

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON CIVIL RIGHTS and MENTAL HEALTH, MENTAL
RETARDATION, ALCOHOLISM, DRUG ABUSE and DISABILITY
SERVICES

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February 27, 2012

Start: 1:12 p.m.

Recess: 2:10 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:

DEBORAH L. ROSE
G. OLIVER KOPPELL
Chairpersons

COUNCIL MEMBERS:

Gale A. Brewer
Daniel J. Halloran III
David G. Greenfield
Ruben Wills
Julissa Ferreras
Margaret S. Chin

A P P E A R A N C E S

Jason Mischel
Acting Commissioner and General Counsel
Mayor's Office for People with Disabilities

Robert Piccolo
Deputy Commissioner
Mayor's Office for People with Disabilities

Cissy Stamm
New York Area Assistance Dogs

Jori Schwartzman

CHAIRPERSON ROSE: Good afternoon.

My name is Debbie Rose, and I am the Chair of the Committee on Civil Rights. I'm pleased to be Co-Chairing this Hearing with my colleague, Council Member Oliver Koppell, of the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse, and Disability Services. At this time, I would like to acknowledge my other colleagues who are present in the room today, including Council Member Gale Brewer, Council Member Ruben Wills-- Willis? Wills, I'm sorry. I had it right, Wills. Okay. Today we'll be holding our first hearing on a preconsidered introduction that would amend the administrative code to require a sign at the main entrance of any place or provider of public accommodation, giving directions to the nearest accessible entrance for persons with disabilities when such an entrance exists. New York City's Human Rights Law prohibits discrimination in a public accommodation, on the basis of a person's actual or perceived disability. This means that any such place considered a public accommodation must make a reasonable effort to ensure that it is accessible to everyone, regardless of the

1 disability. These efforts include modifications,
2 which could range from installing a ramp or
3 allocating accessible parking spaces, to changes
4 in policy, which can include changing rules to
5 allow service dogs on the premises. If a person
6 with a disability sees a problem area in a place
7 of public accommodation, he or she can make a
8 complaint with the New York City Commission on
9 Human Rights, who will investigate the complaint,
10 and if appropriate, negotiate a modification. In
11 October, Council Member Koppel and I held a joint
12 oversight hearing on the issue of accessibility in
13 places of public accommodation. At that hearing
14 we learned a great deal about the Commission's
15 enforcement of accessibility laws in New York, as
16 well as the many obstacles, both literal and
17 figurative, that people, persons, with
18 disabilities continue to face. Two individuals
19 who testified at that hearing spoke of the lack of
20 signage indicating the location of accessible
21 buildings' accessible entrance. Having an
22 accessible building and not indicating where a
23 person with physical disabilities can enter is
24 counter-intuitive. The preconsidered introductory
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2 bill we are hearing today would address this
3 issue. Today's bill would require a sign to be
4 posted in one or more conspicuous locations at the
5 main entrance of every accessible place or
6 provider of public accommodation, giving
7 directions to the nearest accessible entrance for
8 persons with disabilities. Any person found in
9 non-compliance would be liable for a civil penalty
10 of \$50 for the first violation, and \$15 per day
11 for every day that the violation is continued.
12 While we have a long way to go until New York City
13 can truly be considered an accessible city, I
14 believe that this bill is an important move in the
15 right direction. With that, I will turn the
16 microphone over to my co-chair, Council Member
17 Koppell.

18 CHAIRPERSON KOPPELL: Thank you
19 very much, Council Member Rose. It's a pleasure
20 to be chairing the hearing with you. And as you
21 pointed out, this hearing is on a piece of
22 legislation which seems only to be commonsense,
23 that grew out of the oversight hearing that we
24 held together last October. There's some
25 statistics that it's maybe useful to put into the

1 record. In New York City there are 889,000
2 individuals with disabilities, fully 11% of the
3 population. With respect to the types of
4 disabilities, there are 183,000 individuals that
5 have hearing difficulties, 211,000 have serious
6 vision difficulties, 535,000 have difficulty
7 walking or climbing stairs. An estimated 60,000
8 New Yorkers are wheelchair users. Although the
9 ADA has improved access for disabled people, many
10 barriers still exist. As you know, this is a city
11 with many, many different establishments--over
12 23,000 restaurants, over 5,000 grocery stores,
13 department stores, hotels and other places of
14 public accommodation. People with disabilities
15 may only be able to use a fraction of these
16 facilities unless their owners make an effort to
17 accommodate people with disabilities. I just
18 might mention that a couple of times in my life
19 I've been temporarily disabled by injury, and it's
20 only when you are yourself disable that you
21 understand how difficult it is to get around if
22 you have a disability. In order to use places of
23 public accommodation, people need to be able to
24 enter them, obviously. It's often problematic due
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1 to stairs or other barriers, such as poles, or
2 other barriers that prevent theft of items. These
3 barriers make it impossible for wheelchair users
4 to enter a business, yet many New York businesses
5 still have these conditions. Advocates told us at
6 the hearing that there are public accommodations
7 that have entries that permit accessible entrance,
8 but there's no indication as where those entryways
9 are. This can lead to individuals with
10 disabilities to believe there is no accessible
11 entrance when there is one. This legislation,
12 which amends the building code, would make it much
13 more obvious to people with disabilities where the
14 entrance for disabled persons exist. It is true--
15 and I know we're going to hear testimony about the
16 fact that there are already certain building code
17 regulations that require signs indicating
18 accessibility, but those signs in our view are
19 inadequate. We'll go into that more after the
20 testimony. So, we think that this legislation,
21 which would mandate that at the main entrance, if
22 there is an accessible entrance somewhere else,
23 that at the main entrance that accessible entrance
24 would have to be pointed out by a sign, and there
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1 would be other signage that would have to be put
2 up that would indicate where a disabled person can
3 access the premises. It seems only commonsense.
4 I look forward to hearing the City's testimony,
5 but I look forward to gaining support for these
6 rather modest changes in the building code. I'm
7 delighted that we were joined by Gale Brewer, and
8 Ruben Wills is still with us. Members of the
9 Mental Health Committee. I want to thank Jennifer
10 Wilcox, to my left, the Counsel to the Committee;
11 Michael Benjamin to her left, Pamela Corbett, who
12 is our Financial Analyst. They all work on
13 legislation, and also of course Jamin Sewell, to
14 my left, who is my Counsel and also works very
15 closely on any of the work of the Committee. So,
16 I think that's--unless anybody has anything else
17 to say, I'd like to call the witnesses from the
18 Mayor's Office for People with Disabilities, Jason
19 Mischel, and Robert Piccolo. Thank you for
20 coming, gentlemen. I believe we have a statement
21 from you. So, if you would introduce yourself,
22 then we'd be happy to hear you.

24 JASON MISCHEL: Good afternoon,
25 Council Members. My name is Jason Mischel, and I

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2 am the Acting Commissioner and General Counsel of
3 the New York City Mayor's Office for People with
4 Disabilities, MOPD for short. I'm joined by my
5 Deputy Commissioner and Architect, Robert Piccolo.
6 While MOPD generally supports the spirit of the
7 bill, we believe directional signage for
8 accessible entrances should be addressed through
9 the Building Code, rather than Title 8, as the
10 bill is currently drafted, to ensure adequate
11 enforcement. In 2008, the City began using a new
12 building code pertaining to new construction.
13 Chapter 11 of the 2008 Building Code relates to
14 accessibility, and the creation of this chapter
15 was the result of a consensus building process
16 among advocates and real estate interests, under
17 the chairship of the previous MOPD Commissioner,
18 Matthew Saplin. One of our stated goals was to
19 address shortcoming in the areas of accessibility
20 in the 1968 code, also known as Local Law 58,
21 which continues to be the law as it applies to
22 existing buildings. One of the shortcomings we
23 addressed was the deficient detail regarding
24 directional signage to an accessible entrance,
25 which was corrected in Section 1110.2 of the 2008

1 Building Code, see attached. It's attached to my
2 testimony. Not only did we require that
3 directional signage must be provided to point to
4 the location of accessible entrances, but we
5 required that signage was also obligatory to point
6 to the location of accessible public and unisex
7 toilets and bathing facilities, accessible
8 elevators and emergency egress. Please note that
9 the building code revisions required every three
10 years, and which will come before the Council
11 later this year, will correct a typo in this
12 section of the 2008 building code. The words,
13 quote unquote, in accessible--two words--should
14 read as a single word, inaccessible--meaning that
15 directional signage is required to be provided at
16 entrances that are not accessible. Please note
17 that because Local Law 58, which remains enforced
18 as an alternate choice to the 2008 New York City
19 Building Code regarding existing building
20 construction, does not contain a detailed
21 directional signage provision. We do support
22 amending that law to ensure that this omission is
23 corrected. As far as the provision regarding the
24 size, height, width, spacing and color of the
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1 signage, please note that Section 1110.2
2 directional signage of the 2008 Building Code must
3 also comply with the Chapter 35 reference standard
4 at ICCA 117.1-2003, Section 703 signs. That
5 defines site, size, height, width and character
6 spacing of such directional signage. As for the
7 color of said signage, please note that there are
8 instances that the typical blue color may differ
9 among certain buildings, as in the case of
10 landmarked buildings. In those instances, color
11 is determined by the historic fabric of the
12 building, but the appropriate dark on light or
13 light on dark contrast must be provided. We look
14 forward to working with the Council on this
15 legislation to ensure that all buildings will
16 provide this significant and necessary tool for
17 people with disabilities, so that every resident
18 of or visitor to our great city can have full
19 enjoyment of everything New York has to offer. I
20 would be happy to answer any questions you may
21 have.
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23 CHAIRPERSON KOPPELL: So, as I
24 understand it, essentially the big problem is a
25 typo, or typographical error, what you might call

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a typographical error?

JASON MISCHEL: Yeah, that is a problem. But we have since addressed this typo in our Code Revision Committee. It's already been accepted by the Department of Buildings. The code, which will be put before the--the revised code, which will be put before the City Council within the next 12 months will have that corrected. Certainly if you determine that the typographical error should be corrected before that time, we will expedite that and work with the Department of Buildings to make sure that this is done.

CHAIRPERSON KOPPELL: I think the key issue is that we want the inaccessible entrance to have a sign indicating where the accessible entrance is.

JASON MISCHEL: Correct. And that's what we want.

CHAIRPERSON KOPPELL: So, I mean, if that can be done more quickly, that would be fine. I look forward--what I would suggest here, rather than doing it in this, you know, public sort of forum, that since we basically agree, that

2 the Committee staff meet with you to discuss other
3 changes that might, you know, might still be made
4 in response to the legislative proposal that we
5 have.

6 JASON MISCHEL: Sure, we have no
7 problem.

8 CHAIRPERSON KOPPELL: I'm glad to
9 see we're actually on the same page on this.

10 JASON MISCHEL: I am as well.

11 CHAIRPERSON ROSE: Great. Would
12 you have any information, specifically to the
13 signage requirement in the 2008 Building Code, and
14 how complaints about the lack of signage in new
15 construction will be addressed?

16 JASON MISCHEL: Well, we are
17 working--as far as, it sounds to me like you're
18 referring to enforcement.

19 CHAIRPERSON ROSE: Enforcement,
20 absolutely.

21 JASON MISCHEL: Right. We are
22 working with Department of Buildings to figure out
23 exactly what the enforcement provisions will be.
24 In spirit we do support the penalty provision of
25 the bill, we just want to make sure that it's

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2 consistent with the rest of Department of
3 Buildings framework regarding penalties and
4 building code violations. And we also want to
5 make sure, and we'll be speaking with Department
6 of Buildings about this, but we also like to
7 consider giving, you know, a grace period based on
8 a first violation, just to promote the use of
9 signage, rather than just come across in the first
10 instance as a way of punishment. But again, those
11 discussions are going to be had between our office
12 and Department of Buildings, and we'll make sure
13 that there are valid and strong enforcement
14 provisions that are contained within the code.

15 CHAIRPERSON ROSE: And if what is
16 being proposed in terms of penalties for
17 violations is far different from what the Building
18 Department now charges for light penalties, would
19 you support increasing the penalties?

20 JASON MISCHEL: I would--

21 CHAIRPERSON ROSE: [Interposing] Or
22 would you make them exactly the same as other
23 penalties?

24 JASON MISCHEL: That's a good
25 question. Generally speaking we support, you

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2 know, maximum accessibility in the City. As far
3 as the dollar figures on the penalties, that's
4 something I can't answer at this moment. I would
5 have to work with the Department of Buildings and
6 possibly the Office of Management and Budget, just
7 to make sure everybody is on the same page. But
8 generally speaking, we of course are supportive of
9 enforcement in general, because without
10 enforcement they're just words on a paper.

11 CHAIRPERSON ROSE: And once you've
12 decided that Buildings Department is a more
13 appropriate placement for this particular
14 legislation, who will be responsible for educating
15 the public, both the providers of the services and
16 the general public about this new ruling?

17 JASON MISCHEL: Well, certainly we
18 would work with not only Department of Buildings,
19 but the Commission on Human Rights and our own
20 staff. And we'll undertake an outreach program.
21 We'll make sure that we have a link on their
22 website, and hopefully the other two agencies'
23 websites, and we're very plugged into advocacy
24 agencies and individual advocates across the city,
25 and we'll make sure to reach out and to make sure

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2 that this is done. Robert, do you have something
3 else? This is Robert Piccolo, my Deputy
4 Commissioner.

5 ROBERT PICCOLO: I guess--

6 [off mic]

7 ROBERT PICCOLO: Sorry. When the
8 2008 code came out, the Department of Buildings
9 had an educational period where they did
10 presentations to professional architects, so I
11 assume that they're going to do it again to teach
12 the architects what the revisions are to the
13 current code. So it could be incorporated during
14 that period.

15 JASON MISCHEL: And we'll work with
16 Department of Buildings to make sure that that
17 happens.

18 CHAIRPERSON ROSE: Okay. Would
19 there just be a general mailing that went out to
20 advocate groups and community-based organizations
21 that this is now...

22 JASON MISCHEL: I think it would be
23 a mix. For instance, you know, we receive some
24 popular blogs, and we'll make sure that it gets
25 published there. We meet with advocacy groups on

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2 a number of different issues, and we'll make sure
3 that we communicate it then. It's something that,
4 you know, if you would like to get involved as far
5 as what you think you would like to see in an
6 outreach plan, we'd be certainly happy to hear
7 from you.

8 CHAIRPERSON ROSE: Great. How is
9 the 2008 laws now being enforced?

10 JASON MISCHEL: Well, Robert, do
11 you want to answer?

12 ROBERT PICCOLO: Well, in general,
13 I mean--

14 CHAIRPERSON ROSE: [Interposing] Is
15 it...

16 ROBERT PICCOLO: What do you mean?

17 CHAIRPERSON ROSE: Enforcement in
18 terms of signage, now in the 2008 there was the
19 problem with the typo. And how is it being
20 enforced? Does anyone have oversight over it?
21 Because it apparently became a big enough issue
22 that the advocates brought it to our committee.
23 So how is it being...?

24 ROBERT PICCOLO: Well, there's a
25 couple of ways. One is the designs when they're

1 submitted to the Department of Buildings they go
2 through a plan review process, and it could be
3 isolated that way where no signage was provided.
4 It would raise an objection with the plan
5 examiner. The other thing would be--and we do
6 this on a regular basis--if a constituent finds
7 there's a problem with accessibility and they're
8 not sure if it's code related or not, we typically
9 direct them to 311 and then to get in touch
10 through 311 to the Department of Buildings
11 Complaint Department, and it's been very
12 successful, because the constituent then gets the
13 complaint number, and they're allowed to follow
14 through themselves rather than using us as a go-
15 between. And it's not a question of an effort on
16 our part or a burden on our part to keep track;
17 instead, it's more advantageous for the
18 constituent to have control of the situation. So,
19 once the complaint is logged into the system it
20 has to be addressed, because the number is in the
21 system.
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23 JASON MISCHEL: And certainly if a
24 constituent was having problems with the complaint
25 number they received or not receiving feedback

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2 from the Department of Buildings and they
3 contacted us, we have a very good relationship
4 with Department of Buildings and we can get
5 involved with the people that would be overseeing
6 the complaint department and make sure it was
7 expedited.

8 CHAIRPERSON ROSE: Would that
9 preclude them from going to the Human Rights
10 Commission to lodge a complaint?

11 ROBERT PICCOLO: No. We would
12 direct them first to the Department of Buildings.
13 And if it was in a gray area where it's not
14 covered by the code and it's a civil rights
15 violation--there are a lot of things that aren't
16 covered by the code--then we direct them to the
17 Commission for Human Rights, and that's also been
18 very successful.

19 CHAIRPERSON ROSE: Okay. And just
20 one last question before I open it up to my
21 colleagues. Are you willing to allow the
22 advocates input into the design of the signage? I
23 know that you have certain requirements by code,
24 but are you going to open this process up to get,
25 you know, feedback and some input from advocates,

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2 disability advocates?

3 JASON MISCHEL: I'm certainly not
4 against that. In fact, many of our initiatives
5 that we do, and something I learned under
6 Commissioner Saplin, is we always try to bring
7 advocates to the table on important issues. But
8 as we just said, these--the size, width, character
9 spacing, those are defined by standards provided
10 in national code. So, what they would see at the
11 table is something that while there are certain--
12 we'd be limited going far beyond what, you know,
13 the draft would be. Now--

14 CHAIRPERSON KOPPELL: [Interposing]
15 Let me interrupt. Please, the guests, not--
16 please, please sit down.

17 JASON MISCHEL: So, but yeah, no,
18 we have no problem with bringing advocates to the
19 table and hearing their input and incorporating
20 their input where appropriate. We've always done
21 that.

22 CHAIRPERSON ROSE: Thank you. Any
23 of my colleagues?

24 CHAIRPERSON KOPPELL: First of all,
25 the international symbol, remind me how does that

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look?

ROBERT PICCOLO: Well, that's the wheelchair symbol, which has been actually updated. It's a little bit more friendly. It's not as institutional looking; it's a little rounded off.

CHAIRPERSON KOPPELL: Okay, well, I think that's fine. The one thing that I want to caution you about, and it's something that I had a several-year dialog with Commissioner Saplin about--he was a wonderful man, but it took a while to change the sign that was actually in front of City Hall that said handicap entrance. And as you probably know, that kind of reference is deemed somewhat insulting to the--

JASON MISCHEL: [Interposing] It's taboo to us, actually.

CHAIRPERSON KOPPELL: --community. So, we want to make sure that's not used. We finally got the sign in front of City Hall changed after a couple of years. But, I just want to make sure that would not be permitted on any of these signs, that kind of reference.

ROBERT PICCOLO: Absolutely not.

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2 JASON MISCHEL: Yeah, and not only
3 that, just to add real quick, I know that there's
4 a hearing on Thursday, I believe, about taxi
5 issues. And the original bill labeled our office
6 as Mayor's Office of the Handicapped, and that
7 language is actually coming out, but had it
8 remained in there you would have had me sitting
9 there saying, we of course object to the use of
10 that.

11 CHAIRPERSON KOPPELL: There's a
12 hearing, what is that hearing about?

13 JASON MISCHEL: It has to do with a
14 Passenger Bill of Rights and a Taxi Advisory
15 Board.

16 CHAIRPERSON KOPPELL: I see.

17 JASON MISCHEL: It's happening on
18 Thursday.

19 CHAIRPERSON KOPPELL: I see. Well,
20 I'll discuss that with staff. Now, this
21 requirement that you're looking at revising, which
22 we of course endorse, is that going to apply also
23 to existing buildings or just to new construction?

24 JASON MISCHEL: Well, as it stands
25 now it will be new construction, however, as I

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2 stated in my testimony, because the existing
3 building code, which is Local Law 58, does not
4 contain a detailed directional signage provision--
5 it has some mention of it, but not a detailed one--
6 --we do support amending that law to ensure that
7 this omission is corrected.

8 ROBERT PICCOLO: Do you want me to
9 elaborate on that just a little?

10 CHAIRPERSON KOPPELL: Yeah, could--
11 I didn't follow that exactly.

12 ROBERT PICCOLO: Okay. The new
13 Building Code, the 2008 New York City Building
14 Code, has a provision in the administrative
15 portion where you could, for existing buildings,
16 you could use the new code or you could use the
17 previous code, the '68 code.

18 CHAIRPERSON KOPPELL: Right.

19 ROBERT PICCOLO: But it has, I
20 think eight conditions, and one of them is
21 elevators, things like that, where safety issues
22 were concerned. And the reason being is that it
23 still--we still do not have a completely separate
24 existing building code, which the state does. So,
25 you were allowed for existing buildings to use the

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2 old or the new code. The problem arose when--if
3 you use the old code, the '68 code, which included
4 Local Law 58, there were not detailed requirements
5 for directional signage; it was vague. And quite
6 frankly, that was one of the things that we picked
7 up in the 2008, the newer code, those
8 deficiencies. And we elaborated on the
9 directional signage there. So, the reason why
10 we're even doing this is because the old code is
11 still in use and it doesn't have those directional
12 signage requirements that are contained in the new
13 code.

14 JASON MISCHEL: So, as it stands,
15 we would support this bill to be, or this pre-
16 introduction, to be applied to the old code,
17 because the old code remains deficient in
18 specific, non-vague, directional signage
19 requirements.

20 CHAIRPERSON KOPPELL: Well, that's
21 fine and we'll ask the staff to work on that.

22 CHAIRPERSON ROSE: Yes.

23 CHAIRPERSON KOPPELL: But, what
24 I'm--does the building code require changes to
25 existing buildings or only changes when

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renovations are done or something like that?

ROBERT PICCOLO: That's part of the problem. That's typically when we send people to the Commission for Human Rights, because the building code is triggered when there are modifications to the building, otherwise the building code would not be in effect, and then it becomes a civil rights issue, so then we direct eh constituent to the Commission for Human Rights and address it that way.

CHAIRPERSON KOPPELL: What are you saying?

ROBERT PICCOLO: I'm saying that unless there's work being done on the building, the New York City Building Code would not be triggered.

CHAIRPERSON KOPPELL: But maybe we should consider requiring existing buildings, giving them some leeway, but requiring existing buildings to install this signage? Maybe that's the direction we should go in?

JASON MISCHEL: And we would support--

CHAIRPERSON KOPPELL: [Interposing]

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2 I mean, you're not from the Buildings Department.
3 You're from the Mayor's Office for Disabilities,
4 so maybe we should really look to changing this
5 legislation and requiring, let's say within six
6 months or within a year that businesses provide
7 such signage. Would you support that kind of
8 requirement?

9 JASON MISCHEL: We would support
10 that.

11 CHAIRPERSON KOPPELL: Well, I think
12 that's what we ought to do, because new buildings
13 are fine, but they're limited in number. The
14 existing buildings are many--much, much larger
15 number.

16 JASON MISCHEL: Correct.

17 CHAIRPERSON KOPPELL: And even the
18 old building code wouldn't necessarily apply to
19 them unless you were making changes.

20 JASON MISCHEL: That's correct.

21 CHAIRPERSON KOPPELL: And so I
22 think that's what we ought to do. I think then
23 the legislation would have much more, you know,
24 impact and merit. Yeah. So I think that's good,
25 that you helped us bring that out. I don't have

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anything further.

CHAIRPERSON ROSE: Any other questions?

CHAIRPERSON KOPPELL: We don't have any other people. Okay. Yes, go ahead.

CHAIRPERSON ROSE: I just want to ask you about the relationship with the Human Rights Commission. When you do refer these issues to them, are they receptive or do they see this as a Buildings Department issue?

JASON MISCHEL: No, they're very receptive. We have a very good relationship with the Commission on Human Rights. We work very closely with them.

CHAIRPERSON ROSE: Okay.

JASON MISCHEL: The lines of communication are always open, and they'll continue to be.

CHAIRPERSON ROSE: And you find that they have enough staff to address all of these issues?

JASON MISCHEL: I mean, as far as I know, yes. There are times that--it doesn't happen often--there are times that they would like

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2 us to be more involved on a particular case that
3 might require, let's say Robert's architectural
4 expertise, but for the most part--I mean, I've
5 been at MOPD since 2004 and I don't really recall
6 a staffing issue or a constituent saying that
7 their human rights case fell through the cracks
8 and they're not pursuing it. So, and that's even
9 after their hours have changed as far as their
10 borough offices. Now, the Manhattan office is
11 open five days a week and the other boroughs are
12 each open one day a week, but I have not seen any
13 complaints regarding their ability to process
14 cases. If I do see something like that, I'll
15 immediately reach out to the Commission on Human
16 Rights and see what we can do about changing hat.

17 CHAIRPERSON ROSE: With the
18 oversight, again, I know you said the Buildings
19 Department sort of has a tick off list, a check
20 off list, and so this would be added, I guess to
21 that list, to make sure that it's something that
22 they're in compliance with, and this is the new
23 buildings.

24 ROBERT PICCOLO: Yeah, the plan
25 examiners have primary focuses and then there's

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secondary focuses.

CHAIRPERSON ROSE: So, in terms of oversight, the Buildings Department, is there any instance where the Buildings Department--if the Buildings Department doesn't catch this, is there any other way to realize that this is not happening? Are there inspections that go out? If a person who tries to access a building or facility and there's no complaint from a public person, is there any other way that this might come to the forefront, that we might know that this building is not in compliance?

JASON MISCHEL: Well, I guess I--an example would be that if we--if a constituent contacted us and said, I was just at a public accommodation and there was no signage, then we would immediately call Department of Buildings--

CHAIRPERSON ROSE: [Interposing]
I'm really talking about absent that kind of complaint.

ROBERT PICCOLO: You're talking about a proactive?

CHAIRPERSON ROSE: Yes. Is there any proactive or inspections that--or when the

1
2 Buildings Department Inspects, is this one of the
3 things they would also inspect?

4 ROBERT PICCOLO: I don't believe.
5 I don't think we should actually respond to this
6 because of the Department of Buildings and their
7 procedures, but generally I would say no. That if
8 there's a complaint made--well, you're talking
9 about proactive role in the Department of
10 Buildings--

11 CHAIRPERSON ROSE: [Interposing] So
12 obviously it's all complaint-driven if it's not
13 picked up, if it's not new construction it's not
14 picked up.

15 JASON MISCHEL: Right, but again,
16 there might be something that the Department of
17 Buildings does, you know, spot inspections that we
18 just don't know about. You might want to reach
19 out, or we can reach out to them.

20 CHAIRPERSON ROSE: Well, I'm trying
21 to find out if we should make that a part of this
22 bill that there is some sort of--

23 ROBERT PICCOLO: [Interposing] That
24 would be kind of tough. It would almost be line
25 with elevator inspections, which they do on an

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annual basis. So, I don't know.

JASON MISCHEL: We can't really speak for the Department of Buildings, unfortunately. But, like I said, we work with them very closely and we try to remedy any problem that comes up, to the best of our ability.

CHAIRPERSON ROSE: Thank you.

CHAIRPERSON KOPPELL: Thank you.

CHAIRPERSON ROSE: Thank you for your testimony here today.

CHAIRPERSON KOPPELL: Cissy Stamm? And we might as well get both Sissy Stamm and Jori Schwartzman. If the dog bothers you, we can do separately. Okay. Well, both of you should sit behind the table.

CHAIRPERSON ROSE: She wants to know which side, I think.

CHAIRPERSON KOPPELL: That's a big dog, but he looks gentle. What's the name of the dog?

CISSY STAMM: Oh, come on. You know, people don't recognize me when I don't have my dog. My dog's name is Wargas, W-A-R-G-A-S. He is an Anatolian Shepherd Dog, which is a Turkish

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2 livestock guardian breed. My name, by the way,
3 hello and thank you, and it's nice to be here. My
4 name is Cissy Stamm, C-I-S-S-Y S-T-A-M-M. I am
5 here as a representative for the New York Area
6 Assistance Dogs, which is a grassroots
7 organization formed to educate about the civil
8 rights of people with disabilities, who use task-
9 trained service dogs, and for the people who use
10 emotional support dogs in their homes. So, what's
11 the big deal about service dog law? It's
12 inconsistent across the board. The Americans with
13 Disabilities has one definition; the state has
14 another definition. The Commission on Human
15 Rights has no definition. The City licenses dogs
16 and has their own definition under the Department
17 of Health and Mental whatever you call them. The
18 reason that this is really important is that more
19 and more of us, as we age, will be using service
20 dogs. Right now the estimate is between 5,000 and
21 1,500 people. And with the returning veterans
22 with posttraumatic stress disorder, I believe 20%
23 of them now are returning with posttraumatic
24 stress disorder, the single best treatment that's
25 been found for posttraumatic stress disorder is a

1 service dog. More and more service dog provider
2 organizations, more and more personal private
3 trainers and more and more people self-train their
4 service dogs. Under New York City law they have
5 no protection. If the Human Rights Commission
6 decides, makes the decision that your dog is a
7 service dog, then they will protect you. Over the
8 last ten years they have been--they have improved
9 dramatically in terms of the way that they protect
10 people who use service dogs. They do follow the
11 Fair Housing Act and protect people with emotional
12 support dogs who have documented disabilities and
13 use them in housing. There are more, and more,
14 and more, and more, and more of us, and I'm
15 advocating here for making all of the laws
16 consistent with the Americans with Disabilities
17 Act, that there be a Human Rights Commission
18 definition of what a service dog is and what an
19 emotional support dog is. HUD defines an
20 emotional support dog. The Americans with
21 Disabilities Act defines what a service dog is,
22 and also the rights and responsibilities of people
23 who use service dogs and emotional support dogs.
24 And one of the most controversial aspects of
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2 service dogs is, how do we know it's a service
3 dog, because no licensing or formal training or
4 certification is required, and what does that
5 mean? Does that mean anyone can walk into any
6 place of public accommodation, say their dog is a
7 service dog, and you know, who knows whether it is
8 a real service dog and it really is not a service
9 dog, and whether or not you have a visible
10 disability or an invisible disability; there's no
11 way to know, because believe it or not, people who
12 have visible disabilities have pets as well and
13 not necessarily service dogs. The ADA protects
14 the public, and so does state law, by saying that
15 if an animal, whether it has any documentation
16 whatsoever is a service animal, and is disruptive,
17 that animal can be asked to leave, the same way a
18 disruptive person can be asked to leave. And the
19 public has a right and people with disabilities
20 have a responsibility to ensure that their dogs
21 are non-disruptive and well behaved. And we're
22 really confused, us service dog users.

23 CHAIRPERSON KOPPELL: I think
24 you've raised an interesting and important issue,
25 and it is related to what we're talking about, but

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2 we're talking about accessibility. I mean, is
3 there a problem with accessibility for people with
4 these service dogs? Is that a problem?

5 CISSY STAMM: Absolutely. It is a
6 huge problem. Service animals do not have to have
7 any kind of identification, they don't have to be
8 dressed in any way--

9 CHAIRPERSON KOPPELL: [Interposing]
10 No, no. But is it a problem the other way? In
11 other words, you're sort of raising the issue that
12 perhaps inappropriate animals get in, but what
13 about appropriate animals?

14 CISSY STAMM: We have huge, huge
15 problems with accessibility. And they--

16 CHAIRPERSON KOPPELL: [Interposing]
17 Would it be helpful if--I think that there are
18 different regulations for transport, that is the
19 ability to take a service dog on the subway, for
20 instance. I think there are rules on that.

21 CISSY STAMM: It's the Department
22 of Transportation, and the New York City subway
23 system, since I sued them, have been a little bit
24 better and has done a little bit more with regard
25 to--

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CHAIRPERSON KOPPELL: [Interposing]
I think this is for another day, but are you suggesting that we should perhaps create some regulations with respect to which kind of--which dogs are permitted to enter certain premises?

CISSY STAMM: Those regulations already exist under the Americans with Disabilities Act.

CHAIRPERSON KOPPELL: And so the problem is enforcement?

CISSY STAMM: The problem is, A, enforcement, and the problem is, if you're a resident of the City of New York, you should expect the Commission on Human Rights to enforce your civil rights. But they have no policy, there is nothing in writing with regard to the human rights law that covers people with disabilities who use service dogs, so we're basically, you know, in the same position as someone who lives in a fascist state; it's up to the person that you get to listen to what you have to say as to whether or not the laws are going to be enforced.

CHAIRPERSON KOPPELL: Well, if there's some additional work to be done on that,

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2 Council Member Rose, her Committee really is
3 involved. I mean, we are involved too because we
4 deal with disability rights, but since it really
5 is a Human Rights Commission issue--and I'd be
6 happy to be supportive--I think you should meet
7 separately with the staff and discuss--

8 CHAIRPERSON ROSE: [Interposing]
9 Right. I want to thank you for--

10 CHAIRPERSON KOPPELL: --these
11 issues.

12 CHAIRPERSON ROSE: Right. Thank
13 you for bringing this up and for having the
14 conversation with my staff while I was out
15 recuperating. And we would like to meet to have
16 this conversation and talk about how we might be
17 able to work with the Human Rights Commission to
18 address this.

19 CISSY STAMM: And Congressman
20 Koppell, there's funding available for veterans to
21 get service dogs for their mental health needs,
22 the mental health needs of veterans is a huge,
23 huge, huge problem. And there is funding
24 available. I know the Veterans Administration
25 takes care of it, for the most part. And I don't

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want to take up too much time, so thank you.

CHAIRPERSON KOPPELL: We'll follow up with you. We'll follow up with you.

CHAIRPERSON ROSE: Thank you. I would just, for the record, like to acknowledge that Council Member Dan Halloran was here, and we have been joined by Councilmember Julissa Ferreras and Margaret Chin.

CISSY STAMM: Sorry.

CHAIRPERSON KOPPELL: Thank you very--no, that's fine. Thank you for coming and calling this to our attention.

CISSY STAMM: You're very welcome. Thank you for hearing me.

CHAIRPERSON KOPPELL: Jori Schwartzman.

JORI SCHWARTZMAN: Good afternoon.

CHAIRPERSON KOPPELL: Good afternoon.

JORI SCHWARTZMAN: Thank you for letting me say something.

CHAIRPERSON KOPPELL: Well, why don't you pull the microphone closer and just say your name for the record.

JORI SCHWARTZMAN: Jori

Schwartzman. Thank you for having me here on virtually no notice. I was raised in Westchester, and I've lived in this City since I went to NYU, and I am a young Medicare senior citizen. And I have a 93-year-old mother with a lot of friends. I'm winging it, because I only found out about the hearing yesterday. For two years I've been doing a lot of research and accumulating information and observing street and apartment traffic, and the empirical research of how people get about and the hassles, whether it's someone who is permanently disabled in a wheelchair, crutches, someone who sprains an ankle, has surgery, someone who doesn't have strength in their arms, who cannot open the heavy glass door, as in the building where my mother lives--they can't open the doors. And this is Westchester. I know what the Code is, that's true all over--people cannot even open a door because they're so heavy or there's wind. The research I've done in the law has been on the federal level on the Disabilities Act. And if you look at it, I think section--I haven't looked at it in a year, Section 504, for signage is this

1 big. And from the--there's been an adaption, I
2 think in the early '90s, but of course--I don't
3 know if the original author - - something, but the
4 signage thing has not changed. It's this big. I
5 became interested in signage, because signs do not
6 cost a lot of money. I figured a sign in an
7 apartment building with, let's say a complex of
8 buildings, a sign maybe costs \$10, \$15 in
9 quantity. These are very, very low-cost items. I
10 have some other ideas, but the basic thing, it's
11 absolutely necessary, and I think you're writing a
12 bill--I have to do research and try and work with
13 you from what information I've gathered or
14 observed, that external signs need to have a
15 contact number, and now an email number. It needs
16 maybe a text number, so someone near a building
17 can make contact. Everybody. Because it could be
18 a matter of locked doors and disability. So, the
19 human rights issue and access is very great. But
20 I heard--I may have been sleeping, because I
21 listen to the radio, sometimes all night, 60,000
22 people in New York City are in wheelchairs, and
23 they are, most of them, the most amazing people
24 who get around probably more than anywhere else in
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2 the world. For those of us who are concerned, not
3 in wheelchairs, about getting around, the most
4 absolutely amazing people. As we know, this is a
5 wonderful city with greater tolerance and greater
6 acceptance on all kinds of levels than any other
7 place. And I am most pleased that you're
8 interested in this. What I can offer is to try
9 and work with you and give you the information I
10 had and give you time. And I will be in
11 Washington next week and dealing with--I have had
12 a year of law school. I developed carpal tunnel.
13 I couldn't write. The school gave me lousy
14 accommodations and I haven't finished, and I want
15 to go back. And that was Hofstra Law School,
16 which you should know, which is a big surprise.
17 They have new administration--

18 CHAIRPERSON KOPPELL: [Interposing]
19 Listen, we do appreciate your offer to help, and
20 any suggestions you make we'll accept.

21 JORI SCHWARTZMAN: Okay.

22 CHAIRPERSON KOPPELL: But we'll
23 have to wind up. Okay/

24 JORI SCHWARTZMAN: Yeah. I just
25 wanted you to know that I'm available. I did not

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leave--I'll leave a card. Should I leave a card?

CHAIRPERSON KOPPELL: Okay, yes,
fine.

JORI SCHWARTZMAN: There. But I
will be in Washington, and I will mention what
happened here and I will be meeting with a man--I
don't know if anyone knows him--Andy Imparato, who
was the Head of the American Association of People
with Disabilities, and he now is the Senior
Counsel for Senator Harkin's, Commission on
Health, Pensions and Disability, and I will be--I
know him through the National Association of Law
Students with Disabilities, which all of you
should know about.

CHAIRPERSON KOPPELL: Thank you.

JORI SCHWARTZMAN: Thank you very
much.

CHAIRPERSON KOPPELL: Thank you
very much. Is there anyone else who wishes to
testify at this hearing?

CHAIRPERSON ROSE: Did you
acknowledge that David Greenfield...?

CHAIRPERSON KOPPELL: Oh, yes.
David Greenfield was here, Councilman Greenfield

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2 from Brooklyn. Thank you all who came to listen.
3 I think we're going to be working, modifying the
4 legislation, but moving ahead with it, promptly.
5 And I want to thank you for coming. The hearing
6 is adjourned.

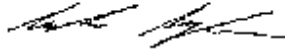
7 CHAIRPERSON ROSE: I want to thank
8 the Commissioner and the Deputy Commissioner for
9 staying.

10 CHAIRPERSON KOPPELL: Yes.

11 CHAIRPERSON ROSE: Thank you so
12 much.

C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature

Date 3/8/2012