

Commission on Disability Meeting
Minutes from August 18, 2015, 4:30PM
Worcester City Hall, Levi Lincoln Chamber 3rd Flr.

Attendance:

Members Present: Francesca Abbey, Robert Bilotta, Herbert Cremer, Nancy Garr- Colzie, Paul Keister, Joseph Prochilo, Douglas Russell, Jr., Stephen Stolberg

Members Absent: Susan Fahlbeck, Elizabeth Myska, Susan Swanson

Staff: Jayna Turchek, Dawn E. Clark

Guests: Anh Sawyer and youth leaders from Southeast Asian Coalition; Maureen St. Cyr, Community Legal Aid

Members of the Public:

Anne Hurst, Sarah Loizeaux, Michael Kennedy, Scott Ricker, Stephanie Reynolds, Susan Philips, Sheri Hostovsky

Welcome, Call to Order & Introductions

The Chairperson Paul Keister welcomed commission members and the members of the public present. After the meeting was called to order, the commissioners introduced themselves. Public comment is welcome on agenda items.

Approval of May 19th, 2015 Minutes

Commissioner Garr-Colzie moved to approve the minutes as amended. Commissioner Abbey seconded the motion. Motion passed unanimously.

Street Betterment Project- Walpole Street (Anh Sawyer and youth leaders from Southeast Asian Coalition)

Director Turchek introduced Anh Sawyer and youth leaders from the Southeast Asian Coalition who are conducting a Betterment Project on Walpole Street this summer. This summer the Coalition had a youth program aimed at cleaning up Walpole Street. Jennifer and John coordinated the clean-up effort and shared their experience with the Commission.

The mission is to beatify Walpole Street and change the reputation which is currently threatening. People on the street do not feel safe walking and there is gang violence in the area. Some of their project's youth live on Walpole Street. They came to the Commission to speak about the "Broken Window Theory" started by James Wilson and James Kelling in 1982 and the relationship to their project. The idea is that when all the broken windows in an area are replaced, vandalism, crime and anti-social behavior decreases. The youth want to replicate this project to make Walpole Street safe and community friendly.

The first step is to have the sidewalk fixed to make walking and traveling for people with disabilities safe. Right now the sidewalks are severely cracked with trees hanging low so the street is used making travel for all unsafe. The area is littered with trash. They were doing a neighborhood survey and noticed a person using a wheelchair who was not able to use the sidewalk for these reasons.

To fix the street is very expensive; they are requesting that a pedestrian lane be added. The street is over a mile long and there are curb cuts only at intersections. They are asking the Commission on Disability to support them with this project. The street is located near Clark University/University Park, parallel to and one street from Main Street.

They will host a clean-up on Friday, September 4th. There is a petition being heard on September 2rd for the pedestrian/bike walkway. Anything else on the plan presented will take a grant.

Director Turchek said this was a very great example of a youth initiative and investment in their community. She hoped that Ms. Sawyer would keep the Commission updated on this project and work with her to make this project become a reality.

Report back from the Statewide Commission on Disability Meeting
(Nancy Garr-Colzie)

Vice Chairperson Commissioner Garr-Colzie attended the Statewide Commission on Disability meeting on August 5th in Boston. Worcester offered to host a second meeting to make convening more accessible for people living in central and western MA. In the past the meetings have been held in Marlborough. The meeting ran for about an hour and half with a lot of networking. The new Director David D'Arcangelo was present.

There was discussion about the change in the open meeting law related to remote participation. Additionally it was mentioned that some towns receive the fine money for enforcement of illegal parking in HP spaces. Worcester's fines go into the general fund and the city allocates \$200,000 for ADA sidewalk improvements. Discussion took place on emergency preparedness; September is Emergency Preparedness month. Commissioner Garr-Colzie hopes to be in touch with the speaker.

Director Turchek read an email from Jeff Dougan, Assistant Director of Massachusetts Office of Disability relaying the state's Attorney General's guidance on the Open Meeting Law changes related to Commissions on Disabilities and remote participation.

Housing Presentation (Maureen St. Cyr, Community Legal Aid (CLA))

Attorney St. Cyr asked the Commission members to sign a sign in-sheet as requested by CLA's funder (HUD) when they do trainings. Atty. St. Cyr is a staff attorney at CLA which provides civil legal services for

eligible people residing in Central and Western Massachusetts. CLA works with housing, family, immigration, benefits and some employment legal issues. The office is located at 405 Main Street.

What is fair housing? Everyone has the right to the same opportunities in housing. There is a difference between unfairness and discrimination. A landlord can be rude and unfair but that is not discrimination.

What is discrimination? Discrimination is being treated differently because of membership in a certain class. There are a lot of reasons one can be denied housing; there are some reasons one cannot be denied housing. These reasons are race, national origin, gender, gender identity, sexual orientation, disability, religion, or because they are a recipient of Section 8. In Massachusetts marital status cannot be used as a reason to deny housing.

Denying access to or evicting from rental housing because of one or more of these categories is discrimination and CLA deals with a lot of these cases.

She focused a large part of her training on disability discrimination. Renters with disabilities have a right to reasonable accommodation/modification.

People with disabilities are often treated unfairly. There are ways in which people with disabilities are treated better with reasonable accommodations/modifications. Sometimes a landlord's policy makes it harder for a person with a disability to remain in or access housing. A reasonable accommodation requested can sometimes remediate these issues. For example, a no pet policy: In the area of housing a service animal does not have to be certified or trained. The animal can be a cat, Guinea pig etc. If the doctor says that the animal is needed the landlord is supposed to make an exception.

Another example of a reasonable accommodation is to ask for the landlord to make an exception to rent being due on the first of the month so that the tenant can pay when they receive their social security check.

Reasonable modifications can be something as simple as a grab bar or as expensive as a ramp outside or elevator. There are a lot of changes that can be made for a unit to be accessible for the occupant. A landlord can say the request is too expensive and claim an undue financial burden. In Massachusetts if a landlord has ten or more contiguous units for the most part the owner bears the cost of the modification. Under the federal law the tenant has to pay for the grab bar and takes it down when the tenant leaves. If the modification costs a lot there should be a conversation with the landlord.

A handicapped parking spot can be considered either a reasonable accommodation or reasonable modification.

Eviction is sometimes the way the landlord deals with a disability-related problem. The issue may be disability-related behavior or perhaps damage. A reasonable accommodation can allow CLA to go in and hold up the eviction process until things are sorted out hopefully with a helpful solution so the person can stay in their home.

Responses to questions:

- There are tools that can be used to determine if the landlord is not discriminating. There is an investigative tool called testing.
- Any accommodation or modification has to be medically necessary including animals. A letter has to be signed by a medical professional. The ADA and Fair Housing Law apply to different types of things and have different rules as a result.
- In New York City new housing towers have been built for people with high incomes with an agreement that a portion of the units would be for people with low income and there would be separate endurances according to income. Ms. St. Cyr reminded the Commission member that income was not a protected class.
- There are several ways to file a housing discrimination case:
 - Go to the CLA, 405 Main Street
 - Go to Worcester Office of Human Rights & Disabilities at Worcester City Hall (Catherine Nash)

- File a case on their own
 - Go to the Mass. Commission on Discrimination – 484 Main Street
 - File at Court
- There are strict statutes of limitations for filing a claim:
 - Mass. Commission on Discrimination – 300 days
 - Housing & Urban Development (HUD) – On-Line complaint form and hot line – one year
 - Housing; Superior Court (State) – one year
 - Federal Court – two years (can be complicated recommend not waiting long before filing and having a lawyer is advisable)
- Recommendation – talk to CLA or private lawyer
- Sometimes people want to be in the unit in spite of the current trouble, the tenant can ask the court to hold the unit. On the other end CLA relies on the community to identify the discrimination that exists by saying something rather than just moving and leaving the next tenant with a potential problem.
- Retaliation can be a form of discrimination.
- Community Legal aid can be contacted
 - 405 Main Street
 - Website: <http://www.communitylegal.org/>
 - Phone - 1-800-649-3718
- Laws apply to public and private housing (including sales, lending, and other housing transactions). Housing discrimination cases can go on for a long time and sometimes be tedious. Contacting us does not mean one has to go through with the case. The person can change one's mind.
- It is important to know what one's rights are before the statute of limitations run out.

Review of AAB notices and applications: No City facilities

Variance Application:

- 100 Institute Road, Docket # TBD

Responses:

- 13 Sudbury Street, Docket # TBD
- 55 Lake Avenue North, Docket #C 15 101

Notice of Hearing:

- 64 Beacon Street, Docket V15 049

Decisions and Resolutions:

- 55 Lake Avenue North, Docket #C 15 101
- 670 West Boylston Street, Docket # V15 125

Suggestions for Upcoming agenda Items: None

Announcements

The following announcements appeared on the agenda for information:

- **WRTA Transportation Planning Advisory Meeting**
September 16th, 1-2:30pm, WRTA Building, 287 Grove St.
- **REDD (Rights, Equality and Dignity for the Disabled)**
September 1st, 5-6:30pm, Worcester Public Library: Banx Room
- **Audio Journal, Accent on Ability Radio Program:** September 8th, 2015, 5-6pm, <http://www.audiojournal.net/>
- **Next Commission on Disability meeting:** September 15th, 2015 4:30pm.
- **Emergency Preparedness Meeting (November, date TBD)**
Emergency Preparedness Tip: People with disabilities may want to consider having several gallon containers of water at home for emergencies.

Adjournment

The meeting was adjourned.