

STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ELIOT SPITZER, GOVERNOR

**FOR IMMEDIATE RELEASE**

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Contact: Christine Anderson  
canderson@chamber.state.ny.us  
(212) 681-4640  
(518) 474-8418

## **GOVERNOR SPITZER SIGNS LEGISLATION INCREASING RIGHTS FOR THE DISABLED**

Governor Eliot Spitzer today announced that he has signed legislation significantly expanding the avenues for people with disabilities to assert their rights. The new law will make it far easier for disabled New Yorkers to seek relief when public facilities fail to reasonably accommodate their disability.

"It is critical that the state provide individuals with disabilities full and equal opportunities," said Governor Spitzer. "This law takes a significant step towards a New York that removes barriers to the full enjoyment of the rights of all of its citizens."

Specifically, the new statute would make it a discriminatory practice under New York law for places of public accommodation to:

- Refuse to make reasonable modifications in policies, practices, or procedures necessary to afford facilities, privileges, advantages or accommodations to individuals with disabilities, unless making such modifications would fundamentally alter the nature of the facilities, privileges, advantages or accommodations;
- Refuse to take steps necessary to ensure that no individual with a disability is excluded or denied services because of the absence of auxiliary aids and services, unless taking such steps would fundamentally alter the nature of the facility or would result in an undue burden; or
- Refuse to remove structural architectural or communication barriers in existing facilities, and

transportation barriers in existing vehicles and rail passenger cars, where removal is readily achievable.

These principles bring New York State law in alignment with the federal Americans with Disabilities Act, and thus will not present businesses or government agencies with a new or unfamiliar set of rules to follow.

The new law will allow persons with disabilities the ability to file certain complaints related to discriminatory practices through the State Division of Human Rights rather than pursuing costly litigation in federal court. Individuals can bring their complaints at one of the numerous DHR centers around the State. If the Division finds probable cause of a violation, a lawyer will present the complainant's case. In addition, the Division itself can bring affirmative investigations and initiate complaints.

Senator Steve Saland, Senate sponsor of the legislation, said: "New York State has led the nation for many years in ensuring that accommodations are made for people with disabilities. It is vitally important for the State to continue this commitment to assure adequate protection against discrimination on the basis of disability. By putting the federal requirements in state law, we are greatly enhancing the availability of state enforcement mechanisms through the Human Rights Law."

Assemblywoman Amy Paulin, Assembly sponsor of the legislation and former Chair of the Assembly Task Force on People with Disabilities, said: "I am absolutely thrilled, after at least ten years of intense advocacy from New York's disability community, that Governor Spitzer has signed this measure into law. People with disabilities need to be assured that their civil rights are well protected in this state. This measure will go a long way toward both preventing and, hopefully eliminating, discrimination against people with disabilities when they choose to utilize areas of public accommodations in New York, regardless of what happens to the ADA on the federal level. I look forward to working with the Governor to ensure that all existing protections offered under the ADA are put into state law as well."

Sim Goldman of Disability Advocates said: "We are pleased that New York has clarified and strengthened the legal rights of New Yorkers with disabilities under State law. We thank the Assembly, the Senate and the Governor for their collective efforts in enacting this law, as well as our fellow advocates

who have worked tirelessly for years to achieve this goal."

Frank Pennisi, the Chair of the ADA Committee of New York State, said: "With the enactment of this law, Governor Spitzer has shown his commitment to true equality for all New Yorkers. This bill will make it possible for individuals to assert their right to access to public facilities, and to make those rights guaranteed them by law a reality."

The legislation will go into effect in January 1, 2008.

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*New York has the proud distinction of being the first state in the nation to enact a Human Rights Law, which affords every citizen "an equal opportunity to enjoy a full and productive life." The New York State Division of Human Rights was created to enforce this important law and does so through, among other things, the vigorous prosecution of unlawful discriminatory practices and the receipt, investigation, and resolution of complaints of discrimination. Please visit the Division's website at [www.dhr.state.ny.us](http://www.dhr.state.ny.us) for additional information about the agency and its work.*