Impact of the ADA in American Communities
Cover photo:
President Bush Signing the Americans With Disabilities Act, July 26, 1990
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Issued on the 20th Anniversary of the Americans with Disabilities Act

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Prologue

Imagine a day when you did not go to work or school, or shopping, or to the post office, or the bank, or the pharmacy, or the movies, or to a park or a restaurant. Imagine a day when you went to those places but you could not get into them.

Imagine a day when you had no right to use public transportation or to enter the courthouse. Imagine a day when a school could deny you admission after you had met all of the entrance qualifications and paid your tuition. Imagine a day when an employer could take one look at you and deny you employment without considering your qualifications.

Imagine what it was like to have a disability before the ADA.

Introduction

On July 26, 2010, millions of people with disabilities, their family members and friends will celebrate the 20th anniversary of the signing of the Americans with Disabilities Act (ADA). Americans with disabilities are joyful about their achievements and those of their communities over the past 20 years. They are also well aware of the opportunities yet to be realized and the challenges yet to be overcome.

When it was enacted, the ADA promised people with disabilities equal opportunity, non-discrimination, and a “level playing field.” President George H. W. Bush likened enactment of the law to the fall of the Berlin Wall. He said, “And now I sign legislation which takes a sledgehammer to another wall, one which has for too many generations separated Americans with disabilities from the freedom they could glimpse, but not grasp. Once again, we rejoice as this barrier falls proclaiming together we will not accept, we will not excuse, we will not tolerate discrimination in America.”

The report which follows indicates that from the perspective of those for whom the law was intended to have the greatest impact, many expectations have been achieved. Some would even say the impact of the ADA has exceeded their expectations. However, the report also indicates certain unevenness in implementation, and it highlights a number of areas where change for the better has been slow. Perhaps most importantly, the report denotes areas where more work is needed to fully implement the ADA and to enable people with disabilities to reach their goals of independence, self determination, and full participation in society.

The original data referenced in this report were obtained through a nonscientific survey of 870 disability community leaders. The individuals who participated in the survey reside in more than 400 communities and in all 50 states and territories. Those surveyed include men and women representing a broad range of disabilities, ages and occupations.

Survey highlights

Two-thirds of people with disabilities who were polled in the study believe that ADA has been the most significant social, cultural or legislative influence on their lives in the past 20 years.

Survey respondents backed up their beliefs with the following personal observations:

“I became disabled in 1982. I woke up from a coma to find out I was a 2nd Class Citizen! I could not go anywhere or do anything. I was an RN and lost my license because I was disabled. In 1990, ADA changed all that. To me the ADA means I have my civil rights and liberties back, I’m a real person again just like everybody else.”

“I can get into buildings; I can actually go to the university; I can eat at restaurants; I can even take public transport – all of that was impossible before the ADA.”

“The ADA has helped people with and without disabilities in my community in ways many do not even realize. Every time we go to a restaurant and can easily enter and exit it and freely use the restroom we can thank the ADA.”

“ADA has been crucial in allowing people with psychiatric illness in my community lead normal lives through access to employment and education. With a few simple accommodations, a person who would otherwise be marginalized can be a fully functioning and contributing member of their communities, with the same access to opportunities as their peers. This is something incredible which has no doubt changed many lives, including mine.”

“Disabled people are accepted as legitimate members of my community. We do not have to be hidden away at home anymore.”

“I am totally blind and the opportunity to vote completely on my own had a tremendous impact on me. I cried the first time I cast my ballot unassisted. I believe that the ADA paved the way for this to happen.”

The ADA’s greatest impact has been improvements in access to public accommodations. Nearly 60% of those surveyed agree that access to public accommodations, retail and commercial establishments has shown the greatest improvement since passage of the ADA.

For many people, access to shops, stores, restaurants, theaters, hotels and other public places defines community integration, inclusion and full participation. Some respondents opined that having better access to retail establishments enables people with disabilities to be more fully engaged in commerce, thereby justifying expenses associated with required accessibility improvements, and generally improving the economy for everyone. It was also suggested that by enabling people with disabilities to be more actively engaged in the ubiquitous retail economy, the ADA is helping to improve both the self-esteem of people with disabilities, and how they are perceived by others.

“ADA has increased my independence and access to the world from simple things like curb cuts to being able to get on a subway or go out to eat at a restaurant.”
“The sidewalks (corner cuts) in our small town have seen the most change. Wheelchair accessible parking, which nobody heard about before ADA, has also made a big difference.”

“One time me and my son who uses a wheelchair went to eat at Wendy’s fast food restaurant. There was no wheelchair cut out or ramp to get up the curb from the parking lot to be able to enter the restaurant. I spoke to someone about it and they kinda blew me off. I called the Disability Rights Center in my state and a lady sent them a letter and they had an asphalt ramp placed in a day. That has been 13 years ago and it’s still there today. Every time I go there I call the ramp Jeremy’s ramp because he uses a chair.”

“Almost all shops and restaurants are now accessible in the small community I grew up in. It is wonderful to be able to access these establishments with our non disabled peers.”

“I have seen what seemed to be overwhelming burdens regarding accommodations like staff training become commonplace, and treatment of people with disabilities has become a common part of business since the ADA’s inception. It’s been slow and steady, but a visit to my home town in rural eastern Ohio, with not one access challenge over my dog or question about my blindness is beyond refreshing.”

“More businesses are providing interpreters and other forms of communication access.”

“I have an environmental illness. Improved indoor environmental quality in some environments through decreased use of pesticides, posting and notification of chemicals when used, nonsmoking policies and fragrance-free policies at some doctor’s offices have all helped me get out of my home and regain my independence.”

**Other areas of significant agreement regarding improvement are employment, transportation, and public awareness.** More modest improvements are indicated in the areas of education, telecommunications, recreation, community living and government services.

Many respondents described remarkable improvements in public transportation for people with mobility impairments since passage of the ADA...

“The impact on public transportation has been huge. In my city, EVERY bus is accessible. This means people with disabilities can get to work, school or anywhere they need or want to go.”

“As a result of intelligent transportation system technology, individuals with disabilities are better able to access and utilize our public transportation system. Automatic voice enunciators announce where the bus is stopping, providing people with vision disabilities and those with cognitive impairments a sense of orientation and comfort.”

“In my city, the public transit system is ADA compliant. 100% of the fixed bus routes are wheelchair accessible and they have audible announcements identifying routes, major intersections and transfer points. We also have an ADA comparable Para-transit system which crosses state and city boundaries in conjunction with the transit agency’s fixed route system. Because of this coordination, I can travel throughout the region to visit family and friends!”
Overall, more than 90% of the survey respondents believe that quality of life for people with disabilities in communities across America has improved greatly since passage of the ADA.

The biggest disappointment of the disability leaders who were surveyed is the lack of progress by people with disabilities toward reaching goals of economic independence. There seems to be a sense that while general quality of life has been improved by the ADA, difficulties obtaining employment and ever increasing expenses have prevented most people with disabilities from raising their standard of living.

Respondents were also disappointed in the impact of the ADA on healthcare, housing, and employment. On first blush, it seems illogical that employment could be regarded as one of the areas of greatest ADA impact, while at the same time being one of the areas having the least impact. However, a review of the comments provided by survey respondents to rationalize their judgments helps make the apparent contradiction more understandable.

“ADA has enabled my daughter to be part of the work force, and have a sense of purpose. Before, she sat at home with nothing to do. She is now more outgoing and just a totally different person.”

“Thanks to the ADA, I’m able to work a full time job as a professional and live independently as an adult should, in my own apartment. I’m free and confident and proud that my country understands the importance of every individual.”

“Employers have become more aware of the ADA. As a center for independent living we have had two businesses come to us for help with assistive technology recommendations, which never happened before. We would always see the employee after the job was lost. Now we are able to help with retention!!!!”

“I was able to establish a center for independent living in my town...mainly out of the need to be employed. I started out as a one woman, one room office, and I now have ten folks employed – most of them people with disabilities. I attribute my efforts all to the ADA!”

“Awareness and Understanding is a clear accomplishment, but stereotypes still persist and these still limit people with disabilities. There is a serious lack of knowledge about the ADA and what are reasonable accommodations and who is covered under the law.”

“My community is still living in the dark ages when it comes to the ADA and people with disabilities. I am hopeful that will change in the years to come but it hasn’t made much of an impact so far.”

“Discrimination continues to exist for those of us who are cancer survivors and others with invisible, hidden, and emerging diseases and disabilities.”

“Some of the ‘fear’ that employers have had and myths about people with disabilities have been allayed – companies like Walmart are willing for a person with a disability to be the first person you see when you enter the store – breaking down a lot of attitudinal barriers. There is still discrimination in employment, but not like there was before.”

The extraordinary importance of employment in the estimation of disability leaders is even more apparent when questions are asked about the areas in which the ADA is likely to have the most impact in the next 10 years, and the areas where efforts need to be taken in addition to the ADA. In both cases, employment is ranked highest.
Like employment, respondents indicated that housing and awareness-raising were areas in which ADA implementation efforts going forward could be expected to have a greater impact, and where efforts above and beyond the ADA may be required to sufficiently address the issues.

Also ranked highly among the areas where the ADA is expected to have the greatest impact in the next 10 years are community living, independent living and healthcare.

Some respondents contend that the Olmstead decision\(^2\) of the Supreme Court is as important as the ADA as a vehicle for equality, justice and social change. The Olmstead decision affirmed that the ADA prohibits the unnecessary institutionalization of people with disabilities and that states must provide services in the most integrated setting possible given limited resources. States must provide community-based options for institutionalized individuals who wish to live in the community and who are capable of doing so.

Respondents offered many examples of ways Olmstead is being implemented. They also provided numerous examples which suggest increasing momentum of deinstitutionalization of people with disabilities from both large state institutions and smaller private nursing homes. Many respondents described efforts to transition people from institutions into the community, and to prevent those who were at risk of placement in such institutions from being moved out of the community into nursing facilities.

“The Olmstead ruling inspired a Nursing Facility Transition grant that led to legislation that pays for transition from a nursing home to the community if you are on Medicaid.”

“Community living would be the biggest and most important impact of ADA. Without the push for independent living, me and many of my friends would be in nursing care facilities.”

“The state has closed institutions and has started to provide health care and long-term care in a more integrated setting.”

Lack of access to timely and appropriate healthcare is an issue which has frustrated disability advocates for decades,\(^3\) and results of the survey indicate the ADA has done little to improve the situation. However, advocates are hopeful that passage of recent health reform legislation, along with better implementation of the ADA in this regard, may help to improve access to and availability of needed healthcare services, medical equipment, and technical aids in the next decade.

Survey respondents were eager to enumerate ways that they and their organizations have worked to help implement the ADA. Chief among efforts by the disability community are...

- Educating employers and providing training for them about the ADA
- Conducting workshops and providing training about the ADA for school administrators, transportation providers and government agencies
- Serving as expert consultants to government agencies and employers
- Providing disability awareness training for businesses
- Informing other people with disabilities about their rights under the ADA


The Way Forward

The loudest message voiced by survey respondents is a call for action to implement those provisions of the ADA which require equal opportunity in employment, access to healthcare, services to support independent living and community living, accessible housing and alternatives to nursing home placement and institutionalization.

1. Eliminate Disincentives to Work for People with Disabilities

In a nation where citizens are often defined by the work they do, and where we depend on employment to generate income to support our lifestyles and to pay our taxes, people with disabilities must have the opportunity to work. Figures vary, but most studies indicate that half or more of working age people with disabilities who are seeking employment are unable to find work.

Economists argue about the reasons for such a high unemployment rate among people with disabilities, but everyone seems to agree that more aggressive action must be taken to provide employment opportunities for this population. One dynamic issue in particular requires further discussion, and that is the issue of “disincentives.”

For years, people with disabilities have complained that by going to work, particularly with entry level wages, needed benefits like health insurance, home care, and housing assistance would be sacrificed. Various efforts have been made to minimize the impact of the so called “benefit cliff,” but none of them seem to have worked.\(^4\) Perhaps it’s time to try letting people with disabilities go to work while continuing to receive vital benefits.

Eliminating the fear of benefit loss among prospective workers with disabilities, while enabling them to raise their standard of living and begin paying taxes seems like a win-win solution.

2. Implement Healthcare Reform, Insure Access to Preventive Care, and Provide Needed Technical Aids and Durable Medical Equipment

The need for improved access to healthcare by people with disabilities is also one of long standing. However, recent healthcare reform legislation offers the promise of solutions to some of the most critical issues facing people with disabilities who require healthcare.

Eliminating preexisting condition clauses from health insurance plans will enable people with disabilities to purchase health insurance and to participate in employer-sponsored group health insurance plans. This could help resolve many health-related issues facing individuals with disabilities who are employed.

Better access to health insurance for people who are not employed will also benefit large numbers of people with disabilities whose healthcare options are now complicated by Medicaid waiver rules which vary from state to state. By having insurance, people who before depended upon emergency rooms for routine healthcare can make appointments at clinics and doctors’ offices to be treated in a more normal fashion.

Community-based care significantly lowers costs for routine care by moving that care from the emergency room to the community. It is also more likely to foster preventative measures and early intervention, thereby reducing the number of hospital admissions and the need for more costly acute care.

Timely provision of appropriate technical aids and durable medical equipment is also needed if people with disabilities are to function as independently as possible. Due to current Medicare, Medicaid and private insurance restrictions, assistive devices are often never delivered to people who need them in order to practice self care.\(^5\)

By restricting the provision of assistive devices and other technology which program administrators seem to consider “too expensive,” people are forced to be entirely dependent upon relatively more costly and sometimes difficult-to-obtain human care. Additionally, delays associated with extended review and approval processes for such equipment often result in expensive-to-resolve physical breakdowns and medical complications.

3. Build Community-based Systems to Support Independent Living and Enable Seniors and People with Disabilities to Age in Place

Independent living means making decisions which affect your own life. For most people, it also means living in the community and participating in family and community activities. For many people with disabilities and seniors, independent living poses significant challenges related to housing and assistance with activities of daily living.

Housing options are limited for people with disabilities and seniors, particularly for those who are struggling to maintain their independence despite low incomes. When people are unemployed or seeking employment, or when they are retired, they face resource limitations which naturally limit their housing options. Even for people who own their own homes, property tax increases, inflation, and retirement fund dynamics may threaten their ability to age in place.

For people who require assistance with activities of daily living or personal care assistance in their homes, finding qualified people to help can be very challenging, and having the resources to compensate them can be even more challenging. Because needed in-home assistance is either too hard to find or too expensive to pay for, because family members are not always available to help, and because housing is difficult to maintain, people with chronic, daily health related needs often find themselves in intermediate care facilities or nursing homes.

Of course, most people do not wish to live in an “institution” or “facility.” But for people with disabilities, young or old, options for integrated, community living are few and far between. In a few communities, integrated housing and service demonstrations have proved to be quite successful. The On Loc program in San Francisco is a highly regarded example of a community-based program that provides assistance with housing and home care.\(^6\) Program participants, even those on limited incomes and with limited resources, live in a fully integrated, community setting, outside of institutions and nursing homes, and they receive all the daily assistance and care they require in order to be “independent.”

Given the predictable, impending needs of 79 million baby boomers who will eventually face the same challenges with housing and home care that people with disabilities and seniors who wish to be independent are facing today, it is imperative that creative solutions are developed and instituted to support community-based independent living and to enable seniors to age in place.

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Conclusion

While disability leaders passionately agree that the ADA has had a significant impact on their lives and on the communities in which they live, they equally agree that work remains to be done if we are to reach our goals of equal opportunity, full participation, community integration and inclusion.

Improvements in access to public accommodations, transportation and public awareness are consistently acknowledged, but the need for further compliance is evident. Other areas where improvements are recognized, but where even more work remains to be done include education, telecommunications, recreation and government services.

Concerted efforts are required to address significant compliance gaps and unresolved barriers to full participation and equal opportunity for people with disabilities. Creative new solutions and aggressive action are required to address complex issues related to employment, healthcare, independent living, housing and deinstitutionalization.

The many ways in which people with disabilities themselves are working to improve their communities and to assist covered entities with ADA compliance provides manifest demonstration of both the practical and symbolic importance of the Act. In his July 26, 1990 remarks, President Bush said: “This act is powerful in its simplicity. It will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard: independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the rich mosaic of the American mainstream.”

By embracing the law and investing themselves in its full implementation, people with disabilities are securing their own future and offering the promise of full participation, independent living, and equal rights to future generations.

Epilogue

On the morning of July 26, 1990, I sat on the White House lawn with 2,000 other advocates. The air was fresh and the sun was bright and hot. As the Marine Band played and while we waited for the president to take his place onstage, I recall wondering if the patriots of the American Revolution and composers of the Bill of Rights, visionary as they were, could possibly have imagined it would take 194 years and three weeks for Americans with disabilities to have our rights confirmed.

I also remember thinking about all the provisions that people had made in the past to accommodate me, despite my disability and without the mandate which was soon to be enacted. I reflected on the many opportunities which life had already afforded me, and I wondered how things might or might not be improved by this new law.

I recalled my first journey away from the hospital after my neck was broken. I remembered my mother pushing my wheelchair from one restaurant to the next, without being able to get over the curb or up the steps into any of them. I remembered the dismay I felt when my schoolmates took me to the movies and there was no place for me to sit. And, I remembered my disbelief when the university’s dean of admissions told me I would not be admitted because I had a disability.

And then my thoughts were interrupted by the melodious “Hail to the Chief,” and shortly thereafter decades upon decades of citizenship without equality were ended. With a few well conceived words and the swipe of a pen, years of efforts by countless advocates were rewarded by an act of law forbidding discrimination on the basis of disability and providing equal opportunity for millions of Americans with disabilities.
Now, 20 years later, my thoughts return to the question of how things might or might not be improved by this new law. Having had the opportunity to solicit and gain perspective on this question from more than 800 of my colleagues from cities and towns across America, I can say without question the ADA has had a powerful influence on our lives.
Percent of Respondents Indicating Areas of Greatest ADA Impact
N = 870

Percent of Respondents Indicating Areas of Least ADA Impact
N = 870
Over the Next Ten Years

N = 870

Percent of Respondents Indicating Areas of Greatest ADA Impact

Access to government services
Access to public accommodations
Access to transportation
Access to education
Access to telecommunications
Access to independent living/community living
Access to healthcare
Access to recreation
Access to housing
Understanding of disability by others
Other

Beyond or in Addition to ADA

N = 870

Percent of Respondents Indicating Areas Needing Initiatives

Access to government services
Access to public accommodations
Access to transportation
Access to education
Access to telecommunications
Access to independent living/community living
Access to healthcare
Access to recreation
Access to housing
Understanding of disability by others
Other
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Mr. Frieden has served as chairperson of the National Council on Disability, president of Rehabilitation International, and chairperson of the American Association of People with Disabilities. Credited with defining and pioneering the concept of “independent living” in the early 1970’s, he has published many articles and papers and he speaks frequently on the subject.

Mr. Frieden was instrumental in conceiving and drafting the Americans with Disabilities Act (ADA). He has received two Presidential Citations for his work in the field of disability.

A graduate of Tulsa University, Mr. Frieden has been honored as a Distinguished Alumnus. He also holds a master’s degree in social psychology from the University of Houston where he completed doctoral requirements in rehabilitation psychology. In 2004, he was awarded an honorary doctorate in law (LL.D.) by the National University of Ireland.
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