

► WHAT IS DISCRIMINATION AGAINST INDIVIDUALS WITH HEARING OR VISUAL IMPAIRMENTS?

Federal, state and local law protect individuals with a hearing or visual (“sensory”) impairment from discrimination in places of public accommodation or government programs and services. The law protects against two kinds of discrimination: intentional exclusion and the failure to make an accommodation for a person with a sensory impairment. Intentional exclusion is when a place tells a person that he or she is not welcome because of his or her impairment. The other kind of discrimination is when a place won’t make reasonable changes to a building or policy, or fails to remove communication barriers so a person with a sensory impairment can equally access its goods or services.

► WHO IS A PERSON WITH A HEARING OR VISUAL IMPAIRMENT?



Generally, if you cannot hear or have trouble hearing, you have a hearing impairment. Similarly, if you cannot see or have trouble seeing, you have a visual impairment. For example, if you are deaf and use sign language to communicate, or are blind and use a cane to walk around, you will be considered to have a disability. Note that the law may protect you from discrimination even if you are only “regarded as” having or have a “prior record” of a hearing or visual impairment.



► WHAT PLACES & SERVICES ARE COVERED BY THE LAW?

The law requires city, state and federal governments to provide equal access to their programs and services. Places of “public accommodation” are also required to grant equal access to their facilities and programs. A “public accommodation” is a place open to the public where people go for goods or services. This category is quite broad and includes almost all places of business. Some private clubs and places run by religious entities may not be considered public accommodations.

EXAMPLES OF PUBLIC ACCOMMODATIONS: Restaurants, stores, hotels, auditoriums, doctor offices, hospitals, private schools, daycare centers

EXAMPLES OF GOVERNMENT PROGRAMS & SERVICES: Government agency offices, public transportation, voting sites

► WHAT DO THE LAWS REQUIRE?

Generally, the laws require that public accommodations and governments make *reasonable* changes to their buildings and policies in order to provide access to people with sensory impairments. What is “reasonable” under the law includes a look at how much it will cost to make the changes, whether the changes make the building or service unsafe, and whether the changes “fundamentally alter” the service or good. When deciding whether a proposed change is unsafe, actual risks must be considered, not stereotypes or generalizations. There are two main categories of changes:

- **REMOVAL OF COMMUNICATION BARRIERS:** The government and places of public accommodation may be required to provide “auxiliary aids” for people who have a sensory impairment when necessary for effective communication. The government or place of public accommodation must pay for the auxiliary aid. For example, a hospital cannot charge a deaf patient for the cost of a sign language interpreter if needed for effective communication.



EXAMPLES OF AUXILIARY AIDS:
Sign language interpreter, telecommunication device for the deaf, captioning, Braille, & large print

If “auxiliary aids” cannot be provided, places must still find a way for the person to access its services. For example, this might mean using pen and paper to communicate with someone who is deaf or reading materials aloud to someone who is blind.



- **POLICY MODIFICATION:** Places of public accommodation and the government are required to make changes to their policies or services so that a person with a hearing or visual impairment has equal access.

EXAMPLE OF POLICY MODIFICATION: A store with a “No Pet” policy must allow someone who is blind to bring his or her service dog inside.

► **HOW DO I ENFORCE MY RIGHTS?**

You can first try to resolve the problem by speaking directly with people at the business or government office. If that does not work, and if you feel you have been discriminated against on the basis of your hearing or visual impairment, there are generally two ways to make a formal complaint: 1) file an administrative complaint or 2) file a lawsuit in court. Typically, administrative complaints take less time than lawsuits. Note that the law protects you from retaliation, too; in other words, the place you are complaining about cannot do anything to “get back” at you just because you complained.

1. ADMINISTRATIVE COMPLAINT

Several administrative agencies accept complaints related to disability discrimination: the New York City Commission on Human Rights, the New York State Division of Human Rights, the United States Department of Justice, and the Offices for Civil Rights at various federal agencies. Below is a brief overview of each agency’s process. Please contact the agencies directly for more information. Note that in most situations you cannot file more than one complaint about the same matter.

<p><u>NYC Commission on Human Rights (NYCCHR) & NY State Division of Human Rights (NYSDHR)</u> investigate complaints filed under the City and State Human Rights Laws.</p>	<p> → Time Limit: You have one (1) year from the date of the discrimination to file a complaint.</p> <p> → Process/Outcome: The agency will investigate the claim. If there is evidence of discrimination, the agency may issue a written order telling the facility to stop discriminating against you. The agency may also tell the facility to remove barriers or provide some other reasonable solution. You might also receive money if the agency finds that you suffered emotional or other harm.</p>
<p><u>Office of Civil Rights (OCR)</u> 7 major federal agencies handle discrimination complaints against the government through an Office of Civil Rights. Each agency, such as the Department of Transportation, handles a specific category of complaints.</p>	<p> → Time Limit: Generally, you must file the complaint within 180 days from when the discrimination happened. Each agency has its own process and time limit, so you should check the agency’s website or contact its office to learn how and when to file.</p> <p> → Process/Outcome: The agency will investigate your claim. If it finds that discrimination did occur, then it may try to negotiate to settle the matter. Depending on the agency, a variety of other methods might be used to enforce the law.</p>
<p><u>The United States Department of Justice (DOJ)</u> investigates complaints against local governments or private facilities filed under the Americans with Disabilities Act.</p>	<p> → Time Limit: Complaints against the government must be filed within 180 days from when the discrimination happened. There is no time limit for complaints against private facilities.</p> <p> → Process/Outcome: DOJ will investigate your claim, but may not take action on an individual matter. Generally, the DOJ focuses on whether your claim raises a pattern of discrimination or important public issue. If the DOJ does take action, it may try to negotiate a settlement or bring a lawsuit.</p>

2. LAWSUIT IN COURT

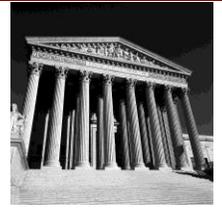
You may also file a lawsuit against the government or a private facility in state or federal court.



→ **Time Limit:** Under each law you have up to three (3) years after being discriminated against to file your lawsuit.



→ **Outcomes:** Each of these laws permits a court to issue an order requiring barriers to be removed or requiring reasonable alternatives. However, only the City and State Human Rights Laws allow for money awards based on emotional harm.



► HOW CAN I GET MORE INFORMATION AND RESOURCES?

New York Lawyers for the Public Interest
151 West 30th Street, 11th Floor
New York, NY 10001
Phone: (212) 244-4664
TTY: (212) 244-3692
www.nympi.org



<p>NYC Commission on Human Rights 100 Gold Street, Suite 4600 New York, NY 10038 Voice: (212) 306-7450 TTY: (212) 306-7686 www.nyc.gov/cchr</p>	<p>NY State Division of Human Rights Headquarters One Fordham Plaza, 4th Floor Bronx, NY 10458 Voice: (718) 741-8400 TTY: (718) 741-8300 www.dhr.state.ny.us</p>	<p>U.S. Department of Justice Civil Rights Division 950 Pennsylvania Avenue, NW Office of the Assistant Attorney General Washington, DC 20530 Voice: (202) 514-4609 TTY: (292) 514-0716 www.ada.gov</p>
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OFFICES OF CIVIL RIGHTS: PHONE NUMBERS AND WEBSITES

<p>U.S. Department of Transportation (DOT) Federal Transit Administration (FTA)</p>	<p>New York Regional FTA Office: <u>Voice:</u> (212) 668-2170 <u>Federal Relay Service TTY:</u> (800) 877-8339 http://www.fta.dot.gov/civilrights/civil_rights_2360.html</p>
<p>U.S. Department of Education (DOE)</p>	<p><u>Voice:</u> (800) 421-3481 <u>TDD:</u> (877) 521-2172 http://www2.ed.gov/about/offices/list/ocr/index.html</p>
<p>U.S. Department of Health and Human Services (HSS)</p>	<p><u>Voice:</u> (877) 368-1019 <u>TDD:</u> (800) 537-7697 http://www.hhs.gov/ocr/index.html</p>
<p>U.S. Department of Labor (DOL)</p>	<p><u>Voice:</u> (202) 693-6500 <u>TTY:</u> (202) 693-6516 http://www.dol.gov/oasam/programs/crc</p>
<p>U.S. Department of Housing and Urban Development (HUD)</p>	<p><u>Voice:</u> (800) 669-9777 <u>TDD:</u> (800) 927-9275 http://www.hud.gov/offices/ftheo/FHLaws/index.cfm</p>
<p>U.S. Department of the Interior (DOI) [This agency covers parks & recreation]</p>	<p><u>Voice:</u> (202) 208-5693 <u>TDD:</u> (202) 208-5998 http://www.doi.gov/diversity/civil_rights.html</p>
<p>U.S. Department of Agriculture (USDA)</p>	<p><u>Voice:</u> (866) 632-9992 <u>TTY:</u> (202) 401-0216 http://www.ascr.usda.gov</p>

DUE TO THE GENERAL NATURE OF THE INFORMATION PRESENTED,
 THIS FACT SHEET SHOULD NOT BE REGARDED AS LEGAL ADVICE.