

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

Minutes of Public Meeting

January 29, 2015

Board Members Present

Juan Ciscomani (Vice Chairperson)

Beverly Dupree

Robert Garcia

Howard Meyers

Board Members Absent

Jeff Lavender (Chairperson)

Janet Bain

Staff Members Present

Sandra Kane, Executive Director

Jennifer Larson, Legal Counsel

**I. Call to Order**

Juan Ciscomani called the meeting to order at 1:08 p.m., with the following Board Members present: Beverly Dupree, Robert Garcia and Howard Meyers. The meeting took place at the Arizona Attorney General's Office, Capital Center Building, Basement Floor Conference Room B.

**II. Approval of Minutes of December 12, 2014 Meeting**

Upon motion by Howard Meyers, which was seconded by Robert Garcia, the Board unanimously approved the meeting minutes for December 12, 2014.

**III. Public Forum re: Pros and Cons of Inclusive Design Ordinance, and Possible Extension beyond Pima County.**

The Board members introduced themselves to the public. Sandra Kane summarized the public forum that had taken place in Tucson to discuss Pima County's Ordinance for Inclusive Design. She informed the Board that the Southern Arizona Home Builders Association (SAHBA) submitted written comments to oppose the expansion of the Inclusive Design Ordinance. She also stated that the Home Builders Association of Central Arizona opposed the expansion because they didn't want to pass on the costs to buyers, they perceived there to be a low need for homes with inclusive design, and that builders could address individual needs for design changes. Howard Meyers stated that at the Tucson public forum, the Board had the opportunity to tour a home with inclusive design and learned that the costs to make these design changes were minimal during initial construction.

Larry Clausen from the Arizona Developmental Disabilities Planning Council stated that his organization supports people with disabilities and that they face obstacles in finding available housing. Most people with developmental disabilities are cared for by their parents who are aging. Universal design is important to helping these individuals live independently. Although congregate housing is available as an option to individuals with disabilities, functional or operational rules can be a barrier (i.e. rules against service animals).

Krista Schwartz, the Single-Family Housing Director at the Foundation for Senior Living, stated that she is a registered architect, a real estate broker, and a former licensed general contractor and owner of a homebuilding business. She stated that she supports inclusive design, modeled on the City of Tucson Visitability Ordinance, which would require homebuilders to include five very basic features to a home: (1) one zero step entrance, (2) all interior doors on the first floor to be 32" wide and be equipped with lever style hardware, (3) 36" wide hallways, (4) reinforced ground floor bathroom walls to aid in later installation of grab bars, and (5) light switches, electrical outlets, and thermostats set at accessible heights. The costs are minimal to add these features to new housing. It would only cost an additional \$21 to \$28 to build a home with these features. Retrofitting a home with these features is expensive, takes a long time, and can cause hardship to a person with an illness who has deteriorating health and not a lot of time left.

Michael O'Donnell stated that he is a realtor with Berkshire Hathaway and has been looking into the inventory of homes for disabled people. There are 350,000 households in Maricopa County that have a person with a disability. Builders don't want a mandate with tract homes because of their timeline to build the homes. Also, in his experience banks were looking at homes that had modifications as distressed properties that would require money to return the property back to standard and to make it easier to market. The minimal features of inclusive design would not cause a home to be considered a distressed home, but the appraiser would still have to report the changes to the lender. Beverly Dupree asked for clarification on his position on the issue. He stated that he is on the disability advocate side.

Joel McCabe from the Neighborhood Housing Services of Phoenix, spoke about a recent AARP study that said 2/3 of people 40 or older want to stay in their homes as they age. Inclusive design benefits all people and makes it easier for residents to live in their homes and to visit other homes. His organization has been involved in many renovations. Some renovations cost substantial amounts, but costs would be lower had they been included upfront. Beverly Dupree asked Mr. McCabe if he was aware of any issues with the banks. He responded that he was not aware of any issues. Juan Ciscomani asked about the specific costs to do renovations. Mr. McCabe stated that costs were substantially more than the \$21 to \$28 figure to add the modifications up front.

Jonathan Peiffer, Director of Housing Development at New Town Community Development Corporation, stated that he is in support of universal design. He is a registered architect and has come up with design solutions to make housing more accessible. He designed homes for a small development that were all wheelchair accessible. Design dollars are cheaper than construction dollars. He came across a family with a paraplegic child that could not find an accessible home in the entire metropolitan area. He had a client that needed a fully accessible bathroom and master bedroom, and it cost \$15,000 years ago to retrofit to make the home accessible. The existing housing stock is not accessible, but if universal design is incorporated into new housing stock, people can age in place, avoid expensive retrofitting, and it helps everyone.

Stanko Zovko is the Education Outreach Specialist at Southwest Fair Housing Council (SWFHC). His organization does enforcement and testing, evaluates ADA compliance, and looks at barriers to people with disabilities who are a protected class under the fair housing laws. One impediment to fair housing is the lack of accessible housing. They support

adopting inclusive housing design measures similar to the Pima County Ordinance throughout Arizona. SWFHC supports homes that are built to the needs of the disabled and aging population. It is more costly to react to needs. Requiring the design elements to be done during the building phase prevents problems later when modifications are requested. SWFHC commonly receives complaints from disabled individuals whose requests to make design modifications have been denied, and these complaints are difficult to resolve. If homes are built with inclusive design, builders can avoid complaints of housing discrimination from individuals with disabilities regarding failure to make reasonable accommodations and modifications.

Darrel Christenson from Arizona Bridge to Independent Living (ABIL) stated ABIL is very much in support of expanding the Pima County ordinance statewide. A recent survey stated that about 10,000 people who are over 65 become disabled each day. Minimal costs are required to make changes. It is 20 times more expensive to do retrofitting. Retrofitting a door to a wider one is \$700. Homes are rotated every 7 to 8 years. Seven different families will live in one home over the lifespan of the home. One of these families may have someone who will benefit from the inclusive design features. Mr. Christensen stated that he cannot have his coworkers over to his house because his house is not accessible. Homes with inclusive design do not look institutional. It is a good social policy to have inclusive design. The ADA is now 25 years old. In 1992, Atlanta was the first city to pass an ordinance for visitability. The States of Texas, Georgia and Kansas have now passed similar legislation.

Jennifer Longdon is a private citizen and homeowner. Ten years ago, she was an able-bodied person, but then she sustained a spinal cord injury, causing her to need a wheelchair and be unable to return to her inaccessible home. She bought another home but it cost her \$70,000 to make that home fully accessible. She sold that home this past April to an able-bodied woman who liked the modifications because the buyer liked the low counters. Ms. Longren is in favor of an inclusive design ordinance. Builders are constantly changing home plans, and there is very little cost to add these changes. Ms. Longdon mentioned the upcoming Super Bowl and stated that she is unable to attend her friends' Super Bowl parties because their homes do not have accessible entrances or bathrooms. For her, inclusive design is a critical issue of access and segregation. She recently bought an historic home and is retrofitting it to make it accessible. Modifications can be simple and inexpensive. To Ms. Longdon, inclusive housing design is a matter of life and death; it can make the difference between whether an individual can fully participate in society or not.

Sarah Kader from the Arizona Center for Disability Law stated that the Center supports the Pima County Inclusive Design Ordinance and supports universal design. The Center can be contacted to provide advice on systemic issues like this. Costs are important- it is cheaper to make these changes in the beginning, and it is the moral thing to do.

Jim Bennett is the President of ADL Solutions. He is a contractor for accessible housing. In the beginning, there is not much cost to make a house all inclusive. They have projects in Mesa and Scottsdale in which all homes are accessible. These homes are still aesthetically pleasing to people without disabilities. They also perform modifications for homeowners with disabilities who have received the \$68,000 VA grant. With the VA grant, a lot of the money is used to make repairs on the house, and about \$5,000 to \$15,000 goes to making the bedroom and bathroom accessible. Making housing barrier free also helps prevent

accidents for able-bodied homeowners. It doesn't cost more to build wider doors, just 77 cents more per door. It's just the cost of the lumber package. Beverly Dupree asked Mr. Bennett if he had experienced any issues with financing from banks. He responded that he used to be a banker, and that banks seem more cooperative now.

Juan Ciscomani thanked all of the speakers for coming to the forum and sharing their experiences. The Board then discussed what action to take on the issue. Sandra Kane explained that the Board is an advisory board that can make a recommendation to the Attorney General, Governor and Legislature, and can work with other community groups to foster, through community effort in cooperation with both public and private groups, the elimination of discrimination in Arizona. Howard Meyers made a motion to commit the Board to support inclusive design and to explore further means by which the Board can assist in implementing inclusive housing design on a statewide basis. Beverly Dupree seconded the motion. Juan Ciscomani opened the motion for discussion. He noted that the Board had not yet heard the viewpoint of the homebuilders. Sandra Kane informed the Board that invitations were sent to homebuilder associations to participate in the Board's Tucson and Phoenix public forums, and read to the Board the response she had received from the Home Builders Association of Central Arizona. The Board then voted unanimously to approve the motion.

#### **IV. Old Business. Continued discussion of actions to be taken in response to public forums and survey re: law enforcement post SB 1070, and update re Maricopa County litigation.**

Dulce Juarez from the ACLU spoke briefly about the Maricopa County litigation and informed the Board that there is a court monitor who reviews training materials, creates quarterly reports on how the MCSO is changing, and brings issues to the judge's attention. The MCSO has been holding community meetings. The community meetings are listed on the MCSO's website. In the next few weeks, the MCSO will be getting body cameras and will be providing receipts to individuals who they have stopped that will include information about the officer's name and the reason for the stop to assist in data collection. Further information is on the ACLU and MCSO websites.

Jennifer Larson gave a brief update on recent procedural developments in the Maricopa County Litigation, including the upcoming civil contempt of court proceeding facing the MCSO.

Sandra Kane spoke to the Board about HB 2511, a bill at the Arizona legislature, which calls for all peace officers to wear body cameras and for a peace officer study committee. She stated that Board Member Daisy Flores had suggested that the Board support the legislation as is or ask that the committee have broadened discretion, and also suggested that Board Members may wish to apply for positions on the committee if the bill is passed. Robert Garcia stated that bill is a step in the right direction. Beverly Dupree suggested learning about when the bill was enacted and then discussing it further.

#### **V. Division Report**

Sandra Kane gave an update on the Cooke litigation. In November 2014, the federal district court judge issued an amended judgment confirming that the State had established that all

of the defendants were engaged in a pattern or practice of housing discrimination in Colorado City, and affirmatively ordering the defendants to grant new water connections to people who were harmed by the pattern or practice. The judge further indicated that he would be prepared to hold people in civil or criminal contempt if there was continuing discrimination in violation of the 10-year permanent injunction, and ordered individuals affiliated with the defendants to submit statements indicating that they had read the amended judgment and order. In December 2014, the Arizona Attorney General's Office together with law enforcement representatives from Mohave County AZ and Washington County UT held a town hall in Colorado City to inform people about the injunction, contacting the Division about discrimination, and contacting sheriffs about law enforcement issues.

**VI. Election of Chairperson and Vice Chair Chairperson.**

This agenda item was tabled for the next meeting.

**VII. Planning for Future Civil Rights Topics and Meetings.**

This agenda item was tabled for the next meeting.

**VIII. Announcements.**

There were no further announcements.

**IX. Adjournment.**

Upon motion by Robert Garcia, which was seconded by Beverly Dupree, the Board voted to adjourn the meeting at 3:02 p.m.