Governor's Commission on Disabilities Annual Meeting

Monday September 21, 2009 5- 7 PM

John O. Pastore Center, 41 Cherry Dale Court,
Cranston, RI 02920-3049
(voice) 401-462-0100 (fax) 462-0106 (tty) via RI Relay 711
(e-mail) disabilities@gcd.ri.gov (website) www.disabilities.ri.gov

Attendees:	R. Timothy Flynn (Chair.); Cristina Amedeo; Jeanne Behie; Sharon Brinkworth; Frederick Burke; Dr. Judith Drew; Rosemary Carmody; Dr. Kate McCarthy-Barnett; James Pitassi; Arthur Plitt; Patricia Ryherd; Nancy Thomas; & Linda Ward
Absent:	Katherine Lowe; Lisa McKay; Ronald McMinn; Mon. Gerard Sabourin;

---------- Minutes ----------

Call to Order and Acceptance of the Minutes	**R. Timothy Flynn, Chairperson**	**5 min.**

Introductions: Chair called the meeting to order at 5:03 PM

Potential MOTION: To accept the minutes of the previous meeting as presented PR/AP passed unanimously

Action Items:	Discussion Leader:	Time:
1. Adoption of the Commission's **Fiscal Years 2010 – 2011 Budget Requests and Operational Plans**	Bob Cooper, Executive Secretary	45 min.

Discussion:

{See Attached **Fiscal Years 2010 – 2011 Budget Requests and Operational Plans**}

MOTION: To Adopt the **Fiscal Years 2010 – 2011 Budget Requests and Operational Plans**, utilizing the deferred compensation budget proposal as revised LW/RC passed, Abstain JP.

2. Accretion Petition Update	Bob Cooper	10 min.

The Executive Secretary reviewed the history and status of the petition from AFSCME Council 94 to accrete the 2 Assistant ADA Coordinator positions (involuntary) into the bargaining unit. A hearing has been scheduled for December 10th before the State Labor Relations Board.

3. Adoption of Amendments to the Commission's Rules and Regulations	R. Timothy Flynn	20 min.

Discussion: Proposed Additions: Underlined Proposed Deletions: ~~Strikeouts~~

Chapter G Effective Communications pursuant to §42−35−2.3 For the purpose of ensuring that communications with applicants, participants, and members of the public with disabilities are as

effective as communications with others.

Summary of proposed non-technical amendments: deleting the procedure for requesting the Commission purchase auxiliary aids in Sections: III.D. Effective Communications and IV.A. Telephone Service – all funds to purchase auxiliary aids have been exhausted.

The amendments start on page 3 of the regulation:

III. EFFECTIVE COMMUNICATIONS

A. All state agencies shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, including providing auxiliary aids and services.

B. State agencies shall ensure interested persons, including persons with impaired vision or hearing can obtain information as to the existence and location of accessible services, activities, and facilities. (see sample wording)

C. All state agencies are responsible for ensuring entities acting on their behalf in delivering a service, program or activity comply with this chapter.

D. All state agencies shall, by April 1, 2000, conduct a self-evaluation of current communication practices to determine whether any screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity. ~~Agencies shall submit to the Commission's ADA Equipment Committee requests for the acquisition of auxiliary aids to modify existing communications technology, where necessary, to eliminate any communication barrier, see Chapter I Equipment Requests.~~

IV. TELEPHONE SERVICE

A. All state agencies that communicate by telephone with applicants and beneficiaries must utilize TTYs or the RI Relay Service to communicate with applicants and beneficiaries who use TTYs. ~~State agencies may request a TTY by completing Telecommunication Device (TTY) Request GCD Form G 2 and submitting it to the Commission's staff.~~

B. State agencies that accept telephone calls from applicants, beneficiaries and / or the general public shall accept RI Relay Service calls and ensure their staff is adequately trained in effective use of the RI Relay.

C. Automated telephone systems shall provide direct access to individuals who use TTYs and computer modems.

D. Telephone emergency services, including 911 services, shall provide direct access to individuals who use TTYs and computer modems.

Chapter H Nondiscrimination eligibility criteria for services pursuant to §42−35−2.3 For the purpose of ensuring nondiscriminatory eligibility criteria for services, for individuals with disabilities.

Summary of proposed non-technical amendments: replacing references to a "Committee created by the Commission" with the "Hearing Board" created by RIGL 42-51-6.1 in Section IV.B. Commission Review and Approval

The amendments start on page 3 of the regulation:

IV. COMMISSION REVIEW AND APPROVAL

A. State agencies shall submit a request to the Governor's Commission on Disabilities, describing any eligibility criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities that the agency:

1. Believes are necessary for the provisions of the service, program or activity being offered; and
2. Would like to retain, impose or apply.

B. ~~A committee appointed by the~~ The Commission's Hearing Board shall conduct a public

hearing on a state agency's request to retain, impose or apply such criteria. A representative of the department proposing the criteria must attend the public hearing and be prepared to respond to questions from the ~~committee~~ board members. The state agency must submit, fifteen (15) business days in advance of the hearing:

1. A detailed description of all programs, activities, and services affected by the proposed criteria;

2. A description of each ~~criteria~~ criterion that may screen out or tend to screen out individuals or classes of individuals with disabilities including the reason the criteria must be imposed or applied;

C. The Commission shall not approve a state agency's request to retain, impose or apply such criteria, unless:

1. The requested information (in item 2 above) is furnished;

2. Such criteria can be shown to be necessary for the provisions of the service, program, or activity being offered; and

3. The nature of the program, service, or activity would be fundamentally altered without the imposition or application of the proposed eligibility criteria.

Chapter I Reasonable accommodation request pursuant to §42−35−2.3 For the purpose of ensuring accommodations are made by state agencies and recipients of state funds, for individuals with disabilities.

Summary of proposed non-technical amendments: deleting the procedure for requesting the Commission purchase auxiliary aids in Sections: VI. Auxiliary Aids – all funds to purchase auxiliary aids have been exhausted.

The amendments start on page 9 of the regulation:

VI. AUXILIARY AIDS

A. If the reasonable accommodation will require the obtaining of equipment or devices (auxiliary aids), the agency's ADA Coordinator shall:

1. Within 15 business days of receiving an individual's Reasonable Accommodation Request Form; and

2. Prior to the purchase of any equipment or devices check with the Commission's Central ADA Equipment Pool, to determine if equipment in the pool would meet the need of the individual. When equipment is available from the Central ADA Equipment Pool, then the agency's ADA Coordinator will arrange to have that equipment assigned to the qualified individual.

~~B. Commonly used Auxiliary Aids~~

~~1. The Information and Assistive Technology Committee may authorize the Commission's staff to purchase, in bulk or singularly, commonly used auxiliary aids, such as TTYs, assistive listening systems and devices, wheelchairs, etc.;~~

~~2. The Commission's staff may purchase commonly used auxiliary aids, upon receipt and review of agency requests or at his/her discretion refer the request to the Information and Assistive Technology Committee for its review.~~

C. ~~Other~~ Auxiliary Aids ~~Costing less than $1,000~~

1. The agency will obtain or modify that equipment or devices utilizing operating funds.

2. Taking into account the preference of the qualified individual the agency's ADA Coordinator shall recommend the accommodation that best serves the needs of the qualified individual and the agency.

3. The agency's administrator will arrange for its purchase, immediately.

~~D. Other Auxiliary Aids costing $1,000 or more:~~

~~1. The state Central ADA Equipment Pool (and not the agency) will obtain or modify that~~

~~equipment or devices utilizing capital funds.~~

~~2. The agency's ADA Coordinator completes the Auxiliary Aid Section of the Reasonable Accommodation Request GCD Form I-1 including a job analysis and returns it to the Governor's Commission on Disabilities' Information and Assistive Technology Committee;~~

~~3. The Information and Assistive Technology Committee shall review the Auxiliary Aid Request at its next scheduled meeting and approve, reject or modify the request. The qualified individual and the agency's ADA Coordinator may appear and testify at meetings of the Information and Assistive Technology Committee when their request is on the agenda. Notice of the meeting shall be sent to the affected agency's ADA Coordinator and the individual the equipment is requested for.~~

~~4. The Information and Assistive Technology Committee shall:~~

~~a) Review any advice provided by the Office of Rehabilitation Services, and conduct a technical review of possible equipment or devices.~~

~~b) Take into account the preference of the qualified individual; and~~

~~c) Recommend, to the agency's ADA Coordinator [with a copy sent to the individual for whom the equipment is requested, the accommodation that best serves the needs of the qualified individual and the agency.~~

~~d) If the individual accepts that recommendation, the Commission's Assistant ADA Coordinator (Compliance) will arrange for its purchase, immediately.~~

~~5. If the Information and Assistive Technology Committee approves the request, the Commission's Assistant ADA Coordinator (Compliance) will arrange for the purchase of the auxiliary aid, or if it is already in the Central ADA Equipment Pool, its customization and transfer to the requesting agency;~~

~~6. If the Information and Assistive Technology Committee rejects the request, the Committee shall state its reasons for rejection in writing to the agency's ADA Coordinator [with a copy sent to the individual for whom the equipment is requested], within a week of the meeting;~~

~~7. If the Information and Assistive Technology Committee modifies the request, the Committee shall state its reasons for the modification, in writing, to the agency's ADA Coordinator [with a copy sent by the agency to the individual for whom the equipment is requested], within a week of the meeting. The agency's ADA Coordinator shall consult with the qualified individual about consenting to the modification. The agency's ADA Coordinator shall advise the Information and Assistive Technology Committee, if the qualified individual consents to the modification, in writing.~~

~~8. Requests that are rejected by the Information and Assistive Technology Committee or are modified by the Committee, but not consented to by the qualified individual may be resubmitted with additional documentation or explanation to the Information and Assistive Technology Committee for reconsideration at its next scheduled meeting.~~

Chapter J - Disability Business Enterprises pursuant to Chapter 37-2.2

For the purpose of supporting the fullest possible participation of small disadvantaged businesses owned and controlled by persons with disabilities or where sixty percent (60%) of the employees are persons with disabilities, or non-profit rehabilitation facilities in state funded and state directed public construction and projects and in state purchases of goods and services.

Summary of proposed non-technical amendments:

1. requiring all entities awarded government contracts, through the Disability Business Enterprise Program, shall submit a report at the end of each quarter listing: the number persons with disabilities working employed on government contracts awarded, through the Disability Business Enterprise Program; the number of government contracts bid on, through the Disability Business Enterprise Program; and the number of government contracts awarded, through the Disability

Business Enterprise Program in Section XI Reporting.

2. replacing the words "governmental bodies" with the words "governmental entity" to conform to change in statute

The amendments start on page 3 of the regulation:

II. DEFINITIONS

A. "The Commission" shall mean the Governor's Commission on Disabilities.

B. The terms "A physical or mental impairment"; "Persons with disabilities" or "person with a disability"; "Rehabilitation facility"; "Small disadvantaged disability businesses owned and controlled by persons with disabilities"; "Vocational rehabilitation services"; and used in the context of "Products and Services" produced by persons with disabilities" are defined in RI GL 37-2.2-2 and "disadvantaged [disability] businesses" as used in the context of RI GL 37-2.2-1".

C. The terms: "Construction"; "Contract"; "Contractor"; "Governmental entity ~~body~~"; "Procurement"; "Public agency; "State agency"; "The State", and as used in the context of "Procurement", the term "services" are defined in RIGL 37-2-7.

XI. REPORTING

A. The Division of Purchasing shall submit an annual report to the Disability Business Enterprise Committee of the following:

1. listing of awarded contracts and value of procurements from small disadvantaged disability business or rehabilitation facilities for construction contracts;
2. outreach efforts made by the Division during the previous quarter; and
3. number of small disadvantaged disability businesses or rehabilitation facilities that submitted bids and were rejected.

B. All entities awarded government contracts, through the Disability Business Enterprise Program, shall submit a report at the end of each quarter listing:

1. the number persons with disabilities working employed on government contracts awarded, through the Disability Business Enterprise Program;
2. the number of government contracts bid on, through the Disability Business Enterprise Program; and
3. the number of government contracts awarded, through the Disability Business Enterprise Program.

Chapter K Enhanced enforcement of disability parking pursuant to § 37-28-7.3 For the purpose of improving enforcement of disability parking.

Summary of proposed non-technical amendments:

Replacing references to the Disability Parking Committee with the Accessibility Committee in Sections IV. Submission of Disability Parking Enforcement Enhancement Plans; VI. Annual Reporting and VII. Review of Disability Parking Enforcement Enhancement Plans and Annual Reports.

The amendments start on page 3 of the regulation:

IV. SUBMISSION OF DISABILITY PARKING ENFORCEMENT ENHANCEMENT PLANS

A. The state agencies and cities and towns shall submit their Disability parking enforcement enhancement plans to the Commission's ~~Disability Parking~~ Accessibility Committee, on the Disability Parking Enforcement Enhancement Plan GCD Form K.

B. The state agencies shall develop and submit a disability parking enforcement enhancement plan to the Commission's ~~Disability Parking~~ Accessibility Committee, by November 1, 1999 and the cities and towns by April 1, 2000.

VII. REVIEW OF DISABILITY PARKING ENFORCEMENT ENHANCEMENT PLANS AND ANNUAL REPORTS

The Commission's ~~Disability Parking~~ Accessibility Committee shall review and make suggested improvements to the disability parking enforcement enhancement plans, in writing to the agency / municipality within 60 days receipt of those plans and annual reports.

Chapter N General Operating Rules pursuant to Chapter 42-51 For the purpose of describing the Commission's organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests.

Summary of proposed non-technical amendments:

1. Revise to conform to amended statutes:

a. Section I. Description of Organization 42-51-9. Definitions. (1) "Disability"

The amendments start on page 7 of the regulation:

I. Description of Organization

RIGL 42-51 State Affairs and Government – Governor's Commission on Disabilities

42-51-9. Definitions.

The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(1) "Disability" means a disability as defined in section 42-87-1. ~~'People with disabilities' or 'individuals with disabilities' means any person who:~~

~~Has a physical or mental impairment that substantially limits one or more of the person's major life activities;~~

~~Has a record of that impairment; or~~

~~Is regarded as having that impairment.~~

b. Section II. Other Statutory Responsibilities RIGL 37-2.2 Public Property and Works – Disability Business Enterprises Act

The amendments start on page 10 of the regulation:

II. Other Statutory Responsibilities

RIGL 37-2.2 Public Property and Works - Disability Business Enterprises Act

37-2.2-1 Short title and purpose.

This chapter shall be known as the "Disability Business Enterprises Act." The purpose of this chapter is to carry out the state's policy of supporting the fullest possible participation of small disadvantaged businesses owned and controlled by persons with disabilities or where sixty percent (60%) of the work hours or direct labor is performed by employees who are ~~seventy-five percent (75%) of the employees are~~ persons with disabilities, or non-profit rehabilitation facilities in state funded and state directed public construction, public projects, and in state purchases of goods and services. This includes assisting disadvantaged disability businesses and non-profit rehabilitation facilities throughout the life of contracts in which they participate.

37-2.2-2. Definitions.

As used in this chapter, the following words and phrases shall have the following meanings unless the context shall indicate another or different meaning or intent:

(2) "Products" shall mean any goods or merchandise provided by persons with disabilities if not less than sixty percent (60%) ~~seventy-five percent (75%)~~ of the work hours or direct labor required for the products are performed by persons with disabilities.

(4) "Services" shall mean any services provided by persons with disabilities if not less than sixty percent (60%) ~~seventy-five percent (75%)~~ of the work hours or direct labor required for the services are performed by persons with disabilities.

37-2.2-3. Preference for products and services produced by persons with disabilities.

(a) Whenever any products made, manufactured by, or services provided by persons with disabilities in nonprofit rehabilitation facilities, or in profit making facilities where where sixty percent (60%) of the work hours or direct labor is performed by employees who are ~~seventy-five percent (75%) of the employees are~~ disabled, meet the requirements of any department, institution, or agency supported, in whole or in part, by the state as to quantity, quality, and price, those products shall have preference over products or services from other providers.
(b) All departments, institutions, and agencies supported, in whole or in part, by the state shall purchase articles made or manufactured and services provided by persons with disabilities. Any political subdivision of the state may purchase those articles and services directly from those agencies.
(c) A list describing the styles, designs, sizes, and varieties of articles made by persons with disabilities and describing all available services and subcontract work which can be provided by those persons shall be prepared by the governor's commission on disabilities, disability business enterprise committee in cooperation with the state office of rehabilitation services. The governor's commission on disabilities shall cooperate with various facilities for persons with disabilities by submitting necessary information concerning the products and services to the state purchasing agent.
37-2.2-3.1. Policy and applicability.
It is the policy of the state of Rhode Island that small disadvantaged disability businesses shall have the maximum opportunity to participate in the performance of procurements and projects as outlined in this chapter. This chapter shall apply to any and all state purchasing, including, but not limited to, the procurement of goods and services, construction projects, or contracts funded in whole or in part by state funds, or funds which, in accordance with a federal grant or otherwise, the state expends or administers or in which the state is a signatory to the construction contract.
The director of administration, in consultation with the governor's commission on disabilities, is authorized and directed to establish rules and regulations for awarding contracts to small disadvantaged businesses owned and controlled by persons with disabilities in the procurement of goods, services, construction projects, or contracts funded in whole or in part by state funds, in accordance with 37-2-9(b)(14).
37-2.2-4. Disability business enterprise committee - Membership - Duties.
(c) The governor's commission on disabilities shall promulgate such rules and regulations, in accordance with the Administrative Procedures Act, chapter 35 of title 42, as are necessary and proper to ensure responsible management, operation, oversight of the committee, and ensure that all facilities, both nonprofit and profit-making, referred to in §§ 37-2.2-3 and 37-2.2-3.1 meet all applicable government regulations and standards, including those of the United States department of labor, the state department of human services, and the chief purchasing officer with regard to developing a program which involves small disadvantaged businesses as contractors, § 37-2-9(2)(n).

---

c. Insert into Section II. Other Statutory Responsibilities – RIGL 42-46-5. State Affairs and Government – Open Meetings – Purposes for which meeting may be closed – Use of electronic communications – Judicial proceedings – Disruptive conduct

The amendments start on page 16 of the regulation:
RIGL 42-46-5. State Affairs and Government – Open Meetings – Purposes for which meeting may be closed - Use of electronic communications - Judicial proceedings - Disruptive conduct.
(a) A public body may hold a meeting closed to the public pursuant to 42-46-4 for one or more of the following purposes:
(1) Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing

and advised that they may require that the discussion be held at an open meeting.
Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.
(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.
(3) Discussion regarding the matter of security including, but not limited to, the deployment of security personnel or devices.
(4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.
(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.
(6) Any discussions related to or concerning a prospective business or industry locating in the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.
(7) A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including, but not limited to, state lottery plans for new promotions.
(8) Any executive sessions of a local school committee exclusively for the purposes: (i) of conducting student disciplinary hearings; or (ii) of reviewing other matters which relate to the privacy of students and their records, including all hearings of the various juvenile hearing boards of any municipality; provided, however, that any affected student shall have been notified in advance in writing and advised that he or she may require that the discussion be held in an open meeting.
Failure to provide such notification shall render any action taken against the student or students affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any students to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.
(9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement.
(10) Any discussion of the personal finances of a prospective donor to a library.
(b) No meeting of members of a public body or use of electronic communication, including telephonic communication and telephone conferencing, shall be used to circumvent the spirit or requirements of this chapter; provided, however, these meetings and discussions are not prohibited.
(1) Provided, further however, that discussions of a public body via electronic communication, including telephonic communication and telephone conferencing, shall be permitted only to schedule a meeting.
(2) Provided, further however, that a member of a public body may participate by use of electronic communication or telephone communication while on active duty in the armed services of the United States.
(3) Provided, further however, that a member of that public body, who has a disability as defined in chapter 87 of title 42 and:
(i) Cannot attend meetings of that public body solely by reason of his or her disability; and
(ii) Cannot otherwise participate in the meeting without the use of electronic communication or telephone communication as reasonable accommodation, may participate by use of electronic communication or telephone communication in accordance with the process below.
(4) The governor's commission on disabilities is authorized and directed to:

(i) Establish rules and regulations for determining whether a member of a public body is not otherwise able to participate in meetings of that public body without the use of electronic communication or telephone communication as a reasonable accommodation due to that member's disability;

(ii) Grant a waiver that allows a member to participate by electronic communication or telephone communication only if the member's disability would prevent him/her from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation; and

(iii) Any waiver decisions shall be a matter of public record.

(c) This chapter shall not apply to proceedings of the judicial branch of state government or probate court or municipal court proceedings in any city or town.

(d) This chapter shall not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

---

d. Delete in Section III. Statutory Representation on Other State Boards and Commissions:
   i. 23-29.1-3. Health and Safety – Rehabilitation Building and Fire Code for Existing Buildings and Structures – Content, adoption, and administration of the rehabilitation building code for existing buildings and structures.
   ii. 31-28-7.10. Motor and Other Vehicles – Parking Facilities and Privileges – Special legislative commission to study the disability parking placard system.
   iii. 42-102. State Affairs and Government – Rhode Island Human Resource Investment Council.

e. Add in Section III. Statutory Representation on Other State Boards and Commissions – RIGL 42-66.3-8. Home and community care advisory committee

The amendments start on page 19 of the regulation:

III. Statutory Representation on Other State Boards and Commissions

RIGL 17-9.1-31. Elections – Registration of Voters –Voter registration advisory board.

~~RIGL 23-29.1-3. Health And Safety - Rehabilitation Building And Fire Code For Existing Buildings And Structures - Content, adoption, and administration of the rehabilitation building code for existing buildings and structures.~~

RIGL 30-15-6. Military Affairs and Defense – Emergency Management – Advisory Council.

RIGL 42-66.3-8. Home and community care advisory committee.

~~RIGL 31-28-7.10. Motor And Other Vehicles – Parking Facilities And Privileges – Special legislative commission to study the disability parking placard system.~~

~~RIGL 42-102. State Affairs And Government – Rhode Island Human Resource Investment Council.~~

---

f. Delete in Section IV. Statutory Advisory Role to Other Governmental Entities – 31-28-7.3. Motor and Other Vehicles – Parking Facilities and Privileges – Disability Parking Enforcement Program.

g. Revise in Section IV. Statutory Advisory Role to Other Governmental Entities – RIGL 42-47.1-5. State Affairs and Government – Commission on state government internships – Summer internships for students with disabilities

The amendments start on page 19 of the regulation:

IV. Statutory Advisory Role to Other Governmental Entities

RIGL 28-5.1-9. Labor and Labor Relations – Equal Opportunity and Affirmative Action – State employment services.

~~**RIGL 31-28-7.3. Motor And Other Vehicles – Parking Facilities And Privileges – Disability Parking Enforcement Program.**~~

RIGL 40-14-8.Human Services – Equipment loan fund for people with disabilities –Rules and regulations.

RIGL 42-47.1-~~8~~-5. State Affairs and Government – Commission on state government internships – Summer internships for students with disabilities.

---

2. In Section V. Method of Operation

a. Subsection A. Officers' Responsibilities – 2. The vice-chairperson – insert "In the event that the chairperson's position is vacant and the Vice Chairperson becomes Acting Chairperson, the Executive Committee shall appoint a Vice Chairperson Pro Tempore to serve until the Governor has appointed a new Chairperson."

The amendments start on page 20 of the regulation:

V. Method of Operation

A. Officers' Responsibilities

2. The vice-chairperson

Shall be elected annually at the annual meeting.

The vice-chairperson shall:

a) Assume all the duties of the chairperson, in accord with the state laws, whenever the chairperson is unable to perform them;

b) Be the authorized agent for all fiscal documents relating to the reimbursement of expenses of the chairperson; and

c) Assume other duties that the commission may assign.

In the event that the chairperson's position is vacant and the Vice Chairperson becomes Acting Chairperson, the Executive Committee shall appoint a Vice Chairperson Pro Tempore to serve until the Governor has appointed a new Chairperson.

---

b) Subsection D. Quorum and Majority Rule – revise the definition of quorum to conform to RIGL 42-46-2.

V. Method of Operation

B. Commission Meetings

D. Quorum and Majority Rule

1. A quorum for commission meetings shall be ~~eight (8)~~ a simple majority of the commissioners.
2. All decisions of the commission shall be by majority vote of the Commissioners, who are appointed by the Governor and are qualified and present, except when otherwise specified in these General Operating Rules.

---

c) Subsection F. Establishment of Committees and mediation teams – revise to conform to RIGL 42-51-6.2

The amendments start on page 24 of the regulation:

V. Method of Operation

F. Establishment of ~~Other~~ Committees and mediation teams

1. At the Commission's annual meeting the Commission may create advisory committees and mediation teams ~~employer these committees~~ to perform tasks within the jurisdiction of the commission and may empower these committees and mediation teams to:

a) Study the concerns of people with disabilities in reaching the maximum in independent living and human development and exercising all of the rights and responsibilities accorded to citizens

of this state;

b) Arouse community interest in the concerns of people with disabilities;

c) Foster through community effort or otherwise good will among the groups and elements of the population of the state towards people with disabilities;

d) Attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with matters within the jurisdiction of the commission.

e) The committees and teams may make recommendations to the commission for the development of policies and procedures in general.

2. The commission chairperson, with advice and consent of the commission, shall appoint a commissioner as Committee chairperson, and at least one (1) other commissioner as member(s);
3. Advisory committees and mediation teams shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses;
4. Three (3) members of a committee shall constitute a quorum for the purpose of conducting the business of that committee; and
5. At any Commission meeting the Commission may create Ad Hoc committees to conduct specific assignments and report to the commission their results. The commission chairperson, with advice and consent of the commission, shall appoint a commissioner as Committee chairperson and at least one (1) other commissioner as member(s). These ad hoc committees shall only exist for six (6) months and until the next regularly scheduled commission meeting. The commission may extend the life of an Ad Hoc committee for an additional six (6) months.

G. Membership and Officers of Permanent and Other Committees

1. Each committee chairperson shall appoint members from the public to his/her committee for a one (1) year term following the annual meeting. These appointees shall be associate members of the commission.
2. Each committee shall elect a vice-chairperson at its first meeting after the annual meeting who shall serve as chairperson pro-tempore, in the absence of the chairperson.
3. Any Commissioner present may participate and vote on any matter pending before a Committee (except the Executive Committee, State Coordinating Committee on Disability Rights, and Disability Business Enterprise Committee).

J. Public Records

~~Definition~~

1. The term "Public Records" shall be defined by the Access to Public Records Act.
2. Fees For Copying

   a) The fees for retrieval and/or copying of public records shall be equal to the amount allowed by the Access to Public Records Act; and

   b) Videotapes from our cable TV series, ABLE TOO ... are available by submitting a request for copy and a check or purchase order. The Commission shall annually set a fee to cover the cost of copying and mailing. The tape will be mailed when copied.
3. Notice of Privacy and Public Records Policy

The Commission's website conforms to the State of Rhode Island Privacy Policy, found at http://www.ri.gov/help/privacy.html.

K. Commissioner, Associate Member and Staff Conduct

2. Handling of Confidential Information

~~Definition "Confidential Information"~~

a) The term "confidential records" shall include and be limited to all records which are identifiable to an individual applicant for / or recipient of benefits and services, such as:

i. ADA Equipment (assistive technology);
ii. Mediation services;
iii. Disability Business Enterprise (DBE) applicant – medical information and DBE employees' information;
iv. Technical Assistance for residents; and
v. ADA reasonable accommodation requests.

b) Confidential information may only be released in the following circumstances:

i. Pursuant to a court order;
ii. When shared between or among qualified personnel of the Commission for purposes of conducting official business or coordinating services provided to the person or entity;
iii. When shared between the Commission and its authorized vendor for services to a client, for the purposes of coordinating services and authenticating fees for services;
iv. When requested by a federal, state or municipal administrative agency or law enforcement agency pursuant to an investigation or administrative hearing within the authority of the agency and when required by law; or
v. When a waiver of confidentiality is provided, pursuant to subsection c).
vi. The subject of the confidential information or his or her authorized representative may waive confidentiality through a written waiver that shall include:
    A. A statement of the need for the proposed uses of that information;
    B. A statement that all information is to be released or clearly indicating the extent of the information to be released; and
    C. A statement of who is to have access to the information being released.

Potential MOTION: To Adopt Amendments to the Commission's Rules and Regulations, as *presented SB/JB passed unanimously*

Chapter G Effective Communications

Summary of proposed non-technical amendments: deleting the procedure for requesting the Commission purchase auxiliary aids in Sections: III.D. Effective Communications and IV.A. Telephone Service – all funds to purchase auxiliary aids have been exhausted.

Chapter H Nondiscrimination eligibility criteria for services

Summary of proposed non-technical amendments: replacing references to a "Committee created by the Commission" with the Hearing Board created by RIGL 42-51-6.1 in Section IV.B. Commission Review and Approval

Chapter I Reasonable accommodation

Summary of proposed non-technical amendments: deleting the procedure for requesting the Commission purchase auxiliary aids in Sections: VI. Auxiliary Aids – all funds to purchase auxiliary aids have been exhausted.

Chapter J - Disability Business Enterprises

Summary of proposed non-technical amendments:

1. requiring all entities awarded government contracts, through the Disability Business Enterprise Program, shall submit a report at the end of each quarter listing: the number persons with disabilities working employed on government contracts awarded, through the Disability Business Enterprise Program; the number of government contracts bid on, through the Disability Business Enterprise Program; and the number of government contracts awarded, through the Disability Business Enterprise Program in Section XI Reporting.
2. replacing the words "governmental bodies' with the words "governmental entity" to conform to change in statute

Chapter K Enhanced enforcement of disability parking

Summary of proposed non-technical amendments:

Replacing references to the Assistive Technology Committee with the Accessibility Committee in Sections IV. Submission of Disability Parking Enforcement Enhancement Plans; VI. Annual Reporting and VII. Review of Disability Parking Enforcement Enhancement Plans and Annual Reports.

Chapter N General Operating Rules

Summary of proposed non-technical amendments:

1. Revise to conform to amended statutes:
    a. Section I. Description of Organization 42-51-9. Definitions. (1) "Disability"
    b. Section II. Other Statutory Responsibilities RIGL 37-2.2 Public Property and Works – Disability Business Enterprises Act
    c. Insert into Section II. Other Statutory Responsibilities – RIGL 42-46-5. State Affairs and Government – Open Meetings – Purposes for which meeting may be closed – Use of electronic communications – Judicial proceedings – Disruptive conduct
    d. Delete in Section III. Statutory Representation on Other State Boards and Commissions:
    i. 23-29.1-3. Health and Safety – Rehabilitation Building and Fire Code for Existing Buildings and Structures – Content, adoption, and administration of the rehabilitation building code for existing buildings and structures.
    ii. 31-28-7.10. Motor and Other Vehicles – Parking Facilities and Privileges – Special legislative commission to study the disability parking placard system.
    iii. 42-102. State Affairs and Government – Rhode Island Human Resource Investment Council.
    e. Add in Section III. Statutory Representation on Other State Boards and Commissions – RIGL 42-66.3-8. Home and community care advisory committee
    f. Delete in Section IV. Statutory Advisory Role to Other Governmental Entities – 31-28-7.3. Motor and Other Vehicles – Parking Facilities and Privileges – Disability Parking Enforcement Program.
    g. Revise in Section IV. Statutory Advisory Role to Other Governmental Entities – RIGL 42-47.1-5. State Affairs and Government – Commission on state government internships – Summer internships for students with disabilities
2. In Section V. Method of Operation
    a. Subsection A. Officers' Responsibilities – 2. The vice-chairperson – insert "In the event that the chairperson's position is vacant and the Vice Chairperson becomes Acting Chairperson, the Executive Committee shall appoint a Vice Chairperson Pro Tempore to serve until the Governor has appointed a new Chairperson."
    b. Subsection D. Quorum and Majority Rule – revise the definition of quorum to conform to RIGL 42-46-2.
    c. Subsection F. Establishment of Committees and mediation teams – revise to conform to RIGL 42-51-6.2

4. Elect the Vice Chairperson	**R. Timothy Flynn**	**5 min.**
MOTION: To elect Kate McCarthy-Barnett to be the Commission's Vice Chairperson. JP/CA passed, abstained KCMcB		
5. Give advice and consent to the Chairperson's	**R. Timothy Flynn**	**10 min.**

appointments of committee chairpersons and members and liaisons to other boards		

MOTION: To accept give advice and consent to the Chairperson's appointments of committee chairpersons and members and liaisons to other boards, as presented below. JB/LW passed unanimously

Accessibility Committee

Name	***Resident of***	***Term***
Kate McCarthy-Barnett, Ed.D. (Chair)	Coventry	7/18/2002 - 5/1/2011
Katherine Lowe	Warwick	5/28/2008 - 5/1/2011
Ronald C. McMinn	Cumberland	6/26/2001 - 5/1/2010
Arthur M. Plitt	Pawtucket	7/27/1998 - 5/1/2010
Monsignor Gerard O. Sabourin	Exeter	11/28/2003 - 5/1/2012

Disability Business Enterprise Committee

Name	***Resident of***	***Term***
R. Timothy Flynn (Chair)	Ashaway	5/1/2006 - 5/1/2012

Election Assistance Committee

Name	***Resident of***	***Term***
Rosemary C. Carmody (Chair)	Coventry	7/27/1998 – 5/1/2010
James A. Pitassi, Jr.	Johnston	7/27/1998 – 5/1/2011
Arthur M. Plitt	Pawtucket	7/27/1998 – 5/1/2010

Employment Committee

Name	***Resident of***	***Term***
Cristina Amedeo	Warwick	5/28/2008 – 5/1/2011
Rosemary C. Carmody	Coventry	7/27/1998 – 5/1/2010
Judith Drew, Ph.D.	Cumberland	7/19/1999 – 5/1/2011
Patricia Ryherd (Chair)	Barrington	5/1/1979 – 5/1/2011
James A. Pitassi, Jr.	Johnston	7/27/1998 – 5/1/2011
Arthur M. Plitt	Pawtucket	7/27/1998 – 5/1/2010

Hearing Board

Name	***Resident of***	***Term***
R. Timothy Flynn	Ashaway	5/1/2006 – 5/1/2012
Judith Drew, Ph.D. (Chair)	Cumberland	7/19/1999 – 5/1/2011
Ronald C. McMinn	Cumberland	6/26/2001 – 5/1/2010
Frederick Burke	North Scituate	10/30/1992 – 5/1/2012
Arthur M. Plitt	Pawtucket	7/27/1998 – 5/1/2010
Nancy Thomas	Cranston	8/22/2007 – 5/1/2010

Legislation Committee

Name	***Resident of***	***Term***
Cristina Amedeo	Warwick	5/28/2008 – 5/1/2011
R. Timothy Flynn	Ashaway	5/1/2006 – 5/1/2012
Rosemary C. Carmody	Coventry	7/27/1998 – 5/1/2010
Kate McCarthy-Barnett, Ed.D.	Coventry	7/18/2002 – 5/1/2011
Jeanne Behie	South Kingstown	10/21/2005 – 5/1/2010
Sharon Brinkworth	Barrington	10/14/2005 – 5/1/2010
Arthur M. Plitt	Pawtucket	7/27/1998 – 5/1/2010

Monsignor Gerard O. Sabourin	Exeter	11/28/2003 – 5/1/2012
Linda N. Ward (Chair)	Cranston	5/28/2008 – 5/1/2011

State Coordinating Committee on Disability Rights

Name	***Resident of***	***Term***
R. Timothy Flynn (Chair by law)	Ashaway	5/1/2006 – 5/1/2012
Judith Drew, Ph.D.	Cumberland	7/19/1999 – 5/1/2011
Jeanne Behie	South Kingstown	10/21/2005 – 5/1/2010
James A. Pitassi, Jr.	Johnston	7/27/1998 – 5/1/2011
Nancy Thomas	Cranston	8/22/2007 – 5/1/2010

Appointment of Liaisons to other entities

Name	***Liaison to:***
Judith Drew, Ph.D.	State Planning Council's Transportation Advisory Cmte*
Kate McCarthy-Barnett, Ed.D.	National Organization on Disability Emergency Management Advisory Committee RI Emergency Management Agency's Elderly & Disability Working Group
R. Timothy Flynn	Home and Community Care Advisory Committee
Linda N. Ward	Rhodes to Independence Steering Committee
Rosemary C. Carmody	RI Disability Voting Project's Steering Committee & Managing Directors State Board of Election's Voter Registration Advisory Committee
Katherine Lowe	RI Developmental Disabilities Council*
Bob Cooper	Paratransit Task Force Elderly Affairs' Aging Disability Resource Center Cmte
Christine Rancourt-Bruzzi	US Office of Disability Employment Policy & National Assoc. of Governor's Committees on People w/ Disabilities
Harvey O. Salvas	Department of Administration's Webmasters Committee New England Accessible IT Advisory Board Department of Environmental Management's Outdoor Recreation/Trails Committee Housing Resources Commission's Advisory Cmte

6. HR 1408, the Inclusive Home Design Act (IHDA).	R. Timothy Flynn	10 min.

Discussion: The National Association of Governor's Committees' on People with Disabilities has circulated the attached to its membership, and asked if we support this legislation?

111th CONGRESS

1st Session

H. R. 1408

Inclusive Home Design Act of 2009 (Introduced in House)

To require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities.

IN THE HOUSE OF REPRESENTATIVES

* Nominations to those boards are made by the Commission, the boards may accept or reject the nominee.

March 10, 2009

Ms. SCHAKOWSKY (for herself, Mr. FARR, Mr. MCGOVERN, Ms. BORDALLO, Mr. GUTIERREZ, and Mr. KIRK) introduced the following bill; which was referred to the Committee on Financial Services

---

A BILL

To require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Inclusive Home Design Act of 2009'.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) ACCESSIBLE ROUTE- The term `accessible route' means a continuous unobstructed path that--

(A) can be negotiated by a person with a disability using a wheelchair; and

(B) is safe for and usable by people with other disabilities and people without disabilities.

(2) COVERED DWELLING UNIT- The term `covered dwelling unit' means a dwelling unit that--

(A) is a detached single family house, a townhouse or multi-level dwelling unit (whether detached or attached to other units or structures), or a ground-floor unit in a building of three or fewer dwelling units;

(B) is designed as, or intended for occupancy as, a residence;

(C) was designed, constructed, or commissioned, contracted or otherwise arranged for design or construction, by any person or entity who, at any time during the design or construction, received Federal financial assistance for any program or activity; and

(D) is made available for first occupancy after the expiration of the one-year period beginning on the date of the enactment of this Act.

(3) ENVIRONMENTAL CONTROLS- The term `environmental controls' means, for a dwelling unit, any switches or devices that control or regulate lights, temperature, fans, doors, security system features, or any other feature included in the new construction of the unit.

(4) FEDERAL FINANCIAL ASSISTANCE- The term `Federal financial assistance' means--

(A) any assistance that is provided or otherwise made available by the Secretary of Housing and Urban Development or the Secretary of Veterans Affairs, or any program or activity or such agencies, through any grant, loan, contract, or any other arrangement, after the expiration of the one-year period beginning on the date of the enactment of this Act, including--

(i) grants, subsidies, or any other funds;

(ii) services of Federal personnel;

(iii) real or personal property or any interest in or use of such property, including--

(I) transfers or leases of the property for less than the fair market value or for reduced consideration; and

(II) proceeds from a subsequent transfer or lease of the property if the Federal share of its fair market value is not returned to the Federal Government;

(iv) any tax credit, mortgage or loan guarantee or insurance; and

(v) community development funds in the form of obligations guaranteed under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308); or

(B) any assistance that is provided or otherwise made available by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

(5) PERSON OR ENTITY- The term `person or entity' includes one or more individuals, corporations (including not-for-profit corporations), partnerships, associations, labor organizations, legal representatives, mutual corporations, joint-stock companies, trusts, unincorporated associations, trustees, trustees in cases under title 11 of the United States Code, receivers, and fiduciaries.

SEC. 3. VISITABILITY REQUIREMENT.

It shall be unlawful for any person referred to in section 2(2)(C) with respect to a covered dwelling unit to fail to ensure that such dwelling unit contains at least one level that complies with the following requirements:

(1) ACCESSIBLE ENTRANCE-

(A) IN GENERAL- Except as provided in subparagraph (B), the level shall contain at least one entrance to the dwelling unit that--

(i) is accessible to, and usable by, people with disabilities such that all rooms on the level are connected by an accessible route;

(ii) does not contain any steps or any door threshold that exceeds one-half inch in height; and

(iii) is located on a continuous unobstructed path from the public street or driveway that serves the unit, which path--

(I) at no point has a slope exceeding one inch in rise for every 12 inches in length;

(II) has a width of not less than 36 inches;

(III) has a cross slope not greater than two percent of the width;

(IV) is an accessible route; and

(V) may include curb ramps, parking access aisles, walks, and ramps.

(B) EXCEPTIONS- The provisions of clauses (ii) and (iii) of subparagraph (A) shall not apply to a covered dwelling unit if--

(i) the finished grade of the site is too steep to provide a path having a slope meeting the requirements of subclause (I) of subparagraph (A)(iii) at the front, side, or back of the unit;

(ii) there is no driveway serving the unit; and

(iii) there is no alley or other roadway capable of providing vehicular access to the rear of the unit.

(2) ACCESSIBLE INTERIOR DOORS- All doors that are designed to allow passage within the level shall have an unobstructed opening of at least 32 inches when the door is open at a 90-degree angle.

(3) ACCESSIBLE ENVIRONMENTAL CONTROLS- All environmental controls located on the level shall be located on the wall--

(A) at least 15 inches, but not more than 48 inches, above the floor; or

(B) in the case of environmental controls located directly above a counter, sink, or appliance, not more than three inches above such counter, sink, or appliance.

(4) ACCESSIBLE HABITABLE SPACE AND BATHROOM- The level shall contain the following:

(A) HABITABLE SPACE- At least one indoor room that has an area of not less than 70 square feet and contains no side or dimension narrower than seven feet.

(B) BATHROOM- At least one bathroom that contains, at a minimum, the following:

(i) CLEAR FLOOR SPACE- Clear floor space of 30 by 48 inches centered on and contiguous to the sink, which is not encroached by the swing path of the bathroom door.

(ii) ACCESSIBLE SINK AND TOILET- A sink and a toilet that each allow for a parallel or head-on approach by a person in a wheelchair.

(iii) REINFORCED WALLS- Walls that are reinforced to be capable of supporting grab bars that resist shear and bending forces of a minimum of 250 pounds, as follows:

(I) All walls adjacent to the toilet shall have horizontal backing reinforcements, each at least 33 inches, but not more than 36 inches, above the floor, and sufficient to allow for a 24-inch grab bar on the wall behind the toilet and another 42-inch grab bar.

(II) If a bathtub is present in the bathroom, such reinforcements shall include (aa) two backing reinforcements on the back wall of the bathtub, each at least 24 inches long and not more than 24 inches from the head end wall and not more than 12 inches from the foot end wall, one in a horizontal position at least 33 inches, but not more than 36 inches, above the floor, and one 9 inches above the rim of the bathtub, (bb) one backing reinforcement on the foot end wall of the bathtub, at

least 24 inches long and located at the front edge of the bathtub, and (cc) one backing reinforcement on the head end wall of the bathtub, at least 12 inches long and located at the front edge of the bathtub.

(III) If a shower is present in the bathroom, such reinforcements shall include backing reinforcements on at least two walls on which the control valve is not located, each at least 33 inches, but not more than 36 inches, above the floor.

SEC. 4. ENFORCEMENT.

(a) Requirement for Federal Financial Assistance- Each applicant for Federal financial assistance shall submit an assurance to the Federal agency responsible for such assistance that all of its programs and activities will be conducted in compliance with this Act.

(b) Approval of Architectural and Construction Plans-

(1) SUBMISSION- Any applicant for or recipient of Federal financial assistance who designs, constructs, or commissions, contracts, or otherwise arranges for design or construction of a covered dwelling unit shall submit architectural and construction plans for such unit to the State or local department or agency that is responsible, under applicable State or local law, for the review and approval of construction plans for compliance with generally applicable building codes or requirements (in this subsection referred to as the `appropriate State or local agency').

(2) DETERMINATION OF COMPLIANCE-

(A) CONDITION OF FEDERAL HOUSING ASSISTANCE- The Secretary of Housing and Urban Development may not provide any Federal financial assistance under any program administered by such Secretary to a State or unit of general local government (or any agency thereof) unless the appropriate State or local agency thereof is, in the determination of the Secretary, taking the enforcement actions under subparagraph (B).

(B) ENFORCEMENT ACTIONS- The enforcement actions under this subparagraph are--

(i) reviewing any plans for a covered dwelling unit submitted pursuant to paragraph (1) and approving or disapproving such plans based upon compliance of the dwelling unit with the requirements of this Act; and

(ii) consistent with applicable State or local laws and procedures, withholding final approval of construction or occupancy of a covered dwelling unit unless and until such compliance is determined.

(c) Civil Action for Private Persons- Any person aggrieved by an act or omission that is unlawful under this Act may commence a civil action in an appropriate United States district court or State court against any person or entity responsible for any part of the design or construction of a covered dwelling unit no later than two years after the occurrence or termination of the alleged unlawful conduct under this Act. For purposes of this section, a violation involving a covered dwelling unit that is not designed or constructed in conformity with the requirements of this Act shall not be considered to terminate until the violation is corrected.

(d) Enforcement by Attorney General- Whenever the Attorney General has reasonable cause to believe that any person or group of persons has violated this Act, the Attorney General may commence a civil action in any appropriate United States district court. The Attorney General may also, upon timely application, intervene in any civil action brought under subsection (c) by a private person if the Attorney General certifies that the case is of general public importance.

(e) Relief- In any civil action brought under this section, if the court finds that a violation of this title has occurred or is about to occur, it may award to the plaintiff actual and punitive damages, and subject to subsection (g), may grant as relief, as the court finds appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from violating the Act or ordering such affirmative action as may be appropriate).

(f) Attorney's Fees- In any civil action brought under this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs.

(g) Effect on Certain Sales, Encumbrances, and Rentals- Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of a civil action under this title.

SEC. 5. EFFECT ON STATE LAWS.

Nothing in this Act shall be constructed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this Act shall be effective, that grants, guarantees, or provides the same rights, protections, and requirements as are provided by this Act, but any law of a State, a political subdivision thereof, or other such jurisdiction that purports to require or permit any action that would violate this Act shall to that extent be invalid.

SEC. 6. DISCLAIMER OF PREEMPTIVE EFFECT ON OTHER ACTS.

Nothing in this Act shall limit any right, procedure, or remedy available under the Constitution or any other Act of the Congress.

SEC. 7. SEVERABILITY OF PROVISIONS.

If any provision of this Act of the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated shall not be affected thereby.

Sponsor	Date signed on	Sponsor	Date signed on
Rep Schakowsky, Janice D. [IL-9]	3/10/2009	Rep Kirk, Mark Steven [IL-10]	3/10/2009
Rep Farr, Sam [CA-17]	3/10/2009	Rep Kildee, Dale E. [MI-5]	3/23/2009
Rep McGovern, James P. [MA-3]	3/10/2009	Rep McCollum, Betty [MN-4]	6/4/2009
Rep Bordallo, Madeleine Z. [GU]	3/10/2009	Rep Grijalva, Raul M. [AZ-7]	6/15/2009
Rep Gutierrez, Luis V. [IL-4]	3/10/2009		

NCIL 25 Celebrating Years of Independent Living

Act Now! Support the Inclusive Home Design Act!

August 31, 2009

The Inclusive Home Design Act, sponsored by Rep. Jan Schakowsky, requires that new, federally assisted housing have the following accessible features for people with disabilities: entrance, interior doors, environmental controls, habitable space, and bathroom. To further this, Concrete Change is partnering with the Paralyzed Veterans of America (PVA) and Access Living of Chicago to tell Congress that people care about basic access to new homes.

NCIL strongly supports this effort. In collaboration, NCIL urges you to sign on and support the Inclusive Home Design Act. To sign on:

1. Read the letter.
   Ask the director, or the chair of the board, or ANY designated person of your organization, including yourself, to email Susan Prokop at PVA susanp@pva.org and concretechange@mindspring.com.
   The email only needs the name of the signer; position; name of organization; location if not clear from name; and a phrase like "add me and my organization as strong supporters of IHDA."

Please do your part so we can show a very large number of supporters signing on to the umbrella letter below. Once the a significant number of signatories has been obtained it will be sent to Rep. Barney Frank and Rep. Spencer Bachus, committee heads of the House Financial Services Committee who are in charge of the Inclusive Home Design Act.

Dear Representative Frank and Representative Bachus:

The undersigned organizations, representing millions of Americans, urge you to support the enactment of HR 1408, the Inclusive Home Design Act (IHDA). Sponsored by Congresswoman Jan Schakowsky, HR

1408 would require a basic level of architectural access in all federally-assisted newly-constructed housing.

Under current law, when federal financial assistance is used to create new single family houses or town houses, only 5% are required to meet accessibility standards that allow individuals with physical disabilities to visit or live in these houses. The remaining 95 percent of government-assisted new homes can be built with unnecessary architectural barriers. As a result, residents who acquire disabilities are forced to live in unsafe conditions, unable to use their bathrooms or exit their homes independently. They may face high renovation costs or long waiting lists for public funds to finance modifications. They may become socially isolated because barriers prevent them from visiting the homes of other friends and family members with disabilities. Ultimately, they may be forced from their homes and into institutions because of this lack of basic accessibility in their housing.

HR 1408 addresses these dilemmas in a cost-effective and practical way. While leaving in place the existing requirement for extensive access in 5%, IHDA provides for fewer but important accessible features in the remaining 95%. This would ensure that all housing built with taxpayer monies enables a person with a physical disability to enter a home and use the bathroom on the main level. For homes built on a concrete slab, the cost is less than $100 and for homes with a basement or crawl space the cost is estimated at less than $600.

In a study published last year by the American Planning Association, researchers determined that, using different measures of disability, there was a 25 to 60 percent chance that a house built in 2000 would at sometime during its useful life contain a resident with a severe, long-term mobility impairment.[1] This nation is not building homes to meet the needs of its people. HR 1408 will take considerable steps to correct that. Please support HR 1408.

[1] "Aging and Disability: Implications for the Housing Industry and Housing Policy in the United States", Journal of the American Planning Association, Summer 2008.

Yours truly for access,

Eleanor Smith
Every New Home Visitable!
Concrete Change
600 Dancing Fox Road
Decatur GA 30032

Signatories to Date

Arizona

- Arizona Bridge for Independent Living, Phoenix, AZ
- Arizona Center for Disability Law, Phoenix, AZ
- Arizona Statewide Independent Living Council, Phoenix, AZ
- Arizona Technology Access Program, Northern AZ University, Phoenix, AZ
- SMILE Independent Living Center, Yuma, AZ

California

- Hearth Homes Community Buildings, San Francisco, CA
- Independent Living Resource Center, Santa Barbara, CA
- Placer Independent Resource Services, Auburn, CA
- Rolling Start Resource Center for Independent Living, San Bernardino, CA

Connecticut

- Steven Winter Associates, Norwalk, CT

Delaware

- Colonial Paralyzed Veterans of America, Christiana, DE

District of Columbia

- Capital Area Adapt
- University Legal Services Protection & Advocacy

Florida

- Central Florida Paralyzed Veterans of America, Sanford, FL
- Florida Gulf Coast Paralyzed Veterans of America, Tampa, FL

Georgia

- Statewide Independent Living Council, Decatur, GA
- The First Existentialist Congregation of Atlanta, Atlanta, GA

Illinois

- Association of People with Disabilities, Bolingbrook, IL
- Coalition of Citizens with Disabilities of Illinois, Springfield, IL

Kentucky

- Kentucky-Indiana Paralyzed Veterans of America, Louisville, KY

Massachusetts

- New England Paralyzed Veterans of America

Michigan

- Ann Arbor Center for Independent Living, Ann Arbor, MI
- Michigan Paralyzed Veterans of America, Novi, MI
- The Disability Network, Flint, MI

Missouri

- Gateway Paralyzed Veterans of America, St. Louis, MO

Nebraska

- Great Plains Paralyzed Veterans of America, Omaha, NE

New Jersey

- National Center for Environmental Health Strategies, Inc., Voorhees, NJ

New York

- Brooklyn Center for Independence of the Disabled, Brooklyn, NY
- Center for Independence of the Disabled, New York, NY
- Southern Tier Independence Center, Binghampton, NY

North Dakota

- Independence Inc. Resource Center for Independent Living, Minot, ND

Pennsylvania

- Help Yourself Designs, DuBois PA

Ohio

- Access Center, Dayton, OH
- The Ability Center of Greater Toledo, Toledo, OH
- Delaware Creative Housing/Creative Living Systems, Delaware, OH
- Down Syndrome Association of Greater Cincinnati, Cincinnati, OH
- Multiethnic Advocates for Cultural Competence, Columbus, OH
- Society for Equal Access Independent Living Center, New Philadelphia, OH
- Tri-County Independent Living Center, Akron, OH

Tennessee

- Mid-South (TN) Paralyzed Veterans of America

Utah

- Accessible Homes Foundation, Salt Lake City, UT
- Assist Inc. Community Design Center, Salt Lake City, UT

Virginia

- Endependence Center of Northern Virginia, Arlington, VA
- Piedmont Housing Alliance, Charlottesville, VA

- Virginia Mid-Atlantic Chapter, Paralyzed Veterans of America, Richmond, VA

West Virginia

- Community Living Initiatives Corporation, Morgantown, WV

Wisconsin

- Options for Independent Living, Green Bay, WI

MOTION: To endorse HR 1408 The Inclusive Home Design Act and request our Congressional Delegation to sign on as co-sponsors. JP/JD passed unanimously		
Announcements and Scheduling of Meetings	**R. Timothy Flynn**	**5 min.**
At the next meeting the Commission will adopt its 2010 Legislative Package.		
Next meeting will be on:	Monday November 16, 2009	Starting at: 5 PM.

Adjournment:	Chairperson adjourned the meeting at 6:40 PM.
Observers:	Christopher DeGrave & Christine Rancourt-Bruzzi (GCD)
Resource persons:	Bob Cooper, Secretary