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Center for Independence of the Disabled, NY

CIDNY Public Policy Priorities 2015

INDEPENDENT LIVING CENTERS

Support Increased Funding for Independent Living Centers

New York State's \$141 billion budget is expected to grow this year, for the fifth year in a row. It includes programs to get people working, reduce poverty, and lower Medicaid spending through deinstitutionalization and reorganization of services for people with disabilities. However no new funds are proposed for the State's independent living centers whose efforts will be instrumental to achieve these State goals. In fact, independent living centers have been flat funded for 11 years. Therefore, we are seeking increase of \$5.6 million to the Education budget for independent living centers to bring the allocation for these vital programs to \$18 million.

Since the 2008 financial crisis, we have faced increasing demand for services, skyrocketing costs of doing business and flat funding. At the same time, the poverty rate for people with disabilities has grown and with it the demand for services. The poverty rate for people with disabilities is 32.5 percent in New York State, twice the poverty rate for people without disabilities. Independent living centers help with community services that enable people to survive on very low incomes. During 2014, CIDNY helped 15,500 people with disabilities in New York City to set and meet goals for better health, housing that meets their needs, food assistance, health coverage, education, income and employment. Our work stabilized people in the community and prevented them from falling between the cracks. It also brought dollars into local economies. We struggle to do more with less, but our efforts are compromised by stagnant funding.

New York State is poised to make historic progress in civil rights thanks to independent living centers and needs to invest in independent living center support to ensure its civil rights goals are realized. Since passage of the Americans with Disabilities Act, nearly 25 years ago, we have been in the forefront of historic civil struggles to ensure full and equal access for people with disabilities in New York State. During the past year, CIDNY achieved a landmark civil rights decision that will protect the lives of people with disabilities in New York City. As a result of our precedent-setting legal case, people with disabilities will be safer when disaster strikes. We authored precedent setting remedies that will require accessible shelters, transportation, communications, canvassing, and high rise evacuation. For the first time, people with disabilities will be at the table when plans are being made.

New York State can save Medicaid dollars with a small overdue investment in independent living centers. Last year, we helped people who were languishing in institutions against their will to move back to their own homes. Each time one of them moved into the community, we saved Medicaid dollars for taxpayers. For every \$1 invested in us, we put \$9 in taxpayer pockets—and change lives for the better. During the past year, our “know how” helped 180 people move home from a major New York City nursing home back to homes in the community.



HOUSING

Support Elimination of Source of Income Discrimination

New York City has a law that protects people who receive income from government entities (such as Section 8, SSI or SSDI) from being discriminated against when applying for housing. This law should be incorporated in the State Human Rights Law so that there will be the same protection throughout the State.

Support Inclusive Design Features (A9642/S6056)

We support inclusive design in new residential housing receiving any public funding. New York should pass this bill that requires basic accessibility features to be incorporated in all publicly-funded housing construction. Having accessibility features at the time of construction is less costly than renovating already built homes. This would meet the needs of people throughout their lifespan and allow homes to be visitable to friends and family members who have disabilities.

This bill includes all new construction and substantial rehabilitation of residential housing that receive financial assistance for construction from federal, state, county or local governments. The bill covers detached or semi-detached single family homes, town houses or any individual unit in a duplex or triplex.

Some of the requirements are:

- Accessible entrance at ground level;
- All rooms on the ground level connected by an accessible route;
- Unobstructed path from the public street or driveway;
- Curb ramps;
- Accessible environmental controls;
- Accessible habitable space and bathroom.

Support Giving Priority for First Floor Apartments in Public Housing to people with physical disabilities who are at risk of being trapped in high rises when elevators are out. (A01742)

During the Sandy Hurricane people who are wheelchair users were trapped in their apartments because the elevators did not work. One consumer could not get out of her apartment for days. Fortunately, she had a conscientious home health aide who stayed with her through the ordeal. NYCHA should give the *first offer of lower vacant apartments* to mobility impaired tenants who live on higher floors.

Melba Torres, who uses a power wheelchair prepared to evacuate. But when the order came there were no accessible buses to take her to a shelter. When power shut down she was *trapped in her 8th floor apartment for 7 days with no power, water or heat.* Because her chair would not charge, she was forced to spend that time in bed.

Re:

Create a Housing Choice Voucher

The New York Section 8 program funded by the Federal government is closed. The only way that an opening occurs is through attrition. There are many people with disabilities living at or below the poverty level. With New York City apartment prices high and skyrocketing, another subsidy needs to be created to ensure that people with disabilities do not become homeless or institutionalized because of lack of housing.

The State should develop and fund a Housing Choice Voucher similar to the Federal Section 8 Voucher program. The program could be dually funded by the State and the City of New York. Unlike the Advantage & Fixed-Income Advantage Programs it would be a permanent subsidy given to extremely low-income to low-income individuals and families with disabilities.

Require Landlord Postings of Accessible Housing Vacancies on NYS's Housing website.

NYHousingSearch.gov is a website available to landlords, owners and potential tenants to post or search for accessible and affordable housing. The site is a free service that allows landlords to list vacancies and describe actual accessible features in a unit. Landlords and owners can voluntarily post housing availability on this site.

Landlords and owners that receive government funds should be mandated to post their accessible and affordable housing availability.

After Hurricane Sandy, FEMA stated that it could not locate accessible and affordable housing because it did not know where that housing was. In fact, the actual pool of accessible and affordable housing is unknown because most public listings do not include this information.

NYHousingSearch.gov site can be a critical resource after disasters and can serve people with disabilities affected by disasters as they search or get assistance in searching for adequate housing. This requirement should dovetail with the efforts of the MRT Affordable Housing workgroup to establish a mechanism to track the housing and vacancy inventory, including accessible units, statewide.

CIVIL RIGHTS

Incorporate Title II of the ADA into NYS Human Rights Law

ADA Title II provides protection against discrimination on the basis of disability in services provided by public entities, such as state and local government. During the 2009 and 2010 sessions, the State legislature passed a law that was later vetoed by Governor Paterson.

By incorporating Title II into New York State law, people with disabilities would gain critical access to the administrative enforcement mechanisms through the State Division of Human Rights, which will provide people with disabilities with another avenue besides the court to ensure their rights. This provision will also clarify the scope of protections against discrimination by public entities, including in the provision of services, programs and activities.

MENTAL HEALTH

CIDNY Opposes the Governor's Definition of "Incapacity" under Section 458-a (8)

The Governor's budget Section 458-a of the Social Services Law is amended to add three new subdivisions – 6, 7, and 8. The Subdivision 8 is of most concern. It defines the term incapacity. Incapacity is defined as "a substantial inability to care for a child as result of: (a) a physical debilitating illness, disease or injury; or (b) a mental impairment that results in a substantial inability to understand the nature and consequence of the decisions concerning the care of children."

We oppose the definition under Subdivision 8 because it is limited to people with disabilities. Any parents found to not understand the nature and consequence of a decision concerning the care of a child should be scrutinized as to their ability to care for their child. Parental capacity should not be triggered simply by whether a parent has a disability. If subdivision 8 stands, it would allow courts to terminate parental rights and discriminate based solely on disability.

Amend State Social Services Law Section 384-b

CIDNY also seeks to eliminate Social Services Law Section 384-b subdivisions (4) (c) and (6) (a-e). These subdivisions allow for termination of parental rights solely on the basis of mental health or intellectual disability. Normally when a parent is at risk of having his parental rights terminated it is based on the best interest and safety of the child. This statute permits a court to terminate parental rights based on mental disability of a parent even if the child is in a safe environment. These subdivisions should be eliminated.

EDUCATION

CIDNY Opposes the Governor's proposal to Allow Waivers from Certain Duties by Local School Districts.

The Governor proposes allowing local school districts to waive students with disability rights to services that are crucial to ensure that these students are adequately evaluated and integrated in their community school. The Governor should not take steps backwards by removing rights that protect the appropriate placement of children with disabilities.

In addition, it is critical that the duty of local school districts to notify parents (or people in parental relation) of their rights regarding referral and evaluation of their child for special education services or programs be complied with. No waiver should be permitted since this ruling is pursuant to federal and state laws. This amendment to the law was approved by the Regents for implementation on July 1, 2015 and should be upheld.

Include the history of people with disabilities as required curriculum in elementary and secondary schools.

Throughout the United States history there have been struggles that have led to Civil Rights laws (i.e., Struggles by Women for Suffrage and other rights & struggle for voting rights and other civil rights led by African-Americans). The history of these movements are now part of the elementary and secondary schools curriculum and introduce children to the laws that protect women and African-Americans and other groups. Through these courses children are taught to respect people's struggles and to overcome prejudices they may have. The courses also help students who are part of protected classes to identify with the history and claim their rights.

The Disability community has also struggled for equality and human rights. We have the Individuals with Disability Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, to name a few. However, few people know the history of the people with disabilities and their struggles to ensure their rights. We are seeking that the history of people with disabilities movement be included in the curriculum for elementary and secondary students.

VOTING

Oppose Continued use of Lever Machines to Ensure Equal Access to Polling Sites on Election Day

The Governor recently signed a bill (A.09321A/S.07371A) permitting the use of lever machines in local elections until December 31, 2015.

Currently, elections for village positions, special districts, improvement districts, library districts, fire districts and school districts are permitted to use lever machines in their local elections, thereby bypassing years of incremental change towards accessible polling places and equal opportunity for all voters to express their franchise. Using lever machines or paper ballots without providing Ballot Marking Devices effectively denies many voters with disabilities the right to vote privately and independently in their neighborhood, like anyone else. The current exemption, approved by the Governor, expires on December 31, 2015. CIDNY opposes any extension of this Bill and seeks your support in opposing any further extension.

EMPLOYMENT

The poverty rate for people with disabilities in New York State is 18 percent higher than for non-disabled New Yorkers. Working age people with disabilities in the State have a 31.6 percent employment rate, resulting in an employment gap of 41.1 percent between people with and without disabilities.

CIDNY supports:

Establishment of a Small Business Tax Credit for Employing People with Disabilities (A.570).

Such a tax credit would provide an incentive for small businesses to hire people with disabilities, increasing the opportunities for New Yorkers with disabilities to achieve gainful employment and self sufficiency.

Waiver of the State's Sovereign Immunity from the Americans with Disabilities Act (ADA)

Three States have waived their Sovereign Immunity from the ADA and none have reported an increase in cost or litigation. By waiving New York State's Sovereign Immunity the State would be required to make reasonable accommodations. New Yorkers employed by the State would also be afforded the protection under the ADA and Fair Labor Standards Act.

Amendment of Minority/Women Business Enterprise (A9305)

Give people with disabilities who own businesses the same opportunity to be considered for contracting as Minority/Women Businesses (MWBE) are. We support the addition of language that would designate businesses run by people with disability as eligible under the Minority/Women Business Enterprise law.

Amendment of Section 55-a of the civil service law (S6998 & A9367)

55-a refers to the section of New York State Civil Service Law which allows local governmental entities to bypass the examination process when employing people with disabilities in competitive civil service jobs. However, the positions for which a person with disability is hired would be considered non-competitive, which does not allow for job security and benefits until after five years of employment.

Therefore, people with disabilities under the 55-a program are left unprotected and could be the first to be terminated because of the economy, consolidation or abolition of functions.

Establishment of a Paid Sick Leave Law

New York City Council passed the Earned Sick Time Act on June, 2013. It became effective April 1, 2014. We are seeking that New York State establish Paid Sick Leave to provide for private sector New York State workers to care for a worker's own health needs or to take care of a sick member of the immediate family.

Development of a policy requiring State contractors to employ people with disabilities

On March 24, 2014 new regulations of Section 503 of the Rehabilitation Act became effective. The regulation requires affirmative action by federal contractors and subcontractors to recruit and hire individuals with disabilities, and improve their job opportunities. The regulation establishes a nationwide utilization goal of 7 percent for qualified individuals with disabilities. We are seeking that New York State pass a similar law by requiring State contractors and subcontractors to recruit and hire individuals with disabilities, and improve their job opportunities.

TRANSPORTATION

Fares parity for paratransit (A943 & S510)

CIDNY supports bills that set paratransit fees no higher than bus/subway fares for transportation of non-disabled adults using the public transit system. Currently people with disabilities who cannot use public transportation use the paratransit system for transportation. However, fares are higher for paratransit transportation than for public

transit. For people with disabilities who are at a low and fixed income, this is an unreasonable financial burden.

Statewide Accessible Transportation Vehicles

New York City advocates for people with disabilities have been successful through litigation in obtaining more accessible taxis (yellow and green). CIDNY seeks to have statewide transportation companies purchase accessible vehicles.

Accessible Mass Transit (A944)

Few mass transit or rapid transit stations are accessible. CIDNY supports requirements that any renovations of mass transit or rapid transit stations by the MTA include such accommodations as elevators and escalators or other facilities to ensure access to persons with disabilities.

Access-A-Ride

Access-A-Ride is the New York City paratransit for people with disabilities who cannot ride the buses or subways. In order to obtain transportation services from Access-A-Ride consumers have to go through a physical test to determine the level of their disability. They also have to recertify annually. Many times Access-A-Ride denies services or does not recertify. The only appeal mechanism is through Access-A-Ride. CIDNY believes that since many appeals are denied, there should be a process in which consumers can apply for an external appeal.

Half-Fare Cards

Half-fare cards are given to seniors and people with disabilities to ride the MTA. Recently, the City changed its policy and no longer gives consumers who are eligible for half-fare cards, a ticket that allows them to receive credit for the difference of a full-fare card when they receive it as a gift or stipend. This is inequitable because if a person with a disability is given cash by another to purchase a card, they receive the full benefit of the cash to purchase half-fare rides. CIDNY seeks to correct the recent amendment and once again allow reimbursement for full-fare tickets purchasing half-fare rides.