

**Manhattan Community Board 12  
Housing and Human Services Committee – June 7<sup>th</sup> 2012**

**RESOLUTION:**

**IN SUPPORT OF PROPERTY OWNERS OF ALL EXISTING HOUSING UNITS TO PROVIDE CONSTRUCTIONS FOR MAIN ENTRANCES, COMMON AREAS AND REASONABLE ACCOMMODATIONS TO RESIDENTS WITH DISABILITIES WITHIN COMMUNITY DISTRICT 12 MANHATTAN**

**Whereas**, The vast majority Community District 12 Manhattan (CD12M) housing stock is 60 to 100 years old, and predating the ADA (Americans With Disabilities Act of 1990) and the earliest NYC Local Laws that address accessibility by decades (1961, adopted in 1968 and Local Law 58 of 1987), therefore many buildings are not accessible, and;

**Whereas**, Testimony was given on June 7, 2012, by the Director of NYC Commission on Human Rights Equal ACCESS; who spoke about the challenges individuals with disabilities are faced with and that they have represented over 400 cases in NYC and in most cases landlords have claimed economic hard ship when requested to provide equal access and reasonable accommodations to individuals with disabilities, and;

**Whereas**, These physical barriers have caused many residents in Community District 12 Manhattan to become prisoners in their apartments, and;

**Whereas**, The population of people with disabilities is expected to rapidly increase in our community over the next decade as many adults age in place and as veterans return home or relocate within our community; and for those who might become disabled, and;

**Whereas**, The FHA (Federal Housing Act of 1968, amended in 1988) requires newly constructed four or more unit multi-family housing intended for first occupancy after March 13, 1991 to have: an accessible entrance, common and public areas; doors that accommodate wheelchairs; accessible routes into and through each unit; light switches, electrical outlets, and thermostats in accessible location; reinforced bathroom walls to accommodate grab bars; and kitchens and bathrooms that a wheelchair user can maneuver in, and;

**Whereas**, Title III of the ADA states that owners of certain buildings must remove barriers and provide people with disabilities with access equal to or similar to that available to the general public and The FHA and the ADA require reasonable accommodations for example allowing persons with disabilities (PWDs) to make reasonable modifications i.e. structural modification to allow PWDs the full enjoyment of the housing and related facilities, and;

**Whereas**, It should be noted that these laws and initiatives have served as visible reminders to us all of that people with disabilities must also be provided with access equal to all public and private spaces; accommodations where they are workers, members, guests, clients, tenants, or visitors and cannot be discriminated against without legal consequences, and;

**Whereas**, These laws exclusively related to housing accommodations and modifications are built around the presumption of anti-discrimination provisions where it is illegal for a property owner or housing provider to refuse to permit reasonable modification or retro fitting when there is no technical impossibility to do so, and;

**Whereas**, Despite City, State and Federal housing accessibility laws and regulations, it is not rare that developers and builders violate these regulations. The Department of Justice published “Common ADA Errors and Omissions in New Construction and Alterations” that they had identified in their ongoing enforcement efforts, and;

**Whereas**, According to The New York City Human Rights Commission, NY State Courts have consistently ruled against property owners who have failed to provide access equal and reasonable accommodations and have levied fines for noncompliance, and;

**Whereas**, There exists no specific NYS Housing Law that would mandate owners of private housing stock and buildings to build such access as a matter of public policy that insures constructing public entrance accessibility and apartment accommodations without having tenants bare the cost, and;

**Whereas**, In 2009, the NYS Assembly Housing Committee and Task Force on PWDs held a hearing to examine the challenges PWDs face in locating, securing adequate, accessible, and affordable housing that meets their specific needs especially for those on fixed incomes, and;

**Whereas**, HUD requires entities receiving federal financial assistance must have a minimum of 5% of the units accessible for persons with mobility impairments but may prescribe a higher percentage if census data shows a Need, and;

**Whereas**, The 2010 American Community Survey (ACS) showed 8.3% (54,323) of NY C D-15 residents have mobility impairments, therefore any federally funded housing should have 8.3% of physically accessible units, to maximize these residents enjoyment and safety of their home, and;

**Whereas**, The ACS also showed 4.8%(31,373) of NY CD-15 residents have hearing or vision disability, both of which may require housing accommodation to also maximize their enjoyment and safety of their home, and;

**Whereas**, At present there are no HPD newly construction or rehabilitated housing lotteries with preference for CD12M residents as there has been no recent new construction or rehabilitated housing in CB12M; and;

**Whereas**, Building owners are eligible for Federal tax credit equal to 50% of the eligible accessibility-related expenditures for the year, up to a maximum of \$10,250 is available, and;

**Therefore be it resolved**, We ask our federal legislators to introduce legislation to increase the tax credit for accessibility related expenditures from 10, 250 up to a maximum of 15,250, and;

**Further Be it Resolved**, CB12 recommends for property owners and building owners to be in full compliance with Federal, State and City laws that all buildings with residents who are with mobility impairments and disabilities to make entrances and common areas accessible and reasonable accommodations to apartment as needed, and;

**Further Be it Resolved that**, The construction, retrofitting or remodeling of these structures be completed at no charge to the tenant occupant as this matter is a human rights issue, and a required service and this construction should be completed in a timely manner to be reviewed within a year or sooner, and;

**Further Be it Resolved that**, CB12 Manhattan call upon the NYS Legislature to amend its housing laws that will mandate owners to construct access equal to main entrance and common areas if there are no technical impossibilities and reasonable accommodations, and NYS DHCR regulations to remove major capital improvements (MCI) charges for any request or construction for disability accessibility, individual apartment improvement and or reasonable accommodations as a building wide benefit, and for DHCR to provide enforcement to assure compliance, and,

**Finally be it resolved that**, this resolution shall be communicated to all elected officials of Community District 12 Manhattan and the relevant City, State and Federal agencies that have direct over site of Community District 12 Manhattan.

Voting Choices	Committee Member	Board Members	Public
Yes	4	1	2
No	0	0	0
Abstain	0	0	0