

City of Pittsburgh/Allegheny County  
Task Force on Disability  
Monday February 23, 2015  
Meeting Minutes

**Members in Attendance:** Dr. Kate Seelman, Jeff Parker, Rich McGann, Karen Warman, Joe Wasserman, Paul O'Hanlon, Aurelia Carter-Scott, Milton Henderson, Janet Evans, John Tauge, James C. Nochese

**Task Force Members Absent:**

**Also in Attendance:** Mary Hartley, Carla Falkenstein, Joy Dore, Lee Mueller, Steve Evrard, Dan Wood, Chuck Keenan, Tom Cummings, Mary Van Shura, Karen Brean, Megan Hammond, Ali Abdullah, Joe Elliott, Robin Smith, Chris Myers

**Welcome**

**Action Items:**

**Review and Approval of Treasurer Reports:**

**Review and Approval of January Minutes:**

**Oakland for All:**

Mr. Parker: I'll help kick off this conversation. I'm a member of Oakland for All, Beyond Accessible and many other members are here today as well. Our goal is to create a cooperative effort with the city to aid our effort, which is to make the businesses and establishments in central Oakland accessible. We're going to intro the project so you can learn about what we're doing; we're hoping to learn what the city's role is for assuring accessibility and a third goal is to help the task force put their finger on accessibility issues.

There are two executive directors. One is Georgia Petropoulos, she is the executive director of OBID and we have Mavis Rainey, the executive director of OTMA. At this point I'm going to turn the conversation over to them.

Ms. Petropoulos: Thank you all for coming out and thank you Jeff for the introduction. I'll give a brief overview and history as well as a branding campaign that we have. OBID and OTMA began working with a few passionate stakeholders in the Oakland area regarding how Oakland can be a model for accessibility. Although Oakland is a significant district in Pennsylvania we still see barriers to accessibility.

We started meeting monthly last April and now we're down to every two or three weeks as we have developed a mission & vision statement in addition to drafting a plan. Thanks to a donation from OTMA we hired a consultant to help draft the campaign, we worked together to name the campaign and came

up with the mission and vision. The mission statement is “Together we are opening a pathway to a community without barriers. Oakland partners are working towards a community design for full inclusion of all people with disabilities.”

The pilot project has a few major goals in the framework: advocate for the creation of user friendly buildings, commercial establishments, public spaces and communities; raise the public’s awareness of accessibility in our society; thinking ADA and beyond, to improve the quality of life for people’s with disabilities; eliminate barriers to people’s with disabilities in Oakland’s business establishments and lastly to transform Oakland into a model community to be replicated in the greater Pittsburgh area.

In late 2014 we gently put out the logo and a brander and we told our backyard public in Oakland that there is more to come. We’re hoping to plan an event around the arrival of the NCD in Pittsburgh, in addition, this is the year we are going to unveil our education campaign that will be geared towards the establishments in Oakland and we’re hoping to get 4 or 5 that we can provide direct technical assistance to. Moving forward, we’re looking to continue fundraising efforts to further our work.

Ms. Rainey: Thanks Georgia. I’m going to go over the branding idea for the project. After meeting with the stakeholders we recognized that we need to be seen and visible and a brand was needed in order to help us do that and thus Oakland for All was developed. There are two versions of the logo we created, one is a section of chain, the idea that we’re building on relationships and we can invite people to be a part of the conversation. One is a white background and the other is a black background, as we learned through our conversations with our partners, black is actually better for someone with low vision and we realized that the signage itself needs to be accessible.

Continuing conversation we thought – what’s the mission? What do we want to accomplish? So we ended up doing a wordle. We captured words describing what accessibility means for people over the course of a few meanings and gathered them here; words like belong, access, power, opportunity etc. From there we also created a vision.

The next few layers of this are to put together an educational packet that will go to the businesses. My organization supports about 3200 businesses throughout the Oakland area and that is what we were initially targeting. However soon we realized that we need to make it more manageable and ID champions, businesses who will show active participation in our initiative. We are also working on a website and should be available at the end of January. In addition, there is a plan to aid in technical assistance.

Looking at the committee now there are institutions, businesses, stakeholders and residents; we’re open to anyone participating with us. Then next step I think is further engagement with the city leadership and council, in addition to bringing businesses in and trying to create champions or even mentors.

Mr. O’Hanlon: I would like to acknowledge Georgia. She quickly pivoted from being defensive to proactive and I think it’s a great example of the process and I’d like to commend that. Looking at Oakland, a lot of it falls under what the ADA calls “readily achievable changes”. In 25 years, those

changes haven't been made, it's like Oakland is frozen in time. It seems like we're trying to make up ground for a failure in policy for "readily achievable" in the past 25 years. This gives us the opportunity to look at the systemic issues of "readily achievable", especially for an important area such as Oakland, and we can investigate why such barriers still exist.

Ms. Seelman: There is something I'd like to add to what Paul had to say: Not only is there lag in the ADA, but in innovation and accessibility. There have only been a few instances of that such as the idea for CIT or the engineering students at the housing meeting looking at the blueprints.

Ms. Petropoulos: Lucky for me I work for Oakland and I work near a lot of innovative thinkers. Parallel to me and Mavis, Kannu organized a group of researchers to talk about a digital infrastructure system to try and mirror the tech advances in private life. We know there are things such as apps and websites but what if there was a digital system in the major thruway in Oakland where you could access local information? So we all came together and came up with a plan for the first digital kiosk system accessible to all users. Another issue has been housing. Large areas of Oakland are slated to be developed for that purpose within the next 24 months and they are trying to meet the demand for students and other young professionals who want to stay in the area, but little housing exists. Dr. Seelman and her group met with one of the developers and the conversation was great and they were willing to go a few steps further with accessibility.

Ms. Seelman: It's great to get to the accessibility part of it, but what about the affordability issue within housing options? Most grad students are eating and not much more so affordability should be part of our discussion.

Mr. Parker: The other part of why we're here is to investigate the activities of the city and what part it can play here. Specifically we are wondering what happens when a store renovates? Is there an application? Does someone look at the plans and is accessibility gauged? Does a certain amount of money go to accessibility? And things like that.

Mr. Meritzer: Let me take off my task force hat and put on the ADA Coordinator hat. Here I'll introduce my supervisor Ray Gastil who is very supportive of what I do and Erik Harless who is the person I work with most on the One Step Project and someone from here from the HRC.

Mr. Gastil: Most of the regulatory aspect is with the DPLI and Erik will really speak to that. One of the main roles that Richard is able to take as ADA Coordinator is an education role. We can see that in things such as the One Step Program. Another crucial role is his position in the office with us, educating us on how people address these issues. I know there is some concern over the zoning code and I will speak to that after Erik relays what information DPLI has.

Mr. Harless: I'm Erik Harless with DPLI. A lot of the questions you have pertain to what we do on a daily basis and hopefully we'll get some of those answered. Virtually every construction permit and change of occupancy goes through the city for approval. It initially goes through the zoning office and most of the code compliance goes through my department. We're tasked with review of compliance with the PA Uniform Construction Code, which in turn adopts the International Building Code and others. Within

those scoping documents they reference the accessibility standard IACC117.1. That's what we have to use for the building code and currently that code is from 2009. With these we're only talking about minimum requirements. We do constantly talk to builders and they can choose to go above the minimum.

When we're dealing with an existing building the architects can follow the International building code, the existing chapter or they can use the International Existing building code and within each of those they can choose from the performance or prescriptive compliance method. When it comes to accessibility they are generally the same but they are given some amount of choice. New components that are built have to meet new construction standard. If you replace an element it has to meet current code, new window would have to meet current code etc. If alterations affect primary function spaces now there is a requirement to improve accessible routes to those spaces. If they were to replace something like a roof or façade they are not required to improve accessibility.

We currently have 6 planners, all licensed by the state who review all plans coming through. Once they are satisfied we can issue a permit to a contractor.

I want to more directly address some of your questions as well when it comes to change of owner or change of use. If a building is currently legal and maintaining the initial use but the ownership has changed there is no review under the building code. When use is changed we can review, especially when the whole building is changed.

Mr. O'Hanlon: How do you classify a change in use?

Mr. Harless: We have a couple different ways we classify change. Virtually every use for a building is classified under the building code – residential, commercial, certain occupancy use etc. When any pieces of that use changes we can then take a look at it. If the whole building is changing use we have requirements to improve the accessible route.

Mr. O'Hanlon: Would something like stationary retail to a separate type of retail constitute a change in use or, because they are serving the same retail function, would they stay the same.

Mr. Harless: If they maintain the retail function then there is no change of use, yes. If it's retail to retail they are still selling merchandise, even if it's different, the function is still the same. If it were to change from a retail space to an office, then we would consider that a change.

Mr. O'Hanlon: Currently on Murray there is a store that now sells soap products which was an office space before that. There is still a One Step Barrier to that business so why, as it seems to fit within your definition of change of use, has that not been addressed?

Mr. Harless: So to address that example, during a type of renovation, the costs towards making it accessible are not to exceed 20% of the overall costs. The building code does not state where to spend the money. You may see very modest improvements in bigger thoroughways or rails in the bathroom. In addition, the new owner may not have applied for a permit and we wouldn't have it in front of us to review. I would encourage a call to 311 to let us know that these things are going on.

Mr. McGann: Even so, there are places like The Original Hotdog Stand with completely inaccessible bathrooms.

Ms Stein: In terms of the 20%, I know the city can't enforce as it's a federal law, but with IBC and the ADA the priority is getting in the door and I hope that with the review process of usable space the priority is actually getting in. The perpendicular streets in Oakland are fraught with entrance issues and a big question is what happens in the city when you put in a permit for a ramp to be put in and what kind of barriers are there to that application?

Mr. Harless: Our code does not tell people where that money needs to be spent. The intention behind it is that as buildings are continually improved, they will become fully compliant and it does take a long time.

I'd also like to address the question about process barriers. When someone is building a ramp that goes into a public thoroughway we then start talking to Public Works, Zoning, and Building Inspection - there is a lot involved. Things like the One Step program are a good example of how to address this issue and Richard has done a good job of walking through the process. I think programs such as that are really helping with processes barriers.

Ms. Petropolous: A quick request and this would also go to you, Ray. Could be get some guidance in incorporating language when talking about permits and compliance? There are a lot of myths out there and it would be extremely valuable to have language that debunks those.

Ms. Rainey: The issue that spawned this was confusion between compliance and accessible and to make a distinction would be very valuable.

Mr. Harless: In our guidelines for approval and application it is very explicit about "does not provide approval for ADA". The ADA isn't something that I review; however, I do caution people that they still need to be compliant with the ADA. I think a big component of this is education outreach but for my purposes I need to be very clear I only review for uniform construction code.

Ms. Petropolous: Oh yes, but I didn't know that there was anything explicitly stating that they still need to be compliant with the ADA. All we're hearing in the business community is "I got a permit, I'm good to go". Maybe it needs to be more up front or bigger? A lot of them have their architects on it so maybe they need to be addressed more directly?

Mr. Sahni: Could you mention Sushi Fuku?

Ms. Petropolous: We have a business by the name of Sushi Fuku that has made some interesting changes. The owner hired an architect and had some changes done but there was still no slope in and he was confused and thought he had done everything he needed to. Being the excellent entrepreneur he is, he put in a temporary ramp and a sticker in the window with contact info and the staff information so that anytime someone needed assistance they could get it.

Ms. Rainey: The inside was well within code but the slope issue remained even after the architect made changes, we're still seeing that disconnect and he still didn't get the right information.

Mr. Harless: The architects are responsible for this. They are licensed to operate on the owners behalf and create plans that are up to code for the city and for the federal government.

Mr. O'Hanlon: The URA has a business façade program and I remember going on their website a little while ago and seeing that, although there were new facades there continued to be one step barriers. I defy the position that the city has a coherent policy for alterations and accessibility improvements.

Mr. Meritzer: There is content in the ADA about technical and physical ability that states that if a building cannot be structurally sound and make accessible, it's exempt. I've come across a lot of neighborhood stores, one in Spring Hill I visited for instance, their space inside from the wall to the shelves was maybe 2 feet wide and they were worried about putting in a ramp, in this case they were exempt. There are some businesses that can never be made accessible; the idea is to make accessible what we can.

Mr. Harless: Again I invite you to please let us know when you see renovations happening so we can address accessibility. With façade work however, if it's not actual work on the store front, it would be exempt but if the entry way is going to be reconfigured now I'm going to require it to be compliant.

Mr. O'Hanlon: If they're renovating the entire façade of a building and you're not changing the entry way, are you saying it's just not going to happen?

Mr. Harless: If someone is compliant with code at the time the code now and they are re-cladding the exterior..

Mr. O'Hanlon: Well the premise is they're changing it. Is the entryway not part of the façade?

Mr. Harless: If someone is renovating part of the building and it's not affecting primary function, that's all I'm going to look at.

Mr. O'Hanlon: So let's take that. Let's say the basement, in that case sure I'll say the entryway is not part of the basement but if you're changing the outside then the entryway is equal part of the outside, is it not?

Mr. Harless: It depends on the part of the exterior they are renovating.

Mr. O'Hanlon: If they're replacing the door frame, door way and they're not doing anything to make it more accessible..

Mr. Harless: If they are replacing the door way and door frame then yes then I need to look at it. That's why I wanted to stress minimum requirements. If a roof or windows are getting replaced I'm not going to trigger anything else.

Ms. Seelman: So two groups now have asked: A) How can Georgia and Mavis's group work with the city to run the education. 2) From the disability community – what can we do and with whom can we work with to enforce ADA compliance?

Mr. Harless: I really like the idea of education going to businesses but I also need to be careful of what I'm reviewing and telling folks. If we can point people in the direction of compliance with federal law, I'd be more than happy to support something like that.

Mr. Gastil: The education piece would also be via the ADA Coordinator as well. A part of that is the communication and education and that's a part of the City that is able to do so and advise on best practices. We can't literally tell people what to do but we can certainly advise on best practices and what the ADA requires.

Yes, question?

Ms. Dore: I have a question about grocery stores. There used to be two Giant Eagles and an IGA that are not accessible and it creates a barrier to acquire food. Do some of them still do a type of curbside delivery?

Ms. Petropolous: Referring to the IGA on Forbes Avenue, yes it's on the second floor but there is an elevator. The idea is great and that's something that the owner might entertain.

Ms. Stemmler: They do already make accommodations. You can phone in your list; they'll ring it up and bring it down to you. They're very accommodating.

Ms. Warman: Bottom Dollar used to have people help you look for items as well. They were very accommodating.

Mr. McMoreland: In our city charter there are things we're allowed to handle or regulate and put into our codes and there are things we can't. I'm curious as to whether it's legally possible to alter the building codes so that they require more guidelines on accessibility.

Mr. Harless: It is legally possible and there is a process to do that. You aren't able to decrease anything in the uniform construction code but amendments can be made to add things such as accessibility.

Mr. Gastil: We're also looking at the zoning code and seeing what we are able to do to improve accessibility although it is a bit more limited. For example we're having preliminary looks at the 40 inch set back requirement for ramps. We understand that may not work for everyone and how do we improve that?

Ms. Seelman: How do we get involved with the decision making? How can members of the community be involved with these decisions?

Mr. Gastil: Well if there were to be a proposal to a change in the zoning code it would go through a public process. The planning commission would review it and it would go to the city council to review so there are hearings and different opportunities for community involvement. Working up to that point,

working through Richard to keep up to date on where it is in the process would be the best form of input and communication.

Mr. Parker: I'm getting the signal we need to be wrapping up. I'd like to thank the city for their involvement, providing us information and being open to working with us. I'd also like to thank Oakland for All for coming out and thank them for what they're doing in Oakland.

### **Disability Agenda 2000 Retrospective: Employment Panel**

Mr. Meritzer: Last year we decided that part of what we're doing to celebrate the 25<sup>th</sup> anniversary of the ADA is to do a retrospective on the Disability Agenda blueprint drafted in 2000. A committee was put together to pick what topic from the agenda we would talk about at each meeting and decide on who to invite to speak on a panel about that topic. At the meeting we looked down the list and we invited Joyce Bender, who is out of town today and Joan Stein. Since Joan was coming for Oakland for All anyway we decided to invite her to the panel.

Ms. Stein: Judy was also a big part of the agenda and she would be valuable to have at the table to. Judy, come on up here.

I need to start with a caveat. In my role as ADA consultant I deal with physical accessibility and programmatic accessibility so they employment end I play a tertiary role. That being said some monumental things have happened since the agenda was drafted: Allegheny 365 which is a full disability agenda draft, which begat specific action from companies, it lead to a real boom in Disability Mentoring Day – which Pittsburgh has been a national model of. For that event this year it was a full half day of sessions with employers and supervisors then at the afternoon it was a job fair. When I look back at what we did in 1999 and 98' for the agenda, always the first goal was education. I was thrilled at how many employers were at that event. It is precisely the kind of response and visibility we were looking for and speaks well to what we have done. Disability is often a piece that is missing when talking about diversity and to see so many businesses interested was excellent.

On a national level the single most important thing that has happened is the passage of the 503, which is section 503 of the Rehabilitation Act of 1973 now has a component that requires federal employers and any company that's a federal contractor, you are now considered a contractor if you have a contract of \$50,000 or more, they are now going to have the same obligations to incorporate affirmative action in their hiring, enhancement and employment practices. It is regulated by the Office of Federal Compliance and businesses take that seriously.

Mr. Meritzer: I had questions about that very thing. Under the ADA people are not required to disclose a disability so lawyers have called me and asked "how can I meet this if I can't ask about disability?" Has that been discussed?

Ms. Stein: I think there is a singular professional view to have on that and it's two fold. If you're someone with a hidden disability and you need an accommodation to reasonable perform your job

function then it's on you to disclose that to your employer to get such an accommodation. And you're asking how, with regards to the 503, can an employer to ask to self-disclose. I think that is something that is still being worked on. I think the best approach would be to emphasize confidentiality of the information. I think that this will likely occur as employers now have incentive to accommodate for disabilities and particularly folks with hidden disabilities. Since the enactment of the ADA, employers thought hordes of people would be showing up at their doors wanting jobs and they would have to hire those with disabilities. The reality is that those who could benefit from accommodations are employees who already work there.

I don't have all the information. I would suggest reaching out to Bender consulting; they likely have a FAQ sheet on their website about 503. I would also suggest contacting ODEP. They have a newsletter you can sign up for, webinars, fact sheets and that the kind of thing that you could use to educate yourself for questions and put on your website in case people are looking there.

Mr. O'Hanlon: The practice of people with hidden disabilities, it's hard to generalize, but I think one of the primary reasons is that people are concerned about unfair treatment. I think one of the things an employer can do is explain why and if they have an affirmative action policy for people with disabilities the only reason they are asking is to see what kind of accommodation they need and affirmative treatment rather than disadvantaging them.

Ms. Stein: Another piece of this too is Obamacare. Under this it is now illegal to bar anyone from coverage because of some preexisting condition. That was a disincentive to employers as they experience higher premiums if they are employing someone with MS or Cancer etc. They may not be able to provide coverage under their policy.

Mr. Abdullah: Just a comment. When we're going through the accommodation process at the Housing Authority, we don't need to know precisely what the disability is, we just need a general idea so that the accommodation can be made and there is a nexus between the barrier/symptoms and what they need for equal access. My question is: are employers asking what the need is or exactly what the disability is?

Ms. Stein: They are asking for the existence of a disability. It's not unlike the current census questions and information gathering - They ask how a disability impacts your functions in daily living. They aren't asking for specific disability, but they are getting real numbers about how each individual life is impacted.

Ms. Stemmler: Employers aren't asking this in a one-on-one interview. They are giving information, and that information stays with the HR department. The federal government seems to be the best at it and has been doing it long before 503. I think they would be the best resource.

Ms. Dore: Mentioning links before – have you thought about OVR to add to that list?

Ms. Stein: Yes that would be a great resource.

Ms. Seelman: Speaking from my experience from within the University: There was an organization a number of years ago called Students with Disability Advocacy and was the 1<sup>st</sup> consumer driven group of

its kind at Pitt. I think we see a dilemma between increasing expectations with ADA, so on and so forth and stigma. Increasing expectations has led to us seeing students with Autism, more severe mental challenges – all of which are invisible disabilities. We have had such students drop out of the organization due to fear of stigma and I think we're seeing a generation who is presenting new issues. For example, a lot of our participants utilize social programs, SSI and so on, and there has always been a stigma attached to that so currently I am working on investigating and rectifying such issues. I bring this up because I don't want to give the idea that our work is over.

Mr. McGann: There are some things I wanted to clarify: 503 – is that HUD or Rehabilitation?

Ms. Stein: The Rehabilitation Act.

Mr. O'Hanlon: We are short on time here; Joan would you like to wrap up?

Ms. Stein: Yes. We have made a lot of headway on employment but like Kate said there is a lot more to do. The reality is it starts with education, educating employers to the caliber of workers they are going to get, the dedicated type of worker they are going to get and the kind of skilled worker they will get. When employers are discovering that they are getting someone who is qualified and wants to work you are turning someone who was on social security to a taxpayer and that's a pretty incredible thing to do. I think that we need to look at Allegheny 365 and take the opportunity that 503 have given us and we can approach employers and say "we can help you".

Ms. Stahl: A second employer education conference will be in March. We also have a toolkit on a flash drive that has information for HR departments for employers.

Mr. O'Hanlon: Great, thank you.

Ms. Carter-Scott: I would like to say something in closing. We do need to continue the discussion on employment and I do agree that the work is not done. There is work done, but there is plenty to do. Issues have changed and we need to stay on top of things; we talk about success stories but we still have a lot of work to do.

### **Adjournment**

**Next Meeting: February 23rd, 2015**