

ADA Town Hall Training

By David Whalen, Statewide Project Coordinator, Niagara University's First Responder Disability Awareness Training Program

On a March day in 2004, Dan D'Andrea went to work at his construction job at a site in downtown Buffalo; little did he know his life would change forever that day. As he was working in an elevator shaft, a 2x4 fell from a few stories up, striking him on the head, and ultimately paralyzing him for life from the waist down. Mr. D'Andrea joined the disabled minority group and was stunned by the injustices and discrimination he witnessed to an entire population to which, just a few years back, he was indifferent. This led Mr. D'Andrea to start a foundation that, as its first charge, was to fund a unique restaurant accessibility program (Access Buffalo) and a municipality disability awareness training program, titled *Town Hall Training*.

In 2008, the town of Amherst started its Committee on Disabilities after Mr. D'Andrea advocated for proper accessibility in parks and other reasonable accommodations that any person naturally comes to expect. Two town board members saw the need to allow people with disabilities the right to not only voice their concerns, but to advise the town board on matters relative to disability. From that, they moved on a resolution, which became law a few years later, and started the town's committee.

Meeting Mr. D'Andrea was just a matter of fate, as I was able to see the need for and construct this innovative training program that educates both the disabled community and municipal employees on how to properly respond to their citizens who have disabilities. This is designed to educate and ensure that the proper procedures are in place

and followed. It provides information on the Americans with Disabilities Act (ADA), accessibility/universal design, department-specific functions, emergency preparedness, first responders, municipal responsibilities and committee development and structure. It also connects the municipality with the disabled community and ensures the whole community is represented.

There are consequences that municipalities face if they do not adhere to the ADA. An initial review of New York State's towns, cities and counties with more than 50 employees suggests that a large number of localities are not in compliance with the ADA. Elected and appointed officials in localities that are not in compliance should be aware that as residents become more informed of the rights guaranteed under the ADA, the likelihood that a Title II complaint will be filed with the Department of Justice (DOJ) increases.

When I met with John Wodrach, architect of the ADA, in April at the National ADA Coordinators conference, he informed me that every complaint received by the DOJ is reviewed, and that there is always a follow-up. Furthermore, Mr. Wodrach noted that if patterns persist, then the next step can be a review from Project Civic Access, an initiative started in 1999 when the DOJ realized that many municipalities did not follow through on initial ADA compliance. While the DOJ prefers to avoid citations, officials from several municipalities that were subject to a Project Civic Access review with whom I spoke said that costs arose that were not easy

to take. One example was the need to hire outside consultants at a cost of \$300,000. Another interesting note from Mr. Wodrach is that many of the calls to the DOJ concerning ADA compliance originate from municipal administrators, who are getting no response to compliance issues from town boards, so they feel they have no other choice.

Town Hall Training is offered around New York State and is currently booking dates. If you have an interest in attending or hosting, please contact David Whalen, Niagara University Statewide Project Coordinator, at 716-286-7355 or dwhalen@niagara.edu. This program is funded by the Dan D'Andrea Charitable Trust.

David Whalen has been involved in the field of disabilities since 1986. His Town Hall Training has been presented around NYS with rave reviews. He currently is the statewide project coordinator for Niagara University's First Responder Disability Awareness Training program, a grant funded by the NYS Developmental Disabilities Planning Council. With this, NU is developing all the training for law enforcement, firefighters, EMS and 911 operators in the state. He also chairs the town of Amherst's Committee on Disabilities, sits on the Erie County Disability Advisory board and is a member of the New York State Independent Living Council, among other roles and responsibilities. He also has developed training for emergency managers relative to proper response to individuals with disabilities. ❖