



ADDRESSING CITIZENS CONCERNS

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Birmingham's Streets Resurfaced

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The City of Birmingham has undertaken a much needed multi-million dollar street resurfacing project that will not only provide safe travel routes but increase access to mobility for many persons with disabilities. In the past when a person needed an access curb ramp, the City would provide accommodations at an isolated location. This administration has put in place a policy based on the Americans with Disabilities Act that incorporates accessible curb ramps whenever the City does major street improvements as part of the process and not an after thought.

The issues with the streets in downtown Birmingham will be rectified by March 1st. In addition to the speedy and positive changes going on with our streets, wherever resurfacing is taking place, new curb cuts will be added to the areas that lacked ramps and the ramps that don't meet ADA Standards will be redone. According to Mr. Andre Bittas, Director of the City's Planning, Engineering, and Permits Department, next on the street resurfacing list will be a vast number of city neighborhoods, all of which will include numerous amounts of new and reconstructed ADA compliant curb cuts.

HAPPY ST. PATRICK'S DAY



Disabled Man Can Sue No More



It's been decided that the appeal of self-proclaimed crusader for the disabled, Jarek Molski, will not be heard by the U.S. Supreme Court. Molski, who has filed over 400 suits under the Americans with Disabili-

ties Act, was hoping to have his latest suit heard. Much to the plaintiff's dismay, the court declined to hear the case of *Molski vs. Evergreen Dynasty Corp.* and furthermore barred him from any future litigation. In the past deceased U.S. District Judge Edward Rafeedie branded Molski a "hit-and-run," plaintiff and accused him of systematically extorting California businesses. In addition, the 9th U.S.

Circuit Court of Appeals denied a re-hearing of the Evergreen case all but the full court. Nine judges did follow up by saying that the 1st Amendment right to petition the government for redress of grievances is "one of the most precious of the liberties safeguarded by the Bill of Rights." Peter Eliasberg, managing attorney for the American Civil Liberties Union of Southern California, went on to say that

the courts are well within their rights to protect their dockets against frivolous law suits and litigation. He further added that, "this is a remedy that should used very sparingly, especially with regard to a statute that is disobeyed a lot," he said speaking of the disabilities act.

President Barack Obama's Comprehensive Agenda to Empower People with Disabilities

President Obama has a comprehensive agenda to empower individuals with disabilities in order to equalize opportunities for all Americans. The four parts to the plan are:

First, provide Americans with disabilities with the **educational opportunities they need to succeed** by funding the Individuals with Disabilities Education Act, supporting early intervention for children with disabilities and universal screening.

Second, end discrimination and promote equal opportunity by restoring the Americans with Disabilities Act, increasing funding for enforcement, supporting the Genetic Information Nondiscrimination Act, ensuring affordable, accessible health care for all and improving mental health care.

Third, increase the employment rate of workers with disabilities by effectively implementing regulations that require the federal government and its contractors to employ people with disabilities, providing private-sector employers with resources to accommodate employees with disabilities, encourage the use of existing tax benefits to hire more workers with disabilities and supporting small businesses owned by people with disabilities.

And fourth, support independent, community-based living for Americans with disabilities by enforcing the Community Choice Act, which would allow Americans with significant disabilities the choice of living in their community rather than having to live in a nursing home or other institution, and streamline the Social Security approval process.

Accessible Changes for Arlington Antebellum Home

It's easy to see how a house built in the 1940's may need a bit of upkeep from time to time. I'm pretty sure if any of us are blessed to live over 160 years that we might need a touch up here and there as well. During the holidays, Arlington Antebellum Home received more than just a touch up and will soon get a lot more.

Each year during the holiday season, Arlington hosts an event that shows off its historic beauty with a

holiday tour that is decorated with dozens of wreaths and lit by festive candles. In addition to the tour, the house was also the host to the Birmingham City Council Holiday Luncheon. To ensure accessibility, temporary ramps and pathways were installed for handicap access. At the beginning of the year the home will receive a number of permanent renovations that will all comply with ADA specifications. The permanent accessible features

will include parking to the back of the facility, new handicap ramps will be added to allow access to the museum along with renovated restrooms that will both meet all ADA guidelines.

The installation of new classic French doors to the banquet hall will provide entrance to the hall and access to an exterior accessible pathway. As an added bonus to the much needed restoration of Arlington, all of the previously mentioned

changes will not only meet ADA Standards, but will also keep its antebellum look in order to maintain the home's historical integrity. All the renovations are to be completed by the Summer of 2009.



Left photo: New French doors will be added for accessible banquet room entry.

Right photo: Current restrooms will be renovated to insure ADA accessibility.



According to Chicago's Federal Court of Appeals on September 12, 2008, a conversation held through the national telecommunications relay service (TRS) between an individual using a telephone and an individual using a text telephone (TTY) is essentially the same as two individuals conversing by telephone and can be used as evidence in a court of law. In the case, *Germano v. International Profit Association, Inc.* (IPA), a relay call was used to interview a job applicant. The case claims that after the IPA interviewer realized the applicant was deaf, the job offer was immediately withdrawn. Because the conversation involved an intermediary, IPA argued that the conversation was no more than hearsay.

LEGAL BRIEFS



Because the relay assistant was said to be, "no more than a language conduit," the Argument was firmly rejected by The Court of Appeals. The court recognized that the denial of statements made through a TRS conversation, "would strip those with hearing disabilities of a vital source of evidence available to hearing people. Deaf persons could not conduct important day-to-day affairs over the phone, such as calling the bank or the doctor, with the same ability to rely on the statements made to them by the other party that is enjoyed by hearing persons. Such a result is at odds with Congress's intent to make disabled persons full and equal participants in society.

We are on the web!

**OFFICE OF THE AMERICAN
WITH DISABILITIES**

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\$650 Million to help Low Income Elderly and Disabled

Thousands of very low-income senior citizens and persons with disabilities will be able to find affordable housing thanks to more than \$650 million in grants announced today by the U.S. Department of Housing and Urban Development. The funding will provide non-profit developers interest-free capital advances to produce accessible housing, offer rental assistance, and provide supportive services for the elderly and persons with disabilities through HUD's Section 202 and Section 811 grant program” These grants will help thousands of our nation's very low-income elderly and persons with disabilities find decent housing that they can afford.

Section 202 Capital Advance (\$525.9 million nationwide to assist very low-income elderly) HUD provides capital advances to finance the construction, rehabilitation or acquisition with or without rehabilitation of structures that will serve as supportive housing for very low-income elderly persons, including the frail elderly, and provides rent subsidies for the projects to help make them affordable. It provides very low-income persons 62-years and older with the opportunity to live independently. In addition to funding construction, acquisition, and rehabilitation of multifamily developments, Section 202 program subsidizes the rents of senior citizens so they can limit their housing costs to only pay 30 percent of their incomes.

Section 811 Capital Advance (\$124.5 million nationwide to assist very low-income people with disabilities) HUD provides funding to nonprofit organizations to develop rental housing with the availability of supportive services for very low-income adults with disabilities, and provides rent subsidies for the projects to help make them affordable.

