

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL
DISABILITY, ALCOHOLISM, SUBSTANCE ABUSE
AND DISABILITY SERVICES

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October 22, 2015
Start: 1:30 p.m.
Recess: 3:40 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: ANDREW COHEN
Chairperson

COUNCIL MEMBERS: Elizabeth S. Crowley
Ruben Wills
Corey D. Johnson
Paul A. Vallone

A P P E A R A N C E S (CONTINUED)

Edith Prentiss

President of 504 Democratic Club

First VP of ADA for Legislative Affairs

Chair of Taxes Roll Campaign

Victor Calise

Commissioner

Mayor's Office for People with Disabilities (MOPD)

Robert Piccolo

First Deputy Commissioner

Mayor's Office for People with Disabilities (MOPD)

Kleo King

Deputy Commissioner and General Counsel

Mayor's Office for People with Disabilities (MOPD)

Katherine Bouton

President

NYC Chapter of Hearing Loss Association of America

Jerry Bergman

Janice Schacter Lintz

Chief Executive Officer

Access and Innovations

f/k/a Hearing Access Program

Dr. Barbara Weinstein

Professor of Audiology

City University of New York

Donna Guard

Ellen Polivy
Community Board 8

Monica Bartley
Community Outreach Organizer
Center for Independence of the Disabled New York

Jarron Park
Department of Health and Mental Hygiene
New York City Employee

Leo Garrison
Senior Designer and Owner
Metro Sound Pros

Roberto Zamora, President
Disability Awareness Soda Club
Queensborough College
Treasurer CUNY Coalition for Students with
Disabilities

Debra Greif
Chairperson
Brooklyn Family Support Services Advisory Council

Joan Peters
Executive Director
Brooklyn Center for Independence of the Disabled

Lester Marks
Director of Government Affairs
Lighthouse Guild

Alex Elegudin
Attorney and Founder of Wheeling Forward

Jana Owen, President
Registry of Interpreters for the Deaf

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[sound check, background comments, pause]

CHAIRPERSON COHEN: Okay, I'm starting.

[gavel] Good afternoon. I'm Council Member Andrew

Cohen, Chair of the Council's Committee on Mental

Health, Developmental Disabilities, Alcoholism,

Substance Abuse and Disability Services. Twenty-five

years ago when enacting the Americans with

Disabilities Act, Congress recognized that physical

and mental disabilities in no way diminish a person's

right to fully participate in all aspects of society.

One of the most fundamental of these is the

opportunity to actively contribute to the civic life

of the city in which one lives, and to have equal

access to its benefits and services. New York City

is home to over 800,000 individuals with

disabilities, approximately 10% of the population who

bring diverse knowledge and experience that their

voices essential to the community. The ADA was

specifically designed to address the historical

exclusion of such individuals from public life.

Despite this, many people with disabilities are

likely to feel discouraged from participating in

meetings and events because they are unsure whether

their accessibility needs will be accommodated. Over

1 two and a half decades since the ADA became law,
2 there is still much work to do--to be done to create
3 a truly inclusive society. No New Yorker should ever
4 feel that due to a disability, they cannot engage in
5 public life on the same terms as those without
6 disabilities especially when in regards to forums to
7 which to advocate for changes and reforms necessary
8 to improve their lives.
9

10 The three bills that we will consider
11 today, introduced by Council Members Rosenthal and
12 Torres, represent the significant step toward
13 establishing equal participation for all regardless
14 of disability. Introduction--Introduction 881
15 directs each agency to designate an employee to
16 coordinate the agency ADA responsibilities. This
17 will centralize these critical duties in individuals
18 with expertise in the ADA who can make sure all
19 programs and services are being administered in
20 accordance with the law, and serve as a contact
21 person for individuals in need of services or
22 assistance with complaints of non-compliance.

23 Introduction 882 requires all public
24 meetings or hearings to be held in facilities
25 equipped with inducted hearing loops. While I have

1 significant concerns about the physical impact and
2 the implementation of the proposed measure, I fully
3 support working toward making civic events like this
4 hearing accessible for all.

5
6 Introduction 883 requires notices and
7 advertisements for events hosted by the City--by City
8 government and city funded organizations to include--
9 I'll have to turn to the next page to find out--
10 information on events venue accessibility as well as
11 who the individuals may contact to request amenities.
12 I would like to thank Council Members Rosenthal and
13 Torres for their work on this issue. I would like to
14 thank committee staff, Eric Bernstein, Committee
15 Counsel Michael Benjamin, Analyst Crielhien Francisco,
16 and lastly, I'd like to acknowledge the members of
17 the committee who have joined us today so far,
18 Council Member Vallone. I saw Council Member
19 Johnson, and before we begin I would--I would also
20 like to thank my Legislative staff Kate Diebold and
21 before we begin I would like to give Council Member
22 Rosenthal an opportunity to say a few words on these
23 bills. Thank you.

24 COUNCIL MEMBER ROSENTHAL: Thank you so
25 much, Chair Cohen for holding this hearing and

1 allowing me to say a few words about the bills.
2
3 You've explained what the bills will do, and I thank
4 you for your support on this package of legislation.
5 I'm going to talk a bit more about the impact of
6 these bills on so many New Yorkers whose needs have
7 long felt ignored. Ten percent of New Yorkers over
8 800,000 people have disabilities. New Yorkers with
9 disabilities continue to face avoidable barriers in
10 civic and cultural life. It is my sincere hope that
11 taken together these bills will begin to break down
12 the barriers. I'm grateful to have the support of a
13 broad coalition of organizations who support people
14 with disabilities. I'm going to read the names of
15 about twenty organizations: AARP New York, Brooklyn
16 Center for Independence of the Disabled, the Center
17 for Hearing and Communication, the Center for
18 Independence of the Disabled New York, Cerebral Palsy
19 Foundation, the CUNY Coalition for Students with
20 Disabilities, Disabilities' Rights Advocates,
21 Disabled in Action of Metro New York, Hands-On,
22 Highland Independent Living Center, Hearing Loss
23 Association of American National and the New York
24 City Chapters, JASA, Lexington School for the Deaf,
25 Lighthouse Guild, Metro New York City Registry of

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1
2 Interpreters for the Deaf, the National Multiple
3 Sclerosis Society New York City and the Southern New
4 York Chapter, Staten Island Center for Independent
5 Living, Visions, Wheeling Forward, Wheels of Progress
6 and YAI New York.

7 As of this morning, we received written
8 testimony from 16 additional individuals including
9 audiologists and advocates for people with
10 disabilities who wanted to be on record in support of
11 these bills. We also have written testimony from
12 educational and cultural institutions who already
13 installed induction hearing loops in their facilities
14 including my alma mater, Michigan State University's
15 basket ball stadium, and the Marriott Theater of
16 Chicago, and a petition with over 200 signatures have
17 been--has been submitted to the record in support of
18 all three bills.

19 Intro 881 calls for a qualified ADA
20 coordinator in each City agency. When I envision
21 what the perfect ADA coordinator could do at an
22 agency, I think of Quemel Arroyo, the Policy Analyst
23 for Accessibility at the Department of
24 Transportation. Quemel joins Commissioner
25 Trottenberg at all high level meetings giving the

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2 expert advice from the perspective of people with
3 disabilities upon reviewing street redesigns and
4 policy proposals. He also helps the public
5 seamlessly including coordinating with MTA's Access-
6 A-Ride to accommodate large numbers of pickups this
7 year for the ADA awards, the 25th anniversary of the
8 ADA. Quemel's contact information is front and
9 center on the DOT website contact page. We know this
10 bill needs to be tweaked to require that MOPD
11 determines which agencies require full-time specific
12 ADA coordinators, and which can have a current staff
13 person take on the added responsibilities. We also
14 need to weave into the legislation a requirement that
15 the ADA coordinate--coordinators can easily be found
16 on both the Mayor's Office of People with
17 Disabilities and agency websites.

18 Intro 883 requires all publicity
19 materials for these sponsored events to include
20 accessibility information and contact information
21 should individuals require additional accommodations.
22 I would like to hear from MOPD today about their
23 willingness to provide and maintain on their website
24 and other--in other areas, easy to read signage,
25 often icons that is easily accessible. It will be

1 critical that an icon, a specialized symbol for CART
2 be created as to who would educate and enforce this
3 protocol. I would expect that the ADA coordinators
4 would take on this responsibility, and I do think
5 that failure to comply should have consequences
6 starting with warning letters from MOPD. And if
7 organizations continue not to comply, a reduction in
8 city funds.
9

10 Lastly, Intro 882 calls for all city
11 government meetings that are open to the public be
12 held in facilities with a hearing loop by 2020. For
13 people with hearing loss, a hearing loop is the
14 difference between being included in the conversation
15 and being excluded from it. For people with hearing
16 loss, hearing loops reduces background noise to
17 create clear intelligible sound. David Myers a
18 representative of Americans with Hearing Loss and who
19 is on the Advisory Council of the National Institute
20 of Health's National Institute on Deafness, and other
21 communication disorders says--says it well in his
22 testimony--written testimony in support of this bill.
23 He says, Hearing loops are the equivalent of a
24 wheelchair ramp for people with hearing loss.
25

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1
2 I'd like to share a quick video allowing
3 you to hear the difference yourself, and I'm not sure
4 this will be clear for those who use Tele-coils at
5 this time, and I know you live the reality of this
6 everyday, but perhaps a mic can be held up to the
7 speakers here. Stephanie. [pause]

8 VIDEO MODERATOR: Live recording at the
9 subway booth at 66th Street Lincoln Center asking for
10 directions.

11 SUBWAY BOOTH ATTENDANT: Take the 1 train
12 to 14th street [UNINTELLIGIBLE NOISE]

13 VIDEO MODERATOR: The exact same
14 encounter as heard over the new system installed at
15 the Subway booth at 66th Street Lincoln Center.

16 SUBWAY BOOTH ATTENDANT: Take the 1-Train
17 to 14th Street. Get off and get the L-Train to
18 Bedford that's heading toward Brooklyn. Yes. Excuse
19 me?

20 COUNCIL MEMBER ROSENTHAL: Thank you. I
21 want to thank my staff for finding that on You Tube,
22 and I think there's someone who's going to testify
23 today who's directly responsible for helping to make
24 that happen, and I thank her, too, in advance. I'll
25 be looking for feedback from advocates as well as the

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1 Administration about how we can work to make this a
2 cost-effective solution for people with hearing loss.
3 I want to spend just a few minutes thanking--thanking
4 some people for their help in pulling this together,
5 but first I want to say that we shouldn't have to
6 thank anyone for doing all the hard labor of making
7 this hearing accessible for those with hearing loss
8 or who are deaf. But we still live in a city where
9 people went out of their way to make this hearing
10 accessible. So I really do want to take the time to
11 thank them, but I hope there will be a time when this
12 will just be the common thing, and we don't have to
13 thank anyone for these extra efforts.

14
15 I'd like to thank Council Member Torres
16 for introducing the bills with me, the Mayor who's
17 shown his commitment to issues for people with
18 disabilities by really listening to stories that
19 inspired these bills. Commissioner Victor Calise and
20 the MOPD staff both for coordinating the ALS and CART
21 Services today, and for your testimony and for being
22 partners throughout this entire process. The
23 Commissioner's input on these bills will make them
24 even better. To my speaker Melissa Mark-Viverito and
25 her office including Ramon Martinez, Ed O'Malley,

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1 Carl Dalva, John Smith, Michael Missano and Rafael
2 Perez for making the Hearing Loop possible today.
3 All of the staff from the Legal Drafting Unit who
4 worked so diligently on these bills. Each bill had
5 their own General Counsel so Kimberly Williams,
6 Matthew Carlin and Kaitlin Caruso and Eric Bernstein,
7 the Committee Counsel Michael Benjamin, the Policy
8 Analyst, Crilhien Francisco the Finance Analyst, and
9 MTA Paratransit for coordinating Access-A-Ride for
10 today's hearing. Leo Garrison from Metro Sound Pros
11 for installing the temporary hearing loop. Pretty
12 extraordinary. He was here--he and his people were
13 here at 8:00 a.m. this morning. American Sign
14 Language Services Providers today, Tyler Herron and I
15 think Stephanie Mortise (sp?) is coming. Maybe.
16 Mostly Tyler so thank you. The CART Service provider
17 today is Lauren Schechter. I've gotten to know Tyler
18 and Lauren over the last few public meetings, and
19 it's been a pleasure. Countless advocates who have
20 been working on this issue for so long, and took the
21 time to educate me on their concerns making sure
22 these bills adequately address some of these issues.
23 Edward Friedman who's been an intern in my office
24 without whom none of these bills would be being
25

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1 discussed today. I urge my colleagues to join me in
2 support of this package of accessibility bills so
3 that we can help to ensure a more equal and more
4 accessible New York for all. Thank you and John and
5 Dane, thank you for your help this morning getting
6 this all together.
7

8 CHAIRPERSON COHEN: Thank you. I just
9 want to thank the administration for cooperating and
10 letting us go slightly--we're taking our usual order
11 this--this afternoon. So our first witness is going
12 to be Edith Prentiss. Please.

13 EDITH PRENTISS: [coughs] Hello, my name
14 is Edith Prentiss. I'm the President of the 504
15 Democratic Club, the First Vice President of the ADA
16 for Legislative Affairs, the Chair of the Taxes Roll
17 Campaign and a member of the Disabilities that work
18 with the New York City Board. (sic) Yeah, we are
19 still existing. So it's some well round issues here.
20 It's actually sort of interesting that when I read
21 the bill, I have to say I was very upset. And the
22 qualifications of the bills are not quite what both
23 of you just had to say about these bills. For
24 example, as you well--as you may or may not know, in
25 1992 in the--subsequent to the enactment of the ADA

1 then governor--then Mayor Jenkins required every
2 agency--

3
4 CHAIRPERSON COHEN: Edith, I'm sorry.

5 Would you mind pulling the mic a little--

6 EDITH PRENTISS: I'm sorry

7 CHAIRPERSON COHEN: Ironically, would you
8 mind pulling the--Thank you very much.

9 EDITH PRENTISS: Okay. [coughs] Then
10 Mayor Jenkins required an IDA coordinator in every
11 agency and department. That person's primary focus
12 was on equal opportunity employment issues, and
13 approving accommodations. So I think there may be a
14 need to tweak the title. So we do not need to have
15 two ADA coordinators in each department, and people
16 being very confused as to who each of them is. I
17 think that it's important to have very distinct
18 criteria for said ADA coordinator, and that is more
19 than being a wheelchair user. I think there needs to
20 have education, academic and experience in disability
21 in disability rights and ADA and in other related
22 laws. Because I assume the ADA coordinator is not
23 simply going to be doing ADA. There are lots of
24 other bills that are civil rights bill for people
25 with disabilities, and we sort of not the all

1 collectively under ADA. So it's important to note
2 that these other bills do exist and do impact people
3 who are working and who are just living. What are
4 their responsibilities? Is that coordinator going to
5 be responsible for the information on a flyer for
6 when a meeting is planned? Recently, DOT had a
7 community meeting in my neighborhood about the
8 Holland River Recreation blah, blah, blah. I really
9 didn't want to go, but I went. I get there. It's a
10 community center, a set of double doors, a flight of
11 stairs, another set of double doors. No notification
12 on the outside of the building of the law you passed
13 a couple of years ago requiring access information
14 when the primary entry point is inaccessible. The
15 woman comes down and says to me, Well, it's all DOT's
16 fault. Like I don't care whose fault it is. I want
17 to get in here. I did not. The answer is I did not
18 get into the meeting, and I'm rather perturbed about
19 that. I mean this is an issue of my community of
20 which I'm an active resident, and I can't attend a
21 public meeting. I have a problem with that concept.
22 So looking at the material what are they doing?
23

24 The other issue is what role do they have
25 when it's an interlocking event? If you as council

1 members are publicizing someone else's event, we can
2 actually put a value on your publicity. You're
3 putting it in your newsletter. You're putting it--so
4 there is a city de facto funding of this event.
5 What's the responsibility? I don't think that it's
6 your office's responsibility to check out
7 accessibility. It's the organizer, and if the
8 organizer does not present you office with the
9 appropriate information, you don't publicize it.
10 Who's responsible for reviewing all of the
11 information being released? No, it's not--he's not
12 responsible. He's not even responsible for all that
13 Mark (sic) had. You know, this is--[coughs] it's
14 going to happen with any agency. Recently, we had a
15 run in with Parks, an event held by Parks in the
16 Dyckman Farmhouse. Now, I know there's no way I'm
17 ever going to get into the Dyckman Farmhouse.
18 Haven't been in there since 1991, but shouldn't they
19 be considering--and I have mentioned this many times
20 [bell]--videotaping, putting it online. There should
21 be some way of contacting us.

22
23 Also, it says certain events. It doesn't
24 say all, but the language of the bill says certain
25 events. What is the criteria for a certain event?

1 And last but for--in 883 this is not a pushback
2 against loops. Loops are cool. I mean I love CART.
3 I can actually understand what I can't hear, but I
4 believe the bill should talk about fully accessible
5 venues. It should not talk about assisted listening
6 systems. It should not talk about loops, and I love
7 the concept of the report, the annual report for
8 accessibility. But the bottom line is we have to
9 empower the community to check out all this stuff.
10 It's very frustrating. We have this thing called
11 Northern Manhattan Art Stroll, which goes on for over
12 a month, and it has tons of venues. I for at least
13 ten or more years I've been trying to get them to put
14 icons on it. Absolutely no interest. I actually
15 went from venue to venue. There are a lot of events
16 that are in artists' studios and such. Fine. I am
17 not demanding full access. I am simply demanding
18 information. Similarly, when--I mean I think a
19 politician who hosts and event be it for--in the con-
20 -in the capacity as the politician or even a
21 fundraising event, there should be information about-
22 We know that the New York State Democrats do require
23 that, but yeah right. I think it's really important
24 to look at the individuals candidate and elected.
25

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1
2 504 has in it's questionnaire screening for
3 candidates it includes a question asking will they
4 attend in accessible community meetings. You get two
5 answers from people. One will say no never. I'll
6 never do that, and you'll have people who do, you
7 know, it's my community, it's my constituents. I
8 have to go. Well, or another constituent, don't I
9 get to go? Participatory budgeting. Hysterical.
10 Participatory budget meetings in my--for my council
11 member who shall remain nameless were inaccessible
12 several of them. My library is inaccessible. It's a
13 Carnegie library. It's never going to be--they claim
14 it's going to be closed for four years to make it
15 accessible. Stan Michaels put money in the budget to
16 make that accessible. Still not going to get there,
17 and I still don't understand how they're ever going
18 to do it, but if they think they can do it, cool. You
19 know, I trust them. You know, it's like you have to
20 think about these things. I would love to think that
21 the ADA coordinator would serve as a beach head in
22 agencies. As much as we know we exist and we're
23 around and we're going to give you aggravation, what
24 if people have never worked with a person with
25 disability? Have not met a person with a disability?

1 I find it interesting, but okay, if nothing else,
2 you're talking about adding a person with a
3 disability to the water culture--the water cooler
4 culture of an office. And it might be hopefully--
5 allow me my fantasies--it might be a good way to
6 enculturate. There have been a lot of bills about
7 disability history and all of these things, which
8 have never gone any place. But requiring
9 accessibility in public meetings and putting the
10 icons and contact information would be a light year.

12 I'm going to very quickly cover Jean's--
13 Jean's first point was that it should be faster. We
14 should not wait until 2020. She also wants that is
15 it already covered the information about how to
16 contact both MOPD and the agency sites. One of her
17 concerns is the number of meetings scheduled by local
18 politicians, not necessarily city politicians, who
19 then invite all of the local services. So, for
20 example, Denny, you know, calls a town hall meeting
21 and he arranges for every city agency to come.
22 Where's the line between the two issue? Does that
23 have to accessible? How accessible? I think it's
24 incredible. I love this. I actually absolutely love
25 the thought of CART because I just can't understand

1 half of what's going on otherwise, and I particularly
2 love watching CART to see how it's not necessarily
3 conveying the need to have things improved. Jean
4 also was very concerned about the city funds that are
5 not so accessible for other--and the question is how
6 are you going to pay for--I mean, we have--we've had
7 requests for both DIA and 504 for individuals needing
8 sign language and it's a very hard buy. It's a very--
9 -Yeah, community boards have this continuously. If
10 you have a member with a disability in your community
11 board, how much is it going to cost your community
12 board. And also I mean, God, Andy, the community
13 board office [laughs] I mean the first time I went
14 there I had great trepidation. Cities are--I mean in
15 concept, we really like the bills, but we are
16 concerned that the nitpicky little pieces, the
17 criteria, certain events, et cetera, we need to be
18 sure that--that the bill includes all of the items
19 that we have been told. Thank you.

21 CHAIRPERSON COHEN: Thank you very much.
22 That is a steep ramp at CD. They are--they are
23 looking to move.

24

25

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2 COUNCIL MEMBER ROSENTHAL: Edith, can I
3 just say thank you for helping us to set the stage
4 for this hearing. I appreciate it.

5 CHAIRPERSON COHEN: Okay, our next
6 witness is Robert Piccolo from the Mayor's Office of
7 People's Facilities, and we do appreciate your
8 consideration, ma'am. Thank you. Are we going to
9 swear him in? Okay. We're going to swear you in in
10 one second.

11 LEGAL COUNSEL: Can you raise your right
12 hand, please. Do you affirm to tell the truth, the
13 whole truth and nothing but the truth in your
14 testimony before this committee and to respond
15 honestly to council member questions.

16 DEPUTY COMMISSIONER PICCOLO: I do. Good
17 afternoon. I'm Robert Piccolo, First Duty
18 Commissioner for the Mayor's Office for People with
19 Disabilities. I'd like to convey Commissioner
20 Calise's apologies to the Council for not being here.
21 He was summoned to a meeting here in City Hall, and
22 he hopes to join us hopefully in a little while.
23 Also, a special thanks to Council Member Helen
24 Rosenthal for her help and enthusiasm regarding
25 issues regarding people with disabilities.

1
2 To begin, I'd like to say that MOPD
3 supports the principles of all three of the bills
4 before us today, and shares the Council's goal of
5 improving access to public meetings for people with
6 disabilities and providing ADA coordinators in city
7 agencies. As you aware, the Mayor's Office for
8 People with Disabilities, MOPD, in operation since
9 1972, works to ensure that New Yorkers with
10 disabilities can lead happy, healthy and productive
11 lives. The MOPD staff works hand-in-hand with other
12 city agencies--city offices. Sorry, and over 50
13 agencies to ensure that the voice of the disabled
14 community is represented, and that city programs and
15 policies address the needs of people with
16 disabilities. The office provides information on
17 accessible programs, accessible transportation,
18 employment, health services, activities and other
19 resources to over 800,000 New Yorkers with
20 disabilities. In addition, the Mayor's Office for
21 People with Disability--Disabilities works with
22 organizations on specific issues affecting people
23 with disabilities and aims to bring about dialogue
24 that leads to meaningful outcomes for those living
25 with disabilities. The dedicated staff of the

1 Mayor's Office for People with Disabilities works
2 hard everyday to make New York City the most
3 accessible city in the world. Let me start off by
4 saying that we appreciate your constant partnership
5 in advocating for those with disabilities. The bills
6 represent steps to ensure that all New Yorkers
7 regardless of any disability have an opportunity to
8 take part in the civic life of the city. [coughs]
9 Excuse me. We look forward to our continued
10 partnership on making this a reality. I'd like to
11 take the opportunity to comment on each of the
12 proposed bills.

14 First, Intro 881, a Local Law to amend
15 the Administrative Code of the City of New York in
16 relation to designating ADA coordinators within
17 agencies. MOPD supports the designation of ADA
18 coordinator positions in key city agencies to work
19 closely with MOPD and act as liaisons to New Yorkers
20 with disabilities creating easy access points for New
21 Yorkers with disabilities to obtain information,
22 services and assistance. As you may know, prior to
23 being appointed Commissioner of MOPD, Commissioner
24 Calise was the first ADA accessibility coordinator at
25 the New York City Department of Parks and Recreation.

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1 Thus, working with the various agencies to identify
2 coordinators is currently an MOPD initiative. In
3 addition to the Department of Parks, the Department
4 of Transportation and the Human Resources
5 Administration have hired full-time ADA coordinators.
6 MOPD is currently working with other agencies that
7 are in the process of designating ADA coordinator
8 positions including, but not limited to the
9 Department of Buildings, Taxi and Limousine
10 Commission and the Department of Design and
11 Construction.
12

13 Intro 882, a Local Law to amend the
14 Administration Code of the City of New York in
15 relation to requiring that all public meetings and
16 hearings be held in a facility equipped with assisted
17 listening systems where possible in the form of
18 induction loop assisted listening systems.
19 Currently, public entities conducting public meetings
20 and hearings reasonably accommodate the needs of
21 individuals with disabilities and to take appropriate
22 steps to ensure that communications with people with
23 disabilities are as effective as communications with
24 others. This can include providing assisted
25 listening systems and interpreter services. However,

1 by requiring that facilities be equipped with a
2 permanently installed induction loop systems, unless
3 a waiver is granted, Intro 882 would commit the city
4 to large investments in this particular technology
5 even though other technologies may be more
6 practicable for certain circumstances and better
7 technologies may become available in the future.
8 The bill provides for a waiver process that will
9 become burdensome on or office or other agencies the
10 Mayor would designate. The bill standard for
11 granting a waiver is extreme hardship, which is
12 higher than the undue hardship, which is a standard
13 established by the Americans with Disabilities Act
14 and our own Human Resources Law.

16 Another element to consider is that a
17 significant number of public meetings take place in
18 spaces that are leased by the city. One option might
19 be to require that landlords allow for the
20 installation of such systems where appropriate. We
21 would, of course, need to determine the cost of such
22 installations and who would bear that cost. Finally,
23 the reporting requirement is problematic as it
24 requires reporting for both public and private
25 entities on the details of the various types of

1 devices installed, justification for the device that
2 was installed and yearly cost for all devices
3 installed in public and private facilities. This
4 information may not be readily available from private
5 entities.
6

7 Intro 883, a Local Law to amend the
8 Administrative Code of the City of New York in
9 relation to advertising and other materials
10 pertaining to certain public events to include
11 information regarding accessibility for people with
12 disabilities. We support this initiative as it
13 reinforces the provisions of the Americans with
14 Disabilities Act. We believe that the retroactive
15 application to organizations or businesses that
16 receive funding from the City of New York for the
17 prior two years to be impractical as it would require
18 identifying identities that are no longer receiving
19 funds. Rather, we would like to see the provisions
20 be applied to organizations or business--businesses
21 receiving funding from the City of New Yorkers going
22 forward. This will allow the city agencies providing
23 the funding to include the notice requirements in the
24 funding documents. Also, we believe that the notice
25 requirements may be better addressed by requiring the

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29

1 various symbols of accessibility be placed at the
2 bottom of notices along with a name and telephone
3 number for additional accessibility information. We
4 believe that these concerns can be addressed with
5 appropriate revisions to the bills and welcome the
6 opportunity to discuss the bills further with the
7 Council. I will be happy to answer any questions at
8 this time.
9

10 CHAIRPERSON COHEN: Thank you very much
11 for your testimony. I just want to acknowledge that
12 we have been joined by Commissioner Calise, and I'm
13 going--I have some questions but I'm going to defer
14 to Council Member Rosenthal for her questions.

15 COUNCIL MEMBER ROSENTHAL: Thank you. I
16 just have two questions that really actually relate
17 to the points that Edith brought up earlier. And
18 welcome, Commissioner. It's great to see you. Thank
19 you for coming by. The first one is about the ADA
20 coordinators. Do you believe that MOPD could specify
21 the qualifications, the specific qualifications and
22 job description for the ADA coordinators? And do you
23 think that your agency could be responsible for
24 identifying which agencies would have to have a full
25 time ADA coordinator, and which agencies might it not

1
2 make sense to have a full-time coordinator, but
3 someone should be assigned to take on that
4 responsibility.

5 DEPUTY COMMISSIONER PICCOLO: Thank you,
6 Council. I appreciate you having me here today. Yes,
7 we can do that--we--there are standards for
8 accessibility coordinators that we've used to put
9 agencies such as the Department of Transportation and
10 the Human Resource, and we're working with Housing
11 Preservation and Development right now because it's
12 in their housing plan for that. So, yes, we can do
13 that, and what the qualifications are. As far as the
14 second one is concerned, we have been looking to
15 identify agencies and will continue to do that. SO,
16 we can assess with that.

17 COUNCIL MEMBER ROSENTHAL: Great, and
18 secondly in terms of 883 for the--requiring the icons
19 on publicity material, do you think it would be
20 possible not from a legal standpoint. I'll certainly
21 ask counsel about that, but if we could, would it be
22 possible to have it be the responsibility of the ADA
23 coordinator to make sure that the icons exist on
24 publicity material?

1
2 DEPUTY COMMISSIONER PICCOLO: The ADA
3 coordinator position is to really look at the agency
4 as a whole, and everything that an agency is doing to
5 make sure that they're doing it in the appropriate
6 way. So, yes, it should be part of their job
7 description to be able to identify that accessibility
8 using those icons.

9 COUNCIL MEMBER ROSENTHAL: And they could
10 then report that information back to your office in
11 terms of sending warning letters for organizations
12 that do not comply?

13 DEPUTY COMMISSIONER PICCOLO: I believe
14 we can do that. I mean we work with ADA coordinators
15 closely, and everyone within my staff for specific
16 things, and we can certainly be part of that. I know
17 I don't see that being an issue.

18 COUNCIL MEMBER ROSENTHAL: Great. Thank
19 you very much, Commissioner.

20 DEPUTY COMMISSIONER PICCOLO: Thank you.

21 CHAIRPERSON COHEN: Thank you,
22 Commissioner. Could you just talk about--a little
23 bit about what makes someone qualified to be a
24 coordinator and what we think is sort of the gold
25 standard of qualifying somebody. You know, where

1 that may be, you know, in the instances of a full-
2 time person. You would probably want someone up to
3 the highest standard, and what it would be sort of
4 acceptable as an ADA coordinator?
5

6 COUNCIL MEMBER ROSENTHAL: Lots of
7 different things. So I'm also joined by my Deputy
8 and Counsel Kleo King. I just wanted to point that
9 out. Understanding what the Americans with
10 Disabilities Act stands for, what's in there is
11 specific to agencies understanding where the codes
12 and standards apply is rather important. There are
13 ADA coordinator job descriptions that vary from
14 agency to agency. So making sure that they're
15 specific to that. So if someone is working in
16 transportation, we want to make sure that they have
17 some type of transportation background. But also
18 being able to understand what the codes and standards
19 are for let's say curb cuts and accessible pedestrian
20 signals, and seeing how that applies. So, it varies
21 from agency to agency, but most of all it's really to
22 understand what the ADA Codes and Standards are, and
23 how they apply to that agency.
24
25

1
2 CHAIRPERSON COHEN: What do you think is
3 involved? Is a class sufficient? How do we train
4 somebody to be--

5 DEPUTY COMMISSIONER PICCOLO:

6 [interposing] Well, we do a lot of our training
7 within our office as well. We hired someone that had
8 knowledge of Americans with Disabilities Act with the
9 Department of Transportation, for example, and we've
10 been able to go through the guidelines with them of
11 what specific things are. Robert is and Kleo are
12 very versed in the ADA Codes and Standards. So
13 they're able to assist with that, and be able to
14 work. When I started ADA codes--another example is
15 when I started working for the Parks Department I
16 knew what ADA Codes and Standards were, but I learned
17 as I went as well. So there's a little combination
18 of that. ADA coordinators in New York City are
19 relatively a new idea, which happened in 2006 when I
20 came in and to really--I mean a new idea of what the
21 role actually is, and how effective it can really be.
22 And it just--knowing what the ADA is, I think is
23 really important. And working with our office is
24 important as well. And, of course, we also need the
25 feedback of the disabled community, and that's what

1 we--we work with the Disabled In Action, Lighthouse
2 for the Blind, Pedestrians for Accessible Safe
3 Street. I'm hearing--hearing lots of associations.
4 So I think that's important as well.
5

6 CHAIRPERSON COHEN: I mean just crazy
7 having an idea at a hearing about the discussion, but
8 do you think that there might be like a need to sort
9 of--sort of define the term better that maybe there
10 should be a--a set of criteria that a person has to
11 meet in order to serve as a coordinator?

12 DEPUTY COMMISSIONER PICCOLO: Yes, we do
13 have that. I mean we can--we can certainly be able
14 to send specific language of what that is for the ADA
15 coordinator.

16 CHAIRPERSON COHEN: I mean your
17 certified--you're certified as a coordinator as
18 opposed to just we give you a business card and now
19 you're a coordinator?

20 DEPUTY COMMISSIONER PICCOLO: Now, it's a
21 coordinator specific to the agency, understanding
22 what the issues are. Deep with inside the agency and
23 mostly understanding what's happening on the outside
24 because advocates have a big say in what happens in
25 our city.

1
2 CHAIRPERSON COHEN: Thank you. Regarding
3 the looping, I mean I think that we all really--the
4 goal is--I think everyone is united in the goal. I'm
5 concerned that someone who has served on the
6 community board for a long time like trying--how
7 would--you know the implementation in the testimony
8 obviously reflected that concern. Do you think that
9 there's another approach maybe in terms of making,
10 you know, meetings out in the field more accessible
11 particularly for the hearing impaired?

12 DEPUTY COMMISSIONER PICCOLO: Yeah, I
13 mean there are a lot of different ways to communicate
14 for people who are definitely hard of hearing and
15 people who are deaf as well. I mean deaf and hard of
16 hearing. Excuse me. And understanding what exactly
17 happened for people with disabilities is important
18 especially for hearing. Loop systems are definitely
19 a technology that a lot of advocates want.

20 FEMALE SPEAKER: [off mic]

21 CHAIRPERSON COHEN: Ma'am, ma'am, you
22 can't interrupt. You can sign up to speak. All
23 right. So you'll get your turn.

24 DEPUTY COMMISSIONER PICCOLO: We
25 understand what the hard of hearing issues are, and

1 want loop systems. We agree with loop systems. We
2 think they're a great piece of technology, and we--we
3 try to get loop systems everywhere that we can. It's
4 important to have that technology, but there's other-
5 -there's also other technologies that people use.
6 Some of it happens to be the CART system that we're
7 able to use. We know people that are hard of hearing
8 that don't use the loop system that really would like
9 to see CART installed as well. So we want to make
10 sure that that's there. Some people like infrared
11 systems, which I believe this Council--the Chamber
12 has, but being able to provide for all those types of
13 disabilities is something that we strive to do

14
15 CHAIRPERSON COHEN: Okay. Thank you for
16 your testimony.

17 DEPUTY COMMISSIONER PICCOLO: Thank you.

18 COUNCIL MEMBER ROSENTHAL: Commissioner,
19 thank you also for providing us a Captioning CART
20 today. It means lot to us.

21 CHAIRPERSON COHEN: Okay. Katherine
22 Bouton. I hope I'm pronouncing any of these right.
23 Jerry Bergman, Richard Einhorn, Janice Lizette (sp?)-
24 -Linzette. Danielle, that's you.

25 [background comments, pause]

1
2 KATHERINE BOUTON: Okay, yes. I'm
3 Katherine Bouton. That was close. I'm the President
4 of the New York City Chapter of Hearing Loss
5 Association of America, and I also serve on the
6 National Board of the Association. And I speak for
7 both organizations. I am involved with--on an hourly
8 basis with hearing loss through my professional work.
9 I'm a writer and a blogger on hearing loss. I until
10 the past ten years, I've had a hearing loss for 35
11 years until the past 10 years. I did not acknowledge
12 my hearing loss. I did attend city meetings. About
13 ten years ago

14 [audience comments]

15 JANICE LIZETTE: They can't hear you.

16 KATHERINE BOUTON: Is that better?

17 JANICE LIZETTE: Can you move down,
18 please?

19 KATHERINE BOUTON: What?

20 JANICE LIZETTE: Can you move down,
21 please?

22 KATHERINE BOUTON: What?

23 JANICE LIZETTE: Can you move down? I
24 feel like I'm falling off the table.

25 KATHERINE BOUTON: I can't hear you.

1
2 JANICE LIZETTE: Can you move your chair
3 over? No, this way. Okay. Thank you.

4 KATHERINE BOUTON: Okay. Like many
5 people with hearing loss, I was not very open about
6 my hearing loss. But I also was unable not only to
7 not attend City Council meetings, but any kind of
8 city meetings at all. I received a permanent waiver
9 from jury duty. I would really like to do my jury
10 service and I cannot. I am a great supporter of
11 hearing loops that allows people with hearing loss to
12 hear--who have hearing aids and who a Cochlear
13 implant to hear--actually hear what's being said. I
14 do also believe that CART is essential for some
15 people with hearing loss. People with hearing loss
16 all differ in their ways of hearing. ASL is
17 obviously essential for the deaf. I have a written
18 statement here that I've submitted, but I'm going to
19 detour from it based on what I've heard here. I
20 think that there are several things to say about all
21 three of these technologies. They are all valuable.
22 One in five Americans has hearing loss. In New York
23 City that number is undoubtedly higher because
24 hearing loss is in greater proportion in the elderly.
25 It's in greater proportion in--with people who live

1 below the poverty level and noise exacerbates hearing
2 loss. We live in a noisy city. We have a lot of
3 older people and we have a lot of poverty. I think
4 you can assume that in any public meeting at least
5 one in five people there has hearing loss, and needs
6 assisted devices. FM devices are not a substitute.
7 They are--they do not work very well. Infrared
8 devices are not a substitute. They don't work very
9 well. I can't use either of them. For me, the only
10 way I can participate in a public meeting is through
11 looping or CART. CART is a wonderful service. You
12 might say that it servers more people that looping
13 does, but CART is an expensive service. And when you
14 multiply the number of times you would have to hire a
15 cart operator in order to allow people to with
16 hearing aids and Cochlear implants to understand
17 what's going on at city meetings not to mention jury
18 duty, you're talking about gigantic numbers. The
19 cost of looping is a one-time cost. It's a contained
20 cost. Other cities have done this. It's very, very
21 common in Europe and in England, and I think New York
22 City could do itself proud by setting a precedent for
23 other municipalities and for the private sector as
24 well by making a commitment to this technology. I
25

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1 would ask that it not be made at the expense of an
2 ASL interpreter or at the expense of CART when it's
3 requested. Because as you've said before we all hear
4 differently, and we all need different kinds of help.
5 Thank you.

6
7 CHAIRPERSON COHEN: Thank you. I just
8 want to pause for one second to acknowledge that
9 we've been joined by Council Member King and Casa
10 Middle School from the Bronx. Welcome. [applause]
11 Please continue. Next.

12 [background comments]

13 JERRY BERGMAN: Thank you. Good
14 afternoon. My name is Jerry Bergman. I thank
15 Council Member Rosenthal and her staff for their
16 vision, foresight and understanding in introducing
17 the three bills before this committee along with
18 Council Member Torres and the co-sponsors and
19 Attorney Bernstein and Chairman Cohen for allowing us
20 this opportunity. I hope this hearing will
21 demonstrate when it's concluded why and how these
22 bills will open city government to residents with
23 disabilities, all disabilities. With these remarks
24 I'm also submitted written comments to help
25 strengthen specifics of each bill, and I won't

1 elaborate on those now. I gradually began to lose my
2 hearing just a decade ago, but I now severe to
3 profound hearing loss. I depend on a hearing aid and
4 a Cochlear implant to communicate with the world
5 around me. Not all people have hearing loss as
6 severe as mine. However, an estimated \$48 million--
7 48 million Americans, one in five have a measurable
8 hearing loss. 65% of these people are under age 65.
9 However, one of every three is over 65, and has
10 hearing loss. The number jumps to 1 of every 2 over
11 75. Hearing loss thus has a disproportionate impact
12 on our older citizens. That's because those with
13 hearing loss are more likely to have communication
14 difficulties, become socially isolated and have
15 mental and physical health problems. And a growing
16 body of research shows an association between hearing
17 loss and cognitive disabilities such as dementia.
18 Hearing loss was acknowledged as a disability only
19 with the passage in 1990 of the Americans with
20 Disabilities Act. The ADA gave us the right to
21 quote, unquote, "Effective communication" but did so
22 without enforcement. When it comes to accessibility,
23 the law is complaint driven and doesn't specific
24 technology, which we've already heard debated today.
25

1
2 It is often futile to request accommodation for
3 specific meetings and events when the parties in
4 charge know so little or nothing about hearing
5 accommodation. Even Commissioner Calise's testimony
6 proves this point. He has nobody on his staff. He
7 has rarely consulted us about the specifics of
8 hearing loss, and it was within recent months that he
9 for the first time installed a hearing loop in his
10 conference room. And even then to get to a specific
11 meeting, and without CART. To get CART we must
12 contact someone. Often have to leave messages on
13 answering machines. Our calls don't get responded
14 to, and when they do we're told, Oh, that's something
15 we don't know about. We don't have anybody. There's
16 no way we can do it in time, et cetera. But, here's
17 why HH--882 is so important. Most infrared of FM
18 systems as our President Katherine has just said,
19 don't really help us, although they meet ADA law.
20 But this is why knowledge and understanding of
21 hearing loss is essential to providing us with
22 accessibility. They don't enable us to understand,
23 all of us, to understand speech clearly. For this
24 reason, I cannot serve jury duty. I cannot attend
25 government events such as town hall meetings or

1 political candidate debates, and I can't go to
2 lectures to give just three examples. 882 promises
3 to change the status quo [bell] in which only some
4 can hear to some degree some of the time in some
5 venues. Everyone's hearing loss is completely
6 different. Hearing accessibility is not as
7 straightforward as ramps and lifts for people in
8 wheelchairs. CART transcriptions or sign language
9 interpreters are chiefly people with deafness,
10 costly, as has been said, and must be requested for
11 every event. The one assistive technology that is
12 effective for the most people with hearing loss is a
13 hearing induction loop system. Once installed, loops
14 make venues permanently accessible to us. They can
15 be installed in the largest operas or concert halls
16 and the smallest conference rooms. They enable
17 nearly everyone with a hearing aid and Cochlear
18 implant with tele--or Cochlear implant with tele-
19 coils to hear wirelessly, anonymously at the push of
20 a button on their ear. They enable those without T-
21 coils and those who don't wear hearing devices such
22 as Edith Prentiss, who spoke against and in
23 opposition to induction loops, to hear via receivers
24 or headphones. And I would ask that she experiment.

1 Try putting a headset on in a room with an induction
2 loop. Anyone can do that if the room has been looped
3 with the receivers that they can wear around their
4 neck. Properly installed hearing loops deliver sound
5 far superior to both infrared and FM. It is as if
6 our hearing aids microphones are right there on the
7 speaker's podium or attached to their very own
8 microphones. In contrast to our country, Western
9 Europe has featured hearing induction loops in public
10 venues for decades. In the UK they are in London
11 taxis, at airports, at theater ticket booths, in
12 Westminster Abbey, Canterbury Cathedral, and at over
13 11,000 post offices. It is hard to travel through
14 Europe without seeing the blue and white
15 international hearing loops symbol. I even saw the
16 sign at an airport in Moscow. When it comes to
17 decision making about hearing access, we often say
18 nothing about us without us, and don't just do for
19 us. Do with us. That's why the sign you had at the
20 beginning that said captioning is available today for
21 the first time in history, is not at all surprising.
22 You haven't thought about allowing people with severe
23 hearing loss and deafness into city government on a
24 permanent basis. This is the first time I suspect
25

1 also that an induction loop is being used in this
2 chamber, but it's a temporary loop. I hope to see
3 the day that this room has a permanent loop such as
4 was recently installed in the Seattle City Council.
5 If it works in Seattle, it should work in New York
6 City. And I'd be happy, as I'm sure my colleagues
7 would to answer questions. Thank you.

9 RICHARD EINHORN: Thank you. It's an
10 honor to be here. Can you hear me? Okay. By way of
11 introduction, I have spent my entire life trying to
12 hear better. I'm a composer whose music has
13 performed at Lincoln Center, at BAM and at other
14 major venues in New York City and around the world.
15 I was a record producer and engineer who worked with
16 some of the finest classical artists of our time
17 including our own New York Philharmonic. After
18 losing most of my hearing to a virus in 2010, I
19 continued to compose, but have also become an
20 advocate for better hearing loss technology. And by
21 the way, I made the hearing loop video example that
22 we saw earlier. I am now on the board of the Hearing
23 Loss Association of America rich with an unbiased and
24 unceasingly active voice, speaks for the needs of the
25 48 million Americans with hearing loss. Ladies and

1 gentlemen, trust me, you do not want a hearing loss.
2
3 It is difficult to describe how hard it is to stay
4 connected to the world if you can't hear what someone
5 is saying to you, and what is going on around you.
6 It is not only an incredibly isolating and
7 frustrating condition but much, much more. Put
8 simply, hearing loss is a very serious and often a
9 major disability. For people with hearing loss, it
10 is simply impossible in many situations to understand
11 spoken words. However, public meetings should not
12 and need not be such a situation, and when it comes
13 to our government, people with hearing loss like all
14 citizens have a moral and ethical obligation to
15 participate. Furthermore, government has a moral,
16 ethical and legal obligation to provide people with
17 disabilities including hearing loss full access to
18 what is being said as it's being said. I speak as
19 someone who is not only familiar with current
20 technology, but who also is actively working to
21 advance the state of the art by developing new
22 connectivity standards and technologies in
23 collaboration with major trade associations and
24 startups. There is no simpler, more dignified or
25 more effective way today to enable people with

1 hearing loss to participate in government meetings
2 than providing them with access to induction or
3 hearing loops. That is why I support Bill 882, which
4 requires that all government meetings for the public
5 be held in a facility equipped with hearing loops by
6 2020.
7

8 Very briefly, hearing loops enable people
9 with the simple flip of the switch to have amplified
10 sound broadcast directly into their hearing aids and
11 Cochlear implants. This enables people to hear the
12 sound far more clearly than over a room speaker
13 system where the room's ambiance no matter how quiet
14 muddies the sound of speech and makes it incoherent
15 for people dealing with hearing loss. For those who
16 do not wear loop compatible hearing aids, a simple
17 neck worn receiver and standard headphones can access
18 the loop's sound. Yes, there are more advanced
19 wireless technologies that loops on the market today.
20 However, most of the current wireless assistable
21 audio technologies I'm aware of are proprietary.
22 That means that they will only connect the brand X
23 hearing aids and not brand Y. Since there are
24 numerous brands of hearing aids, a way to broadcast
25 sound direction to all models badly needed. The only

1 wireless technology that comes close to providing
2 universal access is hearing loops. It is the only
3 non-proprietary system out there and, in fact, it is
4 usually much more reliable than any of the
5 proprietary systems I've tried, and I've tried I
6 believe all of them.

7
8 By 2020, wireless listening technology
9 will sure be significantly improved. Yet, given what
10 I know about industry plans, and I try to follow it,
11 universal access is a very low priority. Hearing aid
12 manufactures are locked into a business model that
13 requires their users to use their own company's
14 hardware. While I would hope that pressure from the
15 consumer electronics industry will change the
16 situation, and lead to the adoption of an open source
17 connectivity standard that is appropriate for hearing
18 loss, there are, of course, no guarantees. And given
19 both the conservative nature of hearing device
20 designers, the long lead time required for hardware
21 product development and the further time needed for
22 new ideas to penetrate the marketplace, it seems to
23 me unlikely that we will see wide deployment of
24 advanced non-proprietary wireless technology any time
25 soon. Therefore, loops. People with hearing loss

1 must have a way to stay connected to their
2 government. Otherwise, they cannot meet their
3 obligations as citizens. Loops are the best assisted
4 technology for public meetings today. Of course,
5 there are no permanent solutions for any serious
6 disability including hearing loss. So, eventually
7 loops will be replaced by a better universal wireless
8 technology, but not for quite a while. Accordingly,
9 it simply makes sense for government to make its
10 meetings available in spaces where loops are
11 installed and properly working. And that is why I
12 support Bill 882. Thank you.

14 CHAIRPERSON COHEN: Okay. I realize not
15 everyone may be able to hear the chime, but we're
16 asking people to keep their testimony to about four
17 minutes. Than you.

18 JANICE SCHACTER LINTZ: [off mic] Hello.
19 [on mic] Hello, my name is Janice Schacter Lintz,
20 and I am the CEO of Access and Innovations formerly
21 known as the Hearing Access Program, which
22 spearheaded most of the hearing induction loops
23 around the city, including the taxis, the subway
24 information booths we saw in the video. I brought
25 these projects from London in museums through

1 theaters. I also sit on various federal, state and
2 city committees appointed by governors FCC
3 commissioners and so forth. I am also the mother of
4 a 21-year-old daughter, who attends Brown with a
5 hearing loss and I myself have auditory processing
6 issues. I am changing my testimony--you have my
7 copy--because I need to address, and I'm sorry. But
8 it is appalling, and there is no word to use other
9 than appalling when a Commissioner who represents all
10 people with disabilities sits at a desk to testify,
11 but doesn't understand hearing also. And also
12 banter around words interchangeably deaf and hard of
13 hearing and types of access as if they're
14 interchangeable on a menu where you pick one from
15 column A and one from column B. That's not the way
16 it works. My testimony has link on a document that
17 was used by the Secretary of Interior of National
18 Park Service on effective access for people with
19 hearing loss. I wrote the guidelines for the entire
20 National Park Service on hearing access. I'm named in
21 the document.

22
23 There is a three-pronged approach for
24 hearing access to have effective access, and when the
25 Commissioner discusses the fact about training, yes,

1 training would be lovely in his officer. There is
2 none and they don't even understand hearing access.
3 Depending on where you are in the spectrum of hearing
4 loss, you need either auditory, visual, or qualified
5 interpretation. And also, I'm a lawyer by training.
6 The Commissioner is not. You need visual meaning
7 CART, the auditory being an induction loop.
8 Qualified interpretation being a sign language. So
9 if you have no hearing loss, then you probably are
10 going to use the CART. I mean if you have normal
11 hearing loss and not wearing a hearing aid, you're
12 going to use CART. If you have a mild hearing loss
13 wearing hearing aids, you're going to use an
14 induction loop. If you have a more severe hearing
15 loss, you might use both CART and the Loop. And at
16 the point where you lose your complete hearing, we
17 are either going to use CART or if you were born
18 without hearing, you're going to learn sign language.
19 An older adult is not going to learn sign language.
20 All three are not interchangeable. If you have
21 residual hearing, you want to hear, contrary to what
22 the Commissioner believes. Because that's why we
23 don't go to silent movies. If we did, we would have
24 more than one movie in 25 years that was a silent
25

1 movie. The Artist was it. We don't because we want
2 to hear. It's faster communication. There's life.
3 There's feeling. That's why the deaf community likes
4 sign language. It has feeling. It has emotion. You
5 can't read that when you're reading a screen. You
6 can also look at CART and look at you or me when
7 we're speaking. You want to see the person's face,
8 and you're relying on their--on their lips and their
9 whole feeling to exude that. You can't do that. To
10 think that those two--three things are
11 interchangeable is frightening, and I would like to
12 think that 25 years after the ADA we're not still
13 having this conversation. And also the term deaf and
14 hard of hearing. There's a medical difference
15 between the two. Deaf you can't hear. Hard of
16 hearing, you have residual hearing. The two, again,
17 not interchangeable. When we talking about monies, I
18 wonder if the Commissioner would feel the same way
19 about curb cuts for his wheelchair. Should we start
20 telling the Department of Transportation we can't
21 afford the curb cuts any more, or the little dots
22 we're now starting to see around the city for people
23 with visual impairments Of course, but somehow
24 because hearing loss is an invisible disability--you
25

1 have a link to my article in Forbes Africa and Huff
2 Post on Hearing Loss the Forgotten Disability.
3 [bell] That's why we don't see it because it's
4 invisible. So it's easy to forget about. It doesn't
5 make anything less. Induction loops and the three-
6 pronged approach are the ramps for hearing access,
7 and we cannot take one away unless we're taking away
8 ramps and curb cuts. I--somehow the Commissioner was
9 able to roll into here, but he's telling the people
10 on this panel and my daughter sorry, you don't need
11 to hear. That is simply patently offensive, and
12 frankly, at this point I think he should be removed
13 fro his job. I have been battling the city for 13
14 years. I pre-date everyone on this panel, and I can
15 personally tell you if it took advocacy it would done
16 by now because if I can change as much as I've
17 changed around the world, I would change this. The
18 City Council has been a thorn in my side. It's
19 impossible. Museums around the city are being built
20 without hearing access, and if I wasn't the sheriff
21 in this city on hearing access, trust me there would
22 be zero hearing access. And part of the problem is
23 MOPD. It has been totally unrecognized, and even the
24 recent loop that was installed was done without using
25

1 standards, and so it didn't work and a giant box was
2 installed on the wrong, which is complete improper
3 installation. It was done, by the way, without a bid
4 process, which while it may meet the threshold, it is
5 very deeply concerning that it was given to someone
6 because he was annoyed at me. And this is not the
7 way we run this city. Our city is one for all, and
8 should have complete transparency. And I hope I'm
9 here for all questions. I have done all the
10 projects--major projects in the city. I'm happy to
11 answer all your questions.

13 CHAIRPERSON COHEN: I do appreciate your
14 testimony. We do have three more panels. So we'll
15 see all your questions. Thank you very much. Thank
16 you. Okay, Dr. Barbara Weinstein, Donna Guard, Ellen
17 Polary or Polivy. I'm not sure how you pronounce
18 that. Monica Barley and that's it.

19 [background noise, pause]

20 DR. BARBARA WEINSTEIN: Thank you very
21 much and Mr. Cohen and Ms. Rosenthal, thank you very
22 much. It's certainly--it's obvious that you have a
23 commitment to this bill and to persons with hearing
24 loss and other disabilities. My name is Barbara
25 Weinstein, and I have been a professor audiology for

1 35 plus years. Upon earning my Ph.D. from Columbia
2 University, I joined the faculty as a Clinical
3 Supervisor, and then transitioned to the City
4 University of New York where I'm tenure professor
5 having served as Founding Executive Officer of Health
6 Sciences and Doctor of Audiology at the Graduate
7 Center, the flagship of CUNY. I have mentored close
8 to 60% of audiologists working in the New York
9 Metropolitan area, and over the years I've had
10 considerable opportunity to engage in research on
11 hearing, the negative effects of hearing loss, and
12 efficacy of innovative hearing care solutions.

13 Hearing loss, a silent epidemic is the most frequent
14 sensory deficit in human populations, and is the
15 second leading cause of years living with a
16 disability globally. Hearing loss impacts every
17 facet of life including physician-patient
18 communication, and fear of falling, cognitive
19 wellbeing and even increasing the risk of death.

20
21 There is a stigma associated with hearing
22 loss such that most persons with hearing loss do not
23 purchase hearing care solutions and, therefore, they
24 are unwilling--unwittingly missing important
25 conversations. Ironically, the hearing impaired do

1 not know what they are missing. So it is often
2 difficult to be an advocate. Further, those with
3 significant hearing loss often avoid going out
4 because of the fatigue, frustration and anxiety
5 associated with not being able to communicate in
6 noisy and reverberant venues such as large meeting
7 rooms, restaurants, auditory, et cetera. These
8 spaces are by definition a nightmare for persons with
9 hearing loss unless they are looped. In fact, a
10 recent report revealed that when asked to rate on a
11 scale of 1 to 10 the performance of the hearing aids,
12 the average response was 4.9 in a room that was not
13 looped as compared to 8.7 in a looped environment.
14 Hence, loop technology dubbed a technological godsend
15 by David Myers has the potential to transform the
16 lives of tens of millions of Americans who want to
17 remain physically active and contribute to society.
18 Similar to how wheelchair ramps and taxis, buses and
19 most public spaces assure accessibility. Hearing
20 loop technology is dignified and cost-efficient and a
21 way to provide benefits that even the most expensive
22 hearing aids cannot deliver. Loops would eliminate
23 the need to distribute, maintain and upgrade assisted
24 technologies, which stigmatize persons with hearing
25

1 loss. In closing, I would like to remind you of how
2 beautifully--[background comments]. Do you have
3 difficulty hearing me? Okay, so I just want to get a
4 feel for what it's like to be hearing impaired or
5 deaf. Helen Keller summed up sensory deficits very
6 poignantly. Blindness separates people from things.
7 Deafness separates people from people. You may also
8 recall reading that hearing nothing Beethoven had to
9 be turned around to see the tumultuous applause at
10 his premier of his Ninth Symphony. Passage of Bill
11 882 requiring that all government meetings open to
12 the public be held in a facility with hearing loops
13 by 2020 would appropriately communicate to the world
14 that in addition to being a finance, design and
15 fashion capital of the world, New York can model for
16 the nation that hearing is not a privilege. It is
17 not an immunity granted as a peculiar benefit to some
18 and not others, but it is a right. And a side note I
19 would just like to comment on the value of FM systems
20 because it was mentioned that FM systems are not
21 necessarily appropriate. I could tell you personally
22 that I had the experience with a hearing impaired
23 patient who I was testing. She fell. She was
24 bleeding. We called the EMT person in, and she
25

1
2 couldn't [bell] understand the EMT person because of
3 the severity of her hearing loss. I gave the EMT
4 person an FM system, and he was able to save her
5 life. We almost lost her because she couldn't hear.
6 So I would advocate the EMT people all be--have an FM
7 system as part of their own material. Thank you.

8 DONNA GUARD: Am I next?

9 CHAIRPERSON COHEN: Please.

10 DONNA GUARD: Well, my name is Donna
11 Guard. I'm here because I'm here to support the bill
12 882. I'm--I'm an early deaf person. It's just this
13 year, and I need all the help that I can get, and I
14 get it from my--the Hearing Loss Association in New
15 York, and I want to get it from New York. I thank
16 you for having this--this hearing. Thank you for
17 hearing us all, and all these wonderful people who
18 are saying we need to fight. Thank you.

19 [microphone feedback, comments, pause]

20 I am here to--I am here to speak on--
21 speak to Bill 882 requiring the looping in public
22 meetings by 2020. [background noise and comments]
23 Do you mind if I sit over here? Okay.

1
2 CHAIRPERSON COHEN: We're getting some
3 feedback. Okay. Just--everybody just relax for a
4 second. We're going to try to fix it.

5 [background comments, pause]

6 ELLEN POLIVY: My name is Ellen Polivy.
7 I'm a member of Community Board 8, and I'm active
8 participant in civic life on Roosevelt Island and
9 around New York City. I've been in this room many
10 times, and I can say that I can't hear in this room.
11 The sounds--sounds--everybody sounds mumbly. Despite
12 the speakers, I can't hear. The speaker system is
13 very fuzzy sound probably because of the high
14 ceilings. I have worn hearing aids for the last 30
15 years, in part because of sound exposure in New York
16 City, and I am not alone. The National Institute on
17 deafness and other communications disorders says that
18 15% of the population has some form of hearing loss.
19 With 8.5 million New Yorkers this means that there
20 are approximately 1-1/4 people--or a quarter million
21 people who are being disadvantaged in civic life due
22 to their hearing loss. I would guess this number is
23 far higher than that in New York City because of our
24 unremitting exposure to our laws.

1
2 Here is my experience being on many
3 civic--civic boards. Civic life with hearing loss is
4 difficult and frustrating. I have the top hearing
5 aids with all the bells and whistles, but hearing
6 aids are only good for 10 feet, and then the sound
7 degrades. Rooms vary with acoustics, residents'
8 reflections, and by the time the sound hits your
9 ears, it has gotten distorted by the furniture, the
10 walls, the people, and has been mixed with other
11 extraneous noises. Speaker systems vary in quality
12 with low--with some having mushy unclear sound, and
13 loud speakers are best if you sit right in front of
14 them, but it's usually my best guess where in the
15 room the best sound will be coming from, or where the
16 majority of the people speaking will be so that I can
17 lip read. By the time the meeting starts if I
18 haven't guessed correctly, it's usually too late to
19 move to a new seat. For spectators the sound is
20 usually much worse than sitting around the table, and
21 I have actually run for president because I couldn't
22 hear in the peanut gallery so I wanted to sit at the
23 front. [laughter] All that maneuvering just to be
24 able to hear. Sometimes I'm around the table or in
25 front of the room so I'm the one who can hear, but

1 not always. But for many people with hearing loss,
2 poor sound systems in the civic environment is a deal
3 breaker for them. They just don't bother to
4 participate. People with hearing loss have as much
5 to contribute as anyone else. Shame on us as a city
6 that in this age of ADA we have still not been
7 accommodating a large section of our population.
8 Looping gives us that opportunity to rectify this
9 deficit. It is a relatively inexpensive fix. Once a
10 room is looped with a simple induction wire leading
11 to an amplifier it solves the problem. With looping
12 sounds broadcast by the wire--and everybody else has
13 explained it so I don't need to repeat it--we can
14 hear just like everyone else because the sound goes
15 through the hearing aid. Headsets can also be use
16 for those people that don't have hearing aids. So no
17 more choosing between reading lips or sitting in the
18 front of the loud speaker. It is time that our city
19 gives us all the--all, the ability to be fully
20 involved. [bell] Thank you.

22 MONICA BARTLEY: Good afternoon. My name
23 is Monica Bartley. I am the Community Outreach
24 Organizer with the Center for the Independence of the
25 Disabled New York. I'd like to thank the committee

1 for having me here this afternoon to testify. Let me
2 begin by discussing circumstance on the requirement
3 that city agencies use venues that have inducted
4 loops for meeting or hearings. CIDNY is very
5 supportive of induction loops. We have a few staff
6 as well as consumers who use hearing aids, and we are
7 installing induction loops this year in our offices
8 in order to make all of our meetings, workshops and
9 other events fully accessible to everyone. So
10 requiring city agencies to have meetings in spaces
11 that have permanent induction loops by 2020 is more
12 than reasonable and allows ample time. CIDNY is
13 concerned about the Mayor's Office for People with
14 Disabilities' authority over approving waivers for
15 this regulation. What standards will MOPD set to
16 determine waivers? Who will be setting the standards
17 for MOPD? Will they use the ADA standards undue
18 burden that would allow for a waiver? It is unclear
19 why any city agency would receive waivers, and be
20 able to hold public hearings or meetings in places
21 that do not have permanent induction loops. If it
22 means that they can only hold meetings in specific
23 places that are accessible in other ways, but that
24 may charge a fee, it should be allotted for in the
25

1 agency's budget. Alternatively, given possible fees
2 for meeting space, it seems logical that the city
3 should pay for induction loops in designated meeting
4 spaces for each agency.
5

6 CIDNY applauds the amendment of Intro
7 883, which requires advertising and other materials
8 pertaining to public events. CIDNY has heard from
9 consumers that often they to go an event and because
10 they are not informed about accessible entrances to
11 the building, have difficult--difficulty entering.
12 Consumers who are deaf and who have no information on
13 how to request interpreters find they are unable to
14 communicate at city meetings because there are no ASL
15 interpreters. Finally, CIDNY supports Intro 881.
16 This mandate encourages--and encourages all employees
17 in this position to be versed in the New York City
18 and New York State's Human Rights Law, which also has
19 protection for people with disabilities. Thank you
20 very much.

21 CHAIRPERSON COHEN: Thank you. Ellen
22 Polivy, am I saying that right? Polivy?

23 ELLEN POLIVY: Polivy.

24 CHAIRPERSON COHEN: Polivy. I was just
25 curious if you have a second to talk about your--you

1 know, I was a community board member, and access to
2 the meetings was an issue, but access on a variety of
3 levels, geographic access. You know, a community
4 board can be very geographically large, and we tried
5 to move around to making sure that every--I don't
6 know if, you know, on City Island--on Roosevelt
7 Island that may not be as much of an issue. I don't
8 know.

10 ELLEN POLIVY: I'm on the--I'm on the
11 Upper East Side Community Board which moves around.

12 CHAIRPERSON COHEN: Oh, so moving around
13 may be an issue. How do you--how do you think you
14 can balance those concerns?

15 ELLEN POLIVY: Well, I think the--
16 somebody--I think it was Commissioner made a
17 suggestion that--that there could be some requirement
18 that meetings held in non-public--that used non-
19 public spaces like, you know, a private or a not for
20 profit could be required to--the city agency could be
21 required to loop that space, and the non-public space
22 could be required to accept it. For instance, we use
23 the--we use the Blood Center frequently. We use, um,
24 we--we use Lenox Hill Hospital, which should be
25 looping their auditorium, if it's not already looped.

1
2 And we move around. We use some of the senior
3 centers, all of which could be looped and would
4 benefit everybody in the--who uses those--those
5 auditoriums. So it would actually spread the benefit
6 of this bill to allow us to loop non-public spaces
7 along with public spaces.

8 CHAIRPERSON COHEN: Thank you for your
9 testimony. [mic feedback] Well, I was asked to
10 remind anybody who came late if you intend to
11 testify, you need to sign up. Okay. Leo Garrison.
12 Jarron Park, Debra Grief, Robert Zamora or Roberto
13 Zamora.

14 [pause]

15 CHAIRPERSON COHEN: Whatever order you're
16 comfortable do.

17 JARRON PARK: Good afternoon, Council
18 Members. Can everyone hear me here? Thank you. I'm
19 recovering from Bronchitis so my voice is a little
20 scratchy. I'm Jarron Park. I'm a New York City
21 employee with a hearing disability, and I'm here to
22 speak on behalf of my fellow New York City employees
23 and the struggles that we face everyday performing
24 our jobs in spaces that don't accommodate our
25 disabilities. So I thank you for the opportunity to

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1 speak in support of these pieces of legislation. I
2 come to you as a New York City resident living with
3 hearing loss, and as an employee of the New York City
4 Department of Health and Mental Hygiene, I'm not here
5 speaking on behalf of the department. So I want to
6 make that clear. I'm here as a private citizen. I'm
7 urging you to take the city--make the city more
8 accessible to people with hearing disabilities
9 especially those with the invisible disability of
10 hearing loss by co-sponsoring and voting for these
11 pieces of Legislation. Two years ago, due to a viral
12 infection Layrinthitis, I lost all hearing in my
13 right ear and only had partial hearing in my left. I
14 went to bed one night with brilliant hearing, and I
15 woke up the next morning with next to none. I've
16 struggled and lived with HIV since 1981. I'm an AIDS
17 activist. So I know what the collective voice of
18 people do to change things. I'm a new activist now.
19 I'm an activist for people with hearing disabilities.
20 Since that time, I've lived--learned to live with
21 hearing loss using assisted hearing devices, and
22 enhanced what limited hearing abilities I have. And
23 that is why I am a strong supporter of the use of
24 assisted listening technologies such as loop hearing
25

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1
2 systems as recommended in Introduction 882. I've
3 worked in city government for 25 years in the Health
4 Department since 2003. I served under Mayor Ed Koch
5 as a Coordinator for the Office of LGB concerns. I
6 continued in that capacity under Mayor Jenkins. I'm
7 very familiar with these spaces here. I joined the
8 Mayor Giuliani Administration in working in the Office
9 of AIDS Policy Coordination, and serve as the
10 Director and the Community Co-Chair of the HIV Health
11 and Human Services Planning Council of New York under
12 Mayor Bloomberg and de Blasio. In that capacity, I
13 oversee a Mayorally appointed body of 45 members. WE
14 are charged annually with \$100,000 budget to provide
15 services to underserved people living with HIV. In
16 that capacity, I facilitate over 125 public meetings
17 a year. Those meetings take place throughout the
18 city in all five boroughs, Westchester County,
19 Rockland County and Putnam County. I sit at the
20 front of the room like you with push-to-talk
21 microphones. All of the meetings that I conduct and
22 my staff conducts are public. Sometimes as small as
23 ten people, sometimes as large as 120. With my
24 hearing disability it's difficult for me do my job.
25 We use push-to-talk microphones. We spend \$100,000 a

1 year to provide amplification systems in these
2 meetings. My staff has worked very closely with me,
3 and we have sign language interpreters upon request.
4 I'm actually enrolled in sign language school, and I
5 will be starting next Wednesday. [bell] In that
6 capacity--as an employee with hearing loss, I can
7 tell you that public meeting spaces in government
8 facilities at universities, in schools, auditoriums,
9 conference room, training rooms even with traditional
10 amplification systems pose difficult listening
11 conditions for hearing impaired people.
12

13 As proposed in Introduction 882, the
14 installation of induction systems in city facilities
15 are bringing an enhanced listening environment to
16 thousands of city employees and members of the public
17 who use these spaces for work, to attend public
18 meetings, to take a class or training. I know at the
19 Health Department that I've advocated for the
20 introduction of loop hearing systems in our large
21 public auditoriums. We train hundreds of people a
22 week at the Health Department. The preeminent health
23 department in the nation and in the world and there
24 is not an induction loop system in that building.
25 That building was designed five years ago. It has

1 ramps for wheelchairs. There is Braille on elevator
2 buttons for blind individuals, but there is no
3 thought given to the hearing impaired employees that
4 work in that building, the hearing impaired public
5 that come there for training and certification and
6 licensing. Eight months ago, I filed an application
7 for an accommodation insisting that these systems be
8 installed in the training rooms where we train the
9 public as well as in the conference rooms. No action
10 has been taken. I was overjoyed to see your
11 legislation. Thank you so much for the work that
12 you've done, and I encourage your support.

14 [pause]

15 LEO GARRISON: We were fighting over who
16 was going last. Thank you for the opportunity to
17 letting me speak today. My name is Leo Garrison, and
18 I am the Senior Designer along with the owner of
19 Metro Sound Pros. We have been an audio/video and
20 control system integration company for over 15 years.
21 I have been fortunate to be the company that has
22 installed the induction loop systems into the Nita
23 Lander (sic) Organizations, three theaters that are
24 looped, the Lincoln Center, Bank of America, Capital
25 One, All-In New York, the Intrepid, Rockefeller

1 University, the Bronx Zoo, et cetera. And it's truly
2 history changing. One project, the Intrepid was
3 deemed the second most complicated induction system
4 in the world, and I'm just really proud of everybody
5 that has been moving forward with advocating and
6 coordinating to having New York be one of the posters
7 of success with induction loops. We--what I'd like
8 to speak on is what seems to be one of the most
9 challenging decisions is the technologies as they
10 advance, where they've been and where they are now.
11 Induction loops have been around since 1937. They
12 were starting to come to the public in the '70s. The
13 manufacturers were not there yet. So the systems
14 that got installed did not accommodate what was
15 needed. Recently, a few years ago, they--New York
16 and via the advocates was able to bring this
17 attention to the public, and we were fortunately
18 already established as an induction loop installation
19 company. So when it went public we were getting
20 close to 40, 50 calls a day for over two to three
21 weeks. of just what is an induction look? What is a
22 hearing loop? What is--? We heard tons of
23 different things. So, what I wanted to advise is
24 there are only a handful of different technologies.
25

1
2 There is radio frequency, which is what this facility
3 currently has. There is infrared systems, which is
4 very widely used on Broadway. There is the inductive
5 system, also known as hearing loop. There are now
6 starting to be Wifi systems as we've heard
7 previously, and there's also Bluetooth. The RF
8 systems unfortunately in this day and age, the FCC is
9 selling lots and lots of frequencies, and we are
10 losing our frequencies in the city, which happens to
11 be a very popular city for wireless mics. We did a
12 study at the Ed Sullivan Theater when they had
13 upgraded their system to an RF because the room could
14 not accommodate loop, and we had found that within a
15 week, every single frequency was used in the entire
16 band of frequencies. So, including the quote
17 dedicated frequencies for FM systems. Infrared
18 systems works just like your remote control for
19 television. The remote control when you aim it at
20 your television you can turn the TV on and turn it
21 off. When you slightly change the aim at your remote
22 control, you can't turn the television on. The same
23 thing goes for an infrared system. So if somebody is
24 in a theater watching and listening if they turned
25 slightly the sound changes. If they happen to tie

1 their shoe, they lose signal. If they turn to the
2 left and talk to somebody, they lose signal. If they
3 turn to the right, they lose signal. The only reason
4 infrared got really popular in the city was due to
5 [bell] encryption so it could not be hacked into, and
6 they were afraid of their shows being recorded.
7 Bluetooth we know has distance limitations, but it's
8 also complicated to connect to. As I mentioned
9 previously, there is an older population that needs
10 to use the systems. Very hard for them to--to get
11 Bluetooth to work. The same with Wifi. You would
12 need a phone if you need to use Wifi. You'd have to
13 download an app and get the app onto a certain
14 network within the facility. So, induction loops and
15 all those technologies, as I said previously, require
16 a device. They need a device, an ancillary device
17 that someone has to have or use. Induction loops
18 they need--almost 75% of the people that could use
19 them do not need to ask for anything, wear anything.
20 All they have to do is see the sign and switch. It's
21 un-segmenting, and currently I am in support of 882.
22 Thank you.

24 [pause]

25

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1
2 ROBERTO ZAMORA: Good afternoon,
3 honorable City Council Members. My name is Roberto
4 Zamora. I am very proud to serve as the president of
5 the student organization for Disability Awareness
6 Soda Club a Queensborough Community College and as
7 well as the Treasurer of CUNY Coalition for Students
8 with Disabilities, CCSD, the representative
9 organization of CUNY for more than 9,000 students
10 with disabilities. CCSD's mission is to improve
11 access and opportunities for students with
12 disabilities in all aspects of the university and the
13 community life through stanch advocacy and vigorous
14 civic engagement. CCSD regards our engagement with
15 the city government and city agencies as crucial to
16 our ability to promote the full participation of
17 college students with disabilities and all aspects of
18 city life. For this reason, we strongly endorse the
19 hearing legislation introduced by the honorable City
20 Council Member Rosenthal that promotes equal access
21 of hard of hearing people attending events, meetings
22 held or sponsored by the city and interacting with
23 city agencies. Indeed, we regard hearing loops as
24 among the most inclusive empowering ways to ensure
25 the full participation of CUNY's hard of hearing

1 students, and urge the city to appropriate the
2 funding necessary to support the installation of
3 hearing loops systems in city governments and meeting
4 facilities by 2020. Thank you for your consideration
5 of this important issue that affects CUNY hard of
6 hearing students. Thank you and have a nice day.

8 DEBRA GREIF: Good afternoon. Thank you,
9 City Council for having this hearing. My name is
10 Debra Greif. I am the Secretary of the 504 Dems. I
11 am the Chairperson of the Brooklyn Family Support
12 Services Advisory Council. That means I represent
13 families, which have children with developmental
14 disabilities. I am also the representative to Albany
15 for the Advisory Council for the Statewide Advisory
16 Council. I am also the child of a person who passed
17 away with disabilities. My late mother, Bernie, had
18 a hidden disability. She had a heart condition, but
19 she never let her disability get in her way or stop
20 her from living. She--though she would have loved to
21 have seen society more accessible as well as better
22 education--better educated because we both found and
23 still find my younger brother, Jay, who has
24 emotional, physical, as well as my son, Christopher,
25 that too many people are uneducated. When I was on

1 the Brooklyn Borough President's Committee for
2 Accessibility Issues and Disabilities, we did a piece
3 called What's Your Disability IQ? We'd love to see
4 that implemented into the New York City Department of
5 Education, but we also want to see it go from pre-
6 school up to college because most people are not
7 educated on what different disabilities. I am in
8 favor of all the intros. I would like to make sure
9 they will be ADA coordinator or coordinators that
10 are--because you should maybe have two in each agency
11 because a person does have the right to get sick, you
12 know. Or, if they're a parent and their child gets
13 sick, or if their child has developmental
14 disabilities and has one of their meltdowns, and
15 their schools says you have to go get them, you have
16 to go get them. But what I would like to see is
17 better education. I like to tell you I'm a member of
18 my local Community Board 15 in Brooklyn. My son,
19 Christopher, who happens to be developmentally
20 disabled, has--is a member of the New York City
21 Riders Council, the Brooklyn Borough President's Rep.
22 He's also a special ambassador/congressperson to the
23 Special Olympics as well as on our Council. We have
24 allowed him to be because he asked, and was voted in.
25

1 He's the corresponding secretary and on the Provider
2 Council known as the DV Council in Brooklyn. He is
3 the secretary and was previously the vice chair term
4 limited. Okay, Christopher does go with me to many
5 civic. Both of us have auditory processing. I'm not
6 as severe, but I do have a 30 to 40% hearing loss in
7 my right ear. Due to the fact that my son has to get
8 so much speech therapy, what we used to do--and my
9 chairperson understanding my son's disability. He's
10 allowed to sit with the Community Board members
11 upfront because if he sits in the back he hears
12 chatter. So what he was taught is to follow the
13 person's face, and knows which ear is going to be
14 better. I would like to see that all 59 Community
15 Boards understand when persons make that request for
16 accommodation, they're honored. I would like to also
17 see that all civic, whether precinct councils,
18 community boards, all types of community members who
19 get even one penny from New York City, State of the
20 federal government are required by law to be totally
21 truly fully accessible. That means don't put a so-
22 called sign and then expect the person to figure out
23 where the ramp is. My son got messed up very badly
24 in Staten Island because he couldn't figure out where
25

1 the accessible entrance is to their borough hall. He
2 can figure out Brooklyn. He can figure out here and
3 even the Bronx and Queens. They're not Staten
4 Island. They're still a member of the city, and I
5 also want to make sure that all the--the person that
6 Edith mentioned she and I use the same state senator.
7 See, he usually might or he may have a few accessible
8 meetings. But you know, what, if you want--if you
9 are going to do these civic meetings and you want to
10 have town hall, it has to be truly accessible. If
11 you physically can't then set up something with Skype
12 where we can sit at home and click in. [bell] When
13 I go update, if I'm too ill to make it to the
14 statewide, I can sit in front of the computer screen
15 and talk and they see me. And I'm able to get my
16 point across and I hear everything. So we need to
17 start doing that with all the civil needs. One other
18 thing, my name is spelled G-R-E-I-F pronounced Grife,
19 and my first name is D-E-B-R-A. I'd like my legal
20 correct used. Thank you.

22 CHAIRPERSON COHEN: Thank you for your
23 testimony.

24 DEBRA GREIF: Thank you.

25

COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL
DISABILITY, ALCOHOLISM, SUBSTANCE ABUSE
AND DISABILITY SERVICES

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1
2 CHAIRPERSON COHEN: Okay. One, I want to
3 acknowledge we've been joined by Council Member
4 Crowley. I think we are losing the CART at this
5 point. We are losing the CART at this point. I
6 really want to thank Lauren Schacter for her services
7 here. They were very, very impressive. So thank
8 you. We have one final panel.

9 COUNCIL MEMBER ROSENTHAL: Also Tyler
10 (sic) you've been on non-stop.

11 CHAIRPERSON COHEN: Right.

12 COUNCIL MEMBER ROSENTHAL: Thank you.

13 CHAIRPERSON COHEN: I said we're going to
14 do two panels of three. Valena Cole. I'm not sure
15 how to say this or which way actually. The last name
16 is K-O-L-I-O I think. I don't know.

17 COUNCIL MEMBER ROSENTHAL: [off mic] Her
18 name is Velana?

19 CHAIRPERSON COHEN: Velana. Okay. Lester
20 Mars, In--this is one also--Ingrid, I think, Ingrid
21 Hope, maybe. [background comments, pause]

22 COUNCIL MEMBER ROSENTHAL: Lauren had
23 another engagement that she has to go to. So we
24 truly appreciate her being here and it's with
25

1
2 apologies that she has to go. This is reality and
3 we're all learning from it.

4 [background comments, pause]

5 CHAIRPERSON COHEN: Did I get everyone?
6 Because that maybe--Joan Peters, Jana Owen and Alex
7 Elegudin. Okay. [background comments] Are we
8 ready? Whatever order. You need to use the mic.

9 ELENA KOLICH: Okay. Good afternoon,
10 everyone. My name is Elena Kolich (sp?) and I am a
11 Fellowship Attorney with Disability Rights Advocates.
12 DRA is one of the nation's leading non-profit legal
13 centers for disability right, and DRA's mission is to
14 secure equal rights and opportunities for people with
15 disabilities. And because participation in
16 government is the mainstay of those rights and
17 opportunities, DRA strongly supports passage of Intro
18 882. We think that this bill would take a very
19 important step towards ensuring that New York City
20 residents with hearing loss have an equal opportunity
21 to participate in the fundamental civic activity that
22 is participating in City Council meetings and hearing
23 and it would do so by mandating induction with
24 hearing systems in each room where those activities
25 occur. Currently, hearing loss assisted devices such

1 as the hearing aid and the Cochlear implants are
2 unable to distinguish between the speech of a meeting
3 participant and the competing background noise. And
4 as a result, it is virtually impossible for a person
5 with hearing loss to follow let alone take an active
6 part in these local government activities that are
7 open to the public. A hearing loop installation
8 would largely remedy this problem by transmitting
9 audio signals from a speaker's microphone directly
10 into the assisted device. And what's more, this
11 accommodation can be provided at a reasonably low
12 cost making the installation of the loop a
13 quintessential example of the reasonable
14 accommodation the ADA mandates. Without induction
15 loop hearing assistance, persons with hearing
16 impairments will remain unable to meaningfully
17 participate in public meetings held by the City
18 Council. This exclusion is discriminatory and denies
19 these individuals a basic civil right to take part in
20 processes that are a hallmark of our country's
21 democratic system. DRA urges the Council to
22 immediately act to end that exclusion by voting in
23 favor of the vital remedy proposed in Intro 882.
24 Thank you.
25

COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL
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2 JOAN PETERS: Good afternoon, Council
3 Members. I'm Joan Peters, Executive Director of
4 Brooklyn Center for Independence of the Disabled.
5 I'd like to thank the Committee for allowing me to
6 share the views and opinions of our board staff and
7 consumers. BCID is a non-profit organization
8 controlled and operated by people with disabilities
9 for people with any type of disability throughout New
10 York City. We'd like to thank Council Member
11 Rosenthal for her leadership in making city services
12 more accessible to people with disabilities.
13 Overall, we'd like to voice our support for these
14 bills, but we did want to bring a few issues to your
15 attention. As discussed before, Intro 881 regarding
16 ADA coordinators in city agencies, we would like
17 clarification of the terms qualified and
18 knowledgeable. I would also wish to emphasize that
19 not all disabilities are physical. The ADA
20 coordinators need to be familiar with addressing the
21 concerns of people with psychiatric and cognitive
22 disabilities as well. With respect to 882, we fully
23 support the use of assisted listening technology at
24 all public meetings. However, a cross-disability
25 agency that works with people with all types of

1 disabilities, we believe that people with all types
2 of disabilities should have full access to public
3 meetings in New York City. With respect to Intro
4 883, we have some issues with the specific language
5 as well as a broader concern. The fact that a
6 location is wheelchair accessible should be on the
7 promotional material, but from the way the Intro is
8 worded, it looks like wheelchair accessibility is
9 something that could be requested. Obviously,
10 generally it can't be. I did want to bring your
11 attention to that. Also, the proposed bill applies
12 to events open to the public where the capacity is 25
13 or more. We believe that promotional materials for
14 any of event open to the public that is hosted by New
15 York City should be subject to these requirements
16 that there shouldn't be the 25 minimum. Again, our
17 larger issue is that we believe all city sponsored
18 events open to the public should be held in
19 wheelchair accessible locations. Thank you for
20 holding this hearing, and for your attention.

22 LESTER MARKS: Good afternoon. My name is
23 Lester Marks. I'm Director of Government Affairs at
24 Lighthouse Guild. Lighthouse Guild provides a full
25 spectrum of integrated vision and healthcare services

1 to people who are blind and vision impaired, and have
2 multiple disabilities. And we're proud to be
3 represented in the City Council by Council Member
4 Rosenthal. I'm here today, and I want to express the
5 agency's support for the four slated bills today.
6 Obviously, they take a significant step forward, an
7 important step forward in ensuring full accessibility
8 and full access for people with disabilities to city
9 government. With respect to Intro 881, I think it's
10 been said a couple times today we certainly hope that
11 we can amend it and include some specific
12 qualifications to ensure that there is consistency
13 from agency to agency, and that there is, you know,
14 at least a basic line of knowledge for each
15 individual who is established as a coordinator in
16 each agency. And obviously, this is something the
17 more details we could put it into I think the
18 legislation--the better off the Council. It can
19 ensure that for, you know, this administration or
20 administrations for years to come that that role, you
21 know, remains consistent and the same and effectuated
22 with change. But I think, you know, the intent of
23 this legislation and body. So I would hope that and
24 welcome, you know, working with the Council to make
25

1
2 sure that the qualifications are as specific as
3 possible. And I also think it's important--Somebody
4 reference the ADA and, you know, applicable state and
5 city laws, because it's not just the ADA that we're
6 talking about here. There are state laws that need
7 to be followed, and some city laws as well. So it
8 represents such an important part of an agency, and
9 I think Council Member you--you mentioning
10 Commissioner Quemel Arroyo and New York City DOT he's
11 a fine example of what I hope this--this position
12 will--will look like in each agency because, you
13 know, at lighthouse we work with DOT on a number of
14 issues and he has been front and center, and he's
15 with the Commission. You're right, and the
16 Commissioner respects him and he has the authority to
17 make decisions. And I think the more specificity--
18 and I was afraid to say that word because I was going
19 to mess it up--but the more specifics we can get into
20 the bill I think we can ensure that that coordinator
21 has the same role in all agencies and it's not just
22 somebody that, you know, an agency designates because
23 they have to. So I would implore that we--we--we
24 work on that.

1
2 The second thing I would add is the
3 access bill, Intro 883. I think it's an important
4 one and we have to provide information to individuals
5 who are visually impaired, and we--and we have to
6 consider that there's a range of vision loss, and
7 everybody as we've heard here from the various
8 different groups that have testified, experiences and
9 uses visual information definitely. So somebody
10 might not have any sight, and there's no light
11 perception, as opposed to somebody who might need
12 information in large print as opposed to somebody ho
13 might need information in Braille. So I think that
14 it's really important that we make sure that we are
15 providing information in whatever format, an
16 individual wants and that Braille is not just the
17 check-off box, you know, covering, you know, visually
18 impaired or blindness. And the other thing I would
19 also want to mention is it's also important to get
20 the information for the meeting out to somebody
21 before the meeting. So if there's Power Point
22 presentation that's taking place in a meeting, make
23 sure that the individual whose blind or visually
24 impaired has the ability to get that Power Point
25 presentation prior to the meeting. Or, whatever

1 material might be handed out or discussed that that
2 information is available prior to the meeting because
3 that will absolutely ensure, you know, full
4 participation. So I thank you and we look forward
5 to working with you.
6

7 [background noise, pause]

8 ALEX ELEGUDIN: Hi. Good afternoon. My
9 name is Alex Elegudin, and I'm here in support of all
10 three bills that are before the Council today.
11 Specifically, I will testify more so to Bill 881.
12 I'm actually an attorney. I have been an attorney
13 for quite some years. I've worked in various
14 courthouses at both city and state level, and have
15 lots of experiences in terms of navigating city and
16 state agencies in terms of from the employment side
17 and as an advocate as well. I left fully practicing
18 the legal field although I'm still an admitted Bar
19 attorney, three to four years ago to start a non-
20 profit organization called Wheeling Forward, and we
21 do a lot of work in helping people with disabilities
22 with many advocacy issues, specifically newly injured
23 with disability helping them transition and find
24 community--long-term community based services and
25 things of that nature. One of the populations we

1 work very closely with is the nursing home
2 population, people who are in nursing homes because
3 they become disabled and cannot find housing or other
4 issues. What I think that bill not only from a legal
5 aspect, but also in terms of the people who are
6 having difficulty accessing services in the community
7 and housing what really one represents or works
8 towards is, you know, what we know as attorneys as
9 Olmstead. And to allow people with disabilities to
10 be in the most integrated setting. And where I think
11 that plays a role or a very big role is if you had
12 ADA coordinators across city agencies, I think they
13 would be focused on across the board how to allow for
14 the community at large to be the most integrated
15 setting, and to give people access to that. I think
16 at the state level, there's, you know, an Olmstead
17 Cabinet, and I've consulted with cabinet, the
18 Medicaid or design team and a lot of things at that
19 level. You know, they are very open to including I
20 think 12 or 14 different state agencies, Department
21 of Education and everybody in the conversation for
22 people with disabilities because it is really an
23 across-societal issue. And in terms of defining
24 roles, I think it would certainly be different at
25

1 every city agency. But I think every city agency is
2 well within its power to define how they--how they
3 could or would do that. I do as an advocate helping
4 people who were injured work with the four or five
5 ADA coordinators that are already in existence at
6 City agencies. When I have to advocate for someone
7 at a city agency that doesn't have one, it usually
8 takes them some time to figure out who is the person
9 that is going to help us with the disability related
10 issue? They are generally not prepared to deal with
11 these kind of issues. And I think aside from that
12 person being an advocate or a source of communication
13 directly for people with disabilities with the
14 agency, I think they would have a very large
15 policymaking role and figuring out, you know, now do
16 we get people with disabilities more integrated and
17 utilized in terms of what that agency is responsible
18 for. Obviously, the four or five ADA coordinators
19 that exist currently are all people with
20 disabilities. So I think there is a natural tendency
21 that people with disabilities who fill these
22 positions would have a very tremendous economic and
23 just societal impact. I will give one other just
24 short brief personal testimonial. I cannot--for
25

1 reasons of disclosure, I cannot disclose where or for
2 what position, but I'm currently myself pursuing an
3 ADA coordinator position at a city agency. And I'm
4 very much so looking forward to helping the city with
5 the issues that [bell] you know, we'll be exploring.
6 And actually very much so focused on cost savings for
7 these specific issues, and I think in general ADA
8 coordinators could have a large say in how do we save
9 money? People with disabilities regardless are going
10 to get services, and it's going to cost to have
11 services. But ADA coordinators could through working
12 through many different city agencies find ways to
13 save money, and I think that--I think it would be
14 very beneficial. Thank you.

16 JANA OWEN: Good afternoon Council
17 Members Cohen and Rosenthal, Council and staff. My
18 name is Jana Owen. I'm a sign language interpreter.
19 I serve as President of the Local Organization of the
20 Registry of Interpreters for the Deaf, and I'm here
21 to speak with regards to the signing community, deaf
22 folks. We are in support of these bills.
23 Specifically, I'll talk to 881 and 883. With regard
24 to ADA coordinators, I'm pleased to hear by virtue of
25 some of the questions you had earlier today that you

1 are looking into what qualifications or credentials
2 folks in these positions might hold. With regard to
3 sign language interpreting services, there is often a
4 misconception that one size fits all. For example, I
5 am a qualified interpreter for legal and court
6 settings. You would not want me in medical settings.
7 I don't have the vocabulary and the training for that
8 specialty. So, too, is language fluency in American
9 sign language amongst the deaf and signing
10 communities. Too often, hearing people who are
11 responsible for coordinating sign language
12 interpreting services thinks that as long as we've
13 got somebody waving their hands in the front of the
14 room, our job is done, and that's simply not the
15 case. We have a tremendous quality assurance problem
16 here in New York City with regard to sign language
17 interpreting services. I don't know if you remember
18 the Nelson Mandela funeral a few years ago where--
19 when President Obama spoke, the sign language
20 interpreter that was provided didn't know sign
21 language. There were rumblings around the world from
22 the deaf community because truly he was making stuff
23 up in the front of the room there. I'm sorry to say
24 that too often interpreters in this city don't have
25

1 ASL language fluency, and don't have the interpreting
2 skills to meet the needs of our deaf citizens here.
3 So, we need help and having coordinators who are
4 trained in the issues so that when the frontline
5 workers in government offices and agencies run into a
6 deaf person, and need to figure out how to get
7 interpreting services, they have some help knowing
8 how to go about doing that. Too often the sign
9 language community doesn't have fluency in English.
10 And so, information available on websites, in written
11 English is not accessible. There needs to be aspects
12 available in terms of consumer empowerment. When a
13 deaf person gets interpreting services, they often
14 don't know who in that government agency arranged for
15 the interpreting services. They often don't know
16 what company or contract vendor provides those
17 services. So if the deaf person wants to say that
18 interpreter today was not a good match for my needs I
19 was not able to understand what's going on, they
20 don't know where to go. So, we have lots and lots of
21 needs, and having coordinators will be a beginning to
22 help meet those needs and fill those gaps. With
23 regards to the events and making sure that folks know
24 things are accessible, I think that's going to hit
25

1 twofold. One, obviously, information to the
2 community that events that we're thinking about them,
3 and that events we--aren't accessible. But so, too,
4 for the coordinators who have an affirmative duty to
5 make sure that they know how to provide access. So
6 just by virtue of knowing they've got to put that
7 logo on their flyer, that gives them an extra nudge
8 to okay, and if somebody follows up, I need to know
9 what to do about that, too. So the Metro New York
10 City Registry of Interpreters of the Deaf stands
11 ready to serve as a resource or to answer any
12 questions on an ongoing basis. By the way, with
13 regard to 882, I have no expertise in areas of hard
14 of hearing, but I would say that I don't know if
15 there are special legislation needed for other kinds
16 of visual alerts like audible alarms that are going
17 to go off in 12 seconds, being visual as well. A
18 flashing light or even fire alarm must be visually
19 accessible, too. So I would just offer that as a
20 demo. Thanks for your time and your attention to
21 these issues. [bell]

22
23 CHAIRPERSON COHEN: Thank you. Okay. I
24 don't know if you have questions.

1
2 COUNCIL MEMBER ROSENTHAL: I do, but you
3 go first.

4 CHAIRPERSON COHEN: I don't, but there
5 is--your--are people licensed as sign interpreters?

6 JANA OWEN: New York has no licensure.

7 CHAIRPERSON COHEN: Has no?

8 JANA OWEN: Right.

9 CHAIRPERSON COHEN: And that sounds like
10 that might be a problem then?

11 JANA OWEN: Indeed. It is something that
12 the Empire State Associated--Association of the Deaf
13 has put time and attention to. There have been bills
14 before the Assembly that I had a significant issue
15 with. I think it's a complicated issue that would--
16 I'd be happy to sit down and talk to you about.

17 CHAIRPERSON COHEN: I would be
18 interested.

19 JANA OWEN: Fantastic.

20 CHAIRPERSON COHEN: Thank you. Council
21 Member Rosenthal. One--hold, please. [laughs]
22 Council Member Rosenthal did you have something.

23 COUNCIL MEMBER ROSENTHAL: [off mic] Um,
24 yes absolutely two things. [on mic] Sorry. Two
25 things. First of all, Tyler, do you actually want to

1 talk about the notion of--? No. Okay, sorry.

2 [laughs] Just the hands.

3 JANA OWEN: Interpreters have a code of
4 ethics, and when we are in the role of an interpreter
5 we are not a participant in an event.

6 COUNCIL MEMBER ROSENTHAL: Thank you.

7 JANA OWEN: So it would be somewhat
8 inappropriate for an interpreter to insert themselves
9 in something that they're hired to provide access to.

10 COUNCIL MEMBER ROSENTHAL: I have so much
11 to learn. So that gets right to my second point,
12 which is for all of those who have testified today, I
13 heard specific ideas for how we could tweak the
14 language of the legislation. I'm going to ask Eric
15 to give out his email address. Please send in your
16 suggestions in writing because over the next few
17 weeks we will be tweaking the legislation, and people
18 came with so many good and very specific ideas. And
19 I'm thinking right now about the definition of an ADA
20 coordinator's qualifications. So I would like to
21 hear--I would like our lawyers to hear from the
22 experts about your--with your suggestions for that.
23 And I--I just can't thank everyone enough for coming
24 and your patience, and for giving the City Council an
25

1 opportunity to better understand the world from the
2 perspective of people with disabilities, all kinds.

3 So thank you and thank you, Chair Cohen, for chairing
4 this--this hearing. You know, you actually--we--we
5 pinch hit for you. We were able to do this
6 legislation, review the legislation earlier than we
7 had expected, and I really appreciate you giving us
8 the time.
9

10 CHAIRPERSON COHEN: Well, I thank you for
11 producing the legislation. I think it was a very
12 good hearing and this concludes the hearing. Thank
13 you very much. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 25, 2015