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**Testimony of Suhali Méndez
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to the

**New York City Council
Committee on Housing and Buildings
jointly with the
Committee on Aging**

regarding

**Oversight - Increasing Affordable Housing for Older New Yorkers and Improving
Accessibility in the New York City's Housing Stock**

October 3, 2022

My name is Suhali Méndez, and I am a Senior Advocate and Legislative Coordinator in the Disability Justice Program at New York Lawyers for the Public Interest (NYLPI). NYLPI is a civil rights organization with a robust disability rights practice. Housing advocacy for people with disabilities is an important part of our work.

NYLPI represents tenants in matters involving requests reasonable accommodations, such as apartment and common area retrofitting, transfers to accessible apartments, and protection for use of service animals, as well as other housing discrimination issues. We appreciate the opportunity to provide testimony regarding accessible housing in New York City.

Accessibility and Enforcement of Housing Laws

Although the federal [Fair Housing Act](#) was passed more than 50 years ago, and New York City's and New York State's Human Rights Laws have likewise long been in effect, countless people in New York City continue to face discrimination when it comes to their housing needs. Consistent and aggressive enforcement of anti-discrimination laws allows more people with disabilities to remain in their homes. Our office has assisted countless people with disabilities who lived in untenable situations merely because their landlords or managing agents refused to provide them with legally required reasonable accommodations.

New York City is a city that prides itself on the diversity of its people, and we support all efforts to ensure that housing is accessible and otherwise free of discrimination, and that housing providers are held accountable for adhering to these non-discrimination mandates. Overall,

therefore, we support [Int. No. 141](#), [Int. No. 322](#), and [Int. No. 584](#), while proposing the following amendments:

Int. No. 141

NYLPI supports Int. No. 141's proposal to add the accessibility requirement of automatic door openers to the NYC Building Code. Accessible entrances are essential to achieving overall accessibility for all tenants and visitors. Mandating automatic doors will also vastly improve accessibility in many buildings throughout NYC, including residential buildings, businesses, and schools. This requirement will ensure that newly constructed and renovated buildings will have improved accessibility at their entrances. This will also eliminate the need for individual tenants or patrons to request the reasonable accommodation or modification of adding an automatic door. However, this additional requirement is meaningless without aggressive enforcement by the City. Enforcement of Building Code accessibility requirements should be a priority of the Department of Buildings and the Department of Housing Preservation and Development (HPD). Adding the automatic door opener requirement along with an aggressive enforcement mandate will ensure accessible spaces for New York City's senior citizens and disabled residents to continue to be a part of their communities and live independently.

Int. No. 322

NYLPI supports Int. No. 322's proposal to amend the NYC Housing Maintenance Code, by mandating that landlords provide and maintain certain accessible features. We support adding the requirement of the accessible features as part of New York's required "safety and protective devices." In addition, we strongly support including penalties for those housing providers who do not comply with the access mandates, as well as the opportunity for tax abatements for those who do.

However, focusing solely on the accessibility features of grab bars and anti-slip tub mats is far too limited. Disabilities and the necessary accommodations/modifications for those disabilities are very diverse in nature. There are countless accommodations that could and should also be considered protective devices under this provision. We urge you to include additional examples and specifically note that the list of proffered accommodations is not exhaustive. Additional reasonable accommodation/modification examples can include roll-in showers, widening of doorways, and the lowering of a sink and bathroom counter for residents with mobility impairments.

Moreover, bathrooms should not be the only subject of the bill's safety and accessibility analysis. Other examples of reasonable accommodations/modifications and accessibility needs which should be enumerated include access to common areas such as building lobbies, and access to other areas of the individual units such as the kitchens and closets, as well as the installation of a flashing smoke alarm or doorbell for an individual with a hearing impairment, or a ramp for those with mobility impairments.

Disabilities and accommodations, particularly those that have to do with a tenant's safety, should be recognized as a spectrum and the contents of this bill should be reconsidered to include mandates across the spectrum. If this provision does not include additional examples, and instead limits this requirement to grab bars and anti-slip tub mats, it serves to exclude countless people with disabilities who require countless other accommodations for their safety.

Additionally, the definition of "disability" in this proposal is far too limited.¹ By limiting the definition, this provision could exclude countless people whose disabilities require these accommodations, or even those who merely do not have access to medical documentation. We recommend that this and all NYC laws adopt the broad definition of disability included in the New York City Human Rights Law.²

Int. No. 584

NYLPI supports Int. No. 584's proposal to amend Article 26 of the NYC Administrative Code to mandate notice of tenants' rights and access to legal services as part of eviction proceedings. We also support any efforts by New York City and the Public Advocate to investigate and track evictions of tenants with disabilities, to enforce NYC's anti-discrimination laws in a systemic way, and to create new causes of action and penalties to aid in enforcement. Because one of the most impactful ways antidiscrimination laws are enforced is through private actions, we suggest adding a mechanism for enabling easy public access to records of discrimination patterns, in addition to public oversight hearings or reports of general findings. Building complaints and violations within the Department of Buildings are already available on the Department's website through the [Building Information Search](#) (BIS). These records should be similarly publicly available.

About New York Lawyers for the Public Interest

For more than 45 years, NYLPI has been a leader in advocating for marginalized New Yorkers, working to accomplish equality of opportunity for all. We utilize a community lawyering model to bridge gaps between traditional civil legal services and civil rights advocacy and to fortify capacity for both individual solutions and long-term impact.

¹ "Person with a disability. The term 'person with a disability' means an individual who provides documentation indicating that he or she is recognized by any city, state or federal authority or agency as having a disability which impedes vision or mobility, or who provides medical evidence indicating that he or she has a disability impeding vision or mobility which would entitle him or her to receive the protective devices referred to in paragraphs 1 and 2 of subdivision a of section § 27-2046.3 of this code." Int. No. 322 (d), NYC Council (2022).

² "Disability. The term 'disability' means any physical, medical, mental or psychological impairment, or a history or record of such impairment. As used in this definition:

1. Physical, medical, mental, or psychological impairment. The term 'physical, medical, mental, or psychological impairment' means:

(a) An impairment of any system of the body; including, but not limited to, the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or

(b) A mental or psychological impairment." N.Y.C. Admin. Code § 8-102(16).

Our work encompasses comprehensive organizing, policy campaigns, impact litigation, and individual legal services, and we are guided by the priorities of our communities as we advocate for the rights of people with disabilities, equal access to health care, immigrant opportunity, invigorated local non-profits, and environmental justice for low-income communities of color.

NYLPI's Disability Justice Program has represented thousands of individuals and triumphed in numerous campaigns improving the lives of New Yorkers with disabilities. We have long fought disability-based discrimination in housing, and our landmark housing victories include access to New York City Housing Authority housing for persons with disabilities, as well as ensuring that countless private landlords accommodate their tenants with disabilities.

Ongoing Support from NYLPI

We thank the City Council for convening this important hearing to promote accessible housing in New York City. We appreciate the opportunity to provide this written testimony on behalf of our clients with disabilities who seek and deserve equal access to services. Please feel free to contact us at (212) 244-4664 or smendez@nylpi.org.