

Colorado Advisory Council for Persons with Disabilities

CCHAP Presentation

August 18 2015

Welcome

Introductions

Today we will understand the:

- Role of the Council

- Reasons vs Excuses Campaign

- What we can do to help



The Council

SENATE BILL 08-165

BY SENATOR(S) Williams, Boyd, Gibbs, Gordon, Groff, Sandoval, Shaffer, Tapia, Tochtrop, Tupa, and Windels;
also REPRESENTATIVE(S) Carroll M., Borodkin, Butcher, Fischer, Green, Hodge, Kefalas, Labuda, Looper, Madden, Merrifield, Primavera, Stafford, Summers, and Todd.

Our Mission

- Is to serve in in an advisory capacity to ensure the equality of opportunity, independent living, and economic self-sufficiency for all of the state's citizens, including persons with disabilities, to the Governor's Office and General Assembly on issues relating to the need, problems and other concerns of people with disabilities.

Our Goals

- Our goal is to communicate new and changing legislation to those affected by it, be the driving force behind legislation that benefits persons with disabilities, provide resources to our community, and provide opportunities that result in economic self-sufficiency (employment, housing, etc).
- The bottom line, we aim to ensure the equality for all of the state's citizens, including persons with disabilities.

What we are required to follow

The Colorado Advisory Council for Persons with Disabilities was established by C.R.S. 24-45.5-101, Concerning Codification of the Advisory Council for Persons with Disabilities, and Making an Appropriation Therefore and enacted July 1, 2008.

Activities include:

- a) Coordinating with state boards, advisory councils, and commissions established for or related to persons with disabilities;
- b) Advising the Governor and General Assembly on legislation and state policy affecting persons with disabilities;
- c) Issuing an annual report to the Governor and General Assembly on the States programs, services, and policies affecting and addressing persons with disabilities;

What we are required to follow

- d) Monitoring the State's implementation of Title II for the federal "Americans with Disabilities Act of 1990", 42 U.S.C. 12101 ET SEQ., as amended, including oversight pursuant to Olmstead V. L.C. and E.W. 527th U.S. 581 (1999);
- e) Acting as an additional entry point for public grievances regarding disability issues and referring those grievances to the appropriate state agency or personnel: and
- f) Developing procedures relating to the Council's internal operations.

In addition:

HB 10-1019

CONCERNING PARKING PRIVILEGES FOR PEOPLE WITH DISABILITIES, AND MAKING AN APPROPRIATION THEREFOR.

HB 11-1216

CONCERNING THE FUNDING OF PROGRAMS THAT HELP PERSONS WITH DISABILITIES OBTAIN BENEFITS BY THE SALE OF UNIQUELY VALUABLE REGISTRATION NUMBERS FOR VEHICLES, AND MAKING AN APPROPRIATION THEREFOR. ("LAURA HERSHEY DISABILITY-BENEFIT SUPPORT ACT")

Coordination with State Boards, Advisory Councils, and Commissions

- Distribution list of 61 current Colorado state boards, advisory councils, and commissions that relate to persons with disabilities
- Council members represent the Council on over 60 other disability related councils, commissions and projects

Legislation and State Policy Advisement

- Developed a checklist to help policymakers analyze how a bill impacts people with disabilities and their families
- Review relevant legislation through the session
- Provide updates to Council members and interested disabilities organizations
- Provide letters of support and letters of concern to the Governor's office and bill sponsors

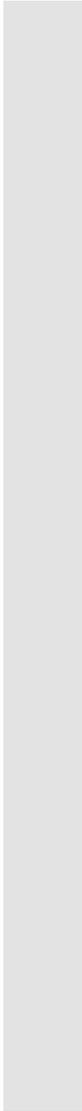
Public Entry Point For Grievances And Issues For Persons With Disabilities

- Maintain phone and email contacts with the community to allow the Council to effectively communicate with and direct citizens with issues related to persons with disabilities to get where they need to allow for the best possible service or resolution



Parking for Persons with Disabilities

Excuses vs Reasons Campaign



State Rules and Regulations

To Adopt or Not Adopt

- In 2010, HB 10-1019 was passed, creating the disabled parking education and enforcement fund and education programs. HB 10-1019 also included:
 - Rules about applications and renewal forms for license plates and placards
 - Rules about use of plates and placards
 - Description of misuse of reserved parking and associated penalties
- In 2013, Senate Bill 12-058 waived the requirement for a person with a permanent disability to verify the disability every three years.
- Colorado House Bill 14-1029
- In 2014, HB 14-1029's major contribution to strengthening disabled parking law was including the phrase "statewide concern" as a critical addition to the prior law: "The General Assembly declares that access to reserved parking by person with disabilities is a matter of statewide concern and that provisions set forth preempt action contrary by a political subdivision of the state."

What We Found

And why education is needed

- Drivers illegally parked in accessible spots is a universal problem in every state in the country. While 19 percent of the population has a disability nationally, less than four percent of parking is designated as accessible parking – a low supply for an increasing demand. Lack of accessible parking is the number one threat to the health and safety of people with disabilities, often denying them access to employment, health care, medication, groceries and other resources

What We Found

And why education is needed

- The Colorado Statesman reported that an estimated 186,000 Coloradoans have physical disabilities which make them medically eligible to receive placards to hang on rear view mirrors and park in the spots reserved for individuals with disabilities. **Yet, at least 1.2 million placards are in circulation** – suggesting abuse.

What We Found

And why education is needed

- As a first step in its mission to educate the public, the Council hired a public relations firm, Amelie, to gauge public perception and behaviors related to parking for persons with disabilities and to properly understand what type of education and outreach will provide the best results.
- Market research was conducted in early 2015. Focus groups and an online survey were conducted to capture the target audience's beliefs and perceptions. Results were considered representative and statistically significant.

What We Found

And why education is needed

- Nearly all respondents believe that parking lots usually have one or more accessible spots
- A majority of respondents think there are enough or more than enough accessible parking places;
 - only one third think there is not enough accessible parking
- A majority of respondents think that accessible parking is required by law
- Nearly all respondents have seen people who do not appear to be disabled using parking designated for persons with disabilities
- Most able-bodied respondents have never parked nor considered parking in a designated accessible spot
- A majority of respondents agree that accessible parking is a necessity for disabled persons
- Fewer, but still a majority, agree it is a civil right
- Only 10 percent of respondents have seen or heard advertising messages regarding parking for disabled persons

What We Found

And why education is needed

- Most able-bodied people do not think that access to parking for persons with disabilities is a problem even if they have witnessed abuse.
- They reported that accessible parking is available and there is plenty of it.
- People with a disability tend to think there is not enough accessible parking.

What We Found

And why education is needed

- While most people seem to think that accessible parking is required by law, more in-depth knowledge of the laws and enforcement is low – perhaps because the laws themselves are confusing from one municipality to another.
- Anecdotal evidence from focus group participants and enforcement data suggest that most people are not concerned about the possibility of getting a ticket for parking illegally in a designated space for a person with a disability.
 - In fact, people think they are far more likely to get a ticket for an expired parking meter, expired license plates or any number of other offenses before they would be ticketed for parking illegally in a disabled parking spot.

Culture

And why education is needed

- Both popular news coverage and the Council's market research agree – Colorado does not have a strong culture of respect for parking laws for persons with disabilities.
 - A March 2014 CBS Denver article said Arvada officials "Were stunned to find how many able-bodied drivers were monopolizing handicap parking spaces, and how many other drivers were forging and altering handicap parking placards so they could park closer to store and businesses."*
- Some people knowingly break disabled laws; enforcement will deter that group. Currently, however, as more people understand that punishment for parking abuse is marginal and seldom doled out, there is less and less incentive to respect the laws.
 - The Colorado Advisory Council for Persons with Disabilities hopes that education will change the culture and lead most Coloradoans to observe and respect disabled parking laws.

*Brian Maass, "Arvada Finds Handicap Parking Problem Worse Than Anticipated," *CBS Denver*, March 5, 2014. <http://denver.cbslocal.com/2014/03/05/arvada-finds-handicap-parking-problem-worse-than-anticipated/>

Education

What we hope to achieve

- Education is required in Colorado because many people violate laws surrounding parking for persons with disabilities through ignorance.
- Education will emphasize the importance of enhancing public awareness to make all Coloradoans more aware of disability parking laws and their responsibility for respecting the needs of individuals with disabilities.
 - Efforts can target those in need of placard or license plates, medical professionals who complete applications, able bodied drivers, enforcement officers and towing companies to ensure consistent application of Colorado laws.
- With a properly funded and administered education program, the only persons receiving citations would be those who intentionally disregard the civil rights of persons with disabilities.

Why Confusion?

Patchwork System of Laws and Rules

- Parking for persons with disabilities is undoubtedly a *state* program, though it is administered by *county* Departments of Motor Vehicles (DMVs). State dollars pay for placards, but license plates and placards are distributed through the local DMVs.
- The problem is that local regulations exist regarding parking for persons with disabilities and they vary significantly across jurisdictions.
- This appears to be a Colorado-specific problem which creates confusion for persons with disabilities, medical professionals, peace officers and members of the general public.

Raise
Awareness

NO PLATES.
NO PLACARD.
NO PARKING.



coloradodisabilitycouncil.org

**“I THINK I SPRAINED
MY ANKLE.
SO... IT’S COOL.”**

- Said no one with a disability, ever.

NO PLATES.
NO PLACARD.
NO PARKING.



coloradodisabilitycouncil.org

**“I DON’T FEEL LIKE
WALKING 300 FEET
FOR MILK.”**

- Said no one with a disability, ever.

NO PLATES.
NO PLACARD.
NO PARKING.



coloradodisabilitycouncil.org

Raise
Awareness

**“WHATEVER,
NOBODY REALLY
PARKS HERE.”**

- Said no one with a disability, ever.

NO PLATES.
NO PLACARD.
NO PARKING.



coloradodisabilitycouncil.org

**“I’M JUST RUNNING
IN FOR A SEC.”**

- Said no one with a disability, ever.

NO PLATES.
NO PLACARD.
NO PARKING.



coloradodisabilitycouncil.org

**“IT’S FINE,
THEY HAVE LIKE
10 OTHER SPOTS.”**

- Said no one with a disability, ever.

NO PLATES.
NO PLACARD.
NO PARKING.



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Advocate for
Change

Excuses Versus Reasons Video Spots

Spot #1

Spot #4

Spot #2

Spot #5

Spot #3

Spot #6

Excuses Versus Reasons Vine Shorts

Vine #1

Vine #4

Vine #2

Vine #5

Vine #3

Vine #6

There Are Leaders Out There

Arvada

- Arvada has been a state leader in implementing HB 14-1029. According to City Councilman Bob Fifer, the city implemented a parking enforcement arm to the police department in 2013 and started with a “soft launch” – writing warnings for cars parked in fire lanes and accessible parking spaces. In late 2013, they started writing tickets.
 - They average enough tickets from the accessible parking program to pay for their officers for the year.
- In January 2015, Arvada identified the two retail locations with the highest number of violations – Costco at 52nd and Wadsworth and King Soopers at 58th and Independence – and added new signs with a “think of me” tag. To date, the city believes they have improved awareness and education as the number of handicap parking violations has dropped in these two lots - over a 50 percent reduction in tickets at the location since February of this year.
 - Soft education is possible

There Are Leaders Out There

Arvada

- In addition, Arvada is treating handicap parking violations as misdemeanors and is charging the fines included in the statute, allowing repeat offenders to be recognized and penalized.
- Although some of the tickets have gone to citizens with appropriate placards that they neglected to place in the vehicle, the required court date has provided education and awareness for drivers with disabilities as well.

Arvada

Thoughts about the future

- Arvada sees parking for persons with disabilities as a priority since its population is aging; thus, preserving appropriate accessible parking spots and providing education is paramount.
- Arvada has not yet started contributing to the state education fund, but plans to continue partnering with the Colorado Advisory Council for Persons with Disabilities on this and other outreach and education issues in the future, perhaps serving as the location for additional pilot projects.

It's a Felony for Providers

Know the Rules

- I certify, under penalty of perjury, that the above named patient has a physical impairment complying with 23 CFR 1235. I have read and understand Colorado Revised Statute 42-3-204 and 42-4-1208 as they pertain to certifying persons with disabilities and affirm my knowledge of the contents of persons with disabilities notices and documentation made available to me pursuant to 42-3-204(5)(b), C.R.S.

How Can You Help?

The Colorado Advisory Council for Persons with Disabilities hopes that education will change the culture and lead most Coloradoans to observe and respect disabled parking laws.

- Do not sign an application for a tag or plate if the person does not qualify.
- Sign for the shortest time possible
 - Impairments are now defined as follows:
 - **Permanent** – a condition that is not expected to change within a person’s lifetime
 - **Extended** – a condition that is not expected to change within 30 months after the issuance of the plates or placard
 - **Temporary** – a condition that is expected to last less than 30 months after the issuance of the plates or placard
 - **Short Term** – a condition that is not expected to last more than 90 days after the issuance of a placard – **Can be reissued**
- DMV takes appointments – can schedule a time to be seen and get in and out.

Where do we go from here?

Give us your ideas on outreach and education