



National
Multiple Sclerosis
Society

Community Accommodations Resources For Self Advocacy

Introduction

This guide offers informational resources to help people with multiple sclerosis engage in self advocacy to more fully and comfortably participate in their communities.

The National MS Society's Self Advocacy Worksheet complements this guide by helping you plan your course of action. This worksheet is available at <http://www.nationalmssociety.org/living-with-multiple-sclerosis/advocate-for-yourself/self-advocacy-in-the-community/download.aspx?id=8130>. Reference it to assess your circumstances, concerns or needs, and to identify your goals for self advocating within the community. You can also find a sample worksheet at <http://www.nationalmssociety.org/living-with-multiple-sclerosis/advocate-for-yourself/self-advocacy-in-the-community/download.aspx?id=8131>.

Community is defined broadly to encompass transportation, places of business, and public facilities including parks and walkways. Community self advocacy is often geared toward requesting:

- **A modification to a building or facility**, such as installation of a power-assist door or a curb cut for better accessibility.
- **An amendment to policies or practices** to create a more accommodating or welcoming environment for people with disabilities.
- **An apology** for an inappropriate past action or statement.

The first step: Ask for good customer service

For most community access concerns, the quickest and easiest way to reach resolution is to approach the facility's management. Explain your objective, request good customer service, and attempt to partner with the management to achieve a mutually agreeable solution. Whether you are speaking as a taxpayer to your town's mayor or as a customer to the local pizzeria owner, there is nothing stopping you from asking for whatever you need for better access.

- Be kind.
- Be clear. What do you need? Explain why.
- Be creative. If your first choice solution is a non-starter, what else would improve the situation?
- Be persistent. What else can be done? How and when can you follow up?

Even when there is a clear violation of accessibility standards, your best first course of action is to politely ask for the necessary change.

Gather the facts & consider your course of action

- Reference the National MS Society's accessibility site checklist. (<http://www.nationalmssociety.org/living-with-multiple-sclerosis/advocate-for-yourself/self-advocacy-in-the-community/download.aspx?id=9510>) It will help you determine whether a particular facility meets accessibility standards and identify problematic areas.
- Analyze your strengths regarding your situation, including:
 - Your business. Are you prepared to stop doing business with this establishment if it does not accommodate you? Do you have other viable options?
 - Your expertise. Can you create broader awareness regarding the needs of people with disabilities or explain proper etiquette? Can you suggest some easy-to-implement, low-cost solutions?
 - The entity's belief in themselves as good corporate citizens or as a responsive governmental body. Can you appeal to their sense of what is right?
 - Force in numbers. Are there others experiencing the same or similar challenges? Can you demonstrate that your issue is not unique to you and that others are affected too?
 - People of influence. Do you have relationships with others who might expeditiously aid you in resolving your situation?
 - Influence from professional organizations. Is the facility in question a member of any professional organization, such as the Better Business Bureau? Does the organization adhere to a code of ethics or offer a means of arbitrating disputes?*
 - Public opinion and media outlets. Is your story appealing to the media? Would the public likely be sympathetic to it?*
 - Vulnerability to complaint under the ADA or suit under your state's Human Rights Law. What laws apply to your situation? How long is it likely to take to get resolution using the legal system?*

If your initial request for customer service isn't successful, these sources may aid you in achieving your desired outcome.

*NOTE: Discussing any of the last three sources of strength may be perceived as aggressive. Exhaust all amicable options first.

Reflect on what constitutes a victory for you. Are you pursuing the issue for your own access or on behalf of others in the community? If you win a lawsuit that requires a modification, but now feel uncomfortable at that venue, have you met your objective?

Know your rights: The Americans with Disabilities Act (ADA)

The 1990 Americans with Disabilities Act (ADA) created new federal protections against discrimination for people with disabilities, allowing millions of Americans to more fully participate in all facets of their communities. The ADA applies to nearly everyone with multiple sclerosis and includes two sections which apply directly to community accommodations: Title II deals with transportation, and Title III protects the rights of people with disabilities regarding public accommodations.

Following are some online resources about the ADA.

❑ **How does the ADA specifically serve people with MS?**

<http://www.nationalmssociety.org/download.aspx?id=66>

Or, to request a printed version of this pamphlet by mail, call an MS Navigator® at 1-800-344-4867.

❑ **What are the ADA requirements for buildings and facilities?**

<http://www.access-board.gov/adaag/html/adaag.htm>

❑ **How does Title II of the ADA address transportation issues?**

<http://www.nationalrehab.org/website/history/ADATitleII.pdf>

❑ **How does Title III of the ADA address public accommodations?**

<http://www.sanantonio.gov/ada/EtHandbook6.asp?res=1024&ver=true>

<http://www.nationalrehab.org/website/history/ADATitle%20III.pdf>

❑ **Where can I find ADA technical assistance?**

The National Network of ADA Centers offers links to 10 regional offices with professional staff able to provide ADA compliance training and technical support to individuals and businesses.

<http://www.adata.org>

❑ **Where can I find additional ADA resources?**

ADA Regulations and Technical Assistance Materials:

<http://www.ada.gov/publicat.htm#Anchor-14210>

❑ **What is the process for appeals under the ADA?**

This New York State brochure explains how to file appeals or complaints related to ADA Titles I, II and III.

<http://www.cqcapd.state.ny.us/DisabilityRightsADA/ADA.htm>

❑ **Are there resources specific to accessibility for restaurants?**

http://www.restaurant.org/legal/law_ada.cfm#overview

Guidelines for Restaurants and Accessibility:

<http://www.cga.ct.gov/2006/rpt/2006-R-0335.htm>

□ **Where can I read in greater detail about the ADA and civil rights for people with disabilities?**

ADA/Disability Rights

Pocket Guide to the ADA: Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities. Evan Terry Associates, Editor, \$30, John Wiley & Sons, Inc., ISBN-13: 9780470108703

Understanding Disability: Inclusion, Access, Diversity and Civil Rights by Paul T. Jaeger & Cynthia Ann Bowman, \$52, Praeger Publishers (2005) ISBN #0275982262

As important as the ADA has been in establishing standards of accessibility, it has limits:

- The ADA does not apply to all settings. For example, private clubs and religious organizations are exempt.
- Historic buildings are subject to different standards.
- Not all accommodations are considered “reasonable.” A business’s ability to pay for changes is taken into account.
- Filing an ADA complaint is extremely time-consuming. Formal complaints should be reserved for situations where amicable negotiation has failed.

Consider attempting a range of other self advocacy techniques before filing an ADA complaint. Some states have civil rights laws which may also protect your right to access public accommodations. Some states have accessibility standards that are even more rigorous than the federal standards.

Additional resources

Following are some links to help you identify the facts and possible solutions for your particular situation. Resources not developed by the National MS Society are listed for the value they may provide, but the Society cannot assume responsibility for their content or associated links.

Accessibility

There is a wealth of information available regarding making spaces more accessible and safer for people with disabilities. Accessibility modifications can range from relatively quick and inexpensive (installing a grab bar) to costly (major architectural changes or installing lifts).

□ **Are there guidelines for accessibility in the home?**

<http://www.nationalmssociety.org/living-with-multiple-sclerosis/mobility-and-accessibility/environmental-adaptations/download.aspx?id=312>

Or, to request a printed version of this pamphlet by mail, call an MS Navigator® at 1-800-344-4867.

□ **Must accessibility in the home be expensive?**

<http://www.nationalmssociety.org/download.aspx?id=277>

Or, to request a printed version of this pamphlet by mail, call an MS Navigator® at 1-800-344-4867.

□ **Are there resources regarding accessibility for churches?**

That All May Worship: An Interfaith Welcome to People With Disabilities, National Organization on Disability, www.nod.org (2005). Contains information for religious congregations on welcoming people with disabilities and chronic illnesses, as well as providing a supportive environment for caregivers.

Disability etiquette and sensitivity toward others

Sometimes a community self advocacy issue is, at its core, about a lack of awareness or sensitivity to disability etiquette by an employee or business owner. In the event of an offense, you might:

- Seek an apology from the management of the organization.
- Request a refund of any inappropriate fees that were charged.
- Recommend staff training to avoid similar situations in the future.
- Request that disciplinary action be considered for the involved staff (reserved for egregious situations).

□ **What resources are available to train employees and the public about appropriate language and behavior?**

- Detailed disability awareness and etiquette resource produced by the City of Sacramento, Calif.
http://www.cityofsacramento.org/adaweb/learning_about_disabilities.htm
- Easter Seals Disability Etiquette
http://www.easterseals.com/site/PageServer?pagename=ntl_etiquette
- Community Resources for Independence has several articles on disability etiquette at <http://www.crinet.org/etiquette.php>.

Transportation

The ADA requires that no individual be denied access or the benefit of transportation services due to a disability. Title II of the ADA has provisions for fixed route transportation systems, such as bus lines, and for demand-response services, such as taxi cabs.

Transportation providers are often large entities, with many employees, routes, and vehicles spread throughout a region at any given time. If you experience a problem with transportation service, effective self advocacy begins by providing

feedback to the transportation provider's central office. Some providers have comment lines or a staff person dedicated to ADA compliance.

Common transportation self advocacy concerns include:

- Late arrival, or no arrival at all
- Discourteous driver
- Lack of appropriate equipment or facilities to accommodate a person's disability

In all of these cases, the provider's management is unlikely to be aware of the problem if you do not bring it to their attention. Keeping the management informed of ongoing problems is your best avenue to work toward needed changes.

Some Web sites with information specific to various types of transit are:

Specifications regarding transportation facilities and the ADA

- Airports: <http://www.access-board.gov/adaag/checklist/TransportationAirports.html>
- Bus Stops: <http://www.access-board.gov/adaag/checklist/TransportationBus.html>
- Terminals & Stations: <http://www.access-board.gov/adaag/checklist/TransportationFixed.html>

Air travel

- Federal Aviation Administration
http://www.faa.gov/passengers/passengers_disabilities/
- The U.S. Department of Transportation's Aviation Consumer Protection Division
<http://airconsumer.ost.dot.gov/publications/flyrights.htm#pass>
- The Federal Transit Administration
http://www.fta.dot.gov/civil_rights.html

Other public transit

- Project Action: Easter Seals' program advocating for accessible community transportation
http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_homepage