

Committee on Housing & Buildings

Date	6-3-08
Start Time	
Finish Time	

TESTIMONY OF DEPARTMENT OF HOUSING PRESERVATION &
DEVELOPMENT BEFORE THE CITY COUNCIL'S HOUSING & BUILDINGS
COMMITTEE – JUNE 3RD, 2008 – 10AM

GOOD MORNING, COUNCILMAN DILAN AND MEMBERS OF THE HOUSING AND BUILDINGS COMMITTEE. I AM BARBARA FLYNN, CHIEF OF STAFF OF INTERGOVERNMENTAL AFFAIRS AT THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT. I WOULD LIKE TO THANK THE COMMITTEE FOR INVITING THE ADMINISTRATION AND SPECIFICALLY HPD TO TESTIFY ON, INTRO 221-A, THE GRAB BAR BILL.

AS YOU ARE AWARE, THIS BILL REQUIRES OWNERS, LESSEES, AGENTS OR OTHER MULTIPLE DWELLING MANAGERS TO PROVIDE, INSTALL AND MAINTAIN A GRAB BAR ON THE WALLS OF A SHOWER OR BATHTUB AND ADJACENT TO A TOILET AND/OR TREADS ON THE FLOOR OF A SHOWER STALL OR TUB, IN EACH APARTMENT WHEN REQUESTED BY A SENIOR CITIZEN OR PERSON WITH A DISABILITY OR A TENANT RESIDING WITH A SENIOR OR PERSON WITH A DISABILITY. OWNERS MUST NOTIFY TENANTS ANNUALLY THAT THEY MAY BE ELIGIBLE TO HAVE SUCH PROTECTIVE DEVICES INSTALLED AND MAINTAINED IN THEIR BATHROOMS.

HPD ALREADY HAS SUCH A POLICY IN EFFECT IN RESIDENTIAL BUILDINGS OWNED BY OUR AGENCY. IF A SENIOR CITIZEN OR DISABLED TENANT WHO RESIDES IN AN HPD APARTMENT WERE TO REQUEST THAT A

PROTECTIVE DEVICE BE INSTALLED IN THEIR BATHROOM, WE WOULD PROVIDE IT. HPD ESTIMATES THAT IT WOULD COST US APPROXIMATELY \$446, 000 TO INSTALL THESE DEVICES IN UNITS.

THE BILL ALSO PROVIDES A TAX ABATEMENT TO OWNERS WHO INSTALL GRAB BARS, AFTER JULY 1ST, 2008 (CHAPTER 273, LAWS OF 2007). FOR GRAB BARS REQUIRING ANCHORING BY SCREWS AND TOGGLES IN THE BATHTUB WHERE SURFACE TILES DO NOT HAVE TO BE REMOVED, THE ABATEMENT WOULD NOT EXCEED \$250; FOR GRAB BARS THAT REQUIRE ANCHORING WHERE TILES MUST BE REMOVED AND REPLACED, AN ABATEMENT NOT TO EXCEED \$400; AND A GRAB BAR REQUIRING ANCHORING AND THE REMOVAL AND REPLACEMENT OF SURFACE TILES AND THE UNDERLAYMENT BEHIND THE REMOVED TILES, AN ABATMENT NOT TO EXCEED \$800. THE ABATEMENT WILL NOT EXCEED THE ACTUAL COST TO THE OWNER OF THE PURCHASE AND INSTALLATION OF THE GRAB BAR(S). IN THE CASE OF FULL PARTICIPATION IN THE PROGRAM, IT IS ANTICIPATED THAT THIS COULD COST THE CITY UP TO \$264 MILLION IN LOST REVENUE.

IF AN OWNER, LESSEE, AGENT OR MANAGER DOES NOT COMPLY WITH THESE PROPOSED REQUIREMENTS, THEY COULD BE GUILTY OF A MISDEMEANOR AND FINED UP TO \$500, IMPRISONED OR BOTH. HPD AND

THE DEPARTMENT OF FINANCE (DOF) WOULD BE REQUIRED TO PROMULGATE RULES PRIOR TO THE BILLS' EFFECTIVE DATE.

IT IS NOT CLEAR WHAT ENFORCMENT RESPONSIBILITIES THE CITY WOULD HAVE UNDER THIS BILL. IF AN OWNER DOES NOT INSTALL AND MAINTAIN THESE PROTECTIVE DEVICES, WOULD HPD BE REQUIRED TO INSPECT AND PERFORM AN EMERGENCY REPAIR? WE ESTIMATE THAT REQUIREMENT COULD COST US \$3.5M ANNUALLY, AND DIVERT RESOURCES AWAY FROM THE MAIN FOCUS OF THE EMERGENCY REPAIR PROGRAM (ERP) WHICH IS TO REMEDY LIFE THREATENING VIOLATIONS LIKE LACK OF HEAT AND HOT WATER. WE ARE ALSO CONCERNED THAT THIS BILL WOULD REQUIRE US TO TAKE TIME AWAY FROM THE INSPECTIONS OF EMERGENCY HOUSING CODE VIOLATIONS. IN THE CURRENT FISCAL ENVIRONMENT, ANY EXPANSION OF OUR INSPECTION ACTIVITIES WOULD UNFORTUNATELY, HAVE TO BE FINANCED BY CUTTING OTHER HOUSING MAINTENANCE ACTIVITIES.

WHILE WE UNDERSTAND THE NEED FOR GRAB BARS AND SHOWER TREADS IN BATHROOMS, IN THIS TIME OF LIMITED FUNDS AND CUTBACKS, AS HPD DISCUSSED AT OUR BUDGET TESTIMONY LAST WEEK, THIS IS NOT A MEASURE THAT THE ADMINISTRATION CAN SUPPORT.

ALSO, IT IS IMPORTANT TO NOTE THAT THE NEW YORK CITY HUMAN RIGHTS LAW CURRENTLY REQUIRES OWNERS TO MAKE ALTERATIONS TO HOUSING ACCOMODATIONS WHEN NECESSARY TO ALLOW PEOPLE WITH DISABILITIES TO REMAIN IN THEIR HOMES SAFELY. THE LANDLORD IS OBLIGATED TO PAY FOR THE ALTERATION UNLESS IT CREATES A FINANCIAL HARDSHIP. GRAB BARS ARE USUALLY USED AS AN EXAMPLE OF A LOW COST, MINIMAL ALTERATION AND NON-SLIP BATHTUB AND SHOWER TREADS ARE EVEN LESS EXPENSIVE TO PURCHASE AND INSTALL.

THIS BILL WILL IMPACT THE CITY FINANCIALLY AT A TIME WHEN RESOURCES ARE SCARCE.

THANK YOU AND I WILL NOW TAKE YOUR QUESTIONS.



THE CITY OF NEW YORK
INDEPENDENT BUDGET OFFICE

110 WILLIAM STREET, 14TH FLOOR
NEW YORK, NEW YORK 10038
(212) 442-0632 • FAX (212) 442-0350 • EMAIL: ibo@ibo.nyc.ny.us
<http://www.ibo.nyc.ny.us>

Testimony of George Sweeting
For the New York City Council Committee on Housing and Buildings
Hearing on Intro 221-A — Grab Bar Tax Abatement

June 3, 2008

Good morning Chairman Dilan and members of the committee. My name is George Sweeting, and I am deputy director of the New York City Independent Budget Office. Thank you for inviting IBO to testify at today's hearing. At the request of Council Member Gerson, IBO analyzed the fiscal impact of implementing a tax abatement offsetting landlords' costs of installing grab bars for qualified senior citizens and disabled tenants living in rental apartments. That analysis was submitted in a letter to Council Member Gerson in January of this year. My comments today will summarize our letter.

IBO's analysis was largely concerned with estimating the fiscal cost if the city were to exercise its local option to offer a rebate against property tax. The rebate has been authorized under state legislation enacted in 2007. The state law allows the city to provide a property tax rebate equal to a landlord's cost of installing grab bars upon the request of senior and disabled tenants, up to maximums of \$250, \$400, or \$800 per installation, depending on the complexity of the installation.

IBO estimated that with seniors age 60 and older qualified to request a grab bar installation, the cost to the city would be \$6.6 million in each of the first two years and then \$725,000 in subsequent years. We assumed that the initial high expense would be spread over two years as news of the program spread slowly and landlords gradually responded to requests for installations. The on-going annual cost beginning in the third year reflects an assumption of an increasing population of qualifying households who gradually become aware of the program.

Our estimate assumed that there are 440,000 households that would qualify. Note that we were not able to estimate the number of households with qualifying disabled tenants although we do not believe that this substantially affects our cost estimate. We assumed that many disabled who would benefit from grab bars are likely to already have them installed. Moreover, the number of qualifying households with a disabled person is low compared with the number with seniors.

Our cost estimate assumes that only 20 percent of qualifying households would actually request grab bars. This was based on our analysis of participation under the city's Senior Citizen Rent Increase Exemption program, which is only about 40 percent—despite years of education and outreach. Given that reduced rent is beneficial to all qualifying tenants whereas some who are eligible for a grab bar installation will already have them or not

consider them necessary, we expect the take-up rate for the new program to be substantially lower than for SCRIE.

Our estimate assumed a cost of \$150 per installation for labor and materials, although the abatement allows for costs up to \$800 depending on the work involved. Our estimate was based on discussions with groups with experience installing grab bars. We used the highest price that was provided to us.

The actual cost could turn out to be lower if installation costs or take-up rates are lower than expected. It could turn out to be higher if landlords take advantage of the maximums allowed under the law to claim abatements in excess of the our assumed installation costs.

Finally, we were asked to look at possible savings to the city if the installation of grab bars averted some health care expenses by helping to prevent falls in bathrooms. It is unlikely that there would be significant savings for the city because most seniors who qualify for the abatement are covered by Medicare, which is entirely federally funded. Although some qualifying seniors probably receive Medicaid, which is partially funded by the city, the city's contribution to Medicaid is now capped so that any reduced costs would not benefit the city budget. We did estimate that there could be savings of up to \$270,000 annually for the Health and Hospitals Corporation (HHC) if the legislation succeeded in preventing falls among some of the uninsured seniors who are served by HHC.

Again, thank you for the opportunity to testify and I would be happy to answer any of your questions.



THE CITY OF NEW YORK
INDEPENDENT BUDGET OFFICE

110 WILLIAM STREET, 14TH FLOOR
NEW YORK, NEW YORK 10038

January 11, 2007

The Honorable Alan Gerson
250 Broadway, 18th Floor
New York, New York 10007

Dear Council Member Gerson:

In response to your request, IBO has analyzed the fiscal impact of implementing a tax abatement for the installation of grab bars as provided by A.9124, which was enacted into law this past July. This law allows the city to establish a property tax abatement for owners of multi-unit residential buildings who install grab bars in the bathrooms at the request of a tenant who is disabled or 60 years or older.

IBO estimates that if the value of the abatement reflects the actual cost of purchase and installation of grab bars, the cost to the city will be approximately \$6.6 million in each of the first two years the law is in effect and \$725,000 annually thereafter. If the threshold for eligibility were raised to 65, these costs would decline to \$5 million and \$500,000 respectively. It has been suggested the bill could also lead to health care savings for the city. While these savings are intrinsically hard to estimate, we believe it is unlikely that they would significantly offset the costs.

Cost of Implementation

For the purposes of A.9124, a senior citizen is defined as an individual who is at least 60 years old. The abatement is also limited to multi-family dwellings. Using data from the Housing and Vacancy Survey, IBO analyzed costs and eligibility for this bill and for versions with the age threshold set at 62 or 65. The results are shown in Table 1.

Table 1: Eligibility and Costs for Various Grab-Bar Tax Credits

Age Threshold	Eligible Households	Annual Cost, Initial Two Years	Annual Cost, Subsequent Years
60	440,000	\$6.6 million	\$725,000
62	390,000	\$5.9 million	\$600,000
65	330,000	\$5 million	\$500,000

The bill also covers disabled persons, but we excluded them from our analysis because with the data available, there is no way to identify those individuals with a disability for which grab bars would be helpful, and because we expect that many such individuals have installed grab bars or similar improvements already. Including them would not

significantly affect the analysis because the number of disabled persons is low compared with the number of seniors.

To estimate the number of eligible households that would actually request grab bars, we looked at the city's experience with the Senior Citizen Rent Increase Exemption program (SCRIE). Only about 40 percent of eligible seniors participate in this program. Given the low participation in SCRIE—despite years of education and outreach—even though reduced rent is beneficial to all qualifying tenants whereas some who are eligible to receive a grab bar installation will already have grab bars or not consider them necessary, we expect the take-up rate for the grab bar abatement to be substantially lower. Accordingly we assumed that 20 percent of eligible households will request grab bars.

The maximum abatements provided under the law range from \$250 to \$800, depending on installation requirements. We solicited cost figures from a number of agencies that install grab bars in the homes of seniors, all of which were considerably lower than the maximum abatements allowed by the law. Reports of total cost—purchase and installation—ranged from \$30 to \$150.¹ Since landlords would face no incentive to reduce costs under this program, we used the \$150 figure in our estimate.

Taking these factors together, we estimate that with 60 as the age threshold for eligibility, the abatement would result in an initial \$13.1 million cost to the city in lost property tax revenues, which would be spread over the first two years as the program ramps up. After that, annual costs would be approximately \$725,000, as new tenants become aware of and/or eligible for the program. With higher age thresholds, costs will be correspondingly lower. In any case, the real cost could turn out to be lower if installation costs or take-up rates are lower than expected, or higher if landlords take advantage of the maximums allowed under the law to claim abatements in excess of the cost of the grab bars. The risk of higher costs could be mitigated by reducing the abatement to more realistic levels, or by setting a maximum annual total and allocating abatements to landlords on a first-come, first-serve basis. Such an approach would be similar to the annual limit on available film tax credits.

Fiscal Benefits of Implementation

Offsetting the cost of lost property tax revenue is possible city savings in health care costs, as the bill is aimed at reducing the number of hospitalizations of seniors and the disabled resulting from accidental falls. Because falls frequently result in serious injuries among the elderly, the cost of treatment can be quite high. However, only a small portion of those costs are borne by the city and it is unclear how many falls grab bars will prevent in the absence of other interventions.

Because the abatement targets seniors and the disabled, the majority of any health care savings would go to Medicare. A completely federally funded health insurance program, Medicare covers Americans aged 65 and older, regardless of their income levels or previous medical history. A small fraction of the savings would also go to Medicaid,

¹ The \$150 figure is from the Metropolitan Council on Jewish Poverty, which installs grab bars as part of its home care program.

since about 3 percent of persons age 60 or older in New York are covered only by Medicaid. While Medicaid is funded in part by the city, the existence since 2006 of a cap on the total city share of Medicaid costs means that the city would not realize any savings from reduced spending through averted falls. We estimate that the state would save between \$350,000 and \$1.2 million in Medicaid expenditures, however.

The abatement could, however, generate savings for the Health and Hospitals Corporation (HHC), the municipal hospital system, if it reduces the number of hospitalizations resulting from falls among the uninsured. IBO estimates that approximately 37,000 seniors in New York City are uninsured and that approximately 200 of these individuals are hospitalized each year as a result of falls in the bathroom, with about half treated at HHC at an average cost of \$30,000. Studies of fall-prevention strategies among the elderly do not report consistent results for grab bar installation, so we cannot assert that a large proportion of these falls would be prevented by the proposed abatement. If 10 percent of these falls were prevented through the installation of grab bars, HHC would save \$270,000 a year. If the presence of grab bars were to help prevent a greater percentage of these falls, the savings for HHC would be larger. It also is possible that by reducing the number of falls and injuries, the grab bar legislation would avert some city-funded costs in various programs serving seniors, although IBO cannot quantify the magnitude of such savings, if any.

If you have any further questions regarding this request, please do not hesitate to contact me at 212-442-8642 or Josh Mason, IBO's health policy analyst, at 212-442-8616.

Sincerely,

George V. Sweeting
Deputy Director

TESTIMONY

New York City Council

June 3, 2008

George Russell
Manager, Adaptive Modifications Program
Philadelphia Housing Development Corporation
1234 Market Street, 17th Floor
Philadelphia, PA 19107
(215) 448-2173
george.russell@phila.gov

Good Morning. My name is George Russell and I am the Manager of Philadelphia's Adaptive Modifications Program at the Philadelphia Housing Development Corporation. I have worked in the field of home modifications for seniors and people with physical disabilities for the past 17 years.

The Adaptive Modifications Program, or "AMP", was started in 1989 by the Philadelphia Corporation for Aging (our local Area Agency on Aging) using Community Development Block Grant funds from the City of Philadelphia Office of Housing and Community Development. AMP was one of the first city-sponsored home modification programs and has become a model for programs across the nation. AMP provides a range of modifications from grab bars and railings to stairway elevators and exterior wheelchair lifts.

In addition to AMP, the Housing Department at the Philadelphia Corporation for Aging has six other programs that provide minor home repairs and modifications to Philadelphia senior citizens and people with disabilities.

Philadelphia transferred day-to-day operation of AMP to the Philadelphia Housing Development Corporation, a non-profit quasi-city agency, in September 2005. I left PCA and joined PHDC in October 2005 to continue oversight of the program.

Between AMP and the additional programs I ran at PCA, I have ordered bathroom modifications for over 8,000 homes throughout Philadelphia in the last 17 years. Every house where we provide bathroom modifications receives grab bars if the client does not already have them.

I order grab bars from two different sources: medical supply companies and contractors. Medical supply companies currently provide installation in any property where I am not ordering other work that would require a contractor (like installing a handicap height toilet). Bids received last week from three medical supply companies in the Philadelphia area ranged from \$32.50 to \$50.00 per bar, including installation.

I order grab bars from contractors if construction work, such as replacing a toilet or building a barrier-free shower, is being performed in the same space. Those prices range from \$88.00 to \$105.00 per bar, but are that high because the cost of any additional work needed to install the bar is included in the bid.

Of the 8,000 bathrooms where my programs have provided modifications, only 2% to 5% required additional work before the bars could be installed. Bars can be installed in ceramic tile, in plaster, drywall and masonry walls. These are all simple \$32.50 installations. Grab bars can be installed in fiberglass tub surrounds for the same price if the surround is mounted directly on the wall or tile. If there is a void between them, a special mounting kit costs an additional \$28 per grab bar.

It does not take special training to install a grab bar. Any building maintenance staff, handyman, carpenter or plumber can install one. Any property owner with a stud finder can install one. Grab bars can be purchased retail at home improvement centers like Lowes or Home Depot for \$15 to \$30 for a really good grab bar and can be installed by the average person in about 15 minutes. Find a stud, put in 3 screws. Find the next stud, put in three more screws. Done.

An average bathroom setup of an 18" grab bar next to the toilet, an 18" grab bar on the front wall of the tub and a 24" grab bar on the side wall of the tub would cost me exactly \$100. I checked with my medical equipment suppliers to see what it would cost if private citizen Jane Doe called and asked for the same thing to be installed in her house or apartment. That cost would be \$135 (\$25 installation per bar plus the cost of the bar).

The Philadelphia Corporation for Aging uses a crew of 11 staff mechanics to provide minor home repairs and modifications to Philadelphia senior citizens. Their costs are similar. Liberty Resources, the local Center for Independent Living, contracts home modifications for younger people with disabilities in Philadelphia. Liberty's prices are similar. Jewish Employment and Vocational Services, Center In The Park, Philadelphia Senior Center, North City Congress, United Cerebral Palsy of Philadelphia, and the Greater Delaware Valley Chapter of the National MS Society all provide home modifications on a smaller scale for their clients and all pay similar amounts for grab bars and installation.

Grab bar installations are one-time expenditures that improve safety, prevent falls and increase independence for many years and many tenants in each property. The minimal cost per unit is a small investment in the lives of New York seniors and residents with physical disabilities.

Thank you.

June 3rd, 2008 – second hearing on grab bars.

Our best strategy, I would think, is to call on a few health professionals as well as an advocacy group for seniors, as well as one for the disabled. After we've made our point that this bill will go a long way in alleviating human suffering, it's time to show HPD (and any real estate groups which may show up, if any) how affordable this program is.

Now, if HPD wants to throw around the inflated numbers from the state enabling legislation, claiming that there will be numerous \$400 and \$800 installations, we should immediately take out our big guns. First, the IBO will explain why this program is so affordable, both by discussing that most people eligible for the installation will not ask for grab bars, and by discussing the figures from the Caring Community and the Met Council on Jewish Poverty, which show the average cost of installation to be \$150 per apartment. Then, we can call on the groups who have installed grab bars inexpensively. I'd start with the Caring Community and their installer, Joe Rivera. Joe has done about 800 installations and estimates that it costs no more than \$150 per installation of 3 grab bars and non-slip treads in a bathroom. The Caring Community grab bar program has been funded as part of a pilot project by CM Gerson and does installations all over the Lower East Side. As such, Joe has done work in both high rises and tenements. He has told me that in his many installations (I think around 800), he has never had to remove any tiles. That really smacks down REBNY and other real estate groups who have come up with very high estimates for installing grab bars based on tile removal (remember, if no tile is removed, \$250 is the maximum compensation, and I think we could alter our bill to pay landlords \$175 per bathroom, or have them turn the installation over to a non-profit, which should be able to do installations for \$195, maximum.) I'd also ask Joe what most installations entail, since they almost always include drilling through the tile with a masonry bit and finding a 2 by 4, sheet rock, which can hold up to 350 pounds with the proper anchors, or some kind of masonry. Tiles have nothing to do with properly installing grab bars -- please read George Russell's testimony before the hearing (it's attached) so you can get a sense of how simple grab bar installations can be.

Peter Brest will speak for the Met Council, which has done over 2000 installations. Peter is not an installer, but he is a highly articulate rep from the council who can both explain the necessity of these installations, as well as how reasonable their cost is. Met Council's installations were about \$100, which stunned me until I realized they only put in 2 grab bars and non-slip treads; they didn't install a grab bar by the toilet.

George Russell is our knight in shining armor. He has overseen grab bar installations in over 8000 bathrooms in the Philadelphia area for the past 17 years. He has traveled here from Philadelphia to see that our seniors and disabled citizens are availed the same compassionate treatment that they receive in our sister city. After he reads his testimony, I might ask him to comment on how anyone could possibly suggest that grab bar installations can cost as much as the administration anticipates. That's a bit of an easy lob pitch for him to belt out of the park.

COUNCIL MEMBER GERSON'S OPENING STATEMENT

Four years ago, this bill had its first hearing, with all those testifying saying that the bill would be a benefit to seniors and the disabled. The only dissenters were two folks from the real estate industry who were concerned with the cost that would be imposed on landlords. I don't see them here today, since our state enabling legislation has relieved them of any financial burden. The only other dissenters were from the DOHMH, because the agency didn't want to be saddled with overseeing a grab bar installation program. Fair enough, they've been duly relieved of any responsibility.

Intro 221A asks only one thing of landlords; to make sure that their senior and disabled tenants are aware that they have a legal right to have grab bars and non-stick treads installed in their bathrooms. I plan to amend this legislation to give landlords the option of installing the grab bars themselves, with compensation such that they can realize a small profit, or they can turn installations over to an approved non-profit organization. It's their choice, so there is no burden on the landlord.

Still, life is never easy, and this excellent bill has an opponent – the administration. Why? Because, we are told, the administration does not accept the figures put forth by the Independent Budget Office, an agency that is beholding to no one but the people of New York. The IBO is an independent agency, as their name clearly delineates. Their testimony today should clarify their numbers and dispel any misunderstandings.

We will then hear from 3 separate non-profit groups who have installed grab bars in over 10,000 bathrooms and done so at a very reasonable cost. I can understand that the administration is worried about our bill, since the state enabling legislation contained therein allows for reimbursements to landlords for up to \$800 per installation. I share their concerns and assure the administration that we will amend our bill to limit the reimbursement amount for landlords to a reasonable amount – say \$150. If landlords choose not to install the grab bars, existing and/or newly created non-profit organizations will perform such installations for no more than say \$165 per each installation. I am also willing to cap the amount of money spent annually on this program at \$6 million per year, not to exceed \$14 the first three years, and no more than \$1 million annually thereafter, keeping in mind the \$13.1 million dollar initial installation figure and the \$775,000 annual maintenance figure the IBO has suggested.

As such, I feel we have taken all the administration's concerns and addressed them responsibly. Therefore, I hope this hearing is an acrimonious one in which we agree to a long overdue piece of legislation that will satisfy this city's obligation to its disabled and senior communities.



METROPOLITAN COUNCIL ON JEWISH POVERTY
ACTS OF CHARITY • DEEDS OF KINDNESS צדקה וגמילות חסדים

**TESTIMONY ON PROPOSED GRAB BAR LEGISLATION BY
PETER BREST, CHIEF OPERATING OFFICER,
METROPOLITAN COUNCIL ON JEWISH POVERTY
6/3/08**

Good morning. My name is Peter Brest, and I'm the Chief Operating Officer of the Metropolitan Council on Jewish Poverty. Met Council is a non-sectarian, not-for-profit organization that has been providing critically needed services for poor and near-poor families and individuals for 35 years. We are a true multiservice agency, offering housing, crisis intervention, home care, career services, food, clothing and shelter for thousands of needy New Yorkers.

One of our most valued services is our home repair program for the elderly, Project Metropair. For over 10 years, Met Council has been sending teams of repairmen into the homes and apartments of senior citizens to install bathroom grab bars, window gates and other safety and security items, as well as to perform minor home repairs. Although the majority of our clients live in Brooklyn, we perform these installations and repairs on a citywide basis, taking referrals from community-based organizations in all boroughs. Project Metropair began operation in the mid 1990's focusing primarily on grab bar installation and we estimate that we have performed this service for over 6,000 seniors since the program began. The repairs are typically performed by a team of two repairmen dispatched from our central office in a van that has been retrofitted as a mobile repair shop.

The program is currently funded by the NY City Department for the Aging. An additional grant from the Claims Conference funds this service for survivors of the Holocaust.

It is now common knowledge that the installation of bathroom grab bars can dramatically reduce slips and falls among the elderly, thereby resulting in fewer doctor's visits and hospitalizations and increased ability to maintain independent living. This service also helps to preserve communities by keeping older residents with their friends and neighbors. Met Council has always sought to assist our clients to achieve and maintain self-sufficiency to the greatest extent possible, and this program is one of the clearest ways to meet this goal at relatively little cost.

We estimate that if our repair teams confine their work solely to the installation of grab bars, each team can install a total of three grab bars – two in the tub or shower and one by the toilet, in approximately 1,500 apartments over the course of a year for about \$150 per installation. There are a few apartments where the structure or the condition of the walls may require more substantial work, which could cost significantly more, but we believe that these situations represent a relatively small percentage of jobs.

Met Council supports the legislation presently before the City Council as a sensible and affordable approach to providing this basic and critically needed safety feature to help keep the elderly safe and healthy in their own homes.



Lawrence Carter-Long
Director of Advocacy, Disabilities Network of NYC
548 Broadway, 3rd Floor
New York, NY 10012

Statement of the Disabilities Network of NYC in support of Intro 221-A:

I'd like to begin by thanking Erik Martin Dilan and the other members of the Committee on Housing and Buildings for the opportunity to testify about proposed Intro 221-A, a bill regarding installation of "protective devices" for seniors and people with disabilities.

First allow me to introduce myself, I am Lawrence Carter-Long, the Director of Advocacy for the Disabilities Network of NYC, a coalition of over 70 organizations and tens of thousands of individuals with physical and sensory disabilities in all five boroughs.

The Disabilities Network of NYC supports the requiring the installation of low cost grab bars and slip protections for aging New Yorkers and citizens with disabilities.

Even a relatively minor fall in the bathroom by a senior can become problematic if complications set-in -- and they often do. Hospitalization and long-term rehabilitation stays are common for elders who have fallen, increasing the additional risk of loss of housing.

----- more -----

For people with grasping, balance and mobility impairments, grab bars and slip protection can be the difference between their ability to bathe and use the toilet without assistance. Essentially, the difference between living independently without the additional cost of home care workers or, worse yet, being faced with institutionalization.

You don't have to care about people with disabilities or an aging citizenry to appreciate the benefits. In terms of policy, the cost/benefit analysis comes down firmly on the benefit side. Requiring landlords install these necessary protective devices—while providing tax abatements for their expenditures -- saves money in the long run and allow NYC residents to lead better, more independent lives.

It is also important that this bill covers senior citizens as well as people with disabilities. This is good because, while they may recognize that they have limitations, there is still a fear and resistance to using the dreaded "D" word. As such, despite their use of canes, walkers or other mobility aids, many senior citizens would never label themselves disabled, and as such would not think to ask their landlords to install safety devices in their apartments. Ensuring seniors who need grab bars need not prove that they are disabled in order to get them is important to ensuring that many more New Yorkers will benefit from 221-A.

In conclusion, on behalf of the Disabilities Network of NYC and our members, we thank you for your time and for providing us the opportunity to testify in support of Intro. 221-A.

Testimony delivered on June 3, 2008



**New York Lawyers
For The Public Interest, Inc.**
151 West 30th Street, 11th Floor
New York, NY 10001-4007
Tel 212-244-4664 Fax 212-244-4570
TDD 212-244-3692 Email info@nylpi.org
Website www.nylpi.org

Comments of
DENNIS BOYD
Submitted by
MONIQUE LUSE
of
NEW YORK LAWYERS FOR THE PUBLIC INTEREST
before the
NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS
Hearing on
PROPOSED INTRODUCTION No. 221-A
June 3, 2008

Good afternoon and thank you for the opportunity to comment in support of Proposed Introduction 221-A. My name is Monique Luse, and I am a Summer Associate with New York Lawyers for the Public Interest (NYLPI), submitting the comments of Dennis Boyd, a Senior Staff Attorney at NYLPI, who could not be here today. His contact information is provided at the end of this testimony, and all questions that you may have should be directed to him.

NYLPI is a nonprofit civil rights law firm formed in 1976 to address the unmet legal needs of New Yorkers. NYLPI would like to thank Council member and chair, Erik Martin Dilan, and the other members of the Committee on Housing and Buildings for the opportunity to comment on this bill, which will help protect the rights of seniors and people with disabilities who live in multiple dwellings.

Introduction

Dennis R. Boyd, a Senior Staff Attorney at NYLPI, was a member of the technical committee of the Department of Buildings on accessibility that was involved in the drafting of LL33 of 2007, and I read these comments today to convey his support for this proposed bill.

While landlords, agents and others responsible for administering multiple dwellings in New York City are currently obliged to make retrofits to apartments as reasonable accommodations for people with disabilities under the City Human Rights Law, Intro 221-A is an important addition to those requirements. It expands coverage to senior citizens and adds both punishments and incentives for owners and others responsible for maintaining multiple dwellings to install grab bars and safety treads in tubs and showers.

Intro 221-A is particularly timely, given the aging of NYC's population (See City Council's "Age Friendly New York" initiative materials and New York State Office for the Aging's White Paper on Project 2015), the high numbers of people with disabilities in the population (estimated by the U.S. Census to be around 1,225,500 in New York City alone), the risks of injury in apartments resulting in hospitalization and institutionalization, and the costs such injuries have for those individuals who are injured and for society as a whole. In mandating that landlords install and maintain grab bars and treads both for senior citizens and people with disabilities and penalizing them for failing to do so, Intro 221-A addresses serious safety concerns facing many vulnerable New York City residents in a way that is socially responsible and economically sound. Not only will this law prevent what could be very serious accidents for the city's most vulnerable apartment residents, but it does so in a way that both expands protection to elderly citizens and addresses the long-standing inability of many tenants with disabilities who are entitled to interior retrofits under the Human Rights Law to obtain them more readily.

Proposed Amendments

We agree with the purpose and content of this proposed bill, but encourage a few minor amendments. First, the law should require the Department of Buildings not only to develop safety standards for grab bars, but also to conform, where applicable, to Americans with Disabilities Act and § 504 which govern their appropriate placement. The Department of Buildings should also be required to provide technical support to covered entities, free of charge, in order to ensure proper and reliable placement of grab bars given site-specific variabilities in housing across the City. Moreover, the definition of "person with a disability" should be changed to reflect the more accurate definition in the Human Rights Law. In doing so, the definition would read as follows:

"Person with a Disability" shall mean an individual who provides documentation indicating that he or she is recognized by any city, state or federal authority or agency as having a disability which impedes vision or mobility, or has any physical or medical impairment, or a history or record of such impairment, which shall include, but not limited to: the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; or the endocrine system.

The reason for the change is two fold: To bring it closer into conformity with the definition under the Human Rights Law, and to eliminate the subjectivity of the second half of the proposed definition under 221-A, which reads "or who provides medical evidence indicating that he or she has a disability impeding vision or mobility which would entitle him or her to receive the protective devices referred to in paragraphs 1 and 2 of subdivision a of this section."

Also, the Council should adjust the reimbursement ceilings in the bill for inflation in out years, so that the Council would only need to address coverage of the tax abatement provision through revenue bills, rather than needing to amend the enabling legislation itself. It is also advisable to have the Department of Buildings track the effectiveness of the tax incentive and report back to the Council, as this may serve as a basis for the Council adopting future legislation with similar incentives to encourage other sorts of reasonable accommodations, such as, for example, the installation of ramps and lifts in common areas of multiple dwellings.

Support for Intro. 221-A

Grab bars and slip protection are inexpensive retrofits for the vast majority of landlords, yet expensive and difficult to obtain for many, if not most, elderly New Yorkers and people with disabilities. Despite their low cost, they are lumped in with all other reasonable accommodations that people with disabilities are entitled to under the Human Rights Law. The problem is that the Human Rights Law requires a quantum of energy, time, resources and know-how to effectuate. This bill should eliminate that burden on residents with disabilities and senior citizens, while fairly compensating their landlords.

As the law currently stands, elderly citizens who don't consider themselves disabled have little means of getting the safety devices covered by 221-A installed. For people with disabilities there are two options: either arrange for the accommodations they need themselves, which entails (at least) identifying sources of the hardware, doing comparison shopping, paying for them, finding and hiring competent installers, and getting approval from landlords, managing agents or coop boards, etc. for whatever work needs to be done or suing or filing an administrative complaint. Since these are tasks that landlords routinely do in other regards they are much better positioned to arrange for and then provide for the outlay of the necessary costs.

As mentioned above, New York City Human Rights Law requires landlords to incur costs for any reasonable accommodation needed for tenants or occupants with disabilities to be able to use and enjoy their apartment. Unlike many state and federal laws, the City Human Rights Law requires this regardless of the age of the housing. Yet tenants in New York City don't always have an easy time convincing landlords to provide accommodations such as necessary grab bars. Instead of granting requests for reasonable accommodations, landlords and agents often ignore or deny these requests. Some of the instances of this happening may be due to their ignorance of the requirements of the Human Rights Law or its application, but others are certainly due to a resistance to accommodating people with disabilities because of the cost outlays or incentives to encourage low paying tenants to move out.

Further, as with many civil rights protections, the penalties for violation and the likelihood (or perceived likelihood) of getting caught in violation are inadequate to deter many from ignoring the law's mandates. When landlords deny reasonable accommodation requests, tenants have to press to enforce their rights, either in court or by bringing an administrative complaint at the City Commission on Human Rights. Both of these remedies are time consuming, inconvenient (particularly for people with mobility impairments and the elderly) and often expensive to pursue and ineffective. (See, It's

Time to Enforce the Law: A Report on Fulfilling the Promise of the New York City Human Rights Law, Association of the Bar of the City of New York, Committee on Civil Rights, December 2001.) This means that many who need accommodations do not currently seek to enforce their rights, despite the potential risk of serious physical injury resulting from their failure to do so.

A severe fall in the bathroom by the individuals covered by this bill can easily lead to hospitalization and long-term rehabilitation stays, risking the loss of the housing. For many tenants with grasping, balance and mobility impairments, grab bars and slip protection make a great deal of difference in their ability to bathe and toilet independently and, thus to live without home care workers and without institutionalization. As a policy matter, then, having landlords install these necessary protective devices and providing tax abatements for their expenditures saves our society money and allows its citizens to lead better, more independent lives.

Conclusion

Thank you for your time and for providing NYLPI with the opportunity to comment in support of Intro. 221-A. Further questions may be directed to:

Dennis R. Boyd, Esq.
New York Lawyers for the Public Interest
151 West 30th Street
New York, NY 10001
(212) 244-4664
dboyd@nylpi.org

June 3, 2008
In Support of The Grab Bar Bill 221A

Rosemary Bakker, MS, ASID
Research Associate in Gerontologic Design in Medicine
Division of Geriatrics and Gerontology
Weill Cornell Medical College
New York, New York
Cornelleg.org

When I began my home safety program for older adults nine years ago, I convened a New York City Task Force of over 20 agencies who identified fall risk in the bathing and toilet areas as a significant obstacle to safe aging-in-place. It is well documented in the literature that older adults are at an increased risk for bathroom injuries due to chronic impairments, including arthritis and gait & balance disorders. These impairments make movement in the bathtub, and toilet areas a high-risk activity.

Getting in and out of the bathtub without supportive handholds, in an area where there are wet, soapy and slippery surfaces, is an injury waiting to happen. To help prevent a fall while in the bathtub, especially when climbing over the side of the tub, older adults usually hold onto *unsafe* supports to help stabilize themselves. In lieu of protective grab bars, they hold onto wet edges of sinks, flimsy shower curtains that cannot support body weight, or slippery water faucets that are hard to grasp.

Many older adults have weakened quadriceps, and getting up from the toilet without safe handholds can be a hazardous endeavor. In lieu of grab bars, many grasp the nearest room feature, be it a doorknob, towel rack, or toilet tissue holder. Others rely on the helping hand of caregiver, putting the caregiver at risk for injury.

Even though safety modifications are now recognized by health care professionals as a key element in helping older adults remain in their own homes, five obstacles to intervention abound.

- 1). **Lack of prevention.** Environmental hazards are often overlooked until injuries occur. Environmental hazards include bathtubs without grab bars.
- 2). **Misperceptions about the nature of hazards.** Believing that the problem is exclusively the aging person, rather than the poor environment-person fit.
- 3). **Lack of education on tenant's rights.** Older renters are not aware of the laws (Fair Housing Amendments Act and the New York City Human Rights Law) that allow tenants to make "*reasonable accommodations*" to their dwelling. Consequently, many

do not consider installing grab bars even when these supports are necessary for their function and safety.

4). **Common Installation Methods May Not Meet Building Code.** Six years ago, I convened a Grab Bar Safety Installation Group. Along with the Eastern Paralyzed Veteran's Association, we pilot tested various fasteners to ascertain if they passed the building code requirement, which is 250 pounds of force. Enclosed you will find the test results. Our data showed that plastic anchors, a common installation method, did not meet code, but certain cost-efficient toggle bolts did.

This bill should increase public safety by addressing the need for adequate installation methods so grab bars would safely support a person's weight, especially during a fall.

5). **Funding & Service Delivery.** Paying for grab bars and installation, and coordinating the service delivery, is beyond the capabilities of many older adults.

Final Thoughts

Over the years, many environmental safety features that were viewed as optional, including window guards for children, are now regarded as mandatory for public safety. Similar to window guards, this bill would ensure that all older adults, regardless of income, have access to protective devices appropriate for their age group.

It would behoove the New York community to follow the safety guidelines from the Centers for Disease Control, which recommends that all older adults use grab bars in the bathroom to reduce **preventable** falls. With the new demographic imperative, we have no time to lose!

It is my opinion that New York City should pass the Grab Bar Bill and take an active step to help reduce **preventable** falls. I applaud Councilmen's Alan Gerson's efforts to get this very important bill passed.

Center for Independence of the Disabled, NY

Proposed Intro 221-A: In Relation to Requiring Protective
Devices for Seniors and Disabled Persons Who Reside in
Multiple Dwellings

Committee on Housing and Buildings

June 3, 2008

Testimony By: Noor Alam, Community Organizer
Center for Independence of the Disabled, NY

Center for Independence of the Disabled in New York

Proposed Intro 221-A: In Relation to Requiring Protective Devices for Seniors and Disabled Persons Who Reside in Multiple Dwellings

June 3, 2008

My name is Noor Alam and I am the Community Organizer at Center for Independence for the Disabled in New York (CIDNY). We have a twenty-five year history of helping to break down social, physical and perceptual barriers that can prevent people with disabilities from participating fully in mainstream life.

CIDNY enthusiastically supports Intro 221-A, which will inform disabled New York tenants that they have a right to request that their landlord install grab bars and safety treads in their bathrooms. Grab bars in bathrooms are essential to people who use wheelchairs and walkers, amputees, people with balance impairments, those with low vision, and many others who require these supports to be able to live safely and independently.

This Intro is especially timely because New York City is about to implement a Nursing Home Transition and Diversion Waiver program, which is expected to result in over 1,000 city residents leaving nursing homes for homes of their own, and staying in their own homes rather than going to institutions. Grab bars in the bathroom will be a necessity for many of them.

Grab bars can sharply reduce the cost of home care to the city, state and federal governments, by eliminating the need for round-the-clock care for people who cannot safely transfer to and from the toilet without them. They also reduce the number of falls, a major source of injuries in New York City, and the well-founded anxiety of disabled people regarding the risk of falling in their bathrooms.

Current human rights law requires landlords to install grab bars if requested by tenants with disabilities, but many tenants do not know this, and landlords are often reluctant to comply. The cost of installing grab bars was estimated last year to run between \$30 and \$150.¹ Intro 221-A will compensate landlords for the cost of installation by means of a tax abatement, which should increase compliance with such requests.

In closing, I'd like to thank Council Member Gerson and the co-sponsors of this bill for addressing an urgent need among members of the disability community.

¹ Letter from George V. Sweeting, of the Independent Budget Office, to Council Member Alan Gerson, dated January 11, 2007.