



# Disability Rights online News

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## Disability Rights Online News

is a bi-monthly update about the Civil Rights Division's activities in the area of disability rights. The Division enforces laws prohibiting discrimination based on disability in employment, housing, access to businesses serving the public, access to government programs and services, including voting and public transportation, and unconstitutional conditions in institutions of confinement.

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## MULTI-FAMILY HOUSING ACCESS FORUM IN SEATTLE DRAWS LARGE TURNOUT

On May 20, 2008, more than 100 developers and building professionals, government officials, and advocates for individuals with disabilities attended the Civil Rights Division's seventh Multi-Family Housing Access Forum in Seattle, Washington. Hosted by Jessie K. Liu, Deputy Assistant Attorney General, and Steven H. Rosenbaum, Chief of the Housing and Civil Enforcement Section of the Civil Rights Division, the free event featured presentations by three prominent architects followed by engaging questions from the audience.

Launched in 2005, the Access Forum's objective is to help building professionals understand their legal obligations under

(Continued on page 2)

## ADA TECHNICAL ASSISTANCE PROGRAM INCREASES UNDERSTANDING AND COMPLIANCE

The ADA is the first civil rights law to require the government to help people and organizations understand their rights and responsibilities under the law. And that is no small task: the ADA covers more than seven million businesses, 80,000 units of state and local government, and 50 million people with disabilities. To accomplish this seemingly daunting task, the Department engages in a wide range of activities to foster understanding of and voluntary compliance with the ADA. These activities include a vast array of technical assistance materials, a nationwide toll-free ADA Information Line, the popular ADA Website, the ADA Business Connection, and outreach initiatives to businesses, state and local governments, and people with disabilities. In all these activities there is one common goal: to provide access to accurate, understandable, and timely information to people across the country, in the manner that best meets their individual needs.

(Continued on page 3)

(Access Forum, continued)



**Audience at Access Forum in Seattle**

the federal Fair Housing Act's accessibility requirements and to celebrate partnerships that have successfully produced accessible multi-family housing in which everyone profits – developers and consumers alike. The theme of the event is "Good Access is Good Business." Previous events were held in Miami, Minneapolis, Phoenix, Atlanta, Dallas, and Washington, DC.

In her welcoming remarks, Ms. Liu encouraged the building professionals in attendance to comply with the Fair Housing Act's accessibility requirements from the outset on their projects, rather than risking enforcement actions and expensive retrofits. She said, "[i]t pays to comply with the accessibility requirements not only because it is the law and the right thing to do, but because it is the right

business choice as well." Ms. Liu noted that in the coming years, Washington state will face growing challenges to keep up with the increasing demand for housing and the growing numbers of people with a condition limiting basic physical activities.

Ms. Liu also spoke about the Department's enforcement activities and emphasized that although the Civil Rights Division has obtained great results through litigation – over 14,500 housing units in 26 states will be made accessible to people with disabilities as a result of the Department's settlements since October 2004 – lawsuits cannot and should not be the only approach to Fair Housing Act enforcement. Achieving compliance at the design and planning stages is a more timely and cost-effective means of ensuring that the housing needs of people with

disabilities are met without costly retrofits and litigation.

The featured presenters were Peg Staehli, ASLA, LEED AP, President of SvR Design, a Seattle-based landscape architecture and civil engineering firm; Curtis Caton, AIA, Principal in Pyatok Architects, based in San Francisco, California; and Thomas Eanes, AIA, Senior Associate at Hewitt Architects in Seattle.

Ms. Staehli discussed the importance of a coordinated team effort between the design professionals and the developers to consider the accessibility requirements from the inception of a project through its final inspections. Ms. Staehli said the accessible route should be part of the plan from the beginning and should be marked and noted on each professional's plans at every stage. She then encouraged design professionals to closely monitor progress at the work site to ensure that the accessible route is not altered during construction with non-compliant slopes or the insertion of steps. She said design professionals can educate the building team about the accessibility requirements and work with the team to ensure compliance and work through problems and issues during construction.

Mr. Caton urged the design professionals to consider from the beginning of designing a project the needs of the users,

(Access Forum, continued)

and he shared several successful projects to illustrate. He discussed the need to make adequate allowances inside the units so that there will be sufficient maneuvering space, including taking into account the full depth of cabinets and the overhang of countertops in kitchens. Mr. Caton said the architect's task includes not only consulting the codes, but also developing aesthetically pleasing and functional accessible housing.

Mr. Eanes also said a cooperative team approach to accessibility is best, so that the developers, builders, architects and users are all part of the process. He emphasized creativity in problem solving. Mr. Eanes gave examples of projects he had designed and described the process by which he was able to make the projects accessible without compromising on aesthetics or features.

For more information about the Fair Housing Act and the Division's enforcement activities, go to [www.usdoj.gov/fairhousing](http://www.usdoj.gov/fairhousing). The Division's next forum will be held in another major city in the fall of 2008, and will be announced on the Division's web site over the summer.

(ADA Technical Assistance Program, continued)

### ADA Information Line

*"But I don't understand why the law says I have to keep 18" of clear space on the latch side of the door. It doesn't make sense."*

*"Nobody with a disability ever comes in here, so why do I have to do anything?"*

*"This is a restaurant and we don't allow pets. Now there's a woman in here and she says I have to let her in with her guide dog."*

"ADA Technical Assistance. How may I help you?" This phrase is heard every day by people throughout the United States when they call the Department's ADA Information Line (800-514-0301 for voice, 800-514-0383 for TTY), for answers to their questions. ADA specialists assist more than 50,000 callers each year by helping them understand the ADA and how it applies to their specific situation. Another 40,000 callers use

the Information Line to access recorded information or order publications for delivery by mail or fax. The Information Line helps ensure that people with disabilities can participate more fully in all aspects of society. It educates callers on a wide range of ADA issues so that, for example:

- a person who is deaf is able to communicate effectively to discuss treatment with her doctor, to access a 911 emergency call center equipped with a TTY, or to do something as simple as ordering a pizza via a telephone relay service;
- children with disabilities are not denied admission to child care simply because they have a disability;
- postsecondary schools provide testing accommodations for people who are blind or who have cognitive or learning disabilities;

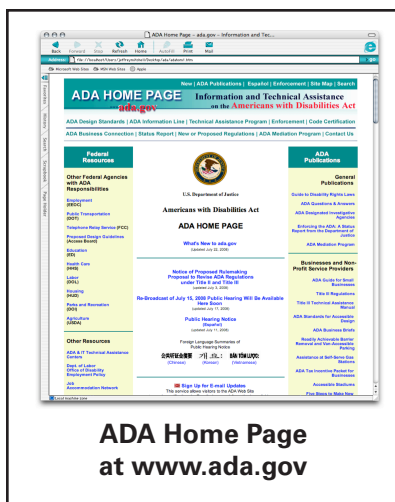


**ADA Specialist answering a call to the ADA Information Line**

(ADA Technical Assistance Program, continued)

- people are allowed to bring their service animals into businesses and hospitals, or use taxis;
- people with cognitive disabilities are given assistance in filling out applications for state services; and
- people who use wheelchairs or other mobility devices can access hotels, grocery stores, doctors' offices, courthouses, and other businesses providing goods and services to the public.

## ADA Website



The popular ADA Website (www.ada.gov), serving more than 65,000 users per week, provides direct access to the Department's ADA publications, briefs, and settlement agreements, as well as general information about its enforcement, mediation, technical assistance, and certification programs, information about

any proposed changes in ADA regulations and requirements, links to ADA press releases, and links to other Federal agencies' websites that contain ADA information. In addition to publications, the Website contains *Reaching Out to Customers with Disabilities*, an interactive ten-lesson course that explains the ADA and how it applies to businesses. This course condenses hundreds of pages of regulations, technical guidance, and Department policy into a product that is easy to use and understand. Its accessible format can be used by people who are blind or have low vision.

The Website also contains three fully accessible streaming videos. *Ten Small Business Mistakes* is a 13-minute video featuring statements by store owners expressing common doubts or misunderstandings about the ADA followed by responses from Department officials and staff explaining the law in common sense terms. *Police Response to People with Disabilities* addresses law enforcement situations involving people who have mobility, speech, hearing, or vision disabilities, mental illnesses, mental retardation, or seizure disorders. *The ADA Signing Ceremony* documents the speech given by President George H. W. Bush when he signed the ADA into law on July 26, 1990. Copies of these

videos can be ordered through the ADA Information Line or the ADA Website.

In March 2008, a new feature was added allowing subscribers to receive E-mail notification when additions or changes are made to the ADA website and allowing the Department to send out custom announcements as needed.

## ADA Business Connection

The ADA Business Connection is a multifaceted Department initiative to improve access to everyday commerce by fostering dialogue and cooperation between the business community and the disability community. The Business Connection produces materials addressing issues of specific interest to small businesses and makes them available through the ADA Information Line and the ADA Website. It also sponsors meetings between representatives of the business and disability communities.

ADA Business Connection Leadership meetings are sponsored by the Assistant Attorney General for the Civil Rights Division and take place mainly in major metropolitan areas. Since the program's inception in 2002, twenty-three Leadership meetings have been held in cities across the United States, with more than 800 participants from small and

(ADA Technical Assistance Program, continued)

mid-sized businesses, large corporations, and organizations of people with disabilities. The sessions present speakers from multi-national companies, local businesses, and organizations of people with disabilities to talk about building business cases for accessible products and services, providing staff training, hiring employees with disabilities, and honing effective marketing techniques.

*“The ADA Business Connection is a great thing. The meetings are important for maintaining connection to the issues and the people; the biggest value of the meeting is the communication.” - A business representative who attended an ADA Business Connection Leadership meeting.*

Accessible Neighborhood Businesses: Information Exchange meetings, a new component of the ADA Business Connection, are held primarily in rural or smaller communities. The audience consists of the leadership of local Centers for Independent Living, community disability rights leaders, neighborhood businesses, and high school students in business education organizations (e.g., Future Business Leaders of America),

among others. Department staff organize the meetings, select the meetings’ co-hosts, provide training on the ADA, and facilitate discussion and brainstorming among the participants on a project they agree to undertake in their community to improve business accessibility. Since October 2007, two such meetings have been held.

Business Connection meetings have sparked lively, productive discussions and promising collaborations between the business and disability communities.

The two most recent activities were an ADA Business Connection Leadership meeting at the Ohio State University in April 2008, and an Accessible Neighborhood Businesses Information Exchange meeting in Birmingham, Alabama, in March 2008.

## ADA Outreach

The RECENT OUTREACH ACTIVITIES section of this newsletter regularly describes the Department’s efforts to give presentations, participate in panel discussions, disseminate information, and answer questions about the ADA at conferences, meetings, and other events around the country. Of particular note, the Department staffs booths at two or three State Fairs every year to provide rural populations with information about the ADA. Organizers interested in having an ADA booth at their State Fair can contact the Director, ADA Technical Assistance and Mediation Program, U.S. Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue, NW, DRS-NYA, Washington, DC 20530.

## NEW JERSEY RESTAURANT WILL IMPROVE ACCESSIBILITY

On April 15, 2008, the Marco Polo Restaurant and Tavern in Summit, New Jersey, signed a settlement agreement with the Department resolving a complaint alleging that the restaurant had not complied with the barrier removal and alterations provisions of the ADA. Under the agreement, the Restaurant will add one

accessible parking space and one accessible van parking space, provide an accessible entry ramp, install an automatic door operator at the interior entrance door, and provide directional signage indicating the location of the accessible entrance. The agreement also included a payment of \$750 to the complainant.

## **TENTH NEW YORK HOTEL AGREES TO IMPROVE ACCESSIBILITY**

In May 2005, the Department commenced a compliance review of approximately fifty hotels in Manhattan's Theater District to ascertain whether the hotels are operating in compliance with the ADA. During the initial phase of the initiative, the Department asked each hotel to complete an ADA Compliance Review Survey Form. Department staff then met with representatives of the hotels, conducted inspections at the hotels, and notified hotel representatives of any areas in which they were not in full compliance with the ADA Standards.

On April 30, 2008, the Department entered into its tenth settlement agreement with a hotel in Manhattan's Theater District, Hotel 41. The settlement requires the hotel to certify compliance with the ADA in a number of key areas, including accessibility of hotel rooms and lobby areas, and to provide periodic reports to the Department regarding the hotel's compliance.

## **COLORADO WILL ELIMINATE DISCRIMINATION IN ADMINISTERING EXAM FOR PEACE OFFICERS**

The State of Colorado Peace Officers Standards and Training Board ("P.O.S.T. Board"). entered into a settlement agreement with the Department on March 19, 2008, resolving the Department's allegation that the P.O.S.T. Board's denial of all requests for reasonable accommodation during the administration of the P.O.S.T. licensing examinations for applicants seeking certification as peace officers in the State of Colorado violated the ADA. The settlement requires the P.O.S.T. Board to implement changes to its policies, practices, and procedures to prevent discriminating against qualified individuals with disabilities on the basis of disability.

The Department's investigation was based on a complaint by a man who took and failed the P.O.S.T. certification examination twice after his requests for a modification of the examination procedures were denied. Under the agreement, the man will be allowed to audit the entire academic portion of the Law Enforcement Training Academy at Arapahoe Community College free of charge commencing in the fall semester of 2008, but may defer enrollment for up to one academic year, and will be given reasonable accommodations when he sits for the certification examination. The P.O.S.T. Board also agreed to waive the application processing fee and the examination fee for the next three examinations taken by the man.

## **VIRGIN ISLANDS MARKET WILL WELCOME SERVICE ANIMALS**

The Pueblo, a retail market located in St. Thomas, Virgin Islands, recently entered into a settlement agreement with the Department agreeing to promulgate a policy statement making clear that people with disabilities who use service animals are welcome to

use the market, and to post notices about the new policy in conspicuous locations. The settlement resolves a complaint from a person with a disability alleging that he was asked to leave the Pueblo because he was accompanied by a service animal.

## TEXAS RESIDENTIAL COMMUNITY SUED FOR DISABILITY DISCRIMINATION

On April 24, 2008, the Department sued the owners of the common areas of Air Park Estates, a condominium community in Collin County, Texas, along with the community's Zoning Committee and its individual members, for violating the Fair Housing Act. The complaint, filed in federal court in Plano, alleges that the defendants violated the Act when they refused to make a reasonable accommodation for a woman with a mobility disability. The zoning committee repeatedly denied the woman's request to keep a bridge that she and her husband had had installed in front of their house to give her access to the street, even after the woman explained to the committee the severity of her disability and her need for a direct route from her house to the street. Ultimately, the committee sued her husband to force him to remove the bridge.

The Department's complaint seeks monetary damages for the woman and an injunction prohibiting the defendants from violating the Fair Housing Act. The case originated when the woman filed a discrimination complaint with the U.S. Department of Housing and Urban Development (HUD). HUD conducted an investigation and referred the matter to the Justice Department.

## CONNECTICUT AND IDAHO LANDLORDS SETTLE FAIR HOUSING LAWSUITS OVER USE OF ASSISTANCE DOGS

On May 27, 2008, a landlord in Windsor Locks, Connecticut, entered into a consent decree with the Department resolving a lawsuit alleging that the landlord had violated the Fair Housing Act by refusing to grant a tenant's requests for a reasonable accommodation. The suit, filed on August 1, 2007, in the federal court in Hartford, alleged that Mahmoud M. Hussein had refused to grant a reasonable accommodation from his no-pets policy so

that a tenant's minor daughter could work with an assistance dog to help with her cerebral palsy, seizure disorder, and depression. The lawsuit further alleged that Hussein retaliated against the mother and daughter after they attempted to exercise their rights under the Fair Housing Act, by refusing to renew their annual lease and beginning eviction proceedings. The mother and daughter filed a separate lawsuit that also was resolved by the consent decree.

On May 29, 2008, the owners and managers of Shadow Canyon Apartments, located in Idaho Falls, Idaho, entered into a consent decree with the Department resolving a Fair Housing lawsuit alleging that they refused to allow residents with disabilities to keep assistance dogs.

Under the consent decree in the Connecticut case, which was approved by the court on June 2, 2008, the defendant will pay \$115,000 in monetary relief, including \$102,000 to compensate the tenant and her daughter and \$13,000 in attorneys fees. Additionally, the defendant will attend fair housing training, implement a reasonable accommodation policy, and comply with notice, monitoring, and reporting requirements.

"In this case, a child with severe disabilities was denied an assistance animal," said Grace Chung Becker, Acting Assistant Attorney General for the Civil Rights Division. "We are pleased that this settlement will compensate the child's family and protect their housing rights."

This case arose as a result of a complaint filed by the tenant on behalf of herself and her daughter with the U.S. Department of Housing and Urban Development (HUD). After an investigation of the complaint, HUD issued a

(Assistance dogs, continued)

charge of discrimination, and the complainant elected to have the case heard in federal court.

In the Idaho case, the consent decree calls for training, a nondiscrimination policy, record keeping, and monitoring. Additionally, defendants will pay \$7,500 to compensate a former tenant and \$17,000 to compensate the Intermountain Fair Housing Council, will pay a \$25,000 civil penalty to the United States, and will establish a \$12,500 fund to compensate any victims subsequently identified by the Department. The decree was approved by the federal court on May 29, 2008.

“The Fair Housing Act requires landlords to make reasonable accommodations for persons with disabilities,” said Grace Chung Becker, Acting Assistant Attorney General for the Civil Rights Division. “The Department will continue to vigorously enforce laws that prevent discrimination against people with disabilities.”

This lawsuit arose as a result of a charge of discrimination issued by the U.S. Department of Housing and Urban Development (HUD) following HUD’s investigation of a complaint filed by the Intermountain Fair Housing Council.

## ALABAMA CITY SUED FOR DISABILITY DISCRIMINATION

On May 7, 2008, the Department sued the City of Satsuma, Alabama, for violating the Fair Housing Act by refusing to allow three unrelated women with disabilities to live together in a single-family home with supportive services provided by professional care-givers. Although the City’s zoning ordinance permits up to five unrelated people to reside together in single-family homes in residential zones of the City, it claimed that the women did not constitute a family and that its ordinance did not apply to group homes operated by for-profit service providers.

The lawsuit, filed in the federal court in Mobile, charges that Satsuma refused to make reasonable accommodations in its rules, policies, practices or services, which were necessary to afford the residents an opportunity to use and enjoy their home. It seeks a court order prohibiting future discrimination by the

## Did you know...

**Under the Fair Housing Act, it is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of his or her disability. For more information, see: [www.usdoj.gov/crt/housing](http://www.usdoj.gov/crt/housing).**

City and requiring the City to grant the requested accommodation, pay monetary damages to compensate the victims, and pay a civil penalty.

“The Fair Housing Act ensures that persons with disabilities have the right to live in communities of their choice. We will continue to enforce the Act vigorously,” said Acting Assistant Attorney General Grace Chung Becker.

This lawsuit arose as a result of complaints filed with the U.S. Department of Housing and Urban Development (HUD) by the three women, each of whom has a diagnosis of mental retardation. HUD referred the cases to the Justice Department after conducting an investigation.



## ADA MEDIATION HIGHLIGHTS

The ADA Mediation Program is a Department-sponsored initiative intended to resolve ADA complaints in an efficient, voluntary manner. Mediation cases are initiated upon referral by the Department when both the complainant and the respondent agree to participate. The program uses professional mediators who are trained in the legal requirements of the ADA and has proven effective in resolving complaints at less cost and in less time than traditional investigations or litigation. Over 78% of all complaints mediated have been resolved successfully.

In this issue, we highlight complaints by people with disabilities who use service animals that have been successfully mediated.

- In Utah, a person with a mobility disability complained that she was denied access to a grocery store because she uses a service animal. The company agreed to expand its service animal training as part of ongoing ADA training provided to all regional store employees and wrote an apology to the complainant reaffirming the company's policy of welcoming service animals.
- A person with a mobility disability alleged that a Florida doctor's office would not provide services while her service animal was present. The office established a written policy allowing full access for all patients who use service animals, provided staff training on the policy, and gave the complainant a 50 percent discount for future visits.
- In South Carolina, a person with a mobility disability was denied access to a restaurant and forced to eat outside because she uses a service animal. The restaurant developed a written policy regarding service animals and added it to the employee manual, trained all managers on ADA requirements, and placed "Service Dogs Welcome" signs in the windows of all three of the respondent's restaurants.
- An individual who is deaf and has low vision complained that a North Carolina doctor's office refused to allow his service animal to accompany him into treatment areas. The office modified its policy to allow service animals in all areas of the practice and adopted a comprehensive policy to provide effective communication for patients. The owner of the practice apologized to the complainant and volunteered to apply these policies in 23 other office locations, posted signs about the new policies, and trained staff at all locations.
- In Florida, a person who uses a wheelchair and a service animal complained that she was asked questions about her disability and asked to provide identification for her dog while shopping at a department store. The respondent agreed to provide disability awareness training to staff and management at the store, to post a large sign saying "Service Animals

- An individual who is blind and uses a service animal alleged that a Nebraska cab driver refused to provide service to her and her friend. The cab company arranged for all drivers to be trained on the ADA by an advocacy organization. The company also apologized to the complainant in writing and gave her 52 round-trip cab rides and \$500.

(Mediation, continued)

Welcome,” and to provide a formal written apology and a payment of \$2,500.

- In California, a woman with a mobility disability complained that staff at a restaurant requested documentation for her service animal and treated her rudely. The restaurant reaffirmed its ongoing commitment to provide access to service animal users, agreed to train its employees on this policy, and to compensate the complainant with \$750 and an additional \$100 in gift certificates.

- A person who uses a wheelchair complained that a Texas restaurant refused to serve her because she uses a service animal. The restaurant owner agreed to review ADA requirements with the employees. The owner also apologized to the complainant orally and in writing and notified her in writing of the steps taken to ensure that all service animals will be welcome in the restaurant.

- A person who is blind and uses a service animal complained that a Pennsylvania restaurant did not allow service animals to enter the restaurant. The restaurant trained its staff on ADA requirements, provided information regarding service animals to the local community newspaper, and gave the complainant a gift card to use at the restaurant.

- In Pennsylvania, a person with a mobility disability who does not have full use of her hands and arms and who uses a service animal complained that a restaurant refused to allow the animal to assist her in physically paying her bill. The restaurant sent a written apology to the complainant and agreed to allow access to all service animals, posted signage welcoming service animals, and received comprehensive training on the ADA with a detailed focus on service animals. In addition, the respondent agreed to donate \$500 to a service animal organization every year for five years.

of the presentation was an overview of the ADA and other disability rights laws, general disability related issues, and considerations when interacting with patients who have disabilities or chronic illnesses.

- On April 14 - 17, staff gave presentations at two plenary sessions and more than 25 break-out sessions at a conference of the National Association of ADA Coordinators in Miami, Florida. The presentations covered such topics as employment; title II basics as well as accessibility, effective communication, and policy modifications; law enforcement; emergency preparedness in higher education; and corrections.

- On April 22, staff gave a presentation at the Eighth Annual Multiple Perspectives On Access, Inclusion & Disability conference at Ohio State University in Columbus, Ohio. The topic of the presentation, entitled “The ADA: Then, Now, and Into the Future,” was the history of the ADA and current developments in the law.

## RECENT OUTREACH ACTIVITIES

- On March 28, staff gave a presentation on emergency preparedness in higher education to the Virginia Association of Higher Education And Disability in Richmond, Virginia.

- April 10, staff gave a presentation to the class of first year medical students at Cornell University’s Weill Medical College at the New York Presbyterian Hospital in New York City. The focus

- From April 28 - 30, staff participated in the 2008 American Association of Museums annual conference in Denver, Colorado, staffing the ADA Technical Assistance

(Outreach, continued)

Booth, answering questions, and disseminating ADA information to many of the 6,000 conference attendees.

■ On April 29, staff gave an update on the ADA at the National Association of Governors' Committees on Persons with Disabilities Annual Training Conference in Little Rock, Arkansas. Other participants included the National Association of Youth Leadership Forums and state and local coordinators of the American Association of People with Disabilities's Mentoring Day.

■ On May 7, staff gave a presentation on the practical aspects of providing reasonable accommodations to employees with disabilities at the Equal Employment

Opportunity Commission's Mid-West Regional Technical Assistance Program in Chicago, Illinois.

■ On May 12-14, staff gave four presentations at a National ADA Symposium and Expo in St. Louis, Missouri. The topics included an overview of title II, the responsibilities of an ADA Coordinator, and updates on the Department's ADA activities, Project Civic Access, and other ADA initiatives. Sponsored by the 10 Regional ADA & IT Centers and hosted by the Great Plains Center, the conference was attended by more than 500 people, including state and local government officials, people with disabilities, business owners, attorneys, and architects.

■ On May 14, staff gave a presentation on the ADA rights of people who are deaf or hard of hearing at Cleveland Hearing and Speech, Community Services for the Deaf, in Lorain, Ohio. This event was open to the public.

■ On May 15, staff gave a presentation on Project Civic Access to more than 40 attendees at the Center for Disease Control's Disability and Health State Grantee and Partners conference in Atlanta, Georgia.

■ On May 20, staff gave a presentation on the ADA and pre- and post-employment medical exams at the Department of Health & Mental Hygiene, Office of Equal Opportunity Programs ADA Coordinators meeting in Baltimore, Maryland. Attendees included personnel workers, general office workers and occupational therapists.