

The New York State Assembly Legislative Disabilities Awareness Day

*Monday
May 21, 2007
Albany, New York
8:30 am – 3:00 pm*

Co-Hosted By:
Speaker Sheldon Silver

Assemblymember Michele R. Titus, Chair
The Task Force on People with Disabilities

Assemblymember Peter M. Rivera, Chair
The Committee on Mental Health, Mental Retardation and
Developmental Disabilities

The New York State Assembly Legislative Disabilities Awareness Day

Schedule of Events

8:30 am – 10:00 am — Continental Breakfast — Well of LOB



10:00 am — Opening Ceremony — Well of LOB

Opening Remarks will be made by:

Assemblymember Michele R. Titus

Assemblymember Peter M. Rivera

Assemblymember Michael Cusick

Presentation of Awards



10:00 am – 2:00 pm — Poster Contest Exhibit
Well of LOB



10:00 am – 2:00 pm — Exhibitor Fair
Well of LOB and the Third Floor Terrace of LOB



10:00 am – 2:00 pm — Art Exhibit
Hallway between LOB and Concourse



11:15 am – 12:00 pm — Seminars — Hearing Rooms B and C of LOB



11:45 am – 1:15 pm — Luncheon — Well of LOB

Remarks will be made by Speaker Sheldon Silver



1:15 pm – 2:00 pm — Seminars — Hearing Rooms B and C of LOB



To Be Announced — Assembly Session — Assembly Chamber, Capitol

The New York State Assembly Legislative Disabilities Awareness Day

Presentation of Awards

“Dr. Henry Viscardi, Jr.” Advocacy Award

*Bruce Darling, Executive Director, Center for Disability Rights and
Organizer, New York State ADAPT*



“Disabilities Awareness Day” Poster Contest

Kindergarten

Nicole Leahy

Our Lady Queen of Peace



First Grade

Michael A. Gianino

P.S. 55



Second Grade

Delaney Petito

Our Lady Queen of Peace



Third Grade

Christopher McLendon

P.S. 55



Fourth Grade

Andrew Milazzo

P.S. 6



Fifth Grade

Sarah Schwartz

P.S. 6

Seminar Descriptions

11:15 am to
12:00 pm

Hearing
Room B

Seminar One

“Strengthening and Restoring the ADA”

Presenter: Frank Pennisi, *Program Services Coordinator, Southern Tier Independence Center & Chair, ADA Committee of New York*

Although many positive changes have occurred since the Americans with Disabilities Act (ADA) was passed 17 years ago, a great deal of work still needs to be done to achieve true equality for people with disabilities. This seminar will review efforts to put the major tenets of the ADA into New York State statute and discuss the promise of the newly proposed federal ADA Restoration Act, focusing on strategies we can employ to ensure that these bills are passed into law.

11:15 am to
12:00 pm

Hearing
Room C

Seminar Two

“An Update on the Nursing Facility Transition and Diversion Waiver and Money Follows the Person in New York State”

Presenters: Bruce Darling, *Executive Director, Center for Disability Rights & Organizer, NYS ADAPT*
Chris Hilderbrant, *Director of Advocacy, Center for Disability Rights*

This session will update participants on the goals and objectives of New York State’s Money Follows the Person (MFP) project. Designed to allow more people to leave institutions and live in the community by leveraging an enhanced federal Medicaid match to create systems change, New York’s MFP project will focus on housing and transition services.

Participants will also learn about the current status of implementation of the long-awaited Nursing Facility Transition and Diversion (NFTD) Waiver. In the final days of this year’s budget negotiations, agreements were reached that would allow the NFTD Waiver to move forward and create a \$2.5 million housing subsidy for individuals leaving facilities using the NFTD Waiver.

**1:15 pm to
2:00 pm**

**Hearing
Room B**

Seminar Three

“Successful Grassroots Advocacy Techniques”

Presenters: Jill Poklemba, *Advocacy Coordinator,
New York Association on Independent Living*
Chris Hilderbrant, *Director of Advocacy,
Center for Disability Rights*

This seminar will provide disability advocates with a better understanding of the state budget and legislative processes and how these directly relate to grassroots advocacy efforts. This seminar will also clarify the roles of the Legislature and the Executive in changing and implementing policies affecting people with disabilities. Ways in which advocates can maximize their impact to achieve policy goals, including advocacy strategies that have proven to be most effective in influencing policy decisions, will also be discussed.

**1:15 pm to
2:00 pm**

**Hearing
Room C**

Seminar Four

“New York’s Direct Support Workforce - Supporting Those Who Support Others”

Presenters: Ann M. Hardiman, *Executive Director, New York State
Association of Community and Residential Agencies
(NYSACRA)*
Joseph M. Macbeth, *Director of Member Services,
New York State Association of Community and
Residential Agencies (NYSACRA)*
Brandi Williams, *Direct Support Professional*

This presentation will provide statistical and demographic information on the crisis in recruiting and retaining a qualified and caring direct support workforce - the backbone of an industry that is responsible for serving and supporting people with disabilities in our communities. It will also discuss the association’s multi-faceted approach toward creating career opportunities and procuring living wages for these difficult jobs. For the past six years, NYSACRA has identified that the recognition, education and advancement of the direct support workforce as its highest priority. A Direct Support Professional will be part of this presentation to talk about the complexities of this work and the dedication to those she supports.



NEW YORK STATE ASSEMBLY

May 21, 2007

Dear Advocates:

Please accept my sincere greetings as you assemble for the New York State Assembly Legislative Disabilities Awareness Day.

I am honored to join with Assemblywoman Michele R. Titus, the Chair of the Task Force on People with Disabilities, and Assemblyman Peter Rivera, the Chair of the Committee on Mental Health, Mental Retardation and Developmental Disabilities, in welcoming you to this annual gathering. Never forget that the Assembly works for you. That is why your presence here today is so important – to make your views known.

Legislative Disabilities Awareness Day brings organizations that serve people with disabilities to Albany and offers informative seminars to help educate legislators and staff on important issues. Today we focus on the issues that must be addressed in order to provide New Yorkers with the dignity and respect they deserve. It is also a time to recognize and acknowledge the accomplishments of persons with disabilities and advocates. The comprehensive legislative package we are set to pass is the next step on this road, a step that advocates and legislators alike can take pride in.

This is a new and exciting year, and with hard work and diligence today and throughout the legislative session, I am confident we can build on our past success to make 2007 the year we achieve final passage on important legislation affecting persons with disabilities. Everyone gathered here today can be extremely proud of their tireless and dedicated efforts and of the important role they play in the legislative process.

I also want to take this opportunity to acknowledge the outstanding work of Kim Hill, the Executive Director of the Task Force on People with Disabilities. With her work on Legislative Disabilities Awareness Day and, indeed, throughout the year, Kim has established herself as an authority on the issues that are important to New Yorkers with disabilities. We in the Assembly are proud to have her on staff.

Again, thank you for making the trip to Albany. I wish you a successful day of lobbying and look forward to continuing our work together.

Sincerely,

A handwritten signature in black ink, reading "Sheldon Silver".

SHELDON SILVER
Speaker



Assembly Task Force on People with Disabilities

May 21, 2007

Dear Friends:

Assemblymember
Michele R. Titus, Chair

Kimberly T. Hill, Director
Agency Building 4, 13th Floor
Empire State Plaza
Albany, NY 12248
(518) 455-4592

I am so honored and thrilled to be hosting the 2007 Legislative Disabilities Awareness Day for the first time in my new capacity as Chair of the Task Force on People with Disabilities. In the few months that I have been leading this Task Force, I have already had the opportunity to meet several dynamic advocates who have made it their mission to develop a proactive agenda that will improve the lives of people with disabilities across New York State. Today's event will allow me to hear even more about the issues that people with disabilities are facing so that we can work towards appropriate and adequate solutions together.

I am proud to say that the Assembly is advancing a comprehensive legislative package today that was developed with a tremendous amount of input from many of you in attendance. Your advocacy efforts have not gone unnoticed. In fact, we rely on your recommendations, and for that I would like to express my true appreciation and urge you to keep up the good work. Furthermore, I would like to thank all of the exhibitors, seminar presenters and artists who have made today such a success. I strongly encourage everyone in attendance to make the most out of your time here by visiting all of the tremendous exhibits, attending the highly-informative seminars, viewing both the artwork display and the poster contest and, of course, attending legislative session.

In addition, I would like to take this opportunity to congratulate Bruce Darling, the recipient of the third annual "Dr. Henry Viscardi, Jr." advocacy award for the critical work that he does on behalf of the rights of people with disabilities, not only in New York, but across the country. I would also like to applaud Nicole Leahy, Michael Gianino, Delaney Petito, Christopher McLendon, Andrew Milazzo and Sarah Schwartz, our very talented poster contest winners who were selected from this year's many, many entries submitted by several schools within Assemblymember Cusick's district.

Thank you all for joining us at the 2007 Legislative Disabilities Awareness Day. We truly hope that you enjoy your day here in Albany.

Sincerely,

Michele R. Titus, Chair
New York State Assembly
Task Force on People with Disabilities



PETER M. RIVERA
Assemblyman 76TH District
Bronx County

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THE ASSEMBLY STATE OF NEW YORK ALBANY

CHAIR
Mental Health, Mental Retardation and
Developmental Disabilities

CHAIR
NYS Assembly Puerto Rican/Hispanic Task
Force

COMMITTEES
Agriculture
Consumer Affairs and Protection
Judiciary
Rules

May, 2007

“Never doubt that a small group of knowledgeable and committed citizens can
change the world. Indeed, it’s the only thing that has.”

- Margaret Meade

Dear Fellow New Yorkers:

As chair of the New York State Assembly Standing Committee on Mental Health, Mental Retardation, and Developmental Disabilities, it gives me great pleasure to welcome you to the 2007 Assembly’s Legislative Disabilities Awareness Day. It is my sincere hope that this event will increase awareness of issues facing people with disabilities, their needs and contributions.

Legislative Disabilities Awareness Day provides an opportunity to educate legislators and their staffs on important issues while also striving to highlight the accomplishments of advocates and persons with disabilities. In addition, the event will provide a forum on the latest services, programs, and technology available for people with disabilities.

It is strong and determined individuals, such as yourselves, that enable us to work to empower the disability community. We must continue to work together, with diligence, to improve the quality of life for all New Yorkers in the Empire State.

I applaud those individuals, organizations, and conference participants who make this event possible. Your presence is crucial to the success of this day. I look forward to working with Assemblywoman Michele R. Titus, Chair of the Task Force on People with Disabilities, and the Assembly Majority on issues that you care about deeply.

Yours truly,

Peter M. Rivera, Chair
Committee on Mental Health, Mental Retardation and
Developmental Disabilities

2007 Disabilities Awareness Day Legislative Package Summary

*On the pages that follow, please find brief descriptions of the measures to be presented on the floor of the Assembly as part of our Legislative Disabilities Awareness Day package.**

**subject to change*



A.73 (Weisenberg)

TITLE OF BILL: An act to amend the banking law, in relation to making ATMs accessible to the visually impaired.

PURPOSE: To require ATMs to use both audio and visual systems of relaying messages to its customers thus providing equal access for all individuals.

JUSTIFICATION: As technology increases, more and more people rely on automated teller machines (ATMs) as a method for doing daily banking tasks. While many ATMs currently have Braille labels indicating the functions of some buttons, most machines do not have any non-visual method for reading or relaying the sequence of messages that appear on the screen. All individuals should have an equal opportunity to access these machines.



A.244 (Cahill)

TITLE OF BILL: An act to amend the election law, in relation to requiring polling places to be accessible to physically disabled voters.

PURPOSE: To provide for the accessibility of polling places and to establish basic accessibility guidelines to ensure consistency and encourage substantial compliance at polling sites.

JUSTIFICATION: Many polling sites across the state are ill equipped to provide basic access to people with disabilities. In turn, this has severely affected their ability to go out and vote. Often times, such barriers as steep steps and narrow doorways impede the only available routes to these buildings. Entrances that are more accommodating to those with disabilities are frequently obscured from view, due to a lack of proper signage. Furthermore, many polling sites are located in basements, which can only be reached by stairway. A lack of adequate handicapped parking spaces has been a deterrent as well.

By mandating that all polling sites comply with these accessibility guidelines, this law will help ensure that all people with disabilities can be accommodated in a fair and equitable fashion at all polling sites.



A.2461 (Morelle)

TITLE OF BILL: An act to amend the education law, in relation to creating the state interagency council for services to persons who are deaf, deaf-blind, or hard of hearing to promote a comprehensive service system for the deaf, deaf-blind, and hard of hearing population.

PURPOSE: Services for deaf, deaf-blind and hard of hearing persons are provided by many agencies of the State government and through funding from these agencies, by many private agencies and providers. This bill would establish an Interagency Council for Services to Persons Who are Deaf, Deaf-Blind, or Hard of Hearing under the administrative lead of the Education Department. The Council would coordinate the collection of information on population needs, engage in comprehensive strategic planning and prepare legislative and policy recommendations to the Governor, the Legislature and the Board of Regents.

JUSTIFICATION: This bill would significantly improve the delivery of services to individuals who are deaf, deaf-blind, or hard of hearing. It would provide a discussion focus on the delivery of comprehensive services for medical, housing, transportation, technology supports, personal care, family supports, and day programs for the deaf, deaf-blind and hard of hearing. Interagency discussion would result in an identification of the needs of the deaf, deaf-blind and hard of hearing communities and a more efficient matching of these needs to state resources. The establishment of a Council that includes persons who are deaf, deaf-blind or hard of hearing will do much to ensure that services for this population are responsive to the special needs of these groups. As of now, there is no single "impartial" place where deaf and multi-handicapped deaf individuals can receive information regarding available services.



A.4691 (Paulin)

TITLE OF BILL: An act to amend the vehicle and traffic law, in relation to providing certain persons with disabilities with a waiver for metered parking.

PURPOSE: To allow people with disabilities who are already entitled to a disabled person license plate or parking permit, and simply cannot operate a parking meter because of their lack of fine motor skills or inability to reach the meter, to obtain a metered parking waiver permit to park for free in metered parking spots.

JUSTIFICATION: Parking for people with certain physical disabilities is a challenge, especially in areas where street parking is largely monitored by parking meters. For drivers with certain fine motor control or dexterity limitations, or for those who cannot reach a parking meter because of their wheelchairs or other ambulatory devices, parking in metered parking spots can be impossible. This bill, modeled after an existing law in the State of Michigan, will allow people with disabilities already entitled to a disabled person license plate or parking permit, who simply cannot operate a parking meter because of their inability to reach the meter or put payment into the tiny slots, to park for free

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A.4691 (Paulin), *continued*

in metered parking spots anywhere in New York State. In order to obtain permission to park for free in metered parking spots, interested persons will either have to have a form from the department of motor vehicles completed by their physician or acceptable state agency, and submit such documentation to their same local government office that currently issues disabled person parking permits.

To limit abuse, there are several provisions in the bill. For instance, when utilizing the permission to park for free in metered parking spaces, the person with the qualifying disability must be the parked vehicle's driver. When a person with a qualifying disability is traveling as a passenger, the driver of the vehicle can, and should, put payment into the meter. Violation of certain provisions in the bill may result in revocation of the permit or civil penalties.



A.4932 (Paulin)

TITLE OF BILL: An act to amend the executive law, in relation to protections against discrimination on the basis of disability in the area of public accommodations.

PURPOSE: The purpose of this bill is to clarify the scope of protections against discrimination on the basis of disability in the area of public accommodations.

JUSTIFICATION: Beginning with the adoption of Chapter 988 of the laws of 1974, true nondiscrimination requires more than merely refraining from offensive conduct. In some instances, there are certain modest actions which must be undertaken to assure that people with disabilities have an equal opportunity to participate in certain programs, services and activities. The federal Americans with Disabilities Act (ADA), signed into law in 1990, ensured that people with disabilities cannot be discriminated against when attempting to utilize, access and enjoy a broad range of facilities and services which are private in nature but open to the public ("public accommodations"). Title III of the ADA requires operators of places of public accommodation to refrain not only from discriminatory actions, but also to undertake reasonable modifications in policies, procedures or practices, provide auxiliary aids and services, and remove certain architectural, communication and transportation barriers which prevent people with disabilities from utilizing public accommodations on an equitable basis, where such removal is "readily achievable."

Such requirements are consistent with the long standing policies of the New York State Division of Human Rights which have been upheld by state courts. While the Human Rights Law does not, for example, currently explicitly mandate the removal of architectural barriers, the Appellate Division has upheld the authority of the Commissioner of Human Rights to order the operator of an inaccessible facility to maintain a ramp and not merely refrain from engaging in discriminatory behavior. STATE DIVISION OF HUMAN RIGHTS V. CROSS AND BROWN, 83 A.D.2d 993, 443 N.Y.S.2d

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A.4932 (Paulin), *continued*

671 (1st Dept. 1981) (affirming without opinion an order of the State Human Rights Commission).

Given the minimal resources which the federal government has in the past and is also expected to devote to ADA enforcement in the future, the availability of state enforcement mechanisms through the Human Rights Law is essential to assure adequate protections against discrimination on the basis of disability in the area of public accommodations. Furthermore, it adds consistency for places of public accommodation that are attempting to assist people with disabilities by putting the federal requirements in state law. And finally, it secures these protections in state law, should they be challenged in federal court.



A.6303 (Paulin)

TITLE OF BILL: An act to amend the executive law, in relation to certain unlawful discriminatory practices.

PURPOSE: The purpose of this bill is to clarify the scope of protections against discrimination on the basis of disability in services provided by public entities.

JUSTIFICATION: Beginning with the adoption of Chapter 988 of the laws of 1974, true nondiscrimination requires more than merely refraining from offensive conduct. In some instances, there are certain modest actions which must be undertaken to assure that people with disabilities have an equal opportunity to participate in certain programs, services and activities.

Title II of the ADA prohibits discrimination on the basis of disability by government entities. For several years, similar requirements have been applied to any entity, including state and local government, which receives federal funds pursuant to the federal Rehabilitation Act of 1973. Given the scope of the 1973 mandate and the extent to which state and local government continue to receive federal funds, the additional impact of this requirement should be minimal. Although Section 296 of the Executive Law already prohibits such discrimination by public entities as employers and operators of public facilities, this measure will clarify two key obligations of governmental entities providing benefits, programs or services.

First, it will be clear that prohibitions against discrimination extend beyond employment and use of facilities to services, programs and activities. This distinction becomes critical in the case of individuals who may be afforded full access to a facility but are denied the opportunity to participate in a program offered in that facility because of their disability. Second, it will be consistent with comparable federal requirements and will clarify the obligation of the public entity to take reasonable actions to assure that the rules, policies or practices by which services, programs or activities are

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A.6303 (Paulin), *continued*

administered and that the existence of architectural, communication or transportation barriers or the absence of auxiliary aids and services do not prevent the participation of eligible people with disabilities in public entity services, programs and activities.

Given the minimal resources which the federal government has in the past and is also expected to devote to ADA enforcement in the future, the availability of state enforcement mechanisms through the Human Rights Law is essential to assure adequate protections against discrimination on the basis of disability in the area of government services. Furthermore, it adds consistency for government entities that are attempting to assist people with disabilities by putting the federal requirements in state law. And finally, it secures these protections in state law, should they be challenged in federal court.



A.6304 (Paulin)

TITLE OF BILL: An act to amend the executive law, in relation to discrimination on the basis of disability in the area of public accommodations and services provided by public entities.

PURPOSE: The purpose of this bill is to clarify the scope of protections against discrimination on the basis of a disability both in the areas of public accommodations and in services provided by public entities.

JUSTIFICATION: Beginning with the adoption of Chapter 988 of the laws of 1974, true nondiscrimination requires more than merely refraining from offensive conduct. In some instances, there are certain modest actions which must be undertaken to assure that people with disabilities have an equal opportunity to participate in certain programs, services and activities.

The federal Americans with Disabilities Act (ADA), signed into law in 1990, ensured that people with disabilities cannot be discriminated against when attempting to utilize, access and enjoy a broad range of facilities and services which are private in nature but open to the public ("public accommodations"). Title III of the ADA requires operators of places of public accommodation to refrain not only from discriminatory actions, but also to undertake reasonable modifications in policies, procedures or practices, provide auxiliary aids and services, and remove certain architectural, communication and transportation barriers which prevent people with disabilities from utilizing public accommodations on an equitable basis, where such removal is "readily achievable."

Such requirements are consistent with the long standing policies of the New York State Division of Human Rights which have been upheld by state courts. While the Human Rights Law does not, for example, currently explicitly mandate the removal of architectural barriers, the Appellate Division has upheld the authority of the Commissioner of Human Rights to order the operator of an inaccessible facility to maintain a ramp and not merely refrain from engaging in discriminatory behavior. STATE

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A.6304 (Paulin), *continued*

DIVISION OF HUMAN RIGHTS V. CROSS AND BROWN, 83 A.D.2d 993, 443 N.Y.s.2d 671 (1st Dept. 1981) (affirming without opinion an order of the State Human Rights Commission).

Furthermore, Title II of the ADA prohibits discrimination on the basis of disability by government entities. For several years, similar requirements have been applied to any entity, including state and local government, which receives federal funds pursuant to the federal Rehabilitation Act of 1973. Given the scope of the 1973 mandate and the extent to which state and local government continue to receive federal funds, the additional impact of this requirement should be minimal. Although Section 296 of the Executive Law already prohibits such discrimination by public entities as employers and operators of public facilities, this measure will clarify two key obligations of governmental entities providing benefits, programs or services.

First, it will be clear that prohibitions against discrimination extend beyond employment and use of facilities to services, programs and activities. This distinction becomes critical in the case of individuals who may be afforded full access to a facility but are denied the opportunity to participate in a program offered in that facility because of their disability. Second, it will be consistent with comparable federal requirements and will clarify the obligation of the public entity to take reasonable actions to assure that the rules, policies or practices by which services, programs or activities are administered and that the existence of architectural, communication or transportation barriers or the absence of auxiliary aids and services do not prevent the participation of eligible people with disabilities in public entity services, programs and activities.

Given the minimal resources which the federal government has in the past and is also expected to devote to ADA enforcement in the future, the availability of state enforcement mechanisms through the Human Rights Law is essential to assure adequate protections against discrimination on the basis of disability in both the areas of public accommodations and government entities. Furthermore, it adds consistency for those that are attempting to assist people with disabilities by putting the federal requirements in state law. And finally, it secures these protections in state law, should they be challenged in federal court.



A.7102 (Titus)

TITLE OF BILL: An act to amend the public service law, in relation to telephone access for all New Yorkers.

PURPOSE: To ensure access to telephone service for people with disabilities.

JUSTIFICATION: Telecommunications services provide a rapid and essential link to the general public and to critical services such as police, fire and medical assistance. Currently, there are approximately 1.6 million New Yorkers who are deaf or hard of hearing who are not receiving the same basic

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A.7102 (Titus), *continued*

service that people without disabilities are receiving. No person with disabilities should be denied access to our telecommunications network. People with disabilities have been forced to purchase special devices to make telephone service a reality for them. This legislation would create a statewide program that would allow all people to have access to basic telecommunications services. There are eleven states that provide access to all persons and implement the program by having a surcharge to all telephone customers.



A.7103 (Titus)

TITLE OF BILL: An act to amend the election law, in relation to polling places being situated on a public transportation route.

PURPOSE: To ensure, whenever feasible, that polling places be designated on a line of public transportation to enable individuals, particularly those with physical disabilities, who do not have their own transportation to get to and from their polling places.

JUSTIFICATION: The intent of this measure is to increase voter participation for those individuals without their own transportation, particularly for individuals who do not have transportation to vote or need parking currently not available at existing polling sites. The populations that would most benefit from this requirement include people with physical disabilities, senior citizens and low-income individuals. This initiative is one way that New York State can ensure that every person who desires to vote is indeed able to do so.



A.7105 (Titus)

TITLE OF BILL: An act to amend the executive law, in relation to establishing and maintaining an emergency evacuation plan for individuals with disabilities.

PURPOSE: To ensure that there is an efficient emergency evacuation plan for people with disabilities who work or live in high-rise buildings in New York State.

JUSTIFICATION: Since the tragedy of September 11th, awareness and education of high-rise building evacuation plans have been heightened, yet little is specified dealing with evacuating people with disabilities in the event of an emergency. Most people with disabilities, specifically those with mobility and/or sensory impairments, rely on elevators to exit a building, making independent evacuation during an emergency impossible for these individuals because elevator use is prohibited. In the effort to create safer environments in the buildings most difficult to vacate, this bill requires every high-rise building owner to establish and maintain an emergency evacuation plan for disabled occupants and visitors of the building. Additionally, the building owner will be responsible for maintaining and updating the emergency evacuation plan for persons with disabilities as necessary and ensuring that such plan is readily available to emergency personnel. To ensure compliance, a fine of \$500 is imposed for any building owner who does not comply with the requirements set forth in this bill.



A.7106 (Titus)

TITLE OF BILL: An act to amend the public officers law, in relation to the accessibility of public hearings and meetings.

PURPOSE: To provide interpreters for persons with a hearing impairment at public hearings and meetings.

JUSTIFICATION: The services of interpreters for individuals with a hearing impairment are essential if such individuals are to fully participate in public meetings conducted by governmental bodies. Those with a hearing impairment who wish to attend such meetings or hearings would be required to request, in advance, the services of an interpreter and the public body would be required to engage the services of a qualified sign language interpreter to interpret the proceedings of the meeting or hearing, unless this imposes an undue hardship on the public body.



A.7107 (Titus)

TITLE OF BILL: An act to amend the public housing law, in relation to establishing a centralized statewide registry of accessible or adaptable housing for people with disabilities to be known as “Access-New York”.

PURPOSE: To enact a New York State housing registry containing up-to-date information regarding accessible housing statewide for people with disabilities.

JUSTIFICATION: In recent years, a social demand has called upon legislators to help relieve the burdens of finding accessible housing for people with disabilities. Locating housing that meets the needs of people with disabilities is a challenging task because many people with disabilities face a twofold problem. Many live on a fixed income, and cannot afford the high cost of housing, so they are very limited to the few units that are both inexpensive and accessible.

A statewide accessible housing registry in New York State would help correct the issue of locating suitable housing for people with disabilities. The registry would allow for people with disabilities to search for housing that suits their accessibility needs and income levels. It should be noted that, while mandatory, this program entails no enforcement mechanism that would be imposed on covered owners for non-compliance. The housing registry will provide free advertising and marketing to covered owners and allow them to maximize their units for rent or sale with notoriously long-term tenants.

This registry would be able to be accessed through both a website and a toll-free number. This bill calls for owners and operators to submit information regarding all housing that is accessible or adaptable to the Access-New York housing registry.

Information that must be submitted includes, but is not limited to, the following: location, rent levels or purchase price, projects receiving local, state or federal government assistance, whether or not the covered owner accepts subsidies such as Section 8, public assistance and/or local or municipal housing subsidies, the number of bedrooms, development amenities, neighborhood features, including whether or not such unit is on a line of public transportation, year of construction, particular accessible or adaptable features to assist persons who are deaf, hard of hearing, blind or visually impaired, other particular accessible or adaptable features, vacancy status, waiting list status, contact information, including covered owner’s name, mailing address, phone number, fax number, e-mail address, website and TTY phone number and any occupancy restrictions that apply to the unit.

This measure requires tenants who plan to vacate a unit to notify the owner or operator and Access-New York at least thirty days in advance, who in turn must again notify the registry once the unit has become vacant within three business days. Additionally, this measure requires the Commissioner of DHCR and the Secretary of State to market Access-New York to relevant organizations.

This bill also establishes a special advisory panel to assist DHCR in the facilitation of the development and management of Access-New York. This advisory panel will issue an annual report to the Legislature on the progress of Access-New York.



A.7109 (Titus)

TITLE OF BILL: An act to amend the social services law, in relation to investing savings into rental subsidies for persons in the nursing facility transition and diversion waiver program.

PURPOSE: To create a housing rental subsidy from savings from the Nursing Facility Transition and Diversion waiver for people with disabilities who are diverted from entering nursing homes or for those who are leaving nursing homes.

JUSTIFICATION: With approval of the Nursing Facility Transition and Diversion (NFTD) waiver, 5,000 persons with disabilities will be leaving nursing homes or diverted from entering a nursing home at the onset of their disability. Many of these individuals will need affordable and accessible housing which is in very short supply in New York State. Without adequate income due to the monthly SSI or SSDI rates, these individuals will not be able to find adequate housing to implement the purposes of the NFTD waiver. In order for the waiver to be effective, it is essential that some of the savings accumulated from this waiver be re-invested in a housing subsidy for waiver participants. Without such a re-investment, New York State will not realize the potential savings, because many people will not be able to secure the housing necessary for them to live in the community.

When the Department of Health implemented the Medicaid waiver for survivors of traumatic brain injuries, a housing subsidy was funded to address this problem. The same type of subsidy needs to be established to assure the success of the NFTD waiver. Furthermore, the Department of Health, the Office of Mental Retardation and Developmental Disabilities and the Office of Mental Health all have housing subsidies to assist individuals to live as independently as possible. These subsidies range from \$350 to \$1,000 per month, with an average subsidy being \$469 per month per participant. This legislation will help make the transition from a nursing home to less costly community housing possible through the creation of a housing subsidy for waiver participants.



A.7110 (Titus)

TITLE OF BILL: An act to amend the vehicle and traffic law, in relation to requiring access aisles of handicapped parking spaces to be marked with "No Parking Anytime" signs.

PURPOSE: To prevent people from parking in the access aisles of handicapped parking spaces by further identifying access aisles with signs that are distinctly different from the signs that are currently required to be posted to identify handicapped accessible parking spaces.

JUSTIFICATION: Currently, many drivers, both disabled and able-bodied, use the access aisles that lie adjacent to handicapped accessible parking spaces as additional parking spaces. Often times these access aisles have no signage designating them as a no parking zone, and when disabled drivers who have properly parked in a handicapped parking space return to their vehicles, they find that they cannot get into their vehicle because someone has blocked the entrance by parking in the access aisle.

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A.7110 (Titus), *continued*

Adding signage that clearly identifies the access aisles will deter drivers who do not realize what these spaces are reserved for. In addition, it will provide for an enforcement mechanism for those who choose to park in the newly designated “No Parking Anytime” zones.

We need to ensure that people with disabilities who need to utilize the access aisles are not left unable to get into their vehicles because someone has carelessly parked in the area reserved for entering and exiting a car or van.

This bill is intended to reaffirm and place in state statute the current requirements for signage of access aisles listed under the New York State Uniform Fire Prevention and Building Code. It is important to protect the signage obligation in state law because building code requirements change periodically. The requirements for this signage mirror those existing for handicapped parking spaces under the New York State Uniform Fire Prevention and Building Code.



A.7111 (Titus)

TITLE OF BILL: An act to amend the vehicle and traffic law, in relation to providing that access aisles of handicapped accessible parking spaces have to be at least eight feet wide.

PURPOSE: To ensure that access aisles of handicapped parking spaces are wide enough for people with disabilities to enter and exit their vehicles.

JUSTIFICATION: Access aisles that lie adjacent to handicapped accessible parking spaces are there for the purpose of allowing disabled persons, many times wheelchair users, to get into and out of their vehicles. Often times, these vehicles have ramps or lifts that extend quite a ways out the side door of the vehicle. Eight feet is just enough space to allow wheelchair users to open the side door of their vehicles, extend the lift or ramp, and still have enough room to get off of the lift platform or ramp and turn. Any less amount of space than eight feet in width might not allow wheelchair users to maneuver between their vehicle and the vehicle parked next to theirs.

This bill is intended to reaffirm and place in state statute the current size requirements of access aisles listed under the New York State Uniform Fire Prevention and Building Code. It is important to protect the eight-foot width obligation in state law because building code requirements change periodically, and current Americans with Disabilities Act requirements call for a majority of access aisles to be only five feet wide.



A.7137 (Titus)

TITLE OF BILL: An act to amend the public health law, in relation to authorizing the health department to develop regulations pertaining to hard of hearing hospital patients and others.

PURPOSE: To authorize the Department of Health (DOH) to develop regulations pertaining to deaf, deaf-blind and hard of hearing hospital patients, or patients of minor age whose parents or guardians are deaf, deaf-blind or hard of hearing.

JUSTIFICATION: People who are deaf, hard of hearing or deaf-blind encounter barriers to the use of routinely provided health and medical services that do not exist for hearing people. It is especially important for health professionals such as nurses, doctors, admission office personnel, social workers, and pharmacists to realize that deaf people communicate in different ways depending on such factors as language skills, amount of residual hearing, speech reading skills and speech abilities. Hard of hearing patients need assistive listening devices. Deaf-blind patients need interpreter services appropriate to them.

The health and mental health needs of the deaf community are comparable to their hearing counterparts. However, barriers to communication, insensitivity to or lack of knowledge about deaf culture and limited training related to the unique needs of deaf people have resulted in a scarcity of effective health services for deaf people. Without special services tailored to the unique communication needs of deaf, hard of hearing and deaf-blind people, their medical and mental health needs will continue to be unmet. Health services must be completely accessible to deaf, hard of hearing and deaf-blind persons – socially, psychologically, and communicatively – in order for them to be comfortable enough to access health care. By providing necessary and appropriate means of communicating, the deaf community will have equal access to health care.

*For more information on any of
these bills, please call the Task Force
on People with Disabilities
office at 518-455-4592.*



A.7138 (Titus)

TITLE OF BILL: An act to amend the public housing law, in relation to requiring any program or activity relating to housing which receives federal financial assistance to comply with the Federal Rehabilitation Act of 1973.

PURPOSE: To ensure that housing protections offered to people with disabilities under Section 504 of the Federal Rehabilitation Act are also offered, and therefore enforceable, on the state level as well.

JUSTIFICATION: New York's disability advocates have identified a lack of enforcement of Section 504 of the Federal Rehabilitation Act in New York State. Specifically, advocates have noted that some single and multi-family projects that have received federal monies through the New York State Division of Housing and Community Renewal (DHCR), local participating jurisdictions and the Housing Finance Agency (HFA) are not in compliance with Section 504. Even in circumstances where these federally-funded projects have been in architectural compliance, developers who have accepted federal funds have not marketed the accessible units to eligible individuals with disabilities.

Some funding agencies have asserted that compliance with the state building code is sufficient to demonstrate compliance with Section 504. However, because these codes provide architectural standards and do not contain the set aside and marketing requirements of Section 504, adherence to these codes does not equate to compliance with the regulatory provisions of Section 504. Legislation to incorporate Section 504 into state law would greatly assist in the enforcement of these provisions in New York State. The incorporation of Section 504 and the clarification of enforcement responsibility in state law would assist individuals with disabilities in obtaining accessible housing by ensuring that accessible units are built and are occupied by those who need them



A.7196 (Koon)

TITLE OF BILL: An act to amend the election law and the education law, in relation to making ballots available in Braille and large-print.

PURPOSE: To allow blind and visually impaired individuals access to ballots printed in Braille and large-print.

JUSTIFICATION: It is important that people who are blind or visually impaired have equal access to ballots in the voting process. While it is not the intent of this measure to replace the critical need for fully accessible voting machines for all people with disabilities, there are some individuals who either need or wish to vote by absentee ballot. This act will enable blind and visually impaired persons to request Braille or large-print absentee ballots to be sent to their homes, or such persons can request that accessible ballots be available at their polling places. Currently, blind or visually impaired people must have someone assist them when filling out absentee ballots because they are simply not produced in accessible formats. This situation eliminates the rights of blind or visually impaired people to vote independently, and it forces such individuals to trust that the person assisting them will vote according to their wishes.



A.7653 (Lifton)

TITLE OF BILL: An act to amend the civil rights law, in relation to waiving the state's sovereign immunity to claims under the Americans with Disabilities Act of 1990, the Fair Labor Standards Act of 1938, the Age Discrimination in Employment Act of 1967, and the Family and Medical Leave Act.

PURPOSE: This bill waives the state's sovereign immunity with regard to application of the Americans with Disabilities Act of 1990; the Age Discrimination in Employment Act of 1967; the Fair Labor Standards Act of 1938; and the Family and Medical Leave Act of 1993 as they apply to the protection of state employees. It also waives the immunity of all instrumentalities and political subdivisions of the state.

JUSTIFICATION: On February 22, 2001, the US Supreme Court ruled in *Board of Trustees v. Garrett* that in the enactment of the ADA, the US Congress had exceeded its power to authorize lawsuits by residents against their own states under the 11th Amendment.

On January 11, 2000, the US Supreme Court ruled in *Kimel, J. Daniel Jr. v. Florida Board of Regents* that in the enactment of the ADEA, the US Congress had exceeded its power to authorize lawsuits by residents against their own states under the 11th Amendment.

On June 23, 1999, the US Supreme Court ruled in *Alden, John v. Maine* that a state's immunity from suit under FLSA is beyond congressional power to abrogate by Article I legislation.

These rulings allow states to opt to hold themselves to the standards that were originally set out by the ADA, the ADEA, and the FLSA prior to those decisions by waiving their sovereign immunity and thereby permitting actions in state and federal courts. These rulings effectively took away the protection for state employees under these laws while upholding the same protection for privately employed individuals, creating a disparity. This bill will ensure that all employees, including those employed by the state, have the same protections as they have had under the ADA since 1990 and under ADEA and FLSA since they were amended in 1974 to include states. Waiver under the ADA will provide redress for failure to accommodate state employees with disabilities and failure to provide access for the disabled public to government services, programs and activities.

On May 27, 2003, the US Supreme Court ruled in *Nevada Department of Human Resources v. Hibbs* that the family medical care provision of FMLA is a valid exercise of congressional power to abrogate the states' 11th Amendment immunity from suit by individuals, because it remedies gender discrimination. Since then two of the six Justice majority have been replaced, raising speculation that this decision may later be overturned. In addition, the U.S. Supreme Court has not yet ruled on the personal medical leave provision of FMLA. A number of federal courts have concluded that the personal medical leave provision of FMLA was not validly enacted under Congress' enforcement power, making it likely to be declared an invalid exercise of Congressional power when it does reach the U.S. Supreme Court. As with ADA, ADEA and FLSA, a state will be required to consent unequivocally to a waiver of its sovereign immunity, to ensure that state employees have the same protection as private sector employees under the FMLA.

Welcome to the

New York State Assembly Legislative Disabilities Awareness Day

Elementary School Poster Contest

Participants:

P.S. 6 ■ P.S. 19 ■ P.S. 29

P.S. 35 ■ P.S. 55 ■ Our Lady Queen of Peace

Staten Island, New York

Co-Sponsored By:
Speaker Sheldon Silver

Assemblymember Michael Cusick

Assemblymember Michele R. Titus, Chair
The Task Force on People with Disabilities

Assemblymember Peter M. Rivera, Chair
*The Committee on Mental Health, Mental Retardation
and Developmental Disabilities*

Welcome to the

New York State Assembly Legislative Disabilities Awareness Day

Art Exhibit

brought to you by:
Sunnyview Rehabilitation Hospital

Co-Sponsored By:
Speaker Sheldon Silver

Assemblymember Michele R. Titus, Chair
The Task Force on People with Disabilities

Assemblymember Peter M. Rivera, Chair
*The Committee on Mental Health, Mental Retardation
and Developmental Disabilities*

The New York State Assembly Legislative Disabilities Awareness Day

Exhibitor Fair Participants

- 504 Club and Disabled in Action of Metropolitan New York
- Access to Independence of Cortland County
- American Council of the Blind of New York
- Avante International Technology, Inc.
- Brain Injury Association of New York State
- Capital District Center for Independence, Inc.
- Capital District Coalition for Accessible Transportation
- Catskill Center for Independence
- Center for Autism and Related Disabilities
- Center for Disability Rights/Regional Center for Independent Living
- Center for Independence of the Disabled in New York
- Cerebral Palsy Associations of New York State
- Consumer Directed Choices, Inc.
- Diebold Election Systems
- Families Together in New York State, Inc.
- Hearing Loss Association of New York State
- Home Therapy Equipment, Inc.
- Independent Living Center of the Hudson Valley
- Independent Living, Inc.
- Just Kids Early Childhood Learning Center
- Liberty Election Systems, LLC
- Mental Health Association in New York State, Inc.
- Mental Patients Liberation Alliance
- National Alliance on Mental Illness - New York State
- National Multiple Sclerosis Society, Upstate New York Chapter
- New York Association of Psychiatric Rehabilitation Services
- New York Association on Independent Living
- New York State Association of Community and Residential Agencies
- New York State Catholic Conference
- New York State Commission for the Blind and Visually Handicapped
- New York State Commission on Quality of Care and Advocacy for Persons with Disabilities
- New York State Department of Health Brain Injury Medicaid Waiver
- New York State Department of Health Disability and Health Program
- New York State Developmental Disabilities Planning Council
- New York State Industries for the Disabled, Inc.
- New York State Office of Mental Retardation and Developmental Disabilities
- New York State Rehabilitation Association
- Northeastern Association of the Blind at Albany
- Northern Regional Center for Independent Living, Inc.
- NYSARC, Inc.
- People, Inc.
- Resource Center for Independent Living
- Resource Center for Accessible Living
- Rockland Independent Living Center
- Self-Advocacy Association of New York State, Inc.
- Sequoia Pacific
- Southern Adirondack Independent Living Center
- Stratton VA Department of Veterans Affairs
- Sunnyview Rehabilitation Hospital
- Tourette Syndrome Association Albany Support Group
- VESID

Please Join Us At

The New York State Assembly Legislative Disabilities Awareness Day

8:30 am – 3:00 pm

Monday, May 21, 2007

**Well of the LOB & Third Floor Terrace of LOB
Albany, New York**

Visit over 50 organizations

that serve people with disabilities who will be providing information about their products, programs, technology and services, and answering questions.

Attend Assembly Session

where a package of legislative measures crafted with significant input from disabilities advocates will be on the floor.

Attend seminars of interest to you:

- Strengthening and Restoring the ADA ■
- An Update on the Nursing Facility Transition and Diversion Waiver and Money Follows the Person in New York State ■
- Successful Grassroots Advocacy Techniques ■
- New York's Direct Support Workforce – Supporting Those Who Support Others ■