

Navigating Support Options to Resolve Disability-Related Issues



Who is MOD?

The Massachusetts Office on Disability (MOD) serves as a resource to state agencies, municipalities, and the general public by providing information, guidance, and training on matters concerning disability-related civil rights, equal access, and opportunity.

Who is MOD?

Duties and Functions

- ADA and 504 Coordinator for Executive Branch of State Government
- **Provide technical guidance around disability-related civil rights matters**
- Client Assistance Program (CAP)
- Technical advisor to local Commissions on Disability (CODs)
- Administer Municipal ADA Improvement Grant
- Member of Architectural Access Board (MAAB)
- Personal Emergency Preparedness Program
- State Affiliate to New England ADA Center

Purpose

How do you efficiently find answers or support when you need a resource or are trying to resolve a problem?

- **Understand common pitfalls**
- **Understand the preparation you can do to make the issue easier to resolve**
- **Understand the general landscape of organizations available**
- **Tips on getting help more effectively**

Common Pitfalls

1. Not every issue that a person with a disability faces is a disability issue
2. Every organization/agency has a different role
3. The best approach to resolving any issue will largely depend on the specific topic, what has transpired so far, and what it is you want to do
4. You may have legal rights, but not every issue warrants beginning with a complaint
5. A Reasonable Accommodation (RA) is not a mechanism for addressing every problem
6. Requesting an advocate or lawyer instead of explaining your issue when a subject matter expert or an oversight agency is what will resolve your issue.

Steps

- 1. Identify the Issue**
- 2. Goals and Priorities**
- 3. Prepare, Gather, Research**
- 4. Find the Relevant Contact**

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Identify the Issue

Identifying your issue properly helps you:

- **get organized**
- **work out who to contact, and**
- **efficiently explain it to someone else**

Identify the Issue

- a) Is there a need for a service/resource or is there a barrier or problem?**
- b) What is the context?**
- c) Is this disability-related?**

Identify the Issue

Is there a need for a service/resource or is there a barrier/problem?

Service/Resource issue: trying to locate a program that provides a concrete service or resource to meet your need.

- Need a Contractor to build a ramp
- Need housekeeping and meal prep
- Orientation and Mobility training
- Finding a job
- Need transportation

Barrier/Problem issue: you can't access a service or program, you have been denied a service or program, or believe someone isn't following a law/regulation/policy.

- My landlord says they don't have to provide a reasonable accommodation
- I received an eviction notice
- My employer is harassing me
- My town won't let me install a ramp on my home

Identify the Issue

What is the context?

- Housing
- Employment
- State or Local Government
- Place of public accommodation
- Transportation
- Service Provider
- Medical

Identify the Issue

Is this disability-related?

In other words, is this an issue for which you need to reach out to an agency with a disability-focus or not?

- **Service/resource need** - Are you looking for a service/resource that is just for people with disabilities (e.g personal care attendant vs. search for affordable housing)
- **Barrier/Problem** - Is the issue actually linked to your disability or are you a person who happens to have a disability who is experiencing an issue (e.g. A grocery store refused to assist a person with a visual impairment in locating an item vs. A contractor did not complete the home adaptations they were paid to do)

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Goals and Priorities

Identifying your goals and priorities helps you:

- **plan an appropriate avenue**
- **focus on the most pressing aspect**

What is your goal in addressing this issue?

- Resume a service, support, benefit?
- Get an accommodation?
- Report bad behavior?
- Remove a barrier?
- Be made whole?
- Systemic Change?

If there is more than one issue, what is the priority?

Is there an issue that is urgent to address? (most important, has a deadline, etc.)

Practice 1 - Robin

Robin has a psychiatric disability, is homeless, and cannot afford market rate housing because their source of income is SSI. They are also having a problem with their SNAP benefits.

Context: housing & benefits

Issue(s): Housing Search, SNAP benefits

Disability-related: Housing Search – No
SNAP benefits -- No

Goal: Find housing, restore SNAP benefits

Find long term housing or immediate/shelters?

Priority: Likely finding immediate/emergency shelters, then finding longer-term housing resources

Practice 2

Bayley has spina bifida, frequent migraines, and lives in a large apartment complex. The unit has bugs and management is not taking action to address it, despite multiple requests. Bayley is stressed about it and it is causing them to have more frequent migraines. Meanwhile, Bayley did ask to move to another building two years ago because the laundry room is more physically accessible and nothing ever happened. More recently, Bayley called the Board of Health about the bug infestation and after they did an inspection, the landlord got angry and sent Bayley a letter that says they need to move out in 30 days.

Practice 2

Context: Housing

Issue(s): Bugs, eviction threat, transfer request

Disability related: bugs and eviction threat – NO, tenants rights
transfer request – YES, reasonable accommodation

Goal: resolving health and sanitation, addressing eviction, transferring units

Does Bayley still want to live there?

Priority: The eviction has to be addressed first because they have to locate help with the eviction. The bugs can be addressed simultaneously. They aren't going to agree to a transfer during an eviction.

Practice 3

Jordan has neuropathy in their feet and works as a cashier in a large retail store. When Jordan stands for long periods of time their feet become numb and painful. At lunch recently Jordan told a direct supervisor that they wanted to bring a chair from the break room to their register. The supervisor said that they don't do that. Jordan also reports that they don't think they were paid properly for certain hours that they recently worked. Jordan is very upset and not sure they still want to work there.

Practice 3

Context: Employment

Issue(s): chair, wage dispute

Disability related: Chair – Yes, this is an RA request

Problems with check/wages - No

Goal: Obtain reasonable accommodation, Address wage issue

Does Jordan still want to work there?

Priority: Both, if Jordan wants to work there. If, not, wages are still and issue, accommodation is not.

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Prepare, Gather, Research

This step helps you:

- **Get clear on the facts and information you need**
- **Make good use of any time you get with experts**

Prepare, Gather, Research

- **What have I done to address the issue so far?**
 - Has Robin applied for housing?
 - Has Jordan spoken to HR yet?
- **What paperwork do I have?**
 - Policies - Lease or condo docs, job descriptions, etc.
 - Robin - SNAP rules
 - Bayley - housing provider rules, eviction information
 - Jordan - employee handbook
 - Personal logs of the timeline
 - Records of communication and correspondence
 - Robin - any correspondence from DTA about SNAP benefits
 - Bayley - is there an eviction notice or paperwork related to previous request for accommodation
 - Jordan - is there any paperwork related to reasonable accommodation request
 - Name of the service provider or entity that you are having an issue with

Prepare, Gather, Research

- **What questions can I answer myself with research?**
 - Is there a law, policy, regulation involved to which I can refer?
 - What organizations exist that might be relevant based on the subject
 - If haven't done so already and aren't sure why something is happening – service has stopped, accommodation has been denied, etc. -- ask the entity for the reason why
- **What information do I need from others?**
- **What are your questions for experts? (write them down)**

Steps

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Find the Relevant Contact

This step can save a lot of time and prevent frustrations like:

- **explaining your issue to people who can't help,**
- **leaving messages that no-one answers, or**
- **pursuing an avenue that isn't effective for your goals**

Find the Relevant Contact

Structure of government and other organizations that serve the disability community:

Government isn't one place - different agencies each with a different role

- federal, state, and local levels
- focused on:
 - a particular demographic (like low-income or like protected classes)
 - an area of life (like housing or employment)
 - Or a government function (like enforcement of laws or administering benefit)
- **No agency provides one stop assistance to people with disabilities.**
 - Example: If Robin and Bayley were blind, they wouldn't contact Massachusetts Commission for the Blind for housing search or to address the eviction or repairs on the basis that they are blind.
- **Non-profit agencies may be service providers or may have a focus on a particular subject area (like housing), or dispensing info, or legislative work**

Find the Relevant Contact:

If you need a service or a resource

1. Remember our earlier questions:

- What is the subject area or context? (need housing, need transportation, need help preparing taxes)
- Do I need an organization with a disability focus?

2. Where to find basic information about services, benefits, and resources for both people with disabilities and for people who have low income:

- [Mass.gov](https://www.mass.gov) - search by subject to connect to applicable agencies- review website content
- [Citizens Guide to State Services](#) information about state services, agencies and contact points. identify support offered by agencies (800-392-6090)
- [MassOptions](#) –connect to range of services for people with disabilities and seniors (800-243-4636)
- [Centers for Independent Living](#) - provide information and referral on resources, services, support

Find the Relevant Contact:

If you are trying to address a barrier/problem

Before working out who to contact - think about different levels of resolving a problem

- **Formal problem resolution**
- **State agencies, municipalities, large organization may have grievance procedures (e.g dese, vr, cap)**
- **Informal problem resolution**

Find the Relevant Contact:

If you are trying to address a barrier/problem

Informal problem resolution

- Trying to resolve an issue within the organization/entity that the issue occurred
- Informal problem resolution can be an important first step because:
 - Provides opportunity to document the facts surrounding an issue
 - Often provides an opportunity to resolve an issue more quickly
 - Clarifies whether there is a misunderstanding, might provide opportunity to forward it to the right person, might provide opportunity to clarify/provide information that was missing
 - Can always go to formal complaint if informal is unsuccessful (given you are still within the time allotted for that type of formal complaint)
- Can involve reaching out to higher level management, an oversight agency/corporate office, a funder

Find the Relevant Contact:

If you are trying to address a barrier/problem

Formal complaint to an enforcement agency:

- Suitable where a law/regulation has not been followed
- Investigate from a place of neutrality, and often have specific procedures and timelines to follow when filing a complaint or an appeal.
- Some agencies do not investigate all complaints filed
- Very long process – doesn't resolve in real time

Enforcement Agency Examples:

- [MCAD](#) – Massachusetts Commission Against Discrimination
- [HUD](#) – Dept. Of Housing and Urban Development
- [EEOC](#) – Equal Employment Opportunity Commission
- [OCRs](#) – Office of Civil Rights in federal system (education, health care, etc.)

Tips for Effective Interactions

- With the main subject in mind, start with a brief three sentence statement about your issue and clarify what it is you are asking from them.
 - Explain where you are in the process of addressing your issue, what you have done, and who you have contacted so far.
 - Be clear about the proper names of entities that you have already spoken to.
 - Who is the entity involved and what have they said is the reason for the problem? What do you agree with them on and what do you disagree about?
 - Allow the representative to ask you questions – they know what facts are relevant

Tips for Effective Interactions

- Inquire early about whether you have contacted the right place and what exactly the agency can do under the circumstances.
 - Do not provide all details up front. Wait for instruction or ask what information they need.
 - Do not forward detailed information or forward long chains of email correspondence to an agency without having spoken to them first.
 - Have the proper expectations about how someone can assist and whether their service matches your expectations
 - Enforcement agencies
 - Oversight agencies
 - Information

Tips for Effective Interactions

- If you have disability-related communication needs reference it at the start of the conversation.
- As you reach out to different places, keep a log of who you have spoken to:
 - Name of the organization
 - What they have told you that they do
 - Date spoken to them
 - Any agreed upon follow up actions/tasks that either you or the organization would take
- Be aware of deadlines that you have and try to address things as soon as possible.

How & When MOD Can Provide Support

MOD can:

- **help you understand your rights and obligations under disability rights laws**
- **support you in drafting an RA request**
- **discuss informal resolution options**
- **help you identify the oversight or enforcement agency for a formal complaint**

617-727-7440 or submit a question via [webform](#)

