



## UNACCEPTABLE SOCIAL INJUSTICE

*Why is Our Government Imposing this on Seniors and People with Disabilities?*

*By Susan Chandler, President*

The current and ongoing chatter among IHSS users has become quite loud regarding the system and all its flaws! The Governor finally relented and restored the 7% cuts he made to the IHSS hours in 2009--8 years ago! But now there are rumors that he is going to cut them again! What is wrong with this thinking? Why are people with disabilities (PWD) and Seniors treated as the least of the least when they should be at the top of the funding stream instead of the bottom? SSI/SSP grants are way too low to allow people to find affordable housing AND live a decent life. St. Anthony's church in San Francisco found that many homeless people had SSI but couldn't afford housing! This is a great example of what the government is doing to us!

I also think it is because Seniors and PWD are seen as the weakest and easiest to bully and push aside. Having no power or few resources they are forced onto the streets or into nursing homes. Many of these institutions are owned by large corporations and they, along with unions, lobby the government to have a favorable status over the far less costly IHSS system that help Seniors and PWD live independently to stay in their own homes with help.

The Government imposes Draconian rules and regulations on IHSS workers and recipients making it harder for them to get enrolled and then paid in a timely manner. Plus, many workers want more than the system offers and try to get it from the consumer. Some Seniors and PWD, even though they want to remain independent, get discouraged, give up, and go into nursing homes. It is just too much for them to try to keep up with finding and keeping their workers while following all the crappy rules imposed on them by the social workers, such as how they can use their measly assigned hours to lead their lives!

*(Cont'd on page 4)*

## PEOPLE WITH DISABILITIES

### TELL THE DSA WHAT FOR!

By HolLynn D'Lil

The disability community was well represented at the CA Building Standards Commission (BSC) hearing on two very damaging proposed access standards from DSA (Division of the State Architect) on Jan 19 and 20. Over sixty people from the community were present in the room to demonstrate our solidarity, strength and determination to keep our civil rights from being destroyed. About 25 - 30 people testified during the two-day meeting. To those who were at the meeting and who called in - A BIG THANK YOU, YOU ABSOLUTELY ROCK!

**THE GOOD NEWS:** The commission voted against passing one change that deals with building owners who remodel their buildings to make them safer during an earthquake (seismic retrofit). The state architect wanted to let them remodel without removing barriers, **which has been required by the state building code for decades!** He didn't get his way!

The second change kept accountability for building officials in the building code, which the state architect also wanted to delete. Building officials still have to create a record and keep it in their files if they allow exemptions to access standards.

**THE BAD NEWS:** Where we didn't prevail is when the commission approved standards for electric vehicle charging station parking which discriminate against PWD. This is also a violation of law, CA Government Code 4459, which says that access standards in this state cannot be enhanced. We are hoping our Civil Rights Attorneys will seek a court order to stop these standards. (Actually DSA violated that law both ways by decreasing access and making up new access standards for electric vehicle charging parking.)

It's not over yet! With your participation and determination, we won't let our access rights be taken away! So CONGRATULATIONS once again advocates! In Solidarity, HolLynn

## NEW WORLD

Los Angeles EXPO Edition  
Californians for DisAbility  
Rights (CDR, Inc.)

www.disAbilityrights-cdr.org

### New World:

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Co-Moderators: Kathleen Barajas  
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Laura Williams, Linda Hinchey

**CDR's Mission - To Improve the  
Quality of Life for All Persons with  
any DisAbility Through Education  
and Training - By Working to  
Remove Barriers Through Advocacy  
and Change in Public Policy.**

Originally organized in 1970 as CAPH (the California Association of the Physically Handicapped) --with five members, CDR has grown to become an effective and widely respected cross-disAbility advocacy force.

## LEGISLATIVE REPORT

By Randy Hicks, Legislative Chair

CDR legislative committee had a very busy year in 2015 with the ongoing fight for access to the courts for our right to litigate. Several bills were introduced to take away our rights to sue for access. We worked vigilantly to stop or neutralize these bad bills!

Our second fight was the budget. We wanted to restore previous cuts to programs and continued to fight to raise not only the SSI/SSP portion of the budget for the disabled and elderly, but also work to restore all PASS programs that were either eliminated or cut severely.

We work with other groups such as Disability Rights California (DRC) and Western Law Center For Disability Rights.

We had an extensive bill file, which included the access bills, along with the CICA bill file, which included overtime and sick pay for IHSS workers and other social issues. 2016 promises the same access and budget issues.

CDR continues to belong to the California Collaborative on Long Term Care; we are working with them on the Coordinated Care Initiative. The CDR Legislative Committee will keep its board and members up to date as we move forth throughout the year. Please remember that if you are interested in being on the Legislative Committee, let me know with a call, email or text at 916-803-0702 or rhfactor\_98@yahoo.com.

## CDR FOUNDATION UPDATE

By Shira Leeder, Foundation Chair

First of all, I wanted to wish everyone a Happy New Year 2016! Hope this year will be the best year yet.

It has been a quite while since I wrote for the New World regarding the news of the Foundation. We have not been conducting any fundraising business for the past 6 months because we have been preparing to re-file the 501c3 IRS tax number, which we lost in 2013. In the meantime, we are working on restructuring ourselves by updating the bylaws, planning our operations and organizing our annual scholarship search.

We are always seeking potential board members, including looking for a new Chair. Do you know of someone who would like to help us raise money to fund the scholarship or fund the New World? We also need to help CDR, Inc. pay 50% of the website and insurance that we are required to have in order to participate in the EXPO's, DCAD and other venues.

We hope to see you at the LA Abilities Expo February 5-7<sup>th</sup> with your questions and concerns about the current issues that we all share! Enjoy the Expo!

! We would like to congratulate our members Kathleen !  
! Barajas and Kim Anderson who participated in the Ms. !  
! Wheelchair California Foundation Pageant in January! !  
! Kathleen was crowned Ms. Wheelchair California 2016, !  
! with Kim as First Runner-Up! !

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*"Let justice roll like waters and righteousness like a never ending stream."*

## A SHORT HISTORY OF CDR (CAPH) AND WHERE DO WE GO FROM HERE?

Californians for the Physically Handicapped (CAPH) was established in 1970 because the built environment was largely inaccessible to **people who used wheelchairs, canes, crutches, walkers, etc.** This was because there were steps everywhere - into buildings, onto sidewalks; there were no curb cuts at street corners; there was no access into most commercial buildings, residences, busses, bathrooms, etc. These barriers gave physically disabled people little independence in going to school, using public transportation, finding accessible housing, going shopping, getting to medical appointments, getting jobs, participating in recreational activities, participating in entertainment venues, visiting others' homes, etc. **The built environment essentially barred them from living a full independent life.**

In 1970 when the original 43 CAPH members started working on getting access laws passed and the codes written so the laws could be implemented, **mobility impaired people were finally able to get equal access to the venues that any person without mobility impairment could access.** This resulted in a "NEW WORLD" that was opened up to some for the first time! For those who had lost access through accidents, disease, or age, access was regained. This also led to more active participation by, awareness about, and exposure to many of the disabled people who had been hidden from and disenfranchised by society's long held prejudices against anyone with a disability.

So what is going on now with CDR? We have to re-apply for our 501(c)(4) nonprofit status with the IRS. After working for 5 months on doing this for the Foundation, I am very discouraged because the IRS wants every minute detail of CDR's 45 year history!

This is a daunting task; the CDR Foundation has sparse records - not much was recorded about its doings; what was recorded includes 4 file boxes of incomplete records for CDR/CAPH. The main function of the Foundation was to raise money for scholarships, the New World and the joint operation with CAPH (minus any legislative activity).

How do you start over when the times have changed so much? Now we have much greater access than there has ever been in the history of the world! We also have tremendous apathy and inaction from younger people with disabilities; members are getting older, sick and dying. Plus, a general refusal of architects, planners, and builders to follow the simple, easy access codes that were set up in the 1970's and early 1980's. CAPH (now CDR) members negotiated with many to get the greatest access for the most people; some were not happy but said they New World, Los Angeles Expo Edition

could "work with the suggested codes" and they came to consensus! It was a game changer for many people allowing them to have independence for the first time since their disabilities happened and some for the first time in their lives! They became avid advocates and did a tremendous amount of work—all before the Internet! Many traveled up and down the state to Sacramento at great discomfort and expense to participate with CAPH & CDR.

But people are people and they don't like to be "told what to do." So, the only means of enforcement offered to people with disabilities is for them to ask, beg, plead, and write letters to the businesses and government entities who are not compliant, **OR SUE for a violation of their civil rights!** The CA Unruh Civil Rights Act of 1959 gave Californians the right to sue and the ADA of 1990 gave us the right to sue the whole country. After 25 years, there are still cries of "FOUL" from businesses about not knowing they were out of compliance (in CA they have had at least 40 years of notice that the codes have changed). There are constant new laws being proposed in CA--encouraged by business associations to stop vexatious or frivolous litigation because a store has been sued for non-compliant access or injury to a person with a disability. CDR has been trying valiantly to stop these bills but we have not been as successful as we would like. There are a few valiant souls on the legislative committee who work tirelessly on this but it is a daunting task and there are few who want to participate any more. Where are the people who care about access and civil rights?



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## UNACCEPTABLE SOCIAL INJUSTICE

(Cont'd from page 1)

Supporting this premise, a long time CDR member recently stated: 1) Americans with disabilities are disproportionately represented amongst the homeless. 2) Aging baby boomers increasingly compete for the scarce stock of accessible, adaptable and barrier-free housing. 3) Rents are increasing. 4) Persons with disabilities are disproportionately confined in prisons or killed at the hands of law enforcement. 5) Health care for many grows increasingly limited, diminishing quality of life and longevity itself. 6) States permit medical offers of "assisted suicide." 7) New caregivers often go for long periods unpaid because of the bureaucracy involved with getting enrolled into the system! The wages are among the lowest paid with the fewest benefits. The workers are among the hardest working and dedicated laborers that there are.

One problem is that the new overtime law benefits some IHSS workers and consumers at the expense of those without family providers! Significantly disabled consumers need the security of being able to have consistent care giving like family providers can give. These providers will give even if they don't get paid on time or even if they don't get a raise. But if a significantly disabled consumer has no backup, they are often left in the lurch--in bed! They end up asking former caregivers, or friends to help them, even having to give them money from their own meager income. It might be better to just increase pay for all and forget the overtime system altogether!

An emergency attendant service called "Easy Does It" has been created for care giver no shows for significantly disabled consumers in the SF Bay Area. It offers help to those stranded by workers not showing up when needed. The LA area does not have such an organization, but now there are plans of creating something through CALIF the ILC in downtown LA headed by Lillibeth Navarro, E.D. and Nancy Becker Kennedy, board member. Contact Nancy at nancybk@aol.com to see what you can do to help or check out and or join the IHSS Consumers Union 2 on Facebook. You might get some good ideas or help with some of your IHSS issues.

Everyone needs to assert their rights to affect change or lose those rights! CDR always advocates that you go to your local Assembly Member and State Senator to keep them posted on your concerns about issues such as IHSS, SSI, Managed Health Care, Access, etc. Get to know them so they recognize when you call or email them with your concerns or suggestions they will recognize you and pay attention to you.

## OPPOSITION TO ACCESS SERVICES' PROPOSED FARE STRUCTURE

By Kathleen Barajas

Last fall, our member, Kathleen Barajas, was recognized in a Federal newsletter on transportation called the Transit Access Report. This newsletter discusses transportation issues around the country, which affect the disability population. Kathleen's letter was in regard to Access Services' Fare Proposal, which was being mandated by the Federal Transit Administration, and was set to go into effect on January 1, 2016. Kathleen sent her letter to Anthony Foxx, Secretary of Transportation, along with submitting it to a federal docket, which dealt with this matter.

To quote the Transit Access Report, "In perhaps the most notable of the early [docket] comments, a rider named Kathleen Barajas implored the DOT to accept the petition and allow Access Services to keep using its coordinated fare system. Ms. Barajas, a wheelchair user from East Los Angeles, said the replacement system with six fare levels would be 'too difficult' for riders in general and a 'nightmare' for those with cognitive disabilities. Individuals with cognitive disabilities will find it impossible to remember what the fare is for each trip, she commented. It is likely that even the current structure of two fares is challenging enough for these riders."

The Transit Access Report also commented that "In a scan of submission partway through the comment period, the comment by Kathleen Barajas stood out for the strength of its voice. Many other local comments were obviously following a template of unidentified origin, while some riders merely filed the template.

A portion of Kathleen's letter is as follows:

*Although the disability community is totally in favor of not being overcharged for their transportation, there are many other issues which have not been considered and would be detrimental to Access riders.*

*The fare structure being proposed by Access Services would prove to be too difficult for its riders, but especially for those with cognitive/intellectual disabilities. To illustrate the point, here is how the new fare will be calculated. When a rider calls to schedule a ride, Access Services would look up the requested trip on Metro's Trip Planner website. The reservationist would then use the cost of, I believe, a trip with the lowest fare as a base. The base would then be doubled, then rounded down to the nearest dollar, or to 50 cents if less than a dollar. Possible fares would be no charge, \$.50, \$1.00, \$2.00, \$3.00, or \$4.00. Currently, Access' fare structure is \$2.75*

*(Cont.d on page 6)*



## **Californians for DisAbility Rights, Inc.**

C/O Kathleen Barajas

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### **OPPOSITION TO ACCESS SERVICES' PROPOSED FARE STRUCTURE**

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*for trips up to 20 miles, \$3.50 for trips over 20 miles.*

*It is my understanding that Access developed this proposed structure of six (6) fares based on the vast array of comparable fares of Los Angeles County's Transit System. Because Los Angeles County is comprised of many, many cities, there is an equal number of varied fares, ranging from free to \$5 or more. Although it is unfair for Access riders to be charged more than double for some of their rides, compared to the same fixed-route trip, I can ensure you that these riders would prefer to continue to be overcharged as opposed to having to deal with a complex structure of six different fares which would cause the following issues.*

*The first issue is about the use of Metro's Trip Planner. This website tool proves to be difficult to use, and I have heard of many non-disabled individuals who cannot figure out how to use the site. If these individuals cannot use this online tool, how can someone with a cognitive disability be expected to navigate such? It can be argued that Access riders are not required to be able to use this website, however, the ability to do so will help riders estimate the fare of the rides they will book.*

*The concept of a fare structure that will be comprised of six possible fares will prove to be a nightmare for many Access riders. As mentioned above, individuals with cognitive disabilities will find it impossible to remember what the fare is for each trip. It is likely that even the current structure of two fares is challenging enough for these riders, however basing the fare on the distance of the trip is the way that the current fare can be thought of.*

*This new fare structure will make it very difficult, if not impossible, for riders to estimate their monthly*

*transportation costs. Most of Access' riders have Social Security as their only source of income, and are forced to allocate a fixed amount per month for Access rides. Having an array of six possible fare amounts, as opposed to only two, will make it impossible for these individuals to figure out how much to budget each month for transportation. This is serious, because should the individual run out of money before the month is over and find themselves needing to go see a doctor, they might have to forego receiving crucial medical attention.*

*Finally, Access riders have been forced to deal with fare increases in the last few years, and cannot afford to have the fare increased another 50 cents, to a maximum of \$4.00. Riders who live in group homes or other facilities are left with a budget of \$35-\$50 per month for extracurricular expenses, including transportation. How are these individuals expected to afford still another fare increase? Many of these riders are severely disabled, and not able to freely get out in the community. Raising the fare once again will deprive these individuals of the little enjoyment that they get when they are able to go on outings and such.*

*As a Disability Rights Advocate, on behalf of the disability community of Los Angeles County, I am pleading with the FTA to allow Access Services to continue using their current fare structure. Exceptions sometimes need to be made to accommodate the needs of the public, this is certainly a perfect example. The disability community already has other obstacles against us; we should not have to struggle with our transportation needs as well.*

*In November, Access Services received word that the fare proposal would be put on hold indefinitely, and the current fare structure would remain in place. Thank you everyone for their efforts in this matter – it really paid off! Now Access riders no longer have to be concerned with a messy fare structure, and will know how much to budget for their monthly transportation costs.*