

Phyllis F. Resnick, President

FREE POSTAGE
FOR THE BLIND
AND PHYSICALLY
HANDICAPPED

OCTOBER, 2013

OCTOBER, 2013

NEWS! NEWS! NEWS!



A Florida Not-For-Profit
501(c)(3) Corporation (Fla. Reg. No. CH13339)
19333 West Country Club Drive #1522
Aventura, Florida 33180

**READ ABOUT OUR MOST RECENT
ADVOCACY ACCOMPLISHMENTS!!!**

WITH YOUR CONTINUED SUPPORT
WE CONTINUE TO GROW NATIONALLY
(NATIONAL GROWTH = NATIONAL VICTORIES!!!)

OCTOBER, 2013

THIS NEWSLETTER IS ALSO AVAILABLE ON-LINE AT:

www.adaaccessnow.org

(Bobby-Approved)

******Please Note******

**YOU MAY NOW FILL OUT OUR MEMBERSHIP FORM
DIRECTLY ONLINE AT WWW.ADAACCESSNOW.ORG
THE MEMBERSHIP FORM IS ALSO ATTACHED AT
THE BEGINNING OF THIS NEWSLETTER**

Email: **info@adaaccessnow.org**

"ACCESS NOW, INC."®

(a Florida not-for-profit, 501(c)(3) corporation)
19333 West Country Club Drive #1522
Aventura, Florida 33180
Tel. 305-705-0059 Fax 305-792-2665

info@adaaccessnow.org

www.adaaccessnow.org

Membership Form

**** ***IF POSSIBLE, WE PREFER THAT YOU REGISTER ONLINE*** ****
**** **JUST GO TO OUR WEBSITE SHOWN ABOVE AND CLICK ON** ****
“MEMBERSHIP” LINK ****

Date _____

Name (PLEASE PRINT) _____

Address _____

City _____ State _____ Zip Code _____

Telephone _____ Fax _____

e-mail _____

*** (STRONGLY ENCOURAGED – VERY HELPFUL!!!!!!) ***

Non-Disabled _____ Disabled _____

If Disabled, give brief description:

(MOBILITY – WHEELCHAIR-USER, PART/FULLTIME; VISION; HEARING)

Do you use a service dog? _____ Name _____

If Disabled, INTERESTED IN LEARNING MORE about being a PLAINTIFF?

YES _____ NO _____

Donation _____ (APPRECIATED BUT *NOT REQUIRED*)

Please send me: ___#_____ Newsletters

Please tell us how or from whom you heard about “Access Now” (if from the internet, please tell us the site):

SIGNATURE _____

PLEASE _____ **SIGN!!!!!!!!!!!!**

ACCESS NOW, inc.®

A Florida Not-For profit, 501(c) 3 Corporation

PLEASE DIRECT CORRESPONDENCE TO:

19333 West Country Club Drive, #1522
Aventura, FL 33180
Tel: (305) 705-0059 Fax: (305) 792-2665
www.adaaccessnow.org phyllis@adaaccessnow.org

OFFICERS & EXECUTIVE COMMITTEE

Edward S. Resnick, Founder *
Phyllis F. Resnick, President/Exec. Dir.
Marla S. Dumas, 1st Vice President
Michael Abrams, Vice President
Marilynn Bloom, Vice President *
Michaala Speijers, Vice President
Merry C. Buie, Secretary *
Estelle P. Michelson, Treasurer *
Linda Diedel, Director

BOARD OF DIRECTORS

Gregory Arkin
Jo Asmundsson
Erez Barnavon
Yoav Barnavon, M.D.
JoAnn Bass
George Berlin *
Joseph Blau *
Sanford H. Blum
Carmen Kohly Calzada
Robert W. Christoph
Catherine F. Colonnese
Rudolph E. Drosd, M.D. *
Bruce Eichner
Laurence Feingold
Jose Garcia-Pedrosa
Lenore J. Gaynor
Edith S. Gelber *
Seymour Gelber
Robert Goodman
Heinrich Hanau
Nathan Hong
Edith Lefcoe
Cong. William Lehman *
Bernard Michelson *
Gordon R. Miller, M.D.
Margaret Nee
Doris Pardo
Joseph Pardo *
Esther Percal
Hope Pomerance *
Harold Prince
Aaron Schecter *
Mark Soyka
Constanza Stern
Jerome Stern
Rita Swedroe
Robert Swedroe
Robert Threatt
Sarah Threatt
Kenneth Zarrilli

* Deceased

**I BELIEVE THAT
MANY OF THESE
NAMES MIGHT BE
FAMILIAR TO YOU.
IN FACT YOU MIGHT
EVEN SEE YOUR OWN -
OR THAT OF SOMEONE
YOU KNOW!**

NEWSLETTER UPDATE – OCTOBER, 2013

FROM PHYLLIS F. RESNICK, PRESIDENT

HELLO, EVERYBODY! This is a very difficult newsletter for me to write. However, after much thought and a great deal of angst, I have come to the conclusion that write it I must.

In 1998 my dear, late husband, Edward, and I founded Access Now, Inc.® These past fifteen years have been dedicated to a mission and a cause and have been a labor of love, as well. You so kindly and generously agreed to join with us in our mission of helping to bring about as much accessibility as possible to as many members of the handicapped community as possible and we are eternally grateful for your support. Together we have accomplished much!

However, I must now hand over this legacy to others. Although I remain, thankfully, quite active in my daily life, I do find that I need to husband my energies somewhat more than was the case in the past. Accordingly, as I wish Access Now to continue and to thrive, I have determined that it needs to be carried on by a younger group of people at its helm, as there is still more to be done.

To that end, I have chosen to place this precious organization into the hands of David New. For those of you who do not know David, let me hasten to assure you that there could be no more capable an individual to continue our efforts. David is a young man of forty-three, blind since the age of thirty, who has been extremely active in the furtherance of accessibility for the handicapped community. He succeeded Edward as the Chairperson of the Disability Committee of the City of Miami Beach and continues to serve in that capacity. He is the founder of the Ability Explosion organization, which has mounted several stellar events in the general community in terms of raising consciousness about the issues facing the disabled and about their rights.

David is extremely bright, articulate, knowledgeable, experienced and dedicated and is possessed of abundant integrity. In the four years that we have known each other and worked together I have been deeply impressed by him and his abilities, energy and work ethic. Recently, he received an award from the Sunflower Society for his work. We are indeed very fortunate to have someone as accomplished and as effective as he agree to take on this new endeavor and I am grateful to him for enthusiastically agreeing to do so. I have no doubt that he will give it his all, which is considerable!

My inimitable “right arm” in this work has been Thomas Miller, a brilliant retired attorney, who has been extraordinarily over-qualified to be my assistant, but who has functioned in that capacity with grace, ardor and expertise. David and I are both delighted to say that Thomas has agreed to stay on in the same capacity! Soon after the turnover is officially finalized, David and Thomas will continue with the Newsletters every six months or so, as has been done in the past.

Both David and I fervently hope that YOU choose to continue as a valued member of Access Now. “Thank you” feels hardly sufficient to express our appreciation and our gratitude. Your support and encouragement have made our work possible, and your continued membership will enable us to continue breaking down barriers of all kinds wherever we find them. Naturally, we hope you will wish to remain with us as we move forward.

MEANTIME, I WISH ALL OF YOU EASE OF ACCESSIBILITY AND GROWTH OF INDEPENDENCE AND GOOD HEALTH!

ALL THE BEST!

Most sincerely,

Phyllis F. Resnick

President

The next two articles are about long-time Access Now members who have performed valuable services to our organization over many years. While the articles reflect very different aspects of the human condition, it is important for us to take this opportunity to remember our colleagues who have been such important contributors to the success of our Access Now family.

ANOTHER DEATH IN THE AN FAMILY

It is with deep regret that we announce the recent sudden and untimely death of Richard Londoño. Richard was the founder and principal of ADAAG Consulting Services, an architectural firm with ADA expertise, which worked very closely with Access Now for many years. Richard was a young husband and father and a genuinely empathetic person who extended himself above and beyond for the betterment of the disabled community. He will be sorely missed by his family, friends, co-workers and community as well as by those who benefitted from his devotion to his work and by those who will now be beyond his help. However, we are happy to say that his firm continues his work and we are delighted to say that it will be continuing its alliance with Access Now.

. . . And Now, on a Happier Note:

Miguel de la O invested as Judge of Florida Circuit Court

It is with continuing pride and joy that I announce that on February 4, 2013, long-time Access Now attorney Miguel de la O was sworn in as a judge of the Florida Circuit Court. The Circuit Court is the chief trial court in Florida, handling felony criminal cases and the most substantial civil cases. Judge de la O won election to the post in April, 2012.

I was privileged and honored to attend the investiture service, which was dignified, magisterial and yet not without some more lighthearted moments. However, among the most moving moments to me personally were when Miguel told the assemblage about Edward and me and Access Now and what all that meant to him, crediting his work with us as representing some of the most important and meaningful legal work he has ever done in many, many ways. I was beyond gratified---I was overwhelmed! It was a glorious event and a glorious day and we wish Miguel a most fulfilling term of service as he goes forward in achieving what we know will be one of the most stellar judgements ever!

WHY WE DO WHAT WE DO

As we enter this transition phase for Access Now I believe it is important to look back at the reason we do what we do as an organization. You know that we are passionate about our mission, but it is important to reflect on why we began and to understand how our passion was stoked. The following article is but one particularly egregious example of both:

In 2002 we included an article in our Newsletter about a court case in Washington, DC that commenced in 1999. I believe it perfectly reflects the reason we are doing what we do – both then and now. I want to reprint that article in this Newsletter to remind all of us what the world, without our zeal and sense of mission, would be like for those with disabilities.

Judge Tells School to Fix Bathrooms

By Valerie Strauss and Debbi Wilgoren, Washington Post Staff Writers

Wednesday, October 20, 1999; Page A1

A 9-year-old boy with cerebral palsy, who crawled to the toilet at his D.C. elementary school for 1½ years because he couldn't get his wheelchair through the door, must be provided with an accessible bathroom by early November, a federal judge has ordered.

For 18 months, until his attorney filed suit against the school system last March, Freddy Ramirez frequently crawled across the floor on his hands and knees to use the toilet. One boys' bathroom and one girls' bathroom each have an aide to assist physically disabled students, but Freddy said he often didn't want to be carried to the toilet – or didn't have enough time to get to that bathroom. When that happened, he said he had to crawl because he couldn't maneuver his wheelchair over the bump in the restroom doorway.

"It was very hard for me," Freddy said. "I had to leave the wheelchair outside, crawl to the bathroom, then crawl back to the wheelchair. ... Sometimes kids wouldn't flush the toilet and I would have to do it. So that made me feel bad. And sometimes it was slippery and I couldn't reach the toilet. And I'd have accidents. Sometimes I even got in trouble for it by the teacher."

Sylvia Patrick, principal at River Terrace Elementary School in Northeast Washington, said she couldn't explain why the child was left to crawl to the bathroom for such a long time before renovations began. "That is a question you may have to refer to facilities," she said. "Much of the work requires bids, and it goes through that process. As to why it has taken so long, I cannot answer at this time."

The ruling is the latest in a series of legal decisions against the school system from judges who have said officials have violated the rights of many students with physical, emotional or mental disabilities. D.C. Superintendent Arlene Ackerman has taken steps recently to revamp the special education program, which handles these children, but the program has been considered dysfunctional for years.

"Defendants have presented this court with no evidence that the bathrooms and hallway doors have been made accessible as is legally required," U.S. District Judge

Thomas Hogan wrote in his order. "The aides are not an acceptable permanent solution. Freddy and other handicapped students have a right to be able to access the school and its facilities on their own. The District of Columbia has had long enough to remedy this situation."

D.C. Council member Kevin P. Chavous (D-Ward 7), who visited the school last year in his role as head of the panel's education committee, said he saw requisitions the principal had submitted over a long period of time trying to get the problem fixed. "I talked to some folks in facilities," Chavous said. "At one point they said it was a procurement problem, then a structural problem. My point was that it was inexcusable. This is a facilities screw-up, absolutely."

The new facilities chief, Kifah Jayyousi, would not discuss what happened before he arrived in July. He said that the school system reacted quickly as soon as the court became involved and that work on the bathrooms is about 65 percent complete. Patrick said workers will be on the job every day to ensure that the bathrooms comply with the U.S. Americans With Disabilities Act.

That law mandates that schools with students in wheelchairs have wheelchair-accessible bathrooms and hallway doors. But most D.C. school buildings are old and not in compliance, Jayyousi said.

Patrick said that there are now 11 children with wheelchairs in her school, but that none of the others has as hard a time using the bathrooms as Freddy. The boy now uses the bathroom with an aide's help, but said he still has difficulty reaching a newly installed railing and cannot open the bathroom's heavy doors.

"I want to do it by myself," he said.

School officials, including Jayyousi, said that the legal situation is complex and that the school system has tried to meet the needs of special education children at River Terrace. During an Oct. 6 hearing on the issue before Hogan, Assistant Corporation Counsel Grace Perry-Gatier said the bathroom had been brought into compliance with the federal law by a contractor hired last April. But Hogan said the school system hadn't offered any expert testimony or evidence to prove it was in compliance, and he ruled that the work had to be completed within 20 days of the order, which was issued Thursday.

The city's public school system has had major problems over the years with its aging, crumbling school buildings. Officials, who have said they need to spend millions of dollars making facilities compatible with the Americans With Disabilities Act, have put off most of those efforts to address what they deem more urgent priorities – leaky roofs, rotting windows, freezing or stifling classrooms.

The city has relatively few students who use wheelchairs in its 146 schools, and those who do have had difficulties, even in buildings supposedly equipped for them. For example, a student who used a wheelchair and who graduated from Roosevelt High School last year said he and his disabled classmates spent months out of regular classes when the elevator there broke down.

In 1995, Freddy Ramirez started attending the Sharpe Health School, a Northwest Washington School for physically impaired children, and his parents purchased a home nearby. But a year later he was transferred to a Sharpe Health satellite program at River Terrace, and he is bused across town every day.

River Terrace was designated a site for the satellite program for about a dozen students with wheelchairs, although its facilities in 1996 were not accessible to wheelchairs. As a

result, two lawsuits have been filed against the school system to make the school fully accessible to children with disabilities.

A few months after Freddy entered River Terrace, his mother said she learned that the school had no bathroom facilities that were accessible for mobility-impaired children. The bathroom doors were too narrow to allow the passage of a wheelchair, and the bathrooms themselves were never equipped with the modifications required by federal law.

Patrick sent in requisitions asking that the situation be remedied, but the family's attorney, Myrna Fawcett, said nothing happened until she filed the March 30 suit. A few days later, a construction company, Tito Contractors, was hired to fix the bathrooms.

Perry-Gatier told the court the contractor's work brought the bathroom into compliance. But Fawcett said it did not, citing a bathroom door too heavy for disabled children to open, among other problems.

Eugene Adams, spokesman for the D.C. corporation counsel, said the city would comply with Hogan's order "to the letter." He said he did not know why the school system did not make repairs sooner.

© 1999 The Washington Post Company

While much has changed in the intervening years, due in large part to the efforts of Access Now, as well as many others, sadly the is still much to be done. We continue to receive requests for help almost daily. We look forward to the day when our mission will have been fully accomplished and when the need for our work will have ended. Until then, we look forward to many more successes in all those instances where accessibility is still being denied.

AND NOW . . . THE UPDATE:

Membership – We now have 850 members representing 47 states and Puerto Rico. We are also proud to claim members in Canada, Hong Kong, Australia and Pakistan.

A BRIEF OVERVIEW OF OUR LITIGATION:

Since our September Newsletter, Access Now, Inc.® has made progress in settling cases. We have filed a total of 979 cases since our inception and successfully prevailed in virtually all of them. Presently, there are 148 cases with outstanding Settlement Agreements, requiring alterations or modifications which in several cases should be completed by December 31, 2013, or later. Additionally, we have several Class Action suits pending against large hospitals. (Cases involving hospitals and other large or complex facilities have post-settlement compliance completion dates much further in the future.) Several Settlement Agreements carry confidentiality clauses and thus cannot be discussed in detail here.

During the past ten months, Access Now has settled 1 additional legal case to make a property A.D.A.-compliant. While Access Now continues to assert itself nationally in scope, this settlement is in our home state of Florida.

We will keep expanding our geographical presence as best we can. Even in this transition period we continue to receive requests for information and assistance from around the country and internationally. Please notify us if you become aware of situations where access continues to be denied. We remain solidly in the forefront of the fight for accessibility.

The following is the case that has been settled since our last newsletter:

Restaurant

Pizza Hut

Port Charlotte, FL

Although it is a single restaurant, the settlement will make life easier for disabled patrons in the Port Charlotte area. Our mission continues.

GOVERNMENTAL NEWS

WHAT THE ACA CAN DO FOR PEOPLE WITH DISABILITIES

On October 1, 2013, enrollment began for a system of health insurance marketplaces under the Affordable Care Act (ACA or so-called "ObamaCare"). These marketplaces offer coverage taking effect on January 1, 2014. While Access Now, Inc.® is totally apolitical and certainly does not want to insert itself into the continuing debate over ObamaCare, we do want to bring you information about healthcare changes that affect our disabled community. Two groups representing people with disabilities, The ARC (<http://www.thearc.org>) and The Autistic Self Advocacy Network (ASAN) (<http://autisticadvocacy.org>), believe the ACA will, on the whole, be beneficial to people with disabilities. Both organizations have critiqued the ACA, both positive and negative, on their websites. Please go there to find resources you may need in navigating this complex healthcare option.

"NEWS YOU CAN USE"

The following item appeared in *The Miami Herald* on September 8, 2013. We are including it because we believe Universal Design is of great importance to our community.

Universal design: Homes that welcome all ages, abilities

BY BILL LAHAY • Universal Uclick

It seems that baby boomers get the credit and the blame for a lot of cultural trends. Those of us born between 1946 and 1964 are such a huge demographic bubble in the national population that the sheer numbers tend to result in specific and recognizable shifts in everything from consumer spending to health care issues.

One of those trends involves residential architecture that reflects and accommodates the realities of aging, either by boomers or their parents. Often referred to as "universal design," this discipline recognizes that throughout their lives and especially in their later years, people have differing physical and sensory abilities that their living environment can and should accommodate. Through illness, accident or simply the normal changes brought on by aging, most of us will discover how things considered "standard" features in a home become barriers and obstacles when abilities we once took for granted are gone or compromised.

These changes, and the ways homes can be designed or adapted to them, are the subject of Deborah Pierce's *The Accessible Home* (Taunton Press). Pierce, an architect, offers a comprehensive look at design features that remove barriers and improve access, and that make for greater independence and a better quality of life. But more important, she

uses the book's introductory sections to provide a broad context that is about people rather than about buildings.

Probably our most iconic cultural image of "disability" involves a person in a wheelchair trying to cope with unfriendly obstacles such as curbs, stairs, narrow doorways or out-of-reach storage cabinets. However accurate on some levels, such a narrow definition of the term is decidedly incomplete, as Pierce explains. While extreme or permanent disabilities might be relatively rare, other limitations affect one out of four persons at some point in their lives, and not all the issues are related to mobility.

Conditions such as partial or complete loss of hearing or eyesight, for example, are far more common than severe spinal cord injuries or other limitations that prevent walking, and they can present numerous difficulties in coping with everyday tasks. Degenerative neurological conditions can affect balance, space perception and muscle control. Joint pain or arthritis can make it difficult to use doorknobs, faucet controls, cabinet latches and other common hardware. Even ordinary decreases in strength or flexibility can render an otherwise cherished home unfriendly, and Pierce notes that most homeowners queried want to "age in place," that is, to stay in their home even if they become disabled.

With this broader perspective outlined, the book turns to the specifics of design. As Pierce understands and conveys it, "universal design" aims at creating buildings and spaces that allow use by the disabled and able-bodied alike. The best features, she emphasizes, are user-friendly to all persons and don't give the home an institutional look or a makeshift appearance of improvised afterthoughts that detract from a home's aesthetics or value. The details of the best designs are many and varied, but some features are common to nearly all the homes featured:

- **Wider traffic areas:** Hallways, door openings and other "corridor" spaces should be wide enough (typically 36 inches minimum) to accommodate a wheelchair.
- **Open sightlines:** Connections between rooms should be as open as possible, both for traffic issues and to avoid any one shared space being too isolated.
- **Introduce contrasts:** Especially for sight-impaired persons, colors and textures can be simple and reliable indicators of a change in direction, floor level or other features.
- **Choose user-friendly hardware:** Manual dexterity and grip strength vary widely in individuals and will change for one person over time, so plan for those differences. Lever door handles (vs. round knobs) are a good example of friendlier design.
- **Multilevel storage:** Allowing access to storage at many levels ensures that items can be placed and retrieved by the person who uses them most, whether standing or sitting.
- **Expand bathrooms:** Bathing and grooming rituals and toilet use are daily practices that may require assistance for some, so spaces should allow for both mobility aids and human helpers.
- **Window placement:** Taller windows, with their sills placed low, help ensure that everyone can take in the views.

There are dozens of other smart amenities and details built into the book's featured homes, and Pierce devotes entire chapters to different room types — approaches and entries, living and dining areas, kitchens, baths, bedrooms and utility spaces. It turns

out there is a small irony inherent in the practice of “universal” design; some of the best solutions are tailored personally to the needs and abilities of individual users.

The book does a nice job of balancing the human and technical issues of a complex subject, and of highlighting good design aesthetics in the process. It seems most discussions of universal design topics are short articles focused on wheelchair users. The broader approach that Pierce takes here is a welcome and eminently useful exception.

Read more about this subject at <http://www.miamiherald.com/2013/09/08/3610178/universal-design-homes-that-welcome.html> & *The Accessible Home* by Deborah Pierce; Taunton Press; \$27.95; softcover, 234 pages; 800-888-8286; www.taunton.com.

FOR A HISTORY OF OUR WORK, PLEASE GO TO OUR WEBSITE (WWW.ADAACCESSNOW.ORG) AND CLICK ON THE NEWSLETTERS LINK.

“Access Now, Inc.® operates entirely on private contributions. During this transition period we are continuing with our work. We receive calls and letters seeking our assistance almost every day. We remain as passionate as ever about providing this assistance, and we hope that you continue to share that enthusiasm for our work. If so, we hope that you might be moved to make a donation to help us continue. It would be deeply appreciated! THANK YOU ALL AND PLEASE:

IF YOU HAVE A CHANGE OF POSTAL ADDRESS, PHONE NUMBER OR EMAIL ADDRESS, PLEASE, PLEASE LET US KNOW SO THAT WE CAN KEEP OUR FILES UPDATED AND SO THAT WE CAN CONTINUE TO COMMUNICATE WITH YOU. THIS IS ESPECIALLY TRUE REGARDING EMAIL ADDRESSES. PLEASE LET US KNOW IF YOU HAVE A CHANGE IN EMAIL ADDRESS AND YOU WOULD LIKE THE NEXT EDITION OF THE NEWSLETTER TO BE SENT ELECTRONICALLY. IT LOWERS OUR COSTS AND SAVES THE TREES

BEST WISHES FOR A HAPPY AND HEALTHY REMAINDER OF 2013 AND EVEN GREATER PROGRESS IN ACCESSIBILITY ISSUES!

*****PLEASE DON'T FORGET THE MEMBERSHIP FORM!!!*****

Access Now, Inc.® ☀ Phyllis F. Resnick, President

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION FOR ACCESS NOW, INC.® MAY BE OBTAINED FROM THE FLORIDA DIVISION OF CONSUMER AFFAIRS BY CALLING TOLL-FREE (800-435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE OF FLORIDA. (Florida Reg. No. CH13339)