

Laws protecting the rights of people with disabilities

Transcript

00:00:00 Speaker 1

Welcome to Independent Perspective, a public affairs presentation of Western New York Independent Living (WNYIL).

00:00:05

Our guest today is Todd Vaarwerk, Chief Policy Officer of WNYIL, and I'm your host, Ernie Churchwell.

00:00:13

Welcome to the program, Todd.

00:00:15 Speaker 2

Always a pleasure.

00:00:17 Speaker 1

And I believe that you're going to make sure that our listeners are up to snuff on different laws which ensure their rights of people with disabilities.

00:00:30 Speaker 2

A lot of times when we hear about the rights of people with disabilities, we're hearing an awful lot about the Americans Disabilities Act or the ADA.

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Everything's about the ADA, when in fact, there are a whole bunch of federal laws that some of them pre-existed the ADA that provide a lot of the protections that they think that the ADA provides.

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Historically, the first law that mentioned people with disabilities as a group, was the Architectural Barriers Act of 1968, right?

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If you're spending federal money on building a building, you've got to make it accessible for people with disabilities.

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This built into the Rehabilitation Act of 1973.

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The Rehabilitation Act says something really important that was used to build the ADA that we love and adore, which is about no person, regardless of their impairment, shall be denied the benefit of any program receiving federal financial assistance.

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And you'd be amazed how many programs receive federal financial assistance.

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So, it isn't just about the ADA, sometimes it's about 504.

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And 504 has been, well, it's been a law in the land since 73, but as we know historically, regulations took a while, but that's another story.

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Let's not also forget the Fair Housing Act.

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That's a really big, confusing with the ADA, right?

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ADA, by and large, does not cover housing.

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It covers the access to the manager's office so that you can talk about housing, but the actual housing itself is covered under the Fair Housing Act.

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And the Fair Housing Act was actually amended in 1988 to include people with disabilities as a protected class.

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That's two years before the ADA in terms of their passage in 90.

00:02:30 Speaker 1

Well, it sounds like there's a whole plethora of laws which help people with disabilities with different aspects of discrimination.

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What's really hot at the moment?

00:02:46 Speaker 2

What's really hot at the moment is being able to make sure that people get the services to stay independent in the community.

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While we talk an awful lot about the Americans with Disabilities Act and the Olmstead decision of the U.S. Supreme Court, which says that we get services in the most integrated setting, we also got to look at where that federal funding comes from.

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Federal funding helps with housing vouchers.

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Federal funding helps with building construction.

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Federal funding helps with program operation.

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So, 504 is a really interesting law to look at if you're looking at defending your rights.

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It's just a little bit more complicated, right, than necessarily using the ADA.

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All of these laws are what they call self-enforced.

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There aren't, there is not like federal disability rights law police.

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As much as we'd like there to be some, there isn't.

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It's, they're enforced by consumers filing complaints that are made decisions about which set precedent, which, you know, protect your rights.

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So, it's important to kind of remember that and to remember that your local Independent Living Center is going to be able to help you figure out which one of these things might work in a particular situation you've got.

00:04:12 Speaker 1

Todd, we're running kind of low on time.

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I'm sure that people will have questions, particularly if they don't have a pencil handy to jot down what they are.

00:04:22

How can they reach you?

00:04:24 Speaker 2

They can absolutely call me.

00:04:26

The number is 836-0822, extension 101, or they can email me at tvaarwerk@wnyil.org

00:04:39 Speaker 1

Thanks so much for being with us.

00:04:41 Speaker 2

Always a pleasure.

00:04:43 Speaker 1

You've been listening to Independent Perspective, a public affairs presentation of WNYIL.

00:04:49

Our guest today was Todd Vaarwerk, Chief Policy Officer of WNYIL, and I've been your host, Ernie Churchwell.