



NEW YORK STATE SENATOR

Jose M. Serrano

Breaking Barriers: Majority Announces Legislative Package Expanding Opportunities For New Yorkers with Disabilities

JOSÉ M. SERRANO June 10, 2010

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(Albany, NY) The Senate Democratic Majority announced the passage of a comprehensive 9-point package of legislation providing New Yorkers with disabilities expanded access to polling places, transportation and medical equipment, as well outlawing discriminatory practices in employment, housing and public services.

Those with disabilities face discriminatory practices in many different parts of their lives; city bus drivers refuse to stop and pick up those in wheelchairs because of the time it takes to operate the lift, qualified individuals are passed over at job openings and landlords deny individuals from renting places to live.

After decades of Albany failing to establish basic rights against these discriminatory, the Democratic Majority has taken action to provide equal opportunity and access for those with disabilities in all aspects of daily life.

The plan includes:

- An expansion of polling locations that follow the accessibility requirements of the Americans with Disabilities act.
- Equality for those with physical disabilities in regards to fares for public transportation.
- Holding insurance companies accountable for their lack of timeliness in reimbursing those who purchase their wheelchairs out of pocket.
- Ensuring those with disabilities are not discriminated against when seeking services—including programs and activities—from public entities.

These reforms take the most significant step in decades towards ensuring equal treatment and protection under the law. The Americans with Disabilities Act of 1990 (ADA) attempted to resolve discrimination issues on the Federal level by requiring employers to provide suitable accommodations for disabled employees, as well as prohibit discrimination in wage determination, hiring and firing. However, the ADA actually caused employers to be more discriminatory in selecting employees for fear of lawsuits under an ambiguous set of statutes.

Senator José M. Serrano (D-Bronx/Manhattan) said, "East Harlem, which I represent, has the greatest concentration of public housing in the country, as well as a high number of seniors with disabilities. For NYCHA residents, who rely on elevators daily, an elevator trip is often partnered with a sense of apprehension. It is unacceptable for public housing elevators to be in anything less than perfect working condition, and it is important that there be safety mechanisms in place, should they stall. The bill I have introduced will help to reduce the level of anxiety that individuals who live in NYCHA buildings experience when riding these elevators, and will ensure that people with disabilities, seniors and children do not continue to struggle with faulty elevators that are a threat to their well-being and quality of life."

Senator Senate Majority Conference Leader John Sampson said, "'Discrimination against any individual for any reason should not—and will not—be tolerated. People with disabilities are entitled to the same basic rights, services and opportunities as every other citizen of our state. Today's action by the Senate Democratic Majority is a strong step toward the reforms we need to end discriminatory practices against individuals with disabilities."

Senator Shirley Huntley (D-Queens), Chair of the Cities Committee and Acting Chair of Mental Health and Developmental Disabilities said, "With 2010 being the 20th anniversary of adoption of the Federal Americans with Disabilities Act, it is a particularly poignant year for New York to advance important legislation to further protect the rights of people with disabilities. S.7482, which I sponsor, will clarify and put in state statute the ADA requirement that public entities must take reasonable actions to assure that disabled individuals can participate in public entity programs, services and activities. By including these provision in State law, this bill will ensure that New Yorkers will be able to access a more user friendly and effective means of enforcement."

Senator Thomas K. Duane (D-Manhattan) said, "Discrimination is never acceptable in New York State. People with disabilities should not have to pay more than – let alone twice as

much as – other transit users to get to and from their daily appointments. Placing a disproportionate burden on paratransit users is unconscionable and must not be allowed to continue. My legislation will prevent this inequity and is another important step in the fight to end discrimination against people with disabilities."

Senator Joe Addabbo (D-Queens) said, "The disabled in our communities are being threatened with numerous proposed cuts during the current budget environment in our city and our state that affect their vital programs and services, including proposed cuts to paratransit service. My Senate colleagues and I intend to provide those with disabilities increased protections by restoring or expanding such services they depend on, and outlawing discriminatory practices that make their daily lives even more difficult. Such practices must not be tolerated."

Senator Daniel Squadron (D-Brooklyn), Chair of the Social Services Committee said, "People with disabilities overcome unique challenges every day without having to deal with the extra burdens of discrimination. That's why the package of bills passed today is so important. The bills I sponsored will make it illegal for landlords to discriminate against people who rely on public rental subsidies, and ensure that public housing protections under Federal law are also enforceable under state law. I am pleased that the Senate Majority has made it a priority to protect New Yorkers with disabilities from unjust discriminatory practices."

Breaking Barriers

S7800 / Squadron: Ensures that housing protections offered to people with disabilities on the Federal level are also offered and enforced on the State level.

S7482 / Huntley: Clarifies the scope of protections against discrimination on the basis of disability in services provided by public entities.

3. S713-A / C. Johnson: Requires insurance companies to respond within 30 days to a request for reimbursement for a wheelchair.

S2933 / Duane: Mandates that paratransit fares be no higher than fares for transportation of non-disabled adults.

S5029A / Addabbo: Requires polling places to comply with disability standards and train poll workers in disability etiquette, including ballot marking devices.

S7860 / Addabbo: Expands the pool of available accessible polling places for people with disabilities.

S7329 / C. Johnson: Ensures the protection of individuals with disabilities under the human rights law.

S6819 / Foley: Establishes the universal design incentive which reduces building permit fees for new construction or substantial alterations providing for accessible housing for persons with physical disabilities.

S7931 / Stachowski: Designates the 18th of October as Disabilities History Day.

Senate President Pro Tempore Malcolm A. Smith said, "Due to safety concerns in case of an emergency, it's only fitting that public housing residents with limited mobility be located as close to the ground floor as possible. This legislation will ensure that if a unit becomes available on a lower floor, it is offered to current tenants who have a physically disabling condition in order to make access to and from the apartment more manageable."

Senator Craig M. Johnson (D-Nassau) said, "Today we made New York a more fair and equal place. I am proud that we took these great strides to protect and respect some of our most vulnerable residents."

Melanie Shaw, Executive Director of the New York Association on Independent Living, said, "We applaud the Senate's leadership in ensuring the fundamental civil rights of people with disabilities of all ages are protected, on the 20th anniversary of the passage of the Americans with Disabilities Act, by passing a bill which incorporates the provisions of Title II of the ADA into state law, clarifying the scope of protections against discrimination in the provision of services, programs and activities of public entities, requiring reasonable accommodations, and allowing individuals with disabilities to gain critical access to the administrative enforcement mechanisms through the State Division of Human Rights."

Chris Hilderbrant, Chief Operating Officer of the Center for Disability Rights said, "We are very pleased that the Senate has taken substantive action to create more housing options for people with disabilities. Our people face a deplorable lack of options; landlords refusing to accept Section 8 vouchers have only made this situation worse for many years. We applaud Senator Squadron and all of the Senators that voted to make this legislation the law of our state."

Susan M. Dooha, Exec. Dir. Center for Independence of the Disabled, New York (CIDNY), the first independent living center in New York State said, "We are thrilled to celebrate the 20th anniversary of our civil rights law with the Senate. These Senate bills puts New York squarely on our side in transportation, housing and on election day."

Paula Wolff, Senior Staffer and a paratransit user at CIDNY said, "Many of us live in extreme poverty, we don't want to force people to chose between going to the doctor and eating. Paratransit is essential in our lives. Senator Duane's bill will put the brakes on skyrocketing

fares."

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