and bathrooms must be provided so that a wheelchair user can maneuver about the space.

Visitability—not a legal term—is defined in relation to accessibility in buildings with fewer than four housing units. Accessibility and integration are problems not only for disabled people, who live in the larger apartment

buildings with four or more units, but also for those who live in the smaller buildings with fewer than four units. Since much of the housing in NYC include these smaller buildings, NYC needs a visitability law.

This law could be based on the requirements of a recently passed visitability ordinance in Onondaga County, New York that applies to single, double, and triple unit homes built with government funds and includes an accessible first floor kitchen, bedroom, and bathroom. It is clear that adaptable design features would apply to the first floor of a visitable home. In fact, with stair lifts and other types of lifts, these features could also apply to other floors. The new Chicago Building Code which requires both visitability and adaptable design in single, double, triple, and townhouses, is even stronger.

Arise, the independent living center in Syracuse that advocated for and won passage of the Onandaga ordinance, published a brochure outlining the benefits of visitable homes:

- Welcome people of all ages, including people with disabilities, to the community
- Adapt easily to the changing needs of people during their lives.
- Remain marketable because of a growing senior population and the marked expansion of the population with the graying of the “baby boomers.”
- Adding very little to the up-front construction cost minimizes the cost of modifications for accessibility. Retrofitting for accessibility, on the other hand, is far more difficult and costly than including accessibility in the original design.

- Provide an aesthetically pleasing appearance and makes neighborhoods welcoming and attractive.

An American Association of Retired People (AARP) national poll indicates that 90 percent of people 65 and older prefer to stay in their current residence as long as possible. Furthermore, the Supreme Court's Olmstead decision mandates that people with disabilities must be given services in the "most integrated setting" which generally is one's own home, however more than one million households with an older resident with a disability have unmet structural housing needs that make it difficult for that resident to remain in his or her own home.

RECOMMENDATIONS: We endorse the passage of a NYC law requiring that single, double, and triple unit homes, as well as town homes, that are either newly built or extensively renovated be built with visitability features and have an accessible bathroom, bedroom, and kitchen on the first floor.

FISCAL IMPACT: Neutral; the additional costs of building visitability into new construction & extensive renovations should be minimal.

ACCESSIBILITY REQUIREMENTS AND ENHANCED ENFORCEMENT OF THE BUILDING CODE

The NYC Council should update and uniformly standardize the accessibility requirements of NYC's Building Code by adopting the current International Building Code standards or higher. Local Law 58 of 1987 was enacted to provide accessible facilities in NYC for persons with disabilities. At that time, it was one of the nation's most comprehensive rules for providing accessible design, both in new construction and existing buildings when alterations, additions or repairs are made to a building, or when there is a change in a building's occupancy or use.

Since then, the federal government enacted two historical pieces of civil rights legislation, both of which mandate accessible design features that differ from those specified in NYC's Code. The Fair Housing Amendments Act of 1988 (FHAA) applies barrier-free design criteria to new multi-family construction, and the Americans with Disabilities Act of 1990 (ADA) establishes Standards for Accessible Design, promulgated by the U.S. Department of Justice, that apply to virtually all new construction and alterations of non-residential buildings in NYC. While there are some NYC Code requirements that exceed those of the federal government, far more provisions fall short of the minimum federal regulations; a building constructed or altered to meet only the accessibility requirements of the NYC Code will almost always violate federal law.

This situation will soon worsen for buildings covered by the ADA. Since 1996, the federal government has continued to revise the Americans with Disabilities Act Accessibility

Guidelines (ADAAG). This includes changing many of the technical criteria for accessible building elements such as elevators, auditoriums, and restrooms and has expanded the scope of covered features such as swimming pools, children's facilities and municipal housing. When the new federal guidelines take effect in 2003, those who rely on compliance with the NYC Code to provide accessibility in buildings will fall further out of compliance with the updated federal access mandates.

Persons with disabilities will be the first to experience the effects of the gap between city and federal law. Persons who use wheelchairs who attend movies in NYC theaters will experience poor seating and inferior lines of sight. Persons who are deaf or hard of hearing will occupy NYC buildings and apartments with antiquated and inefficient fire alarm systems. Blind people who are assured Braille signage in elevators and on hotel guestroom doors under the federal rules will find city buildings lacking. Elderly people who have difficulty using stairs will be afforded none of the life safety and means of egress provisions incorporated in the new federal guidelines.

Building owners and developers will continue to suffer from the disparity between the NYC Code and federal regulations as well. If a new building or a building undergoing alterations or a change in use only meets the access requirements of the city Code, the resulting violations of federal regulations will carry the promise of complaints to federal agencies, including the U.S. Department of Justice, and the U.S. Department of Housing and Urban Development, lawsuits in federal court and fines. Correcting violations in buildings already

constructed and occupied will prove expensive to owners and disruptive to occupants. While it is true that architects and engineers have a professional obligation to insure that their designs meet all applicable rules, codes and standards, the disparity between the NYC's Code and the new federal requirements will make it difficult, if not impossible to meet the two sets of access criteria.

The new federal ADAAG was developed to coordinate with the accessibility requirements of the 2003 International Building Code (IBC). For multi-family housing, the U.S. Department of Housing and Urban Development has already determined that compliance with the 2003 IBC will constitute compliance with the FHAA Accessibility Guidelines. NYC's adoption of the 2003 IBC will provide design professionals, developers, building owners, and citizens with disabilities assurance that residential, and non-residential buildings designed and constructed will satisfy the federal ADA and FHAA accessibility mandates by complying with the NYC building code.

The NYC Council should incorporate the accessibility provisions of the 2003 IBC into the city Code, thus establishing a single contemporary set of accessibility regulations that will meet all federal standards.

The NYC Department of Buildings should enhance enforcement of Local Law 58/87 by assigning identifiable staff to intake and process Local Law 58/87 complaints. The NYC Building Code (Code) and NYC Charter both mandate that the NYC Department of Buildings (DOB) shall enforce the Code. Included within the provisions of the Code are Local Law 58/87 requirements for accessible

design and construction of NYC buildings for persons with disabilities. Strict enforcement of Local Law 58/87 provisions by the DOB is necessary to ensure access to NYC's goods and services for persons with disabilities.

DOB's history of enforcing Local Law 58/87 has at times been seriously lacking. DOB has more recently improved its enforcement. DOB is working with the NYC Mayor's Office for People with Disabilities to review Local Law 58/87 waiver requests. We understand that DOB is raising proper objections to building plans when builders fail to adhere to accessibility design provisions of the Code.

The fundamental problem with DOB's enforcement of Local Law 58/87 is the significant lack of visible and reachable staff to contact regarding Local Law 58/87 violations. These complaints are often raised by NYC residents with disabilities who notice new construction or renovation at the entrance of some business they need or would like to access.

Presently there is no reachable DOB staff person to contact with a Local Law 58 complaint. In 1997, DOB placed an individual who was trained to handle Local Law 58/87 complaints and inquiries, and to enforce its mandate. This arrangement offered a reliable resource to persons with disabilities and to builders and architects who wanted to ensure compliance with the accessibility provisions of the Code. Subsequently, this staff person was re-assigned, and DOB has since rotated a number of staff in and out of this position, providing neither consistent, nor effective enforcement of Local Law 58/87. This results in an inability for persons with disabilities to gain access to businesses

and services in NYC, and an increased cost to builders and owners who must make structural corrections in order to come into compliance with the Code. DOB must provide adequate and visible staff to ensure that Local Law 58/87 complaints are addressed. The DOB must make the community aware that these resources exist to ensure a collaborative effort for enforcement of Local Law 58/87.

RECOMMENDATIONS: NYC Council should pass a law adopting the International Building Code with amendments and be vigilant that there are no rollbacks of access requirements. Dedicate DOB staff with expertise in Local Law 58/57 and make them available and visible to the community by providing public contact information via DOB website, and other publications to inform the community of this important resource. The penalties for failure to comply with the new building code should be sufficient to prevent and dissuade NYC businesses from merely paying DOB fines as a “cost of doing business.” Serious offenders should be prosecuted. The Department of Buildings staff should receive regular training in accessibility requirements.

FISCAL IMPACT: Initial Costs, Budget Neutral

FUNDING THE ONE STEP PROGRAM TO REMOVE BARRIERS

The Americans with Disabilities Act (ADA) of 1990 calls on businesses to make their goods and services easily accessible to people with disabilities. The ADA was enacted to eliminate discrimination against people with disabilities by ensuring equal opportunities in employment, state and local government services and programs, places of public accommodation, including public and private transportation and telecommunications.

Many people mistakenly believe that public accommodations are not required to make structural modifications because of the age of the business or building. The NYC Human Rights Law requires service providers to make reasonable accommodations to existing buildings, including buildings constructed before the ADA Accessibility Guidelines (ADAAG) came into effect on January 22, 1992.

The One Step Campaign, a coalition of disability, advocacy and service organizations working with Disabled In Action (DIA) and The NYC Commission on Human Rights, encourages places of public accommodation to provide wheelchair accessibility. The One Step Campaign enables individuals who use wheelchairs or other mobility aides to enter pharmacies, grocery stores, restaurants, medical and legal offices, travel agencies, real estate offices, clothing stores, libraries, museums, theaters and their housing, as well as that of friends and family.

Many establishments have a step at the entrance that prevents wheelchair users from entering. At times, it is simply one step that prohibits this easy access. This step can be as small as one inch or as large as 8 inches. The NYC Human Rights law requires places and providers of public accommodation to make reasonable efforts to provide access and services to all customers. Ramping a single step is likely to be readily achievable according to the ADA. The NYC Buildings Department waives the building permit and fee requirements for minor alterations (i.e. ramp installation). The One Step Campaign makes every attempt to resolve complaints quickly and amicably.

RECOMMENDATIONS:

The NYC Council should:

- Voice its support for the One Step Campaign by appropriating sufficient funds to permit safe and independent access to facilities and services for all people.
- Provide free consultation and technical assistance to eliminate one step obstacles.
- Send letters directly to landlords and owners, explaining their responsibility to provide reasonable accommodation.
- Submit complaints to the NYC Commission on Human Rights, requesting that the Commission conduct on site surveys to provide technical assistance to owners and verify the accommodation.

FISCAL IMPACT: To be determined

ELECTION REFORM: ACCESSIBLE POLLING SITES & VOTING MACHINES

The presidential election of 2000, for many reasons, brought the confusing, archaic voting systems currently in place for voting, into the public consciousness. Americans were horrified to discover that not all of the absentee ballots of citizens in the armed forces had been counted. Yet, for years, many disabled Americans have been forced to vote absentee because of the inaccessibility of their local polling sites and their voting machines.

Certainly, NYC was not above this dismal national standard, particularly in regards to the accessibility of its voting systems. Absentee ballots cannot be an acceptable alternative to the growing number of disabled who rightfully feel that they are not absentee citizens; they are citizens who are fully involved in the rich life of the city they love. Everyone deserves the inalienable right to vote both privately and independently, including persons with disabilities.

According to the Federal Register, the lever machines currently utilized in NYC often undercount 1 out of every 20 votes. These machines have not been manufactured in over 17 years, and are often repaired with used parts. Approximately ten years ago, the city put into place an agreement to purchase accessible voting machines; this was never done. Now is the time to fulfill this agreement. Every new voting machine purchased by the city must meet universal design standards; in other words, new voting machines must accommodate all forms of disabilities. Fortunately, there exists a host of

manufacturers that have already developed or are in the process of developing variations of a Direct Recording Electronic device (DRE). The DRE device, which is essentially a computer, is, without question, the most accessible format available for voting.

In August of 2002, the NYC Council's Committee on Mental Health, Mental Retardation, Alcohol and Drug Abuse and People with Disabilities submitted a resolution supporting the elimination of all obstacles and barriers which prevent citizens with disabilities from exercising their constitutional right to cast a secret ballot, freely and independently, in all elections held in the City and State of New York.

To place one accessible voting machine in each of the 1300 polling sites in the city, it would cost approximately \$3,380,000. The NYC's Board of Elections' budget for the 2005 fiscal year has an itemized amount of \$11,000,000 for the purchase of new voting machines.

One cannot forget that physical access to the polling site is just as important as the accessibility of the voting machines at the site. NYC continues to have inaccessible polling sites. The Disability Budget Coalition requests an allocation of \$5,000 to build accessible ramps for these polling sites. It is impossible to know exactly how much this project will cost the city, but the coalition feels this is a good start.

NYC, one of the greatest cities in our nation, should be the leader in voting accessibility. Last, but certainly not least, disability awareness and sensitivity training should be a part of every poll worker's orientation. Nothing is more

degrading to an individual with disabilities than being ignored. Every person's vote must be protected, including the votes of persons with disabilities. NYC must take the necessary steps to reaffirm the sanctity of the vote.

RECOMMENDATIONS: NYC Council should work with the disability community to petition the New York State Legislature to comply with the new federal regulations to meet national standards for machine and polling place access. NYC Board Of Elections should purchase accessible voting systems. All new polling sites should be accessible. NYC Board Of Elections should appoint a trained liaison to oversee polling place accessibility. NYC Board Of Elections should provide more extensive disability awareness and sensitivity training for polling place workers.

FISCAL IMPACT: \$3,385,000 Million

PREPARE AND EQUIP EXISTING SENIOR CENTERS TO SERVE SENIORS WITH HEARING LOSS, VISION LOSS AND PHYSICAL DISABILITIES

In March 1998, advocates for better communication (a.b.c.) sent surveys to 88 senior centers in Manhattan. Every responding center indicated they were serving seniors with hearing loss. Of those who replied, 80% had no captioning on their TVs, and 100% had no phones with amplifiers, no TTY's, and no wide area listening systems to use for seniors with hearing loss. Little has changed in the past four years. NYC Council should ensure that senior centers are provided the technology and equipment and specialized services needed for communication access, as well as the training of staff for improved communication access. This would comply with federal, state, and local laws, such as the Americans with Disabilities Act.

In 2000, the Fund for Aging Services of the NYC Department for the Aging piloted a screening project to identify and serve seniors with vision and hearing loss.

Providing communication access is a technically simple, easily accomplished task. Installing technology will allow people with recognized and unrecognized hearing loss to hear and understand all programs provided. Wide Area Listening Systems linked to a Public Address system that enhances speech intelligibility will enable communication in large rooms for people with a wide array of hearing needs who participate in senior centers.

RECOMMENDATIONS: NYC's Department of Aging needs to:

- Expand the vision and hearing screening and testing program;
- visit more senior centers;
- provide audiological evaluations;
- identify seniors with vision loss, providing referral to appropriate eye care and to fund optical aids;
- select at least one senior center in each borough as models of accessibility, with wide area listening systems linked to public address systems and appropriate lighting & contrast in decorating;
- Staff should be trained to assist seniors in maintaining their own assistive equipment (changing batteries, etc.) and in sensitivity and communication techniques;
- The Department for the Aging (DFTA) should include questions on accessibility & outreach to seniors with disabilities as part of quality assurance and program evaluation;
- should ensure that new and renovated senior and adult day care centers are ADA compliant by installing a public address system, at \$37,100 per center x 5 centers totaling \$185,500;
- should expand the City Council funded hearing van program to serve more than 20 senior centers per year;
- DFTA should train Senior Center Directors and Staff in offering programs that are accessible to seniors with vision and hearing loss
- fund environmental assessment of Senior Centers with suggested physical modification for greater accessibility.

FISCAL IMPACT: \$10,000,000

IMPROVE AND EXPAND THE CONSUMER-DIRECTED PERSONAL ASSISTANCE PROGRAM

One of the first Consumer-Directed Personal Assistance Programs (CDPAP) in the country was started in NYC in 1980. Originally created to serve "self-directing" consumers (i.e., those who were able to manage their own services), it has been expanded in recent years to include a "surrogate" program for those with cognitive disorders, such as Alzheimer's disease, and children with disabilities who have a family member or friend who oversees the delivery of services.

CDPAP tends to be cost effective because the administering agency has few administrative expenses, such as employing case managers and nurses. CDPAP is also cost-effective because it is exempt from the Nurse Practice Act, and allows personal care workers to perform specialized tasks such as suctioning, operating of respirators and other durable medical equipment.

Traditional programs require consumers to be "home bound" except for medical appointments and prohibit personal care workers from performing needed tasks such as carrying wheelchairs up and down stairs and driving consumers' vehicles. Consumer satisfaction surveys find those enrolled in CDPAP have a greater sense of empowerment over their lives and maintain a better quality of life. Additionally, personal care workers tend to stay longer with consumers in CDPAP than in traditional personal care services programs.

Currently about 1200 people are enrolled in CDPAP in NYC,

out of some 45,000 who receive personal care services through Medicaid. In contrast, a staggering 113,000 consumers are enrolled in Los Angeles County's consumer directed In-Home Supportive Services program, out of a population which is only 50% larger than NYC's, and 1,400 consumers receive services from the consumer-directed Cash and Counseling (CAC) program in Arkansas, out of a state population that is 1/3 that of NYC.

Far more individuals can potentially participate in CDPAP in NYC. One population that is not currently served here, in contrast to other areas, are developmentally disabled individuals who have a family member or friend who is able to supervise service delivery. In addition, more than 40,000 persons currently reside in nursing homes in NYC, and many of these can be placed in the CDPAP as a result of the Supreme Court's Olmstead decision as well as those requiring community based services to remain in their own homes.

In other states, CDPAP allows family members to be employed as personal care workers. In California, this is described as any family member who does not have a legal obligation to financially support the consumer (i.e., parents and spouses.) Consumers who use this option report a greater degree of security and better quality of care. Family members can remain in the home to provide needed care without having to seek outside employment to avoid financial hardship.

Cash and Counseling (CAC) programs currently exist in Arkansas, Connecticut, Florida and New Jersey. These allow consumers greater flexibility in the use of their

monthly grants. Should a personal care worker be covered under a family member's health insurance, the consumer can elect to pay the worker a larger salary in place of providing benefits. In addition, consumers have the option of saving money to purchase quality-of-life items such as wheelchair accessible vans and backup durable medical equipment, which Medicaid will not cover. In this program, the consumer must devise a monthly budget, which is approved by a designated counselor.

Current Medicaid regulations do not permit personal care assistants to be paid while a consumer is hospitalized, to prevent "double-billing." This policy is particularly onerous and potentially life threatening to CDPAP consumers because hospitals are not equipped to provide the high level of care often required for severely disabled individuals, and hospital staff may not be aware of the personal needs of severely disabled consumers. When CDPAP consumers are hospitalized for more than 30 days, they must be "reassessed" before returning to the CDPAP program. This often results in consumers losing workers who are not paid, with consumers needing to recruit, train, and hire new workers when their health is most precarious.

Currently, some participants in the CDPAP program are required to participate in "Timetrax," whereby the personal care worker must call a toll free number at the beginning and end of each tour of duty. This is contrary to the principle of "consumer direction" because it negates the consumer or designated surrogate's role as employer.

Lastly, NYC was the first place to operate a Consumer Directed Personal Assistance Program (CDPAP). The New

York City CDPAP program is being used as a national model. In keeping true to the philosophy of consumer direction, New York City must ensure that any agency that manages the CDPAP program is understands and supports the philosophy of consumer direction and that the governing body is controlled by consumers and people with disabilities.

RECOMMENDATIONS: New York City should significantly expand CDPAP to include more non self-directing consumers, particularly those with developmental disabilities, and those being transitioned into the "most integrated setting" under the Olmstead decision, permitting family members to be employed with CDPAP and eliminate "Timetrax" for CDPAP. We recommend establishing a separate fund for payment of the personal care workers of CDPAP consumers who are hospitalized, allowing consumers to serve on the Board of Directors of CDPAP, limiting agencies administering the program to those agencies which understand and support consumer direction and the creation of a Cash and Counseling pilot project in New York City.

FISCAL IMPACT: To be determined

Section 3

NYC Disability Budget & Policy Coalition Issue Summary, 2004-2005	
ISSUE	Fiscal Impact
TRANSPORTATION*	
Franchise Buses	TBD
Accessible Liveries and Taxis in NYC	Budget Positive
Taxi and Limousine Commission: Operation Refusal	Minimal Training Costs
Accessible Ferries	Budget Neutral
NYC Transit: Making Subways and Access-A-Ride Work	TBD
Curb Ramps	\$217,000,000
EMPLOYMENT* and EDUCATION	
Employment for Youth with Disabilities	\$10,000,000
Education Transitions	TBD (funded by VESID)
Enhancing Employment Opportunities for Adults with Disabilities	TBD
HOUSING*	
Affordable and Accessible Housing	TBD
SCRIE for Non-Seniors with Disabilities	\$2,000,000
Visitability Law for NYC	Budget Neutral
ACCESSIBILITY*	
Accessibility Requirements and Enhance Enforcement of the Building Code	Budget Neutral
Program to Remove One-Step Barriers	TBD
Election Reform: Accessible Polling Sites and Voting Machines	\$3,385,000
Prepare & Equip Senior Centers to Serve Seniors with Hearing Loss, Visual Impairments & Physical Disabilities	\$10,000,000
HEALTHCARE	
Improve & Expand Consumer- Directed Personal Assistance Programs (CDPAP)	TBD

* Issues marked with an asterisk are DNNYC's Top Priority Issues for 2004-2005. Others listed and unlisted, will be addressed as they arise and our attentions need to be focused upon them.