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# ADA at 26 in New York City

Twenty-six years after passage of the Americans with Disabilities Act (ADA) and over 40 years after passage of the federal Rehabilitation Act, New York City arguably now has one of the worst records in the nation of providing equal rights and opportunities for the nearly 900,000 people with disabilities who live here.

New York lacks accessible streets, subways, public education, housing, shelter, health care and more. Despite years of constant advocacy, the little progress that has been made is largely the product of multiple lawsuits brought against the City by disability rights organizations, the Department of Justice, the U.S. Attorney's office or public investigations by local elected officials. Even with landmark victories in federal court on voting rights and emergency preparedness, the disability community is still waiting for the City to come into full compliance with the remedies that the court ordered.

The City still lacks a comprehensive agenda that identifies existing barriers and provides a specific timetable for remedying them. Such a plan is necessary to provide the systemic change capable of having a significant impact on the obstacles that New Yorkers with disabilities face in their daily lives.

New York City can and must do better.

## SEPARATE AND UNEQUAL EDUCATION

Over seven in ten students without disabilities (70.5%) graduated in 2015, compared to 41% of students with disabilities. Nine percent of students without disabilities dropped out in 2015, compared to 14% of students with disabilities. These disparate educational outcomes have an impact on the likelihood of employment and adequate household income.



In part these unequal outcomes are the result of persistent segregation of the education system along with the physical barriers that exist and keep children and youth with disabilities from being educated alongside their non-disabled peers. The Department of Justice (DOJ) recently revealed that 83% of public elementary schools are not "fully accessible" to people with disabilities and that six of the City's school districts, serving over 50,000 elementary school students, do not have a single school that is "fully accessible" to people with disabilities. As a result, almost half of the public school children with mobility disabilities are sent to segregated schools.

- \* New York City needs a specific plan to make the public school system accessible, in compliance with federal civil rights laws.

## WORK AND FINANCIAL OPPORTUNITY OUT OF REACH

Job discrimination is still rampant. While the general employment rate is 70%, only 29% of people with disabilities are employed full or part-time. The employment gap is greater in New York City than it is at the State or national level. Moreover, people with disabilities are largely segregated into low-wage occupations.



The City asserts that it promotes employment of people with disabilities, but it has done little to expand opportunity, eliminate disability-based discrimination or reduce barriers that impede employment.

This report on New York City's compliance with the Americans with Disabilities Act on the Act's 26th anniversary was produced by Center for Independence of the Disabled, New York (CIDNY) and Disability Rights Advocates (DRA). For more information on these issues, please contact Susan M. Dooha at [sdooha@cidny.org](mailto:sdooha@cidny.org) or Michelle Caiola, [mcaiola@dralegal.org](mailto:mcaiola@dralegal.org).



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- \* New York City should use its “purchasing power” to mandate that City contractors take affirmative steps to recruit, hire, promote and retain people with disabilities as 7 percent of their workforce. At the federal level, this has resulted in significant new job creation.

## YOU CAN'T GET THERE FROM HERE – ACCESS DENIED

Only 30.5 percent of people with mobility disabilities use the subway, compared to 41.8% of people without disabilities. For those with disabilities who can work, lack of accessible streets and transportation affects their employment prospects.



**VISION ZERO:** Despite the City’s claim that it is dedicated to reducing traffic incidents and making pedestrian paths safer, a staggering 79% of the corners in New York City are still defective, hazardous, or non-ADA compliant. People who are blind unknowingly walk out into traffic because there are no detectable warnings. People who use wheelchairs tip out into the street because of steep slopes and potholes in the curb cuts.

While the City has committed to spend \$20 million on increasing the number of pedestrian ramps and detectable warning surfaces – it does not have a plan or timetable for remedying the overwhelming number of non-compliant curb cuts that resulted from failing to comply with federal civil rights law related to sidewalks for 26 years.

- \* The City should commit to a timetable for making sidewalks and streets meet Americans with Disabilities Act standards...and keeping them that way.

**SUBWAY ACCESS:** Almost 26 years after the passage of the ADA, 81% of New York City subway stations are inaccessible to people who use wheelchairs or walkers. By contrast, 100% of Washington DC stations, 100% of San Francisco Bay Area stations, 74% of Boston stations, 68% of Philadelphia stations, and 67% of Chicago stations are wheelchair-accessible.

The MTA has offered a meager proposal to increase the number of fully accessible stations by 16 stations over the course of the next 4 years, making the subway system only 21% accessible.

- \* New York City has committed \$2.5 billion to subway construction and should in return extract a commitment from the MTA to making all subway stations fully accessible.

**TAXI ACCESS:** Although the City has made significant improvements in the number of accessible taxis, this change came about only after a long and grueling lawsuit. Prior to the settlement, just 1.8% of New York’s yellow cabs were accessible to people with mobility disabilities.

As a result of the lawsuit, by 2020, 50% of New York’s yellow taxis will be accessible. Yet, this progress is currently being undercut by ride services such Lyft and Uber.

- \* The City should take measures to ensure that these companies provide equal access to all people with disabilities.



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### NO WHERE TO LIVE, NO WHERE TO SHELTER

In New York City, 52.4% of people with disabilities spend more than one-third of their income on rent compared with 42.1% of their non-disabled peers. Over 311,000 people with disabilities (35%) are paying more than 50% of their income for rent, compared to 25.9% of people without disabilities.



People with disabilities make up 12% of the population—but at least 40% of the homeless have disabilities.

The City lacks any meaningful strategy for addressing the major housing crisis for people with disabilities. There is no plan for the creation of accessible housing, particularly in the Bronx or Brooklyn where people with disabilities have the lowest median household income. Citywide their median income is only \$22,000—too low to qualify for many housing opportunities. In addition, housing discrimination against people with disabilities persists, as was recently documented in a study by the Urban Institute for HUD. It is no wonder that people with disabilities are more likely to be homeless or at risk of eviction than those without disabilities when they are unable to afford their rent and cannot find affordable and accessible housing.

New York City operates a vast network of homeless shelters, but only 32 beds are fully accessible out of 14,907. While more than 40% of shelter residents have disabilities, only .2% of the beds are accessible. There is no plan for making its shelter system accessible for all people with disabilities and requiring City shelter vendors to do the same. There is no plan for addressing policy and procedural barriers or training requirements that cause people with disabilities to prefer the streets to a City shelter.

- \* New York City should create a campaign to stop housing discrimination on the basis of disability and source of income (many people with disabilities rely on public benefits). It should invest in creation of new accessible housing for very low-income people. It should ensure that people facing eviction have representation in housing court. Because homeless shelters are the only housing many people with disabilities have access to, the City must make its homeless shelter program fully accessible for people with all types of disabilities.

### HEALTH CARE ACCESS DENIED

People with disabilities experience worse health status than people without disabilities. Often this is due to preventable health conditions. In 2014, 44.4% of New Yorkers with disabilities rated their health as fair or poor, while only 9.1% of their peers without disabilities rated their health as fair or poor.



The City barely addresses the barriers people with disabilities face in accessing health care—limiting its concern to promising to make some small improvement to women’s reproductive health care services. It fails to confront the fact that there is a widespread problem throughout New York City in which medical facilities are not providing equal access to health care services to persons with disabilities.

For people with mobility disabilities community health settings and many hospital settings are still largely inaccessible. Most fail to obtain accessible medical equipment such as accessible scales, examining tables and diagnostic equipment like scanning machines and mammography



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machines. These gaps often mean that people with disabilities do not get adequate screenings, testing and other preventive care – what they do experience is disparities in health outcomes.

People who are Deaf report inability to obtain interpreters in community-based medical settings leading to poor doctor-patient communication and, in some cases, misunderstandings that lead to ineffective treatment; materials on health topics in alternate formats are largely unavailable. People with disabilities also confront stereotypes and stigmas related to their disabilities in medical settings, often receiving care related only to their disability and not to other conditions they may present.

- \* The City should enforce the ADA as it pertains to barriers to health care access that persist in both city-owned and operated hospitals and community-based health settings. No New Yorker with a disability should receive substandard care because of physical or discriminatory barriers that have been barred by federal civil rights laws for 26 years.

### WEB ACCESS DENIED

184,000 people with disabilities are blind or have limited vision, over 340,000 people with disabilities have cognitive disabilities. All of those who are blind and many with limited vision or cognitive disabilities will need accessible websites in order to use the Internet, which has become central to everyone's lives.



The City's commitment to creating web accessibility for all City agency websites and the general public is woefully inadequate. Information on and technology for creating accessible websites have been readily available for many years. Yet, as the City continues to provide more and more important services via the internet, it continues to treat web accessibility as an afterthought, mandating compliance only after being sued. It is unacceptable that governmental agencies have not ensured that all City web-based services and all agencies' websites are accessible. As most City agencies move toward the use of online application forms and kiosks at City agency sites, this becomes even more crucial.

- \* Those who are blind or low vision and those with intellectual or cognitive disabilities must not be denied their rights to access because of inaccessible forms. And they must not be forced to forgo their privacy rights in order to use a form that is available to their non-disabled peers. Compliance is easy and inexpensive to implement.