Title III of the Americans with Disabilities Act becomes NYS Law

Susan Stockburger, Systems Advocate Independent Living, Inc., wrote this article for the Women’s Bar Association of Orange & Sullivan Counties.

Imagine these scenarios: A local hospital does not provide a qualified sign language interpreter for a deaf parent when her child is hospitalized for an emergency. A local department store places items on racks in aisles too narrow for a wheelchair user to get to. A local restaurant has no accessible entrance. A movie theatre entrance is accessible, but the bathrooms are not. What protections do members of the public have?

Since 1990, Title III of the Americans with Disabilities Act (ADA) has prohibited discrimination on the basis of disability, including the inaccessibility of public places. However, when it relates to enforcement of public accommodations, States have ultimate authority over its implementation and regulation. As such, States do not have to recognize or enforce ADA Title III. Fortunately the disability community realized that we needed a state version of ADA Title III in order to gain local enforcement of the public accommodations law.

After two years of aggressive advocacy by disability rights activists and concerned citizens, on August 1, Gov. Spitzer signed into law “An act to amend the executive law, in relation to protections against discrimination on the basis of disability in the area of public accommodations”.

As of January 1, 2008, private businesses that offer services to the public will now have to remove barriers of inaccessibility to their facilities, programs and services, and take action to assure that persons with disabilities (PWD) have an equal opportunity to participate in certain programs, services and activities.

The NY law adds three provisions:

1) updates the definition of "discriminatory practices" to include:
   (a) refusal to make reasonable modifications to policies, practices or procedures, (b) refusal to take steps to ensure that PWD are not excluded or denied services due to the lack of auxiliary aids and services, and (c) refusal to remove structural, architectural and communication barriers;

2) adds that changes must be “readily achievable” in costs and resources; that “auxiliary aids and services” include qualified interpreters and readers, and that “undue burden” means “significant difficulty” to comply; and

3) exempts air carriers.

The new law will also allow PWD the ability to file discriminatory practice complaints through the State Division of Human Rights rather than pursuing costly litigation in court. Individuals may bring their complaints to any DHR center throughout the State. If the Division finds probable cause of a violation, a lawyer will present the complainant’s case. In addition, the Division itself can bring affirmative investigations and initiate complaints.

ATI Awarded Three Grants

Over the last three months, Access to Independence has been awarded $13,500 to fund a variety of projects. ATI received a $10,000 grant from the Colorado-based J.M. McDonald Foundation, Inc. to fund accessibility projects; a $3,000 grant from the Cortland-based Ralph R. Wilkins Foundation, Inc. to fund youth transition activities; and a $500 grant from the Schenectady-based Price Chopper’s Golub Foundation for youth transition activities.

ATI has increased efforts to diversify its funding streams by applying for grants to help fund some of the agency’s evolving programs. Staff has made contacts with grant decision-makers throughout the Central New York region and across the nation. Most recently, staff attended a grant-writing workshop in Auburn where they gained insight from decision-making administrators of four local Foundations: Stardust Foundation, Allyn Foundation, Fred L. Emerson Foundation, and John Ben Snow Foundation.

Table of Contents

| Home of Your Own .......... | 2 |
| Fall Employment Conference | 2 |
| 2007 NDEAM Festivities .... | 3 |
| Housing Options ........... | 4 |
| ATI Visits Watertown ILC .. | 4 |
| Living Well Program ....... | 5 |
| Person First Legislation ... | 5 |
| 2008 Primary ............. | 5 |
| How To File ADA Complaint .. | 6 |
| Cutting Edge Technology ... | 6 |
| 2007 ATI Accomplishments .. | 7 |
| Medicare Part D Enrollment | 7 |
| Familiar Faces ............ | 7 |
Parents eligible for OMRDD and OMH “Home of Your Own” Mortgages

Parents of individuals with developmental disabilities, mental retardation or mental illness can now apply for mortgages under the Home of Your Own (HOYO) Program, which is financed by the State of New York Mortgage Agency (SONYMA).

The Home of Your Own Program, run jointly by SONYMA, the NYS Office of Mental Retardation and Developmental Disabilities (OMRDD) and the NYS Office of Mental Health (OMH) helps people with developmental disabilities or mental illness purchase homes with SONYMA mortgages issued at very favorable terms.

Enabling parents to apply for SONYMA mortgages will ease the financial burdens on families and improve their ability to provide for the needs of their children.

“We are delighted to be able to extend our SONYMA mortgages to parents coping with the needs of their children with developmental disabilities or mental illness,” said Priscilla Almodovar, President and Chief Executive Officer of SONYMA. “The Home of Your Own Program is very important for our special needs population and we’re glad to be able to make it more widely available.”

“I am pleased to offer this pioneering opportunity to parents of people with developmental disabilities who want to achieve the American dream -- home ownership,” said Diana Jones Ritter, OMRDD Commissioner. “This is a wonderful opportunity to advance the Governor’s housing agenda and work cooperatively with the State of New York Mortgage Agency and the Office of Mental Health. Expanding the Home of Your Own program will help us put people with developmental disabilities on the path to greater independence.”

“Recovery from mental illness without stable, decent, and affordable housing is almost impossible,” said Mike Hogan, Ph.D., Commissioner of OMH. “The Home of Your Own program has already been a great housing and recovery resource for people with a mental illness. We know that many individuals with mental illness live with family, and this expansion of the Home of Your Own program will assist even more New Yorkers when it comes to financing a home.”

The Home of Your Own Program offers very favorable mortgage terms for eligible applicants. Under the program, OMRDD and OMH refer applicants – and now their parents – to SONYMA after they complete a homebuyer counseling program. To be eligible, applicants must be first-time homebuyers and have incomes of not more than 80 percent of the area median income in the region where they live. There is also a limit on the purchase price, which varies by location.

The program offers a very low 4 percent fixed interest rate on mortgages of 30 or 40 years, 100 percent financing and reduced closing costs. Closing cost assistance is also available from SONYMA. The program is offered exclusively through M&T Bank, which has agreed to forgo or reduce some if its normal closing costs.

The program is available for homes, condos, co-ops and double-wide mobile homes permanently affixed to real property. Accessibility improvements are funded by OMRDD or OMH as needed.

Since the program was introduced in 1996, 189 households have used $13.2 million to finance their homes.

For more information on how to apply for the Home of Your Own Program, contact Lucinda Grant-Griffin, director of the HOYO program at

ATI Fall Employment Conference Features Cortland Employers

Access to Independence held its Fall Employment Conference in tandem with National Disability Employment Awareness Month (NDEAM) in October. The three module conference hosted managers of local businesses, a disability rights representative from Cornell University, service providers from local human service agencies and ATI staff who offered insight into the world of employment.

Four employers discussed what they look for when hiring new employees and what they expect from current employees. Employers included Jody Van Dee from the J M Murray Center, Sandra Swierczak from Cortland City School District, Shelley Ketchum from Manpower Inc, and Paula Currie from Walden Place. Each employer representative shared with participants what their organization’s process is to screen resumes, select candidates for interviews, and then make a hiring decision.

Shammi Carr from Cornell University’s Employment & Disability Institute led an open discussion on employee rights & responsibilities as a person with a disability. Ms. Carr explained that the Americans with Disabilities Act (ADA) provides employees with disabilities a number of rights relating to disclosure of a disability, reasonable accommodations, and unbiased employment opportunities. Participants gained better understanding of their rights through an active Q&A session and by way of role playing.

The conference featured representatives from local employment service providers. Heather Wineburg, Disability Program Navigator at Cortland Works Career Center, highlighted her agency’s services, including resume workshops, job search assistance, and vocational training. During another session, Ms. Wineburg covered SSA benefits while working. Wendy Claiser, Business Liaison at Employment Connection (EC), provided an overview of EC services. Lori Bishop, Job Coach at EC, spoke on the benefits a job coach brings to maintaining employment.

ATI staff participated in the Conference, including Fran Pizzola, Program Coordinator, who discussed the benefits of healthy living and encouraged participation in the agency’s Living Well Program. Mary Beilby, Systems Advocate, defined advocacy as active participation in the community. Ms. Beilby cited examples of past advocacy movements and encouraged participants to become more active for causes they believe in. Aaron Baier, Peer Mentoring Specialist, discussed the benefits that peer supports provide to individuals who are seeking employment. Mr. Baier also discussed the benefits of networking and how personal connections can develop into future employment opportunities.
Each year the month of October is recognized as National Disability Employment Awareness Month (NDEAM). This year, Access to Independence partnered with Employment Connection, the J M Murray Center, Cortland Works Career Center, VESID, and the New York State Education Department to recognize the abilities of individuals with disabilities. NDEAM events included a Caribbean-themed luncheon to recognize employees with disabilities and their employers for their hard work and dedication toward independent community employment, and an event that provided youth with disabilities the opportunity to job shadow with a mentor.

This year’s NDEAM festivities kicked off with a luncheon at the Cortland Elks Club for about 130 employee of the year nominees, their friends, family, and coworkers. Tom Gallagher, Mayor of Cortland, and Sandra Price, a Cortland County Legislator, presented a proclamation that recognized the month of October as National Disability Employment Awareness Month in Cortland County. Out of 29 individuals nominated for an Employee of the Year Award, the four winners included: Erik Hobart, Maria Mucaria, Jeni Oechsle, and Elinor Schrader. The other 25 nominees received honorable mention and an Employee Achievement Award. Micki Mudge, a student at Cortland High School, took home the Youth Employee of the Year Award. Northwoods Nursing Home was also recognized with the Employer of the Year Award.

Above: Rob Ferri stands with a proud Norman Smith at the NDEAM luncheon.
Left: Aaron Baier recognizes his fiancée, Maria Mucaria, as an Employee of the Year recipient.
Below: Group photo of the youth that participated in DMD activities.
Right: Nancy King receives her Employee Achievement Award.

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Help Us To Support Our Troops This Holiday Season!
Join Access to Independence staff in pooling together its resources to purchase gifts to send to our troops overseas!

Contact Shirley Martini at 753-7363 for more information.

Happy Holidays!

Kudos to everyone who made this year’s NDEAM activities a great success and congratulations to everyone who received recognition for their accomplishments.

On October 17, 30 youth participated in Disability Mentoring Day, a nationally recognized day that provides youth an opportunity to job shadow with a mentor. Geoff Herbert (Deaf Geoff), a DJ for a local radio station, kicked off the day with a keynote address during a spirited breakfast. Deaf Geoff spoke about his life and experience with a hearing impairment and how he has become successful by using his natural talents. After the breakfast, youth set off to their assigned job sites to meet their mentors. Auto mechanics, public safety, animal care, human services, private investigator, and hairdresser were only a few of the different fields that the 30 participating youth were interested in. Following the job shadowing experiences, participants enjoyed a luncheon at the Elks Club where participants shared with each other their experiences. Each participant received a Certificate of Participation for the day’s activities.

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Happy Holidays!
Cortland and Homer Planning Projects Will Impact Future Accessible Housing Options

Both the City of Cortland and the Village of Homer are presently developing comprehensive plans that will impact the availability of affordable and accessible housing. It is important that citizens participate in these plans by filling out resident surveys and attending public meetings. While some people favor a variety of housing options, others will undoubtedly favor low density, low-cost rental units, etc.


At the present time, no information has been posted about the planning process for the Cortland Comprehensive Plan, but a steering committee has been appointed and has met at least once. Three public hearings are scheduled for Cortland, including: November 28th at 7:00 pm at Barry Elementary School, December 3rd at 7:00 pm at Ferdinand E. Smith Elementary School and December 6th at 4:00 pm at the East End Community Center.

Access to Independence hosts an Affordable/Accessible Housing Subcommittee that identifies and addresses local housing issues. The agency has conducted two homeless surveys and is planning to conduct a third in January 2008. The Housing Sub-Committee has submitted a 2008 HUD Continuum of Care application for Catholic Charities to provide supportive, permanent housing to people coming out of shelters. Sub-Committee members comprise representatives of local agencies, not-for-profits, faith-based organizations and interested individuals.

If you are interested in getting involved with this work, please contact Sue Lewis at 753-7363.

ATI Staff Visits Watertown ILC

On October 19, ATI staff traveled to Watertown, NY, to exchange information with representatives of the Northern Regional Center for Independent Living (NRCIL). ATI Executive Director Mary E. Ewing, Peer Mentoring Specialist Aaron Baier, and Peer Mentoring / Youth Transition Facilitator Chad W. Underwood toured the Jefferson and Lewis County center for independent living to learn more about the agency’s best practices. They met with the NRCIL Executive Director Brenda Campany, Independent Living Program Manager Kim Smith and Family Support Services Manager Kathy Connor.

Like ATI, NRCIL serves people of all ages with disabilities and their families, public officials, service providers and businesses that require technical assistance in responding to the needs of persons with disabilities. Similar to ATI, NRCIL’s core services relate to its independent living program. NRCIL conducts activities that aim to assist individuals in being involved in the community and advocating on behalf of themselves and their peers. NRCIL identifies disability issues during the year and involves staff and volunteers in motivating members of the community to actively pursue the issues.

NRCIL offers a variety of unique services through its Family Support Services Program. Family support services at NRCIL emphasize self-determination and family control. In the program, families work together to achieve a non-discriminating and embracing community for their children with disabilities. Family Support emphasizes full parent participation in service planning, and evaluation of services in the child’s own home and community whenever possible. NRCIL advocates for flexibility and responsiveness from the formal service system. Family centered planning allows families to choose the services and goals which best meet their individual family needs. The components of this program combine to assist and empower families to reach these goals.

For more information, check out NRCIL’s web site at [www.nrcil.net](http://www.nrcil.net).

Left: Northern Regional Center for Independent Living (NRCIL) staff (Kathy Connor, Brenda Campany, and Kim Smith) host ATI staff (Mary Ewing, Chad Underwood, and Aaron Baier) at a recent visit to Watertown.

ATI’s Luau-themed Fun Night

Left: Nancy King and Irene Allen share a smile for the camera.

Below Left: Bonnie Calzolaio balances a pineapple on her head!

Below Right: The group danced the evening away as they learned how to dance the luau.

Right: Karen Sanford helped to set-up the food table at the Luau.
Governor Spitzer signs “Person First” Legislation

On Wednesday, August 1st, Governor Spitzer signed the “Person First” bill requiring the use of “person first” language when describing individuals with disabilities in legal documents, publications, and state and local legislation.

The text of the bill reads: “On or after the effective date of this section (immediately), all new and revised statutes, local laws, ordinances, charters or regulations promulgated or any publication published by the state or any political subdivision that refer to persons with disabilities shall seek to: (1) avoid language that implies that a person as a whole is disabled (e.g., the mentally ill or the learning disabled); equates persons with their condition (e.g., epileptics, autistics or quadriplegics); has negative overtones (e.g., afflicted with cerebral palsy, suffering from multiple sclerosis, confined to a wheelchair or wheel-chair bound); or is regarded as derogatory or demeaning (e.g., handicapped or mentally deficient); and (2) replace non-respectful language by referring to persons with disabilities as persons first (e.g., individuals with disabilities, individuals with mental illness, individuals with autism or individuals with mental retardation).”

Here are a few of the guidelines:

- Do not refer to a person’s disability unless it is relevant; REMEMBER, people are PEOPLE FIRST, DISABILITY SECOND!
- Use ‘disability’ rather than ‘handicap.’
- Do not use ‘normal’ to describe people without disabilities; instead say ‘people without disabilities’ if comparisons are necessary.
- Do not portray people with disabilities as overly courageous, brave, special, or super human.

To see a list of additional examples of Person First language, visit the following web site:

[www.workforceinnewyork.com](http://www.workforceinnewyork.com)

Assemblyman Harvey Weisenberg (D-Long Beach) re-introduced the bill in February. It had previously been approved by the New York State Assembly and Senate, but was vetoed by former Governor Pataki.

The American Association of Persons with Disabilities (AAPD) has an excellent website with information about the candidates’ positions on a variety of disability related issues:


TENANTS RIGHTS

Do you rent an apartment in the Cortland area?

Do you have questions regarding your legal rights as a tenant?

Access to Independence would like to hold a Tenants’ Rights Informational Meeting.

Please call Susan Lewis at 753-7363 if you are interested.

Dates and times will be announced.
How To File an ADA Complaint

The Americans With Disabilities Act (ADA) prohibits discrimination based on disability in public accommodations. Private entities covered by the ADA include places of lodging, establishments serving food and drink, places of exhibition or entertainment, places of public gathering, sales, rental, and service establishments, stations used for specified public transportation, places of public display or collection, recreation, education, social service center establishments, and places of exercise or recreation. ADA also covers commercial facilities (such as warehouses, factories, and office buildings), private transportation services, and licensing and testing practices.

If you feel you have been discriminated against by an entity covered by the ADA, send a letter to the Department of Justice, at the address below, including the following information:

- Your full name, address, and telephone number, and the name of the party discriminated against;
- The name of the business, organization, or institution that you believe has discriminated;
- A description of the act or acts of discrimination, the date or dates of the discriminatory acts, and the name or names of the individuals who you believe discriminated; and
- Other information that you believe necessary to support your complaint. Please send copies (not originals) of relevant documents.

Sign and send the letter to the address below:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights - NYAVE
Washington, D.C. 20530

The Disability Rights Section will consider your complaint and inform you of its action. The office will investigate the complaint and determine whether to begin litigation. The office will not necessarily make a determination on each complaint about whether or not there is an ADA violation. If they believe there is a pattern or practice of discrimination, or the complaint raises an issue of general public importance, they may attempt to negotiate a settlement of the matter or they may bring an action in U.S. District Court. Any such action would be taken on behalf of the US. They do not act as an attorney for, or representative of, the complainant.

You also have the option of filing your own case in U.S. District Court. Depending on the nature of your complaint, other information would also be helpful to the investigation:

1. Small businesses have limited protection from lawsuits. Except with respect to new construction and alterations, no lawsuit can be filed concerning acts or omissions that occur before –
   a) July 26, 1992, by businesses with 25 or fewer employees and gross receipts of $1,000,000 or less.
   b) January 26, 1993, by businesses with 10 or fewer employees and gross receipts of $500,000 or less.

2. The name(s) of the individuals or entities who have an ownership and/or managerial interest in each facility or business that is the subject of your complaint, with phone numbers and addresses, including zip codes.

3. Information specifying whether the facility is owned and/or operated by a private entity or a state or local government.

4. The nature of the activity or service provided by the business.

5. If you are alleging failure to remove architectural barriers, a description, including as much detail as possible, of the barriers. Provide pictures, videotapes, diagrams, or other illustrations that accurately set forth the alleged violation.

6. Any suggestions for remedying the alleged violations of the ADA.

7. Information about whether you have filed a related complaint with a U.S. Attorneys Office, or any other Federal, State, or local agency, or any court, or whether you intend to file such a complaint.

 Cutting Edge Technology Available at ATI

Beginning with this newsletter, Access to Independence will review adaptive technology and equipment geared to improve a person’s ability to be independent. This edition will cover accessible software that is available for use in the ATI Computer Lab.

ZoomText makes seeing and hearing everything on your computer screen more clear than ever. ZoomText is screen magnification software that will enlarge your computer screen up to 36x normal size. It allows the user to enlarge and change the color of the mouse pointer. It also offers color enhancements that allows a user to change the screen contrast. ZoomText makes using the computer much easier for individuals who are blind or visually impaired.

JAWS is a screen reading software. It is capable of reading aloud the text on your computer screen. It has different voices and speeds that can be customized to suit your needs. The software is perfect for word processing, email, and simple text-only webpages. Newer versions of JAWS, which can be found on the market now, are more capable of web browsing and have voices that are less computer-like and easier to understand. JAWS makes using the computer much easier for those with reading / learning disabilities and those who are blind or visually impaired.

Dragon Naturally Speaking enables you to type on a computer by speaking into a microphone. Once a user has trained the software to recognize their voice they can begin typing. Simply speak into the microphone and the software translates your speech into text. This software is widely used by the general population but is extremely effective for individuals who have limited or no use of their hands, or those with learning disabilities.

For more information on the above accessible software, check out these websites: www.ilsource.com or www.independentliving.com. If you are interested in learning how to use any of the above software contact Aaron Baier by phone at 607-753-7363 or email at abaier@aticortland.org.
Access to Independence Accomplishments in 2007

As each year comes to an end, it is a common practice for individuals and businesses alike to reflect on their accomplishments over the last 12 months, hoping that progress has been made towards achieving goals.

2007 has been an unprecedented year of growth for Access to Independence in terms of the number of consumers and agencies served throughout Cortland County and the quality and quantity of services provided.

Below is a brief summary of ATI’s accomplishments this year:

• 2007 Homeless Count
• 2 Individuals Transitioned out of Nursing Homes
• Accessible Travel Survey
• 16 Home Accessibility Modifications
• 20th Year of Advocacy Celebration
• Increased Poll Site Accessibility
• ATI secures 2nd Access to Home Grant ($200,000)

2008 Medicare Part D Enrollment Quickly Approaching

Are you satisfied with your current Medicare Part D plan?

Are you eligible for Medicare Part D, but not enrolled?

The Medicare Part D program provides beneficiaries with assistance paying for prescription drugs. The drug benefit, added to Medicare by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, (MMA), began in January 2006. Unlike coverage in Medicare Parts A and B, Part D coverage is not provided within the traditional Medicare program. Instead, beneficiaries must affirmatively enroll in one of many hundreds of Part D plans offered by private companies.

The Annual Enrollment Period for Part D runs from November 15 – December 31. During this period people with Medicare can enroll in a plan or change their enrollment from one plan to another. Individuals who are already in a plan should decide whether it will be right for them in the coming year; if they do not choose to switch they will remain in their current plan. The 2008 enrollment period for those eligible for Medicare Part D begins on November 15, and ends on December 31, 2007.

If you are not dual eligible (have both Medicare and Medicaid) or you do not qualify for extra help, this is the only time of year that you can change to a different Medicare Part D prescription plan.

Because the deductible, initial coverage limit, and annual out-of-pocket threshold change each year according to the changes in expenditures for Part D drugs, beneficiary out-of-pocket expenses may increase annually. The Medicare law does not mandate a set premium amount. These costs as well as the list of covered drugs vary from plan to plan and from region to region. Beneficiaries should take time to review the various plans available to them in light of their current and anticipated needs and financial resources.

If you need help finding a plan that will work for you, or if you want to find out if you might be eligible for extra help paying the premium, call Sue Lewis at 753-7363.

Interested in becoming a volunteer?

ATI is currently seeking volunteers to help:

* Advocate for removal of community architectural barriers.
* Help out at agency social, recreational and educational events to include PWD.
* Advocate for changes in legal / social / business systems to provide equal access.
* Assist with computer & clerical tasks.

Please call Shirley Martini at 753-7363 if you are interested.
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Sue Lewis, Indep. Living Advocate
Shirley Martini, Operations Manager
Fran Pizzola, Program Coordinator
Chad W. Underwood, PM Facilitator

Ongoing Events:
Craft Classes
Thursday’s - 1:00 - 3:00 pm
Caregiver’s Support Group
12/20 - 7:00 pm
Fibromyalgia Support Group
1/08 - 5:30 pm
Go-Getters Group
12/15 - 3:30 - 4:30 pm
Mental Health Support Group
Wednesday’s - 7:30 - 9:00 pm
Peer Employment Support Group
Last Wednesday Monthly - 5:00 pm
Worksite Wellness Program
Wednesday’s - 3:30 - 4:45 pm
Holiday Fun Night
12/13 - 6:00 - 8:00 pm

Upcoming Events:
Christmas Holiday - 12/24 through
12/26 - Office Closed
New Years Holiday - 12/31 through
01/01 - Office Closed

Access To Independence
OF CORTLAND COUNTY, INC.
26 North Main Street
Cortland, New York  13045