

Mayor Robert Garcia, City Council Members, and The City

Good Evening! I am Frances Emily Dawson Harris, a resident of District 1.

Thank you very much (Councilwoman Lena Gonzalez, Councilwoman Jeanne Pearce and Councilwoman Stacy Mungo) for Agendized Item 26. 17-0506

My fairy God Daughter, Amya, while being taken to school one day, in November 2009, said, "Grandma, it's not right that Ms. Frances can't get out like us." What a profound statement and compassion for a 6 year old child, which was unbeknownst to me, the beginning of a horrific nightmare!

I endured a non-operational elevator until January 29, 2010. My goodness - **73 days!!!**

City Council Members, you have the power to flash a red light and stop such actions which may be considered a form of involuntary imprisonment. Similar incidences, have been well documented on various news broadcasts.. Every day is precious and people have a right to live to it's fullest. Days gone cannot be relived.

Now, please review Attachment A Notice of Inspection dated, December 23, 2009 which is actually Notice #2. Note: Notice #1 is the same type of wording as Notice as #2 which was served on December 16, 2009.

How sad the serious numerous violations were not adhered to until January 29, 2010. Why???

I believe because the Federal Code of Regulations: See: Attachment C : Allows a temporary interruption of service, but unfortunately does not clarify the number of days to comply. Therefore, no Federal, State or City entity can set an actual enforcement date to comply and pose any type of fine, if applicable.

Therefore, I wrote a proposed Federal Legislative Bill: See Attachment D, which is an amendment to the Federal Code of Regulations 28: Part 0-42, revised as of July 1, 2009, Judicial Administration, Section 35.133. I gave this written document to Congressman Alan Lowenthal for assistance. I was informed it was sent to Washington D.C. When the status of the progress of this proposed bill is made known to me, then I will inform Councilwoman Lena Gonzalez.

I support Agenda Item 26. 17-0506 Section B: I believe "Incentives for property owners with elevators to modernize equipment "will greatly reduce incidences of non-operational elevators operators," What a blessing!

I support Agenda Item 26. 17-0506 Section A: (A report of current elevator code enforcement procedures, number of violations for elevator failures due to faulty equipment, the initial number of days granted to repair and any extensions granted.) is needed.

I support Agenda Item 26. 17-0506 Section C: "Policy recommendations for hardship

reimbursements to disabled persons who spend money on medical and quality of life services during the time an elevator is out of service," I believe must be mandatory. (Please refer to Attachment B: **my expenses for errands and access/egress assistance** totaled **\$1,780.00.**)

Thank you Council Member Dee Andrews for asking me in 2010, "Where have you been? You have been missed for several months." I explained to him what happened and thus I now had another project to help mankind, and he said "let me know how I can help."

When people are on a destination in life, surely a non-operational elevator puts them on a detour. I believe most frustration is created in unmet expectations. This Ordinance will greatly reduce and hopefully resolve such frustration.

I support the "recommendation to request the City Attorney to draft an Ordinance to regulate elevator repairs related to equipment failure" generically, as written, in regards to the 7 day and 14 day stipulations.

This Ordinance speaks responsibility, understanding and intolerance.

Go Long Beach, shine a green light, continue to promote freedom, equality, independence and diversity.

City Council Members I implore you to vote your conscience.

Respectfully submitted,

Frances Emily Dawson Harris
June 20, 2017

enc: Attachment A
Attachment B
Attachment C
Attachment D

jms

Attachment A

INSPECTOR'S OFFICE HOURS 4:00 - 5:00 P.M. DAILY
LONG BEACH DEVELOPMENT SERVICES

CITY of LONG BEACH

INSPECTION REQUEST 570-6105

NOTICE OF INSPECTION

JOB ADDRESS: COMMUNITY COLLEGE

PROJECT NUMBER: COMMUNITY COLLEGE

ELEVATOR OUT OF SERVICE SINCE
NOVEMBER 18, 2009

YOU ARE IN VIOLATION OF
THE CALIFORNIA BUILDING STANDARDS
CODE, ADA, FEDERAL FAIR HOUSING
ACT & FIRE & LIFE SAFETY CODES.

YOU ARE REQUIRED TO
PROVIDE AN ACCESSIBLE MEANS
OF ACCESS/EGRESS OR EQUIVALENT
FACILITATION TO EXISTING
TENANTS WITH PHYSICAL
LIMITATIONS IN THIS INSTANCE
A WORKING ELEVATOR.

PROVIDE UPDATES TO ALL TENANTS
ON ESTIMATED COMPLETION OF REPAIRS
TO ELEVATOR & PROVIDE IMMEDIATE
AS NEEDED ASSISTANCE OF ACCESS &
EGRESS TO ANY TENANTS WITH PHYSICAL
LIMITATIONS REQUIRING ASSISTANCE

12/23/09

DATE

RAY WOOLNATHER

INSPECTOR'S SIGNATURE

PHONE # 570-628-

Information regarding the cost for the provision of a reasonable accommodation for Frances Emily Dawson, by the landlord, when the elevator was non-functional (73 days).

Note: a non medical emergency transporter must transport a person to a hospital (will bill their medical insurance); or, transport to a doctor's appointment (requires advanced authorization by the health insurance company. A cash payment will be required by the landlord because transporting Frances Emily Dawson and her power wheelchair out of the apartment building, because an elevator is non-functional does not qualify as a justified medical transport. Such a transport still requires a destination of a hospital; or, doctor's office, not to a cab awaiting outside whose destination is a hotel of one's choice. (This information was provided by Paola and Drew.)

*** Costs for transporting Frances and her power wheelchair; and, for a personal care attendant (PCA) ***

1. **Bowers & Pacific Ambulance, a non medical emergency transporter:** telephone # 562-988-6460
Cost: \$802.75 and \$15.75 per mile traveled to transport Frances & her power wheelchair (each way)
Information provided by Paola)
2. **Medix, a non medical emergency transporter:** telephone # 562-498-1911
Cost: \$680.00 to transport Frances and \$680 to transport her power wheelchair; thus, cost is: \$1360 (each way); plus, \$15 per mile traveled Information provided by Drew
3. **Personal Care Attendant (PCA):**
Senior Solutions Team, 3736 Atlantic Avenue; L. B., Ca. (# 562-283-0225)
Michelle Thompson, who does care management assessments, provided information regarding the costs.
Cost: \$110-\$150 for a minimum of 4 hours
 \$ 22-\$24 hourly
 \$ 235-\$255 for 24 hours
 the charge for transportation: hourly rate for PCA (\$22-\$24) and \$.60 per mile traveled; and parking fees (if applicable)
*** Errands by a PCA are also a service provided for a fee of \$22-\$24 hourly

HELP NEEDED: between Nov. 18, 2009 – Jan. 29, 2010 due to the elevator out of service

1. Errands: Bank; Post Office: buy stamps; mail documents, birthday and holiday packages; shop at a variety of retail and grocery stores; pick up meals from restaurants; deliver and pick up documents from L.B. City Hall; empty trash; pick up her mail in apartment building
2. Transporting Frances by a trained person; including her manual wheelchair out and into apt. building: Jan. 14, 2010; Jan. 25, 2010 and Jan. 27, 2010
3. Additional assistance needed by several people (PCA):
transported in a car; including, assistance with her transferring in and out of the car; transported on the Dial A Lift; transported to /on and from the Metro Line; operating/maneuvering her manual wheelchair to attend City related meetings; doctor appointments and medical testing at L.B. Memorial Medical Center; restaurants and retail stores

***** Therefore, the total monies owed Frances Emily Dawson: **\$3,710.95** *****

(Reimbursement of Rent: \$1,930.95 & Expenses for errands and access/egress assistance: \$1,780.00) *

Respectfully submitted,

Attachment B

Frances Emily Dawson Harris

Code of Federal Regulations 28(revised July 1, 2009) Part 0 to 42

* 35.133 Maintenance of accessible features (page 551)

- (a) a public entity shall maintain in operable working conditions those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the act or this part
- (b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs (56 FR 35716, July 26, 1991, as amended by Order No. 1694-93, 58 2010 Calif. Fire Code page 177)

35.134 Retaliation

- No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under the act or this part

FR 17521, April 5, 1003 (found on page 551):

Accessible Means of Egress: a continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way elevators used as an accessible means of egress in accordance with Section 1007.4

California Residential Code: Section R 321 (Page 101)

Where provided, passenger elevators, limited-use/limited application, elevators or private residential elevators shall comply with ASME A 17.1

PROPOSED LEGISLATION BACKGROUND

(Attachment D)

PURPOSE OF BILL: Provide better and guaranteed access for people with disabilities (Re. elevators)

What is the problem or deficiency in existing law?

According to the Code of Federal Regulations 28: Part 0-42, revised as of July 1, 2009, Judicial Administration, Section 35.133: Maintenance of accessible features (page 551) (a.) a public entity shall maintain in operable working conditions those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part. (b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs (56 FR 35716, July 26, 1991, as amended by Order No. 1694, FR 17521, April 5, 1993)

The problem is that it does not define or indicate a statute of limitations; that is, an actual period of time; for instance, number of days which clarify the definition of temporary interruptions of services. Surely, an elevator out of service for **73 days** (November 18, 2009 until January 29, 2010). I believe this is beyond what is considered to be acceptable temporary interruptions of service.

The City and the State; therefore, apparently does not have the authority or jurisdiction to site the owner of the property with a fine; and, criminal or civil charges, if deemed applicable for not abiding by a demand provided on a Notice of Inspection which indicates being in Violation of the California Building Standards Code, ADA, Federal Fair Housing Act and Fire & Life Safety Codes. (Please refer to the City of Long Beach's Notice of Inspection served to [REDACTED], on December 23, 2009.) Please note that a similar notice was also served to this property on December 16, 2009, by Ray Woolhether, City of Long Beach's Building Inspector.)

What will this bill do?

I believe this bill will enable the Federal, State and City to have improved authority or jurisdiction to request; that is, demand repairing features of facilities and equipment that are required to be readily accessible to and usable by people with disabilities, which includes an understanding that actual consequences; such as, fines, criminal, and; or civil charges, if deemed applicable, will result.

This bill surely will support the intent and spirit of the Americans with Disabilities Act of 1990. Surely, people with disabilities have the right to equal and **better guaranteed access** which will permit an equal opportunity to perform activities of daily living and live life to their utmost potential..

STUDIES, REPORTS, STATISTICS AND FACTS: Please refer to supporting **Attachment: Notice of Inspection** I spoke with Larry Brugger, L.B. Interim Superintendent for Building & Safety (#562-570-7713) and Ray Woolhether (#562-570-6287) who informed me that no actual date is known to exist regarding the deadline to repair feature or equipment needed by people with disabilities for accessibility; particularly, elevators out of order.

FISCAL IMPACT: I believe there will not be a significant financial impact to the Federal, State or City
URGENCY: As soon as possible

LIKELY POSITIONS

I believe that people with disabilities. Seniors and the majority of the citizens of the United States of America will support this proposed suggested amendment to the Code of regulations 28 Part 0 to 42; Section 35.133 (b). I believe opposition may occur from private, or residential property owner; management companies and property managers.

↓ commercial

Respectfully submitted,
Frances Emily Dawson Harris (FEDH)

ART THOU A FRIEND?

How shall we loveth, my dear friend?
We shall loveth just like kindred
The blood that runneth through our veins
Shall keepeth our bodies alive
Just like water feedeth a plant
There's no need to be related
What matters is our commitment
Ever giving and receiving
Not for the sake of thy being
Only for the sake of friendship
Thy actions speak louder than words
Erasing any doubts and fears
That thy motives are self-centered
Thou art not a mere acquaintance
Nor, art thou a passing stranger
Thee knoweth my every need
Thee will not infringe upon them
Thee knoweth my innermost thoughts
Thee will not ridicule my ways
Thee knoweth my various strengths
Thee will not instigate a plight
Thee knoweth my great weaknesses
Thee will not camouflage the truth
Thee seeth me for who I am
Thee seeth me as a person
Thee seeth me as an equal
My love for thee is similar
I loveth with sincerity
I loveth with integrity
I shall keepeth thee in my prayers
I shall always forgiveth thee
My love for thee remaineth steadfast
As sure as the dawn and dusk breaketh
As sure as the seasons changeth
The love we shareth is priceless
No distance shall separateth us
No words exchanged shall causeth pain
Genuine friendship shall groweth
While our souls truly connecteth
Our friendship shall last now and forevermore
We shall not asketh, "Art thou a friend?"

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Frances Emily Dawson Harris