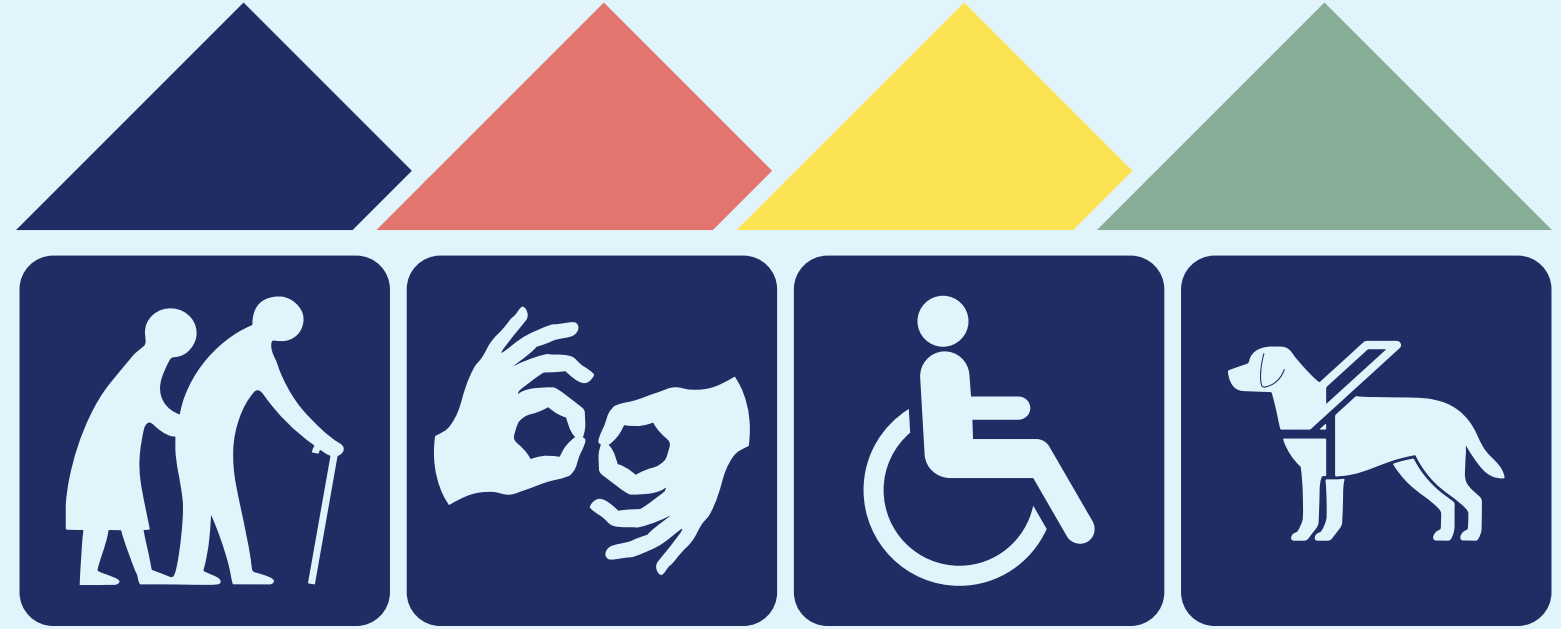


# ACCESS



Housing Opportunities Made Equal, Inc. is a civil rights organization with a mission to promote the value of diversity and ensure all people an equal opportunity to live in housing and communities of their choice. Through education, advocacy, and enforcement of fair housing laws, HOME seeks to ensure that everyone can: have their voices heard on their housing issues; defend and safeguard their rights; and have their concerns genuinely considered when decisions are being made about their lives and housing. Learn more at [homeny.org](http://homeny.org). Get updates about fair housing happenings via Facebook (@HOMEnyinc), Instagram (@homenyorg), or Twitter (@HOMEnyorg).

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**If you or someone you know has experienced any of the following, contact us at [info@homeny.org](mailto:info@homeny.org) or 716-854-1400:**

If you have children in your household who have learning disabilities or behavioral problems, and you suspect that your home exposed your children to lead paint	If a landlord rejected you as a tenant because you receive Social Security Disability, worker's compensation, or other disability-related financial assistance
If you have young children in your household and you want to prevent them from developing learning disabilities and behavioral problems caused by lead poisoning	If a landlord refuses to accept your Social Security Disability, worker's compensation, or other disability-related financial assistance toward rent
If you use a wheelchair and a doorway in your unit or in a common use area is too narrow for your wheelchair	If you use a wheelchair and you have secured funds for ramp installation, but your landlord refuses to let you have a ramp installed
If you have a disability and live in a building with its own parking lot or driveway or other kind of parking area, and the landlord refuses to provide you a designated parking space	If you have a disability and you have secured funds for a counter's height to be changed or for bathroom grab bars to be installed, and your landlord is refusing these modifications
If you have a disability and you asked for a ground floor unit, and the landlord charged you extra to provide you such a unit and/or to let you change units	If you have a disability and live in an apartment building where tenants are usually required to take trash to a dumpster outside the building, and a landlord refuses a reasonable accommodation such as letting you leave the trash by your unit's door to be taken out by building staff
If you have a disability and you asked for a unit near an elevator, and the landlord charged you extra to provide you such a unit and/or to let you change units	If you have a service animal or support animal, and your apartment building permits tenants to have a pet for a fee, and you were charged the pet fee for your service animal or support animal
If you have a disability that makes it difficult for you to clean your apartment, and your landlord is taking steps to evict you on the basis that you are not keeping your apartment clean enough	



Access is a newsletter focusing on housing and health related issues faced by Western New York residents who have disabilities and/or who are aged 55+. Access is created by HOME (Housing Opportunities Made Equal, Inc.), a nonprofit civil rights and fair housing organization which has been using education, advocacy, and enforcement to fight housing discrimination and homelessness since 1963.

## ACCESS DENIED

*By DeAnna Eason*

This is not an occurrence we like to experience, yet people with disabilities face it every day: they are routinely denied access to programs, benefits, housing, and other services, with very little remediation. Others of us are inconvenienced when we have to take a detour because of construction, or when the grocery store is out of our favorite coffee, but denials faced by people with disabilities are more than an inconvenience: they are an infringement of civil rights that rob them of the opportunity to live life to the fullest.

Some of us may take for granted the fact that we fit easily through doorways that some wheelchairs or motorized scooters may find problematic. We can hear our doorbell when guests arrive at our homes. We can easily reach the light switches and environmental controls to manage our heating and cooling. We can read a lease with a size 12 font with little to no trouble. Even the most introverted amongst us appreciates it when our feelings

and livelihoods are considered. When the needs of people with disabilities are intentionally considered, we provide them the freedom and opportunity to live life like everyone else. We provide an opportunity for equality.

Access is a gateway to accessibility education and health-related matters for persons with disabilities and seniors (55+). HOME's desire is to continue to learn from people with disabilities, help educate the community about issues that are critical to these populations, and to provide calls to action that will tear down systemic barriers to accessibility and provide equal opportunity to people with disabilities to occupy and enjoy the full use of their housing.

Our hope is that this newsletter helps each of us to be intentionally empathetic neighbors who work towards accessibility for all, because diversity makes for a better community.

Live fully,  
DeAnna

# THE CRISIS OF HOME CARE WORKER SHORTAGES: WHY HOME ADVOCATES FOR FAIR PAY FOR HOME CARE

By Minnie Kim

Housing is a survival need we all share, and people with disabilities are the one minority group that we all eventually join if we live long enough because our bodies accumulate wear, tear, and damage through accidents, environmental stressors, and age. Therefore, even if we do not currently have a physical, sensory, or mental disability, the availability and quality of housing and of related support services for people with disabilities are concerns for our future selves.

Regular and adequate visits from skilled, reliable home care workers are crucial for the wellbeing of many people with disabilities. For example, HOME has encountered cases where a landlord was attempting to evict a tenant on the basis that the tenant was not maintaining a unit with adequate cleanliness, when the root issue was that the tenant had a disability making housekeeping difficult and was receiving inadequate home care.

HOME spoke with Todd Vaarwerk, Director of Advocacy and Public Policy at Western New York Independent Living (WNYIL), to learn about the statewide crisis of home care worker shortages and about how the Fair Pay for Home Care bill (S5374A/ A6329A) would mitigate this crisis. WNYIL is a nonprofit organization that provides services and programs which assist individuals with disabilities to remain independently living and working in the communities of their choice.

Vaarwerk explained that two main factors have contributed to a crisis-level shortage of quality home care workers.

The first main factor is that the healthcare industry has not been prioritizing good pay for home care workers, even as other industries have been offering higher wages than prevailing home care wages. Even when the operating wage needed for attracting workers to the home care industry is above minimum wage, Medicaid has only been willing to pay for minimum wage and has required home care agencies to pay for any difference above minimum wage from out of their own revenues.

The second main factor is that certain home care agencies are failing to ensure

that their workers provide quality services. In the traditional aide service model, patients contact home care agencies to request home care visits, and agencies send employees to the patients' homes and then bill patients' insurance companies for the hours of service; this older model gives patients zero customer power and can result in irresponsible home care workers demonstrating behaviors such as simply sitting in a patient's kitchen and using their cell phone for hours at a time. In the newer consumer-directed personal assistance model, the home care agencies serve as the employer of record, and patients have the power to hire and fire workers; this newer model ensures higher service standards. Unfortunately, numerous traditional agencies choose to handle reports of staff being derelict in their duties by treating the report-making patients as if they are the problem and dropping them as clients, sometimes sending them over to consumer-directed personal assistance agencies.

These factors have created a situation where tens of thousands of people with disabilities are simultaneously attempting to hire workers willing to perform complex, low-wage jobs.

Vaarwerk explained that the Fair Pay for Home Care bill, if passed, would mitigate New York's home care worker shortage by setting the wage for home care workers at 150% of whatever an area's minimum wage is, which would be \$22/hour in the NYC area, and almost \$20/hour in upstate NYS. Unfortunately, in the 2022 legislative session, the bill entered both the State Senate's and the State Assembly's budgets but did not survive past the point of budget reconciliation. Instead, home care workers were promised non-indexed incremental raises which, given that minimum wage is already structured to go up at certain times, will result in wages that are still less attractive than wages being offered in the retail sector: about \$15 per hour for home care workers in a time when employers such as Walmart, Target, and Old Navy are already offering retail jobs starting at \$16 to \$17 per hour.

Due to our recognition that receiving adequate home care is vital for enabling people with disabilities to experience adequate housing, HOME officially advocates for Fair Pay for Home Care.

People who are interested in building community momentum to pass the Fair Pay for Home Care bill and to address other disability rights issues are invited to contact Minnie Kim at [jkim@homeny.org](mailto:jkim@homeny.org) and Todd Vaarwerk at [tvaarwerk@wnyil.org](mailto:tvaarwerk@wnyil.org). ▲▲▲▲

# ADAPTING THE ENVIRONMENT

By, Chris Allaire

In 2021, HOME began a program to conduct exterior accessibility modifications, such as constructing ramps and lifts, for clients in Western New York. From the outset of the program, we realized that there was a large, unmet need for these modifications in our region. In fact, 13% of Erie County residents and nearly 16% of City of Buffalo residents live with disabilities—which is higher than the state average of 11.5%. To address this need, HOME partnered with Danise Levine, Assistant Director of the Center for Universal Design and Environmental Access (IDEA) at the University of Buffalo's School of Architecture and Planning. Danise is a registered architect and a true expert in the field of environmental modifications, having completed over 1,300 projects in Western New York over her 26-year career. I met with Danise to discuss environmental modifications' importance to those with disabilities and her work to create barrier-free access in public and private buildings. Our discussion will help illustrate these modifications' impact upon those with mobility impairments and important factors to weigh when considering a modification.

"The key is to find out as much as possible about the client before designing a modification," Danise said. "Ultimately the goal is to adapt the environment to meet the needs of the client, instead of the client adapting their behavior to match their environment." She emphasized the importance of listening to clients: "It's really important for me to ask all the right questions so I have an accurate picture of the difficulties they experience with the activities of daily living in their home." I observed this method in action while watching Danise interact with homeowners for HOME's accessibility modification project. Before committing a design to paper, she would survey the site conditions, speak with the client to find out which entrance they use most frequently, and discuss the routine of how they enter or exit their home. A client's answers to these questions would determine whether Danise's design would include a ramp or lift, the placement of the modification on the property, and the path of travel from an adjacent sidewalk or driveway. "People are creatures of habit and they get used to doing things the way that they are doing them," Danise said, "but their way might not be the most direct or efficient way and might require much more effort than is needed." Danise noted that her modification designs take into account not only a person's capabilities at the time of the modification, but also how their abilities may increase or decrease as they age.

I also asked Danise about the most frequently requested modifications that she has designed. Danise responded: "In my experience, the most requested modifications have always been to the bathroom. The bathroom is typically the most dangerous room in the house, especially for people with disabilities. They are often too small, have limited maneuvering clearances, have very slippery surfaces, and lack usable fixtures." Danise further explained that "barrier-free entries into the house would be a close second. The majority of single-family homes have their first-floor levels built above grade level. That causes problems for anyone who uses a wheeled mobility device or has difficulty navigating stairs."

We then discussed the major barriers which clients face when seeking modifications. With modifications, such as the installation of a ramp or a barrier-free shower, the cost of the project can be a significant barrier for clients. When a tenant requests a reasonable modification to a property, the landlord is not responsible for the cost of the modification, and the tenant generally must fund the project. Danise confirmed that financing is the primary barrier preventing individuals from obtaining modifications simply because "many of the people who need modifications cannot afford to complete them." Danise stated that finding qualified professionals to complete the work and gaining sufficient general knowledge about the types of modifications that are available are the next largest barriers to conducting modifications: "People who need modifications often lack the knowledge of what is available to them, and finding qualified professionals to complete the work may also be difficult." Danise advised those looking to have modification work done to hire a professional who not only has design experience, but who is knowledgeable and experienced in the field of design for accessibility.

If you have questions about requesting a reasonable modification from your landlord, or you are looking for resources on accessibility requirements in a unit that you rent, please contact HOME at [info@homeny.org](mailto:info@homeny.org) or 716-854-1400. ▲▲▲▲



A recent exterior modification that was designed by Danise Levine.

## ACCOMMODATIONS AND MODIFICATIONS 101

By Steven Haagsma

One of the most important rights for any tenant to know is the right to reasonable accommodations or modifications, which are available to tenants with disabilities. Landlords must grant them in order to allow the tenant to have full access to the place where they live.

### Reasonable Accommodations

An accommodation is a change to a rule or a policy to meet a tenant's disability-related need. There is usually little or no financial cost to grant an accommodation, and if there is a small cost it must be borne by the housing provider (often by waiving a fee). The most common example of an accommodation is allowing someone to live with a service or support animal even if there is a "no pets" policy (or waiving the pet fee if pets are normally only allowed with a fee). This accommodation is almost always considered reasonable. Other examples show how important the word "reasonable" is in reasonable accommodations. A request is reasonable when it does not put an undue burden on the housing provider and does not change the nature of the business they conduct. It would be very reasonable for a large housing provider to allow a wheelchair user to have a designated parking space near the building entrance when there is a large parking lot owned by the housing provider. On the other hand, asking a landlord to provide a designated parking space on a street parking-only side street is unlikely to be a reasonable request.

### Reasonable Modifications

Modifications are changes made to a building's physical structure and so usually have much more financial cost than accommodations. The cost to pay for modifications must be paid by the tenant (unless the housing is federally funded) and must meet building code requirements. If a tenant needs a modification to make their home accessible, the landlord must allow them to make that modification. If a tenant makes a modification to the exterior of a building, like installing a ramp at the entrance, the landlord cannot require the tenant to remove the modification when they move out. For interior modifications, however, the landlord can require a tenant to change the unit back to its original condition when they move out and to even put money in escrow up front to pay for it. Some possible interior modifications are installing grab bars in the bathroom, changing countertop heights, or changing the doorbell from a sound to flashing lights.

### Requesting Accommodations or Modifications

It's always best to put requests to landlords in writing so there is proof of what was asked. There is no set format that an accommodation or modification request must follow, so a tenant can write a simple letter or email to the landlord explaining what accommodation or modification they need and requesting it. Landlords cannot require tenants to disclose the nature of their disability in order to grant a request. Tenants seeking assistance drafting letters requesting reasonable accommodations or modifications should contact HOME at [info@homeny.org](mailto:info@homeny.org) or 716-854-1400. ▲▲▲▲



Photo provided by WBFO.