

Consortium for Citizens with Developmental Disabilities

JUN 21 1988

For more information contact:

Pat Wright (DREDF) 328-5185
Liz Savage (EFA) 459-3700

JUN 21 1988

June 20, 1988

Dear Representative,

This week the House will consider the Fair Housing Amendments Act of 1988, H.R. 1158, as passed by the Judiciary Committee. The undersigned national disability organizations, on behalf of our nation's 43 million citizens with handicaps, urge you to support the passage of this bill with the compromise amendment which will be offered by Rep. Hamilton Fish, Jr..

The Fair Housing Amendments Act will establish citizens with disabilities as a newly protected class. We consider this protection against discrimination in housing a long overdue affirmation of the rights of citizens with disabilities and a recognition of the grave obstacles they have faced in achieving independence and integration into the community.

Like racial minorities, people with disabilities have long struggled against prejudice and stereotypic assumptions which have resulted in severely limiting their housing opportunities. For example, irrational and uninformed fears about the "contagion" of epilepsy, the communication problems of a deaf person, or the capabilities of a person who uses a wheelchair have prompted far too many doors to be shut presumptively. As a result, in spite of the gains that people with disabilities have experienced through the expanded educational and work opportunities Congress has helped to provide, true integration into their communities continues to be denied.

The Fair Housing Amendments Act will ensure that the stereotypic assumptions which in the past guided the decisions of landlords, realtors, and communities, may no longer be an obstacle to housing acquisition for people with disabilities. The bill provides for this new class the same general prohibitions against activities related to the sale or rental of a dwelling as are currently in place for the existing protected classes. As with the other classes, the assurance of these protections, does nothing to diminish the responsibility of an individual with a handicap to otherwise meet the non-prejudicial and universally applied requirement of sale or rental obligations.

The class of handicapped individuals is defined in this bill according to the language established by Congress in Section 504 of the Rehabilitation Act of 1973, as amended. During the Judiciary Committee's mark-up, an amendment was added which, while we think it was unnecessary, more than adequately responds to the concerns which have been expressed by elements of the housing industry regarding the potential threat which may be posed by the tenancy of some

individuals. The structure of the amendment directly parallels an amendment which was added to the Civil Rights Restoration Act earlier this year. It will assure that nothing in the act will "require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of others".

The Judiciary Committee also amended the definition of handicapped individual to clarify that it did not include individuals who currently use or are addicted to illegal controlled substances. While we opposed any amending of the definition of handicapped individual or any differentiation of the access to protections this new class will have, we strongly believe that the two amendments more than satisfy any objections which could be raised. Any further efforts to limit coverage under this act would be unacceptable. We urge your support for the language as it stands.

The bill also recognizes that for a large part of the disability community it is the environmental barriers as well as the attitudinal barriers which have resulted in their denial of access to housing. Not to address the effective discrimination experienced as a result of physical barriers would be to ignore the protections needed by a large part of this class. Therefore the committee has addressed two areas of discriminatory practices related to physical access in housing settings.

In the first, the Committee has assured that it will constitute as discrimination under the act to deny a tenant with a disability the ability, at their own expense, to make reasonable modifications to their premises. In the second area, the bill will require that all future multi-family housing, in excess of four units, will have to meet certain minimal access guidelines in order to assure equal opportunity to housing for all individuals.

These guidelines have been developed in consultation with the National Association of Home Builders and the American Institute of Architects. They include no - or minimal cost items and reflect a careful negotiation between interested parties during the mark-up. Compliance with this section will be required for buildings designed and constructed 30 months post-enactment. In the case of non-elevator buildings only the ground floor units will have to comply.

The Judiciary Committee has sent forward to the floor a bill which equitably addresses the housing anti-discrimination needs of people with disabilities. For ten years Congress has been attempting to amend the Fair Housing Act to address these needs; it is time to do so now. As organizations representing America's largest minority we urge you to pass H.R. 1158 and to oppose any efforts to alter the protections for people with disabilities.

Sincerely,

ACLD, An Association for Children and Adults with Learning Disabilities
AIDS Action Council
Alexander Graham Bell Association for the Deaf
American Academy of Child and Adolescent Psychiatry
American Academy of Otolaryngology Head and Neck Surgery
American Association of the Deaf Blind
American Association of University Affiliated Programs
American Association on Mental Retardation
American Council of the Blind
American Deafness and Rehabilitation Association
American Foundation for the Blind
American Society for Deaf Children
American Speech-Language-Hearing Association
Association for the Education of Rehabilitation Facility Personnel
Association for Retarded Citizens
Autism Society of America
Child Welfare League of America
Conference of Education Administrators Serving the Deaf
Convention of American Instructors of the Deaf
Disability Rights Education and Defense Fund
Epilepsy Foundation of America
Gallaudet University Alumni Association
International Association of Psychosocial Rehabilitation Services
International Association of Rehabilitation Professionals
Mental Health Law Project
National Association of the Deaf
National Association of Developmental Disabilities Councils
National Alliance for the Mentally Ill
National Association of Private Residential Resources
National Association of Protection and Advocacy Systems
National Association of Rehabilitation Professionals in the Private Sector
National Association of State Mental Retardation Program Directors
National Council on Independent Living
National Council on Rehabilitation Education
National Down Syndrome Congress
National Easter Seal Society
National Fraternal Society of the Deaf
National Head Injury Foundation
National Mental Health Association
National Multiple Sclerosis Society
National Rehabilitation Association
Paralyzed Veterans of America
Registry of Interpreters of the Deaf, Inc.
Self-Help for Hard of Hearing People
Spina Bifida Association of America
Telecommunications for the Deaf, Inc.
The Association for Persons with Severe Handicaps
United Cerebral Palsy Associations, Inc.
World Institute on Disability

Designs Take Heed Of Human Frailty

By PATRICIA LEIGH BROWN

WHEN Ronald L. Mace attended the North Carolina State School of Design in the early 1960's, the world around him was not accessible. A wheelchair user since age 9, when he contracted polio, Mr. Mace had to be carried up and down the stairs to attend classes, and could not get his wheelchair into the bathrooms.

Much has changed since Mr. Mace's student days, in part because of the efforts of people like the 46-year-old architect himself, a pioneer in the field of accessible architecture and "adaptable" housing: houses or apartments with built-in features designed to accommodate the changing needs of all occupants as they age.

The adaptable house is emblematic of a wide-ranging movement toward "universal" design, which increasingly is geared toward the aging population and those with disabilities. The movement, sometimes called "transgenerational" design, has inherited the legacy of the barrier-free movement of the late 1960's — from curb cuts in sidewalks to kneeling buses — that is now part of our urban landscape.

"Over the past 20 or 30 years,

more attention has been paid to people with disabilities as we have become more integrated in society, articulating discrimination and working together as a movement," said Judith E. Heumann, a co-director of the World Institute on Disability in Berkeley, Calif. "Disability is finally becoming a little less stigmatized."

She cited an increase in the number of older people and the participation of those with disabilities in mainstream events, like the Olympics, as underscoring a shift in attitude. But she added that many problems remain, including equal access to transportation, employment and health care.

Irving Kenneth Zola, a professor of sociology at Brandeis University who uses a wheelchair, said new approaches toward design reflect this shift in attitude. "I don't want to say the struggle is over," he said. "In some ways, it's just beginning."

Disabled people, he added, "are a minority group to which everyone has potential membership."

The term "disabled" applies to a much broader group than people in wheelchairs. A survey conducted in mid-1984 by the Census Bureau showed that more than 37 million people in the United States have

Continued From Page C1

some physical disability. For instance, 18.1 million had trouble walking up a flight of stairs without resting. According to the World Institute on Disability, 46 percent of the people in the United States 65 and older have some sort of disability.

Their specialized needs, whether they have temporary handicaps — a broken leg, say — or are among the country's rapidly expanding elderly population, have led many designers away from "perfect designs for perfect people," Mr. Mace said.

"For years," he added, "designers have had a tendency to design for people who are young, male and at the peak of their physical ability."

Current approaches include adapting housing and products to make small acts of daily living easier, from getting around in a wheelchair to taking a bath, washing the dishes, opening doors or slicing bread.

These new approaches range from expanding access for the handicapped in national parks to housing

Continued on Page C6

Continued

'Disability is a little less stigmatized.'

modification programs for low-income families.

Some of the most innovative new products have been created by people with disabilities themselves. Their wide-ranging designs represent what Ralf Hotchkiss, a California wheelchair designer, called "a surge of self-determination."

To the converted the interest has been a long time coming. "Marketing accessibility is a tricky business," said Mr. Mace, who has developed adaptable housing guidelines for the Department of Housing and Urban Development. "There are two things in this country people don't want to be. One is disabled. The other is old."

Indicative of the increasing attention being paid to living with disabilities is a exhibition opening this week at the Museum of Modern Art. Called "Designs for Independent Living," it is the first major show of its kind. It spotlights products, many European in origin, intended to make life more convenient, from wheelchairs and button fasteners to knives, forks and spoons. According to Cara McCarty, the curator, the products are an acknowledgment that many of the problems people have living independently are due not to age or physical disability so much as to "obstacles in the surroundings."

"Historically, the burden has been on the individual to get better, not on the environment," said Elaine Ostroff, the executive director and a co-founder of the Adaptive Environments Center in Boston, a nonprofit organization specializing in adapting environments for people with disabilities.

Among the design developments are these:

In Phoenix, the Coronado Chapter of the Telephone Pioneers of America, a philanthropic organization of veteran telephone industry employees, is putting the finishing touches on Telephone Pioneer Park, a \$2 million, 7.5-acre park that will be fully accessible to both disabled and able-bodied people. Financed through voluntary payroll deductions as well as a car

raffle and other activities, the park will be the largest of its kind in the country, although it is still awaiting completion because of financing problems.

It features two specially landscaped beep baseball fields for the visually impaired — beep baseball is played with a large softball with a sounder inside: only the pitcher and catcher are sighted. It has wheelchair tennis and basketball courts with special surfaces so that blind players can determine their position on court. The park has an 18-station cardiovascular exercise course; a circular therapy pool and spa, 60 feet in diameter, and special swings, all accessible to wheelchair users.

The opening up of the outdoors extends to Federally mandated programs at national parks, where scenic vistas such as Glacier Point at Yosemite are now reachable by people in wheelchairs.

In Boston, a program sponsored by the Family Health Services division of the Massachusetts Department of Public Health modifies the houses of low-income families who have children with multiple disabilities: some 53,000 households in the state are potential candidates. The project, one of a handful in the country, is being carried out by the Adaptive Environments Center.

According to Ms. Ostroff, the project was started because "the people who have need for some environmental supports in the home really have no place to go." Architectural work, paid for by the program, ranges from \$500 to \$14,000 for a major renovation. The average cost runs roughly \$6,000. Bathrooms, because they are so difficult to maneuver in, are prime targets.

At the home of John and Marie Barry in East Boston, sliding doors and a wooden deck with a mechanical lift down to the driveway were in-

Continued

stalled so that Jackie, 6, who has spina bifida, a congenital defect characterized by imperfect closure of the spinal column, can get in and out of the house without climbing stairs.

Similar architectural programs include Project Open House, a cooperative venture between the city housing authority, the Mayor's office and United Cerebral Palsy of New York City. According to Benjamin Lleman, the director, the eight-year-old program has a two-year waiting list.

While awareness of the needs of the disabled and the elderly has grown, financing remains a problem. Programs like the one in Boston are few and far between. According to Ms. Ostroff, there is no national program available on a continuous basis that directly pays for home modifications. "Peoples' awareness is one thing,"

she said. "A system for making it happen is another."

Recently, some developers and legislators have turned their attention to "adaptable" housing. An adaptable house might include easier-to-grasp levers rather than doorknobs, lowered light switches, 32-inch-wide passageways, reinforced walls in the bathroom (so the occupant can install grab bars), adjustable closet rods, removable base cabinets for knee space under the kitchen sink and adjustable kitchen countertops.

Terence J. Moakley, the director of barrier-free design for the Eastern Paralyzed Veterans Association, which is sponsoring a design competition for architectural students, said, "The beauty of an adaptable house is that it looks like any other dwelling and can be marketed to anyone."

Previous building codes and standards mandated by state and Federal governments called for a fixed number of accessible housing units for the disabled. According to Mr. Moakley, this policy led to widespread dissatisfaction on the part of both disabled people and developers, engendering high vacancy rates, poor locations and "living spaces that looked like hospitals."

In Washington, the Fair Housing Amendments Act, now before the Senate and House Judiciary Committees, contains provisions for "basic universal features of adaptive design" to insure equal housing opportunities for people with disabilities. The provisions, which apply to construction of new multifamily dwellings, would require minimum adaptability features.

The bill extends the protection of the Fair Housing Act to people with disabilities. It would make it discriminatory for a landlord not to permit a disabled tenant to make reasonable modifications to an existing

* Some states, including New York, already have regulations on adaptable housing that apply to substantial renovation as well as to new construction.

This summer, the National Association of Home Builders will unveil a demonstration adaptable house as part of its "Street of Dreams" promotion in Portland, Oregon. According to Pat Bridges, the builder, the adaptable features will add about \$2,000 to the cost of the \$250,000 home, which he calls "not a substantial amount."

"We want to demonstrate that we can build in adaptability at very little cost," said Shirley McVay Wiseman, a vice president of the association.

Those who are living in houses with adaptable features seem to cherish them. Paul Kelly, a 32-year-old electronics engineer who was injured 10 years ago in a swimming accident, lives in a house on the North Carolina coast designed by Mr. Mace's company, Barrier-Free Environments Inc.

The little things, he said, make a big difference: "To have a house laid out for my needs is emotionally uplifting. You can use your time and energy for constructive things, rather than battling with obstacles all over the house."

Professor Zola of Brandeis recently built a new bathroom in his Newton, Mass., home that has a roll-in shower, a nonslip tile floor, a folding Swedish grab bar beside the toilet and counters with rounded corners. Mr. Zola, who had polio, said he installed the bathroom both for himself and for the convenience of friends and family members who have physical disabilities or are elderly. His "transgenerational" household includes his 66-year-old mother-in-law and a great-aunt who visits frequently.

Mr. Zola said there is "a direct step from personal freedom" in the home to freedom in other areas. "I hadn't realized how I was censoring my own activities," he said — not drinking soda, for instance, so as to avoid the long climb upstairs.

He may need to make additional home adaptations. "There is a reality to the changing of the seasons," he said. "I just want to make a world that is built on those realities."

Next week: Well-designed products for elderly and disabled people.