

Access Living of Metropolitan Chicago

Board of Directors' Meeting

July 1, 2020



ACCESS

LIVING

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ACCESS LIVING OF METROPOLITAN CHICAGO
BOARD OF DIRECTORS' MEETING
AGENDA, July 1, 2020
115 W. Chicago Ave., Chicago, IL
Zoom: <https://us02web.zoom.us/j/86572999159>
Time: 4:00-6:00 PM CST



Mission: Access Living ignites the power and pride of people with disabilities, provides critical services, and breaks down systemic barriers to create a more inclusive, and therefore much stronger, society.

Agenda Topic:	Attachments	Expected Outcome(s):	Approx. time
Call to Order; Welcome <i>John Schmidt</i> <ul style="list-style-type: none"> • Roll Call • Review agenda 		A. Welcome members and/or guests Establish quorum. B. Ensure an effective business meeting.	4:00
Consent Agenda <i>John Schmidt</i>	1. 4.29.20 Minutes 2. 5.13.20 Executive Committee Minutes	ACTION – vote on consent agenda.	4:05
Chair's Report <i>John Schmidt</i> <ul style="list-style-type: none"> • Strategic Plan Refresh • Board Changes • Board Participation in Gala Fundraising 		A. Update members on transition process.	4:10
President's Report <i>Karen Tamley</i> <ul style="list-style-type: none"> • COVID-19 Updates <ul style="list-style-type: none"> - Reopening Plans - Relief Funds • Racial Justice Commitment • Census Update • Inclusion Institute Refresh 	3. Memos to Board	A. Keep board informed on big picture strategic happenings at Access Living.	4:20
Board/Staff Race Equity Committee <i>Tuyet Le</i> <ul style="list-style-type: none"> • Committee Vision and Next Steps 		A. Inform members of committee purpose and progress.	4:35

Agenda Topic:	Attachments	Expected Outcome(s):	Approx. time
Finance & Human Resources Committee <i>Kent Klaus</i> <ul style="list-style-type: none"> • CARES Act Payroll Protection Program Loan • Financials through April 2020 • Investments • FY 21 Budget 	4. Financials 5. Investments 6. FY 21 Budget	A. Provide latest financial outlook of Access Living; ACTION – approve financial statements. B. ACTION – approve FY 21 budget.	4:50
Nominating & Board Development Committee <i>Ben Lumicao</i> <ul style="list-style-type: none"> • Recruitment Goals 		B. Inform members of recruitment targets and ask Board Members to identify prospects.	5:10
Program Committee <i>Doug Dobmeyer</i> <ul style="list-style-type: none"> • Update on CESSA campaign • Update on COVID-19 Congregate Settings Deaths campaign • Colbert/Williams Program • Legal Cases 	7. CESSA Memo 8. COVID-19 and Congregate Settings Memo 9. Civil Rights Memo	A. Update Board on advocacy, independent living, and legal proceedings.	5:20
Resource Development & Communications Committee <i>Kristin Weaver</i> <ul style="list-style-type: none"> • Communications Update • Gala Update • Giving Tuesday Update • Legacy Campaign • Board Giving 	10. Development Report	A. Share the ways Access Living has been promoted internally and externally. Media coverage linked here. B. Encourage board participation in Gala fundraising.	5:40
Adjourn <i>John Schmidt</i>		Review key topics discussed; review action steps, etc.	6:00pm

Upcoming Meetings:

Program Committee: Thursday, July 9, 2020 at 4:00 pm

Resource Development & Communications Committee: Monday, July 13, 2020 at 4:00 pm

Nominating & Board Development Committee: Wednesday, July 22, 2020 at 4:00 pm

Executive Committee: Wednesday, August 5, 2020 at 4:00 pm

Finance & Human Resources Committee: Tuesday, August 18, 2020 at 4:00 pm

Full Board Meeting: Wednesday, November 4, 2020 at 4:00 pm

Gala: Wednesday, November 18, 2020



Board Meeting Minutes
April 29, 2020

Participants (via Zoom): John Schmidt, Kevin Bradley, Jennifer Brown, Doug Dobmeyer, Larry Goodman, Will Haffner, Neil Hartigan, Kent Klaus, Zachary Kordik, Tuyet Le, Ben Lumicao, Wilson Mantilla, Mark Owen, Felicia Rauls, Elliot Roth, Shari Runner, Mike Santay, John Schmidt, Kurt Schulenburg, Molly Walsh, Kristin Weaver, Joan Wolfensberger
Absent: Ken Bennett, ShaRhonda Dawson, Andrés Gallegos, Tara John
Staff: Karen Tamley, Daisy Feidt, Amber Smock, Barbara Khalouf, Bridget Hayman, Neil Anderson, Ken Walden, Brenna McCauley

I. Consent Agenda

- A. Elliot motioned to approve the consent agenda. Kent seconded the motion. *The motion carried.*
1. February 5, 2020 Board Minutes
 2. March 4, 2020 Executive Committee Minutes

II. Chair's Report (John)

A. President & CEO Transition

1. Karen started March 2, just before the Coronavirus Pandemic hit. Her leadership is getting Access Living through this difficult time.

B. Gala

1. The new date of the Gala is November 18. This will give us another chance at getting President Obama. We have been urging Board Members to fulfill their pledges by the end of the fiscal year (June 30).

III. President's Report (Karen)

A. COVID-19 Response

1. On March 13 we announced to staff and public that our building would be closed, and that staff would be working from home. We have had regular meetings at all levels of the organization, including daily senior team meetings, weekly manager meetings, and bi-weekly staff meetings. Group meetings are still happening remotely. We are regularly checking in on well-being of staff. All staff accrue one personal day every two weeks. Checking in consistently on consumers. We have been able to secure relief funds. We were in the first wave of nonprofits to be invited to apply for relief funds from United Way and Chicago Community Trust, and we have already distributed those funds to consumers. We have applied for the Paycheck Protection Program (PPP). We continue to seek money from other relief funds.
2. There is a resource list on the Access Living website. Please check it out and forward.
3. On the advocacy front, Access Living's efforts have been instrumental in getting Pritzker's attention in potential medical care rationing. He issued guidance that went



- to every hospital and healthcare provider. We are also continuing to advocate for education, transportation, housing, and other areas.
4. We have received coverage from NPR, Chicago Tonight, webinars, and other outlets.
- B. Onboarding Update
1. Some plans did not happen - board dinner, community gathering. I have met with all staff and most board members. I was in DC my second week and had meetings there.
 2. I have meetings with Obama Foundation, funders, etc. I will be continuing external meetings. Looking at the organization through COVID and Post-COVID lens. We will be revisiting our three year strategic plan. Looking at racial justice work. How do we think of the digital divide in the disability community?
- C. Census
1. Daisy and I continue to chair disability complete Count Committee to make sure people with disabilities get counted in the census. We have made flyers, created videos, and had an outreach day. Illinois is at risk of losing two congressional seats. Our Census numbers will determine how much money we get in CARES funding. Door-to-door counts have been delayed. We will focus on virtual events.
 - a) Elliot - Do we have any way of knowing the response rate of people with disabilities?
 - b) Daisy - No. And there is not a question of disability on the census. But it's still really important for our community to fill it out because so many programs our community rely are based off of the census count.
- D. Theory of Change (Daisy)
1. The senior team has been part of a program called Leading for Impact (LFI) through Bridgespan. The Theory of Change is supposed to describe what we do as an organization, who we achieve results for, why we do it, and what we expect to achieve. This has not been released to the public.
 2. Community needs and Barriers Identified
 - a) Direct Service
 - b) Systems Change
 - c) Public Education
 3. What we Believe
 - a) Disability is a natural part of being human
 - b) People with disabilities can and should make choices about their lives
 - c) People with disabilities should have the same rights and opportunities as non-disabled people
 - d) Social model - the environment needs to change, not the disabled person
 4. Who we Serve
 - a) Low-income people with disabilities from high school aged to seniors with an emphasis on people of color
 - b) Our services are for people with disabilities who live in the city of Chicago



5. Longterm Outcome: People with disabilities are free from barriers and discrimination. Disability is respected as a natural part of human experience and people with disabilities are included and valued in society. This is the same as our vision.
6. Next step: share with folks in community. Eventually, we might share it publicly.
7. Kent – What is the difference between theory of change and intended impact?
 - a) Daisy - Our theory of change is *how* change occurs. The intended impact is about the outcomes of our work or more of the *what*.

IV. Finance & Human Resources Committee (Kent)

A. Financials through January 31, 2020

1. Variance Analysis - a comparison of January actual results vs midyear budget. In summation, as of that time, we were coming in \$206,000 better than anticipated.
2. Income Statement - YTD Actual \$1.1 million of income. When you factor in some below the line items, such as multi-year grants...revised total of \$684,000 in income.
3. Cash Flow – There was an increase in receivables, decrease in liabilities, decrease in prepaid expenses, some capital expenditures, \$271,000 net cash change.
4. Balance Sheet – We are sitting on \$2.2 million of cash.
5. Kent - when we went over this as a Committee we were comfortable with what is presented.
6. Felicia moved to approve the financials through January 31, 2020. Will seconded the motion. *The motion carried.*

B. Investments (Neil)

1. This represents the most recent balances we could share - March statements. Balance 7,071,000. Down from June 30 total, \$8,267,740. Northern Trust has been in touch with us, counseling patience.
2. Kent - When we met with Northern Trust, the bond part of the portfolio took a hit. This is looking better than the data we looked at that point.
3. Tuyet - Are we anticipating needing to use any investment money?
4. Neil - No. We are not anticipating needing to make any major draws. We could do a set draw on an annual basis. We can make that determination at year end. We are lucky that our cash flows are strong and we have \$4 million of receivables sitting on the books.
5. Ben - Do we have any concerns that the receivables could go into forbearance?
6. Neil - At this point we do not believe that the receivables are compromised. Some balances are with donors we have had long-term relationships with. We are pretty current with government grants. The state has some issues with turnaround, but we should not have issues with ultimate collection.

C. Financial Impact of COVID-19 (Daisy)

1. Expected FY20 Revenue Adjustments
 - a) In most government grants, we are pretty protected. All local grants should stay the same. There should be positive change on housing relocation grants. PTS



grant - this originates through federal funding which is rigid. Schools are closed, so we cannot do services in the same ways. We are doing some services still. \$100,000 decrease in amount we can bill with this FFS grant.

- b) We got CARES Act funding through the Administration on Community Living.
 - c) HUD Housing Counseling Work has been impacted, small difference.
 - d) Gala - big difference. Thank you to board members who have helped with gala funds.
2. We anticipate we will be \$244,000 under where we thought we would be when we presented the mid-year budget.
 3. Neil - That puts us at \$6.2 million in revenue where we were looking at \$6.5 million. This puts us around a \$300,000 loss. When we factor in below the line items...we were planning to use \$726,000 out of Major Gifts Campaign money, now up to \$970,000 Major Gifts Campaign.
- D. Payroll Protection Program
1. We applied for loan under this program. We made sure the amount we were requesting was in keeping with the guidelines with the program. We worked with Northern Trust to process this application. We are eligible for \$823,000.
 - a) Kent - If we are successful, this would be a big help to the budget.
- E. Questions
1. Mike - On the Gala, is that mostly just timing?
 2. Neil - Yes, timing is one way of looking at it. If we meet our gala target in November, what happens with the Gala money that would come in the following June?
 3. Daisy - I think we will make it up. But would this put us on a November schedule? We could be asking people for gifts twice in one fiscal year.
 4. Shari - Are we anticipating the Gala to be in person?
 - a) John - No one knows.
 5. Mike - Additional expenses due to COVID? Different computers, etc?
 6. Neil - This was something that we were not equipped for. We did have a lot of laptops which had already been deployed to staff who work in the field. Other staff got some pretty rough machines. We have recently secured 10 additional machines. We are also working with a consultant to tighten up our remote access. We had upgraded to some cloud services before the pandemic. The overall expenses will be relatively low when we look at them in the long-term.
 7. Daisy - We are not paying for transportation, etc, so the expenses will be offset.
- V. Resource Development & Communications Committee (Kristin)
- A. Communications - Our media placement has been very high. As we are finishing up quarter 3, there were some upticks. We had added followers on Twitter and Facebook. There have been placements on Census. Michelle Garcia's mini documentary about living with COVID and how that is affecting her work.
1. Resource List – Access Living is the only game in town that has this kind of resource list.



2. Bridget - Goal for media placements was 20, and we got 74.
 - B. Gala - November 18, 2020. We are not sure what the Gala looks like now. Virtual? In person? I really want people to think of this as an opportunity, not a setback. We have a successful format, but changing things up can be really wonderful. There are issues we will have to overcome with timing. The good news...as of today we are over halfway to our goal. \$375,000 of commitments have come in. We are in a good position, but we need to keep the momentum. Please give by the end of the fiscal year, if possible. For some donors it is important to see 100% board participation.
 - C. Tribute Committee - We have asked all board members to join. There is a give-or-get of \$5,000, which is separate from any company sponsorship commitments you might secure. The sponsorship forms have been updated with the correct date.
 - D. Legacy Campaign - There was a generous anonymous gift.
 - E. Giving Tuesday - May 5, 2020. There is a match (up to \$6,000). We are going to have a sample letter to send to your friends and family via email and social media channels. The first email in the series went out today. It has an embedded video with Karen.
- VI. Program Committee (Doug)
- A. COVID-19 has closed down nursing homes, schools, and the legislature is not meeting. It is making it harder to do work.
 - B. Advocacy (Amber)
 1. A new federal bill got passed and signed last Friday. The COVID 3.5 Congressional Bill put more money for businesses and hospitals. Access Living is working on talking with community advocates.
 2. Racial Justice - AYLP is working on a public statement on the disproportionate impact on people of color.
 3. We are going to sit in on a meeting tomorrow with the State regarding people in nursing homes.
 4. We are trying to get a handle on real numbers regarding people with disabilities and COVID. There are no public numbers yet on public run centers or psychiatric facilities.
 5. Candidates Forum - The one candidate for Cook County Circuit Court who didn't show up won. Iris Martinez.
 6. I think we have done a good job of pivoting to what is happening now. We are staying ahead of the curve.
 - C. Civil Rights (Ken)
 1. Filed lawsuit against the city regarding homeless shelters because they are inaccessible to people with disabilities. Got mixed decision in case, so we settled, and initiated a new case. We filed that case a month or two ago. We are hoping with this person to overcome.
 2. New Case - On behalf of Dr. Angel Miles. She wanted to schedule two medical tests at University of Illinois Medical Health System. In advance she advocated that her visits would be accessible, but both tests were in facilities that were not accessible



to her. U of I health system does not have a person designated for ADA accommodations. Robbins, Salomon and Patt, Ltd. is co-counseling. We want to force the system to make reforms.

D. Direct Services (Daisy)

1. Given that many of our direct services take place in schools and nursing homes, we have had to shift gears drastically. One of the things we're finding is that teachers and students are overwhelmed with requirements. Our mentoring group is still meeting via Zoom. We have done one move where we have not had to enter the nursing home. We are running a new emergency PA program. We have not been able to run housing workshops.
 - a) Tuyet - Even after the stay-at-home order is lifted, have we thought about what that will mean for people with underlying health conditions?
 - b) Daisy - There are likely to be a lot of changes...we don't have a handle on that yet. Things like the backup PA program might stay, if we can get continued funding.
 - c) John - Should we have a more radical approach to getting people out of nursing homes?

VII. Race Equity Committee (Tuyet)

- A. Joint board & staff committee. Candace is staff co-chair. We had our first meeting last week. What we focused a lot on was building relationships among board and staff. We set a common framework. We talked about the scope of work. We see ourselves as an advisory body. These meetings can be challenging to be on Zoom. Our next meeting is May 20, and we will be starting to get consensus to setting goals. The time frame for the committee is this strategic plan period (June 2022).

VIII. Nominating & Board Development Committee

- A. Committee meeting April 8. The gala is an opportunity to network, so that is no longer a good resource for finding new board members. Our priorities are:
 1. Cross disability, intellectual or developmental disability
 2. Mirror communities we serve - people of color, people with disabilities
 3. Fundraising capability
 4. Gender balance - recruit more women
 5. LGBTQ community
 6. Proactive in veteran community
- B. Does it make sense to add board members outside Chicago Metropolitan Area?
- C. Kevin - possibly a senior advisory committee? On other boards, they had individuals or companies who were interested, so they created advisory council. If they had an executive serving on the board, but had someone in mind to take that...For some it was a farm team. For others it was a way to keep interested organizations involved. It created a real win-win.
 1. John - For it to really work, it requires staff effort.



- 2. Kevin - there was a board and staff liaison.
- D. Molly - Maybe having some people placed on committees first. It gives people a chance to see how engaged people are.

IX. Adjourn

Respectfully submitted
Brenna McCauley
Executive Assistant to the President
Attested to by:

Felicia Rauls



Executive Committee Minutes
May 13, 2020

Participants (via Zoom): John Schmidt, Tuyet Le, Ben Lumicao, Kristin Weaver, Kent Klaus, Felicia Rauls

Absent: Doug Dobmeyer

Staff: Karen Tamley, Daisy Feidt, Neil Anderson, Barbara Khalouf, Bridget Hayman, Amber Smock, Ken Walden, Brenna McCauley

I. President's Report

- a. Daisy reviewed the Executive KRAs for FY 21. The KRAs are heavily driven by the strategic plan. The first page shows that they will make sure the implementation of the strategic plan is successful. Due to the coronavirus pandemic we will do an assessment of the strategic plan and make changes where necessary. The main goals are to complete the Legacy Campaign, rework the Disability Inclusion Institute, review the organizational leadership structure, focus on race equity, and improve cross-disability.
- b. Karen is wrapping up one-on-ones with board members. She is also talking to Ford Foundation, Bridgespan, and is filling Marca's seat on the Obama Foundation Inclusion Council. She was appointed to Mayor's recovery taskforce. Access Living is the only disability organization represented on the task force. I know many people on the task force.
- c. COVID-19 is front and center right now. We got a second round of relief funds, \$50,000 through Chicago Community Trust and United Way, which is on top of \$25,000 we received a few weeks ago. We got money from INCIL, and money through the CARES Act Paycheck Protection Program (PPP). We are starting to think of reopening. Looking to Governor's reopening plan, Mayor's reopening plan. There is no reopening date right now.

II. Program Committee

- a. Uber (Ken)
 - i. Because of the way ADA is written, we couldn't bring a claim under Title III. We appealed up to 7th Circuit. They did not reverse the district court's decision, which is a big disappointment. It is very difficult for a CIL to address discrimination via the organization. One thing the court did is left intact that Uber is governed by the ADA. Uber did not appeal that adverse ruling. In the future we could make an advocacy effort to tweak a few words in the ADA.
- b. State Advocacy (Amber)
 - i. Legislators will be going back May 20. The agenda is limited to budget, IL Hospital Assessment, and COVID Recovery. The bills that AL was working on fall outside those parameters. We will work with our lobbyist on the



budget items. We are forming demands for the state for the reopening process. We do not want people with disabilities to be the last ones stuck sheltering in place.

- c. National Advocacy (Amber)
 - i. Deaths are happening in nursing homes, psychiatric facilities, group homes, etc. Disability advocates are trying to strengthen programs...there is a counterforce of safety, which for a lot of people means lockdown. There will be a congressional hearing on infections in these settings, so we are going to send questions and examples of what has happened. We are going to see a renewed effort for community integration.
- III. Resource Development & Communications Committee (Kristin)
- a. Relief Funding - Karen touched on some of the bigger numbers. We also received \$2,500 from Illinois Network for the Personal Assistant Background Program. Waiting to hear from Borealis and National Disability Institute for additional funding.
 - b. Giving Tuesday Now, an international COVID-19 response activity, raised \$18,000. We saw a lot of board members donated for their annual participation pledge. We had a matching gift, which was met.
 - c. The Gala has been moved to November 18. This gives us an opportunity to do something new and mix it up. The RDCC discussed this and thought we could consider moving to a weekend, go virtual, or host a series of events leading up to the date. New ideas include:
 - i. We do not know what November will be like, but the gala will most likely be virtual. It could be live or recorded. Try to schedule a series of activities so the event is a draw.
 - ii. Right now is not a bad time to reach out to Obama or other high profile people. If you donate a certain amount you get to participate in an event with him, or something like that. Or a musician - they are home right now too.
- IV. Race Equity Committee (Tuyet)
- a. The first committee meeting involved relationship building and finding some common ground and common definitions. A lot of it was informational. We are listening to committee members, evaluating and making adjustments as we go along.
- V. Nominating & Board Development (Ben)
- a. At the last few meetings one topic of discussion has been out of state board members. We encourage people to join meetings in person, but we can also have meaningful participation when people join remotely. Level of engagement



is key. The bylaws do not restrict board members to the Chicagoland area – we do not want to change the language at this time.

- b. Dave Capozzi, the current Executive Director, is interested in joining our board when he retires. He knew Marca, he knows Access Living, and he has a deep understanding of the disability community.

VI. Adjourn

Respectfully submitted

Brenna McCauley

Executive Assistant to the President

Attested to by:

Felicia Rauls

Memo to Access Living Board of Directors May 13, 2020

Dear Access Living Board Members

It is hard to believe that May is well underway. Things are busy at Access Living as our team continues to work remotely, and I have several important updates to share.

Relief Funds and Donations

- Access Living was approved for the Payroll Protection Program, which is part of the CARES Act. We **received a \$823,000 loan** to fund our payroll for the eight-week period following the receipt of the funds. We expect the full amount of the loan to be forgiven once we've used the funds as defined by the program.
- The **Chicago Community COVID-19 Response Fund awarded Access Living an additional \$50,000 in relief funds** this week as part of its second round of community grants. This response fund is led by The Chicago Community Trust and United Way of Metro Chicago in partnership with the City of Chicago. This additional funding, which comes after we received \$25,000 in March, is an acknowledgment of the good work Access Living is doing and of the growing need in the disability community as the pandemic stretches on. We are now developing a plan to distribute the additional funds.
- #GivingTuesdayNow, which was held on May 5 in direct response to COVID-19, was a success for Access Living thanks to your generosity. Many board members donated that day, one offered a match to help drive participation, and many of you also asked your friends and family to support us. Because of those efforts, **we raised \$18,475**. Thank you so much for your continued support!

Advocacy Efforts

- Access Living is working to build a taskforce to address challenges caused by the pandemic in Pace Paratransit, the public transportation system for people with disabilities. We are looking to convene transit and health officials to develop safety protocols that prevent the spread of COVID-19 between driver and passenger for necessary trips taking place now and to be used as the city and state reopen. Pace Bus Executive Director Rocky Donahue and Deputy Executive Director Melinda Metzger have agreed to join.
- In response to state and city re-opening plans, we are also working on a list of disability centered demands to be considered at all levels of government (federal, state, county and city) as we work toward recovery.
- Access Living has been asked to join Chicago's COVID-19 Recovery Taskforce to advise recovery efforts, and I will be our representative. The Taskforce is co-chaired by Mayor Lightfoot and former White House Chief of Staff Sam Skinner and led by a group of industry experts, regional government leaders, community-based partners and policymakers. [Learn more.](#)
- Access Living will join our colleagues statewide for the annual Going Home Rally on Thursday May 13— through a virtual platform, for the first time ever. Typically this is our

largest spring rally day; our Latinx and Immigration Community Organizer Michelle Garcia will be one of the panelists.

- Through the Disability Power for Community Integration federal-state working group, Access Living has been facilitating online advocacy discussions about how Covid-19 is affecting people with disabilities in various groups, such as immigrants, Native Americans, people with communication access needs, and next week, a panel focused on Black people with disabilities.
- Our colleagues at SEIU Healthcare just today announced that they were able to partner with the state to ensure that personal assistants in the Home Services Program will be able to access Covid-19 testing. This is a major development that will support our ability to get more people living in the community during the pandemic.

Civil Rights

- I'm sorry to report that our appeal to the 7th Circuit Court in our Uber case was denied. We are disappointed with this decision and are currently evaluating all of our options. Expect more details soon.

Public Outreach

- I was the guest on an internet radio show last week with disability consultant Joyce Bender, talking about Access Living's work in the time of COVID-19. [Have a listen](#). It's a show with international reach, and this episode is meant to give listeners with disabilities some guidance during these uncertain times.
- I was also a panelist at the University of Chicago last week talking with other community leaders about using technology to build connected, engaged and empowered communities. In that same vein, Access Living will participate in Microsoft's all-digital Ability Summit May 27 and 28 that includes keynotes from Microsoft executives and members of the disability community. We're one of 30 nonprofits to be invited.
- Finally, our work continues to draw media attention. You can [find the latest clips here](#).

Closing Comments

I'd like to thank Tuyet Le for her leadership in convening the first meeting of Access Living's race equity committee and all the board members who are participating. As we discussed at the board meeting, this new committee is comprised of board and staff members, and will be taking the important step of looking at our work through a race equity lens.

Thanks for your continued support and engagement during this challenging time.

Best wishes for continued health,

Karen
President and CEO

Memo to Access Living Board of Directors May 29, 2020

Dear Access Living Board Members,

Our entire team has been deeply disturbed by the blatant racism laid bare this week in national events. At this pivotal moment, amidst our efforts to support our community during the pandemic, we also recommit ourselves to breaking down the systems and hierarchy that allow racism to breed. Our work in racial justice, reducing the incarceration of people with disabilities, providing accessible affordable housing and more is meant to break down barriers. This week's events show just how badly that work is needed.

As the city and state prepare to reopen, we're busy at work. Here are our latest organizational highlights:

Access Living Building Reopening Plan

- The senior leadership team has drafted a plan to cautiously reopen our building, first to a limited number of staff and then, eventually, to the general public. Safety is our top priority, and we will be taking a number of precautions, from deep cleaning the building before people return and instituting a new daily cleaning protocol, to requiring our team wear masks at all times when at work.
- The stages of our plan coincide with the City of Chicago's phased approach and include additional precautions to ensure a safe, inclusive and accessible environment.
- Access Living will not begin to reopen until the city is at least two weeks into phase three of its plan, which is now slated for June 3. Even then, we will not be having in-person meetings, and only a third of our team will be in the building at any one time to ensure appropriate social distancing. Since many of our team members have health considerations that put them at a higher risk of contracting COVID-19 and experiencing its most severe symptoms, we are also evaluating extended work from home arrangements on a case-by-case basis.
- Our reopening plan has been shared with all staff to gather additional input, which has been extremely helpful given the wide range of considerations we must plan for and accommodate so that everyone can work and also get safely from their door to ours and back again.
- We are now incorporating the input we gathered to operationalize the plan when the time comes, and I will share it with the board prior to its implementation.

Advocacy Efforts

- Our advocacy continues in response to Covid-19 across all of our issue areas. We have been working to gather, address and amplify disability-related issues as the pandemic continues.
- Each week brings new challenges, but we have collected a number of ideas for important next steps in areas where we have unique knowledge including access to housing, transit and coordination between emergency management, public health, and human services. Our next step is to develop a list of recommended action items to share with city and state leaders to be included in recovery plans.

- We aim to intensify our efforts to guide the state to use its relief and recovery efforts to shape a more sustainable way of life for Illinoisans with disabilities. The rate of deaths in congregate settings, in particular, is a call to re-examine why we use them and whether more community-integrated options can be a better choice for pandemic and disaster situations.

Public Outreach

- The MacArthur Foundation featured Access Living's community organizing work in a feature on its website this week. [Take a look.](#)
- Distance learning continues to be a challenge for special ed students and their families during this time. Our education policy analyst Chris Yun discussed the challenges with the [Sun-Times Editorial Board](#) and [CBS](#).
- Remember, Access Living is participating in Microsoft's all-digital Ability Summit this week. We're one of 30 nonprofits to be invited.
- June is, of course, Pride Month, and we are currently planning staff and community online opportunities to celebrate our LGBTQIA* community members and allies. Keep an eye out for these opportunities.
- Finally, our work continues to draw media attention. You can [find the latest clips here](#).

Closing Comments

Thanks for your continued support and engagement during this challenging time.

Best wishes for continued health,

Karen
President and CEO

Access Living

April 2020 Financials-Variance Analysis

<u>Revenue</u>	<u>Variance</u>	
Government - Grants	30,354	Timing
Contributions - Individual/Corp/Fdn/Org	161,611	
Major Gifts/Individual Advocates	163,878	
Legacy/Individuals/Direct Mail/General Online	80,723	
Other	19,810	
Total Revenue	456,376	
 <u>Expenses</u>		
Salaries/Benefits/Insurance/Other Benefits/403(b) Match	52,032	HRA utilization
Travel/Food	46,440	COVID-19
Management Consultant	27,988	
All Other Expenses	82,051	Numerous other small items
Total Expenses	208,511	
Excess or (Deficiency)	664,887	

**Access Living
Income Statement - YTD April 2020
Board Summary**

	YTD Actual	YTD Budget	Actual - Budget Variance
	April 2020	April 2020	April 2020
Revenue			
1 Government- Grants	2,289,255	2,258,902	30,354
2 Contracts/Service Fees	79,871	100,738	(20,867)
3 United Way	98,610	88,000	10,610
4 Contributions - Individuals/Corp/Fdn/Org	1,623,891	1,462,280	161,611
5 Major Gifts/Individual Advocates	905,545	741,667	163,878
6 Legacy/Individuals/Direct Mail/General Online	659,223	578,500	80,723
7 Second Fundraiser/Planned Giving	49,962	53,000	(3,038)
8 Endowment	(106,191)	(106,191)	0
9 Honor and Memorial Gift	137,774	137,774	0
10 Restricted Operating Fund	(38,710)	(38,710)	0
11 Other	105,603	72,498	33,105
TOTAL REVENUE	5,804,833	5,348,457	456,376
Expenses			
1 Salaries/Benefits/Insurance/Other Benefits/403B Match	3,870,186	3,922,218	52,032
2 Utilities/Telephone	113,758	125,904	12,146
3 Insurance - General Liability	31,927	30,085	(1,842)
4 Office Supplies/Printing & Forms	73,485	50,059	(23,426)
5 Travel/Food	37,273	83,713	46,440
6 Cleaning & Maintenance/Equipment/Maint. Agreement/Software	148,171	170,262	22,092
7 Depreciation/Bldg. Expenses/Amortization	368,581	336,544	(32,038)
8 Management Consultants	208,598	236,586	27,989
9 Special/Group Events/Direct Mail	47,522	51,630	4,108
10 Specific Program Expense	31,666	35,235	3,569
11 Other	361,410	458,853	97,443
TOTAL EXPENSES	5,292,579	5,501,090	208,511
EXCESS or (DEFICIENCY)	512,254	(152,633)	664,887
1 Crown Family (FY20&FY21)	(75,000)	(75,000)	
2 Polk Foundation (FY20&FY21)	(60,000)	0	
3 MacArthur Foundation (FY20&FY21)	(175,000)	0	
4 Building Depreciation	314,450	314,450	
5 Legacy Campaign Endowment Funds	(586,500)	(531,000)	
6 Major Gifts Utilized from Prior Years	69,795	444,182	
REVISED EXCESS or (DEFICIENCY)	0	0	

**Access Living
Actual Cash Flow
YTD April 2020**

	YTD April FY20
Cash Flow From Operating Activities:	
Net Income (Loss)	\$ 512,254
Increase in Receivables	\$ (521,350)
Decrease in Liabilities	\$ (797,995)
Increase in Prepaid Expenses	\$ (75,877)
Noncash Items:	
Depreciation	\$ 368,581
Cash Flow from Nonoperating Activities:	
Capital Expenditures	\$ (44,953)
Endowment/reserve fund Activity	\$ 814,433
Net Cash Change	<u>\$ 255,093</u>
Beginning Cash	\$ 2,083,300
Ending Cash Balance	<u><u>\$ 2,338,393</u></u>

**Access Living
Balance Sheet
04/30/20**

Assets

	<u>04/30/20</u>	<u>06/30/19</u>
1 Cash & Equivalents - Unrestricted	2,338,393	2,083,300
2 Cash & Equiv.- Restricted Operations	-	-
3 Cash & Equivalents - Restricted Passthru	36,153	31,857
4 Cash & Equivalents - Restricted Fiscal Agent	14,059	10,886
5 Cash & Equiv.- Blg. Maintenance Fund	-	-
6 Cash & Equiv.- Emerg. Operation Reserve Fund	-	-
7 Cash & Equiv.- Endowment Fund	-	-
8 Cash & Equiv. - DNR-DSG Endowment	724,100	722,642
9 Cash & Equiv. - AL BD Res Ops RFD-P	4,365,235	5,080,945
10 Cash & Equiv. - AL Board Designated Endowment	2,356,504	2,464,153
11 Revenue and Other Receivables	3,983,490	3,462,145
12 Allowance for Uncollectible Receivables/Pledge Discount	(152,307)	(152,313)
13 Prepaid Expenses	156,457	80,580
Total Current Assets	<u>13,822,083</u>	<u>13,784,195</u>

PP&E

1 Land		251,353		251,353
2 Art		59,461		59,461
3 Building/Blg. Improvement	11,555,918		11,541,453	
4 <i>Accum Depr- Building/Blg.Improvement</i>	(5,064,598)	6,491,320	(4,727,965)	6,813,488
5 Fixed Assets- Equipment	266,053		238,923	
6 <i>Accum Depr- F.A. Equipment</i>	(235,551)	30,502	(235,551)	3,372
7 Building Furniture and Equip.	947,300		943,942	
8 <i>Accum Depr- Furniture and Equipment</i>	(861,441)	85,859	(833,362)	110,580
9 <i>Fixed Assets- Vehicle</i>	32,500		32,500	
10 <i>Accum Depr- Vehicle</i>	(13,928)	18,572	(10,059)	22,441
11 Fixed Assets- Ombudsman	12,544		12,544	
12 <i>Accum Depr- Ombudsman</i>	(12,544)	-	(12,544)	-
Total Fixed Assets		<u>6,937,067</u>		<u>7,260,695</u>

Security Deposits

-	-
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Total Assets

<u>20,759,149</u>	<u>21,044,890</u>
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Liabilities & Fund Balance

1 Accounts Payable	2,620	93,780
2 Other Accrued Expenses	216,127	931,496
3 Pass Thru Liability	9,949	1,415
Total Current Liabilities	<u>228,696</u>	<u>1,026,691</u>

Total Fund Balance

20,530,453	20,018,199
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Total Liabilities & Fund Balance

<u>20,759,149</u>	<u>21,044,890</u>
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Investment Analysis

As of 5/31/20

	<u>Balance as of 6/30/19</u>	<u>Balance as of 5/31/20</u>	<u>Gain/ (Loss) during Year</u>	<u>% Gain/(Loss)</u>
Board Restricted Operations Reserve Fund	\$5,080,945	\$4,486,159	\$82,214 **	1.62%
Board Designated Endowment Fund	\$2,464,153	\$2,439,500	(\$24,653)	-1.00%
Donor Designated Endowment Fund	<u>\$722,642</u>	<u>\$742,402</u>	<u>\$19,760</u>	2.73%
Total	<u><u>\$8,267,740</u></u>	<u><u>\$7,668,062</u></u>	<u><u>\$77,322</u></u>	0.94%

**Transfer \$677,000 to Operating Account

Access Living FY21 Budget

DESCRIPTIONS	FY21 Budget	FY20 Midyear Budget
REVENUES:		
Government		
Local:		
1 Youth Mentoring	34,500	69,000
2 MOPD	290,000	290,000
3 CDBG-Housing & Other	31,140	31,140
State:		
1 DHS CIL GRANT	729,478	729,478
2 DORS HOME SERV./PA	350,000	350,000
3 DON TESTING FY16,17,18,19	13,440	13,440
4 HOUSING RELOCATION	1,656,602	400,020
5 DI/STEPPING STONES	-	-
6 PTS Fee for Service	-	-
7 FAST TRACK	280,000	280,000
Total State	3,029,520	1,772,938
Total Local & State Revenue	3,385,160	2,163,078
Federal:		
1 ACL	251,285	251,285
2 ACL-EZ	21,161	21,161
3 ACL (CARES Act)	164,659	-
4 ACL-EZ (CARES Act)	13,866	-
5 HUD FHIP	300,000	250,000
6 HUD-HSG COUNSELING	33,998	33,998
Total Federal Revenues	784,969	556,444
GRANTS TOTALS	4,170,129	2,719,522
Contracts:		
1 Misc Contracts	20,886	60,886
2 Shirley Ryan	25,000	25,000
3 Lawyers' Committee for Better Housing	12,000	12,000
4 Training Fees	20,000	20,000
5 Legal Fees	40,000	40,000
CONTRACTS TOTALS	117,886	157,886
GRANTS, CONTRACTS TOTAL	4,288,015	2,877,408
Contributions:		
1 UNITED WAY	-	88,000
2 FOUNDATIONS/CORP.	546,420	1,098,750
3 UNRESTRICTED INDIVIDUAL	35,000	35,000
4 ADVOCATES	50,000	50,000
5 ANNUAL GALA	700,000	750,000
6 PLANNED/MONTHLY GIVING	-	43,000
7 MEMORIAL GIFTS	-	200,000
8 MAJOR GIFTS CAMPAIGN	100,000	700,000
9 LEGACY CAMPAIGN	1,500,000	531,000

Access Living FY21 Budget

DESCRIPTIONS	FY21 Budget	FY20 Midyear Budget
10 ART FUNDING	10,000	10,000
11 DIRECT MAIL	15,000	15,000
12 2nd CHARITY EVENT	10,000	10,000
CONTRIBUTION TOTALS	2,966,420	3,530,750
Other Income:		
1 LOAN FORGIVEN	823,000	-
2 INT/DIV/OTHER	-	25,000
3 RENTAL INCOME	-	7,000
4 VENDING INCOME	3,500	3,500
5 PARKING INCOME	5,000	5,000
6 DONOR DESIGNATED ENDOWMENT	-	-
7 BOARD DESIGNATED ENDOWMENT	-	-
8 CCT ENDOWMENT	24,860	24,860
OTHER INCOME TOTALS	856,360	65,360
TOTAL BUDGET REVENUES	8,110,795	6,473,518
EXPENSES:		
PERSONNEL		
1 SALARIES	4,271,108	3,722,843
2 FRINGE BENEFITS	1,302,999	1,147,165
TOTAL PERSONNEL	5,574,107	4,870,008
OPERATING EXPENSES:		
1 RENT		
2 RENTAL/OPERATING COSTS		
3 PARKING LOT COSTS		
4 UTILITIES	95,000	95,000
5 TELEPHONE	61,450	59,050
6 INSURANCE	35,000	35,000
7 OFFICE SUPPLIES	55,548	59,148
8 AUDIT	50,000	40,000
9 BANK CHARGES	15,000	15,000
10 PAYROLL PROCESSING	25,000	25,000
11 POSTAGE	8,000	8,000
12 CLEANING/MAINTENANCE	55,000	55,000
13 SERVICE AGREEMENTS	90,000	90,000
14 SOFTWARE LICENSE EXP.	62,400	63,800
15 DEPRECIATION	27,000	27,000
16 INTERNET LINE SERVICE	15,000	15,000
17 DELIVERY/STORAGE	10,000	11,740
18 SECURITY	20,000	20,000
19 COMPUTER CONSULT/MAINT	21,000	21,000
TOTAL ALLOCATED EXPENSES	645,398	639,738
1 PASS THRU	17,000	17,000
2 CLIENT TRANSPORTATION	16,050	20,050

Access Living FY21 Budget

DESCRIPTIONS	FY21 Budget	FY20 Midyear Budget
3 EMPLOYEE BUSINESS		
A. Local Travel	39,000	26,915
B. Out-of-Town Travel	37,650	51,000
C. Food	20,940	26,040
4 SUBSCRIPTIONS	33,431	34,481
5 MEMBERSHIPS	20,580	20,430
6 DONATIONS	3,000	5,150
7 SPECIAL EVENTS	190,000	140,000
8 Fundraising Events	2,000	2,000
9 GROUP EVENTS	16,800	18,100
10 CONFERENCE/SEMINARS	45,850	49,550
11 LEGAL	23,250	22,450
12 MANAGEMENT CONSULTANTS	177,000	291,500
13 INTERPRETIVE SERVICES	54,863	52,363
14 STIPENDS	64,960	97,757
15 PA SERVICES	12,886	16,686
16 FORMS & PRINTING/Direct Mail/PHOTO	7,840	4,600
17 ART EXPENSES	9,000	9,000
18 ANNUAL REPORT/BROCHURES/PR ADS	22,500	20,500
19 VENDING EXPENSE	5,500	5,500
20 BOARD EXPENSES	3,000	3,000
21 EMPLOYMENT EXPENSES	9,000	9,000
22 SPECIFIC PROGRAM	81,370	31,370
23 ADVOCACY PROGRAM EXP.(LOBBYIST)	12,000	43,724
TOTAL DISCRETIONARY EXPENSES	925,470	1,018,166
TOTAL EXPENSES	7,144,975	6,527,912
EXCESS (-DEFICIENCY) OF REVENUES OVER EXPENSES	965,820	(54,394)
 Revenue Timing Items:		
1 Major Gifts Utilized from Prior Years	59,180	726,205
2 Polk Fdtn (2 yr grant, FY20 &FY21)	60,000	(60,000)
3 Mayer Grant(FY17,18,19)	-	-
4 Crown Family Philanthropies (2 years)	75,000	(75,000)
5 D & R Fund (5 years)	-	-
6 Legacy Campaign	(1,500,000)	(531,000)
7 MacArthur Foundation (2 yr grant, FY20 &FY21)	175,000	(175,000)
8 Ford Foundation	-	-
9 Endowment Draw	145,000	169,189
10 Gala-Paddle Raise/Other	-	-
Net Operating Excess (Deficiency)	-	-

MEMORANDUM

TO: Access Living Board
FROM: Amber Smock, Director of Advocacy
RE: CESSA Update
DATE: June 26, 2020

Prior to the onset of the Covid-19 pandemic, one of Access Living's top legislative priorities was the Community Emergency Services and Supports Act, known as CESSA. When the Illinois legislature shut down regular session due to Covid-19, every single bill that was unrelated to Covid-19 or the state's budget needs essentially died. However, with the escalation of the fight for racial justice across our country, CESSA has taken on a new life and is an important part of our agenda for the 2020 fall veto session, which will be in late November and early December.

CESSA is the second version of a bill originally known as the Stephon Watts Act, which was inspired by 15 year old Stephon Watts of Calumet City, who was Black, autistic, and tasered to death by police at home for wielding a butter knife during a meltdown. [See this link](#) for a longer story about Stephon. Stephon's cousin was a member of our racial justice organizing group, AYLP. With support from our Racial Justice Organizer, Candace Coleman, AYLP began working with the family to develop a state bill that would allow 911 dispatchers to send non-police emergency responders to be able to de-escalate situations where a person is having a mental health or behavioral crisis. Our Senior Attorney, Charles Petrof, worked with Candace and AYLP to draft the bill text. The original bill was in fact introduced in our legislature by then-State Senator Kwame Raoul, but owing to a variety of challenges with the bill text and opposition, died in committee.

Last fall, Candace, Charlie and AYLP began revamping the draft and working with our lobbyist to secure new lead sponsors. The new lead sponsors are State Senator Robert Peters (a member of the disability community) and State Representative Kelly Cassidy. The new bill was renamed as CESSA and contains language that strengthens protections against involuntary commitment, as well as establishing regional committees across the state to develop options for non police involved emergency response. CESSA is known as [SB 3449](#) in the Illinois Senate and as [HB 5009](#) in the Illinois House.

Quick summary of CESSA:

- Creates a response service for mental and behavioral health emergencies everywhere an ambulance service exists.
- Requires 911 responders to use appropriate de-escalation techniques and then connect callers to their existing care providers or to available community services and supports.
- Replaces costly institutionalization with community based, patient directed care.
- Empowers each EMS Region to design regionally appropriate systems.

· This is not a CIT bill and does not train police. Most mental and behavioral health emergencies involve no threat of violence. The bill provides a new 911 option when there is no need for law enforcement.

One important thing to keep in mind for Chicago in particular is that unlike many other cities, we do not have a 211 system, which is also an avenue for mental health/behavioral crisis. Furthermore, our 911 dispatch system is only allowed to send police, fire or ambulance services to an emergency, no other kinds of personnel. Therefore in Chicago we have serious structural limitations for providing alternatives to police response.

Currently, Access Living has several staff coordinating together in an effort to lift up and pass CESSA. Key areas of work right now include:

- Working with Senator Peters and Representative Cassidy to host a virtual town hall on CESSA on July 6 from 6 pm to 7:30 pm, including press coverage
- Working with AYLP, whose members are majority Black and brown, to center them as spokespersons and also to ensure their approval on how to deal with amendments or legislative roadblocks.
- Collecting buy in and support from community partners and stakeholder organizations
- Collecting feedback on possible bill amendments, and vetting them with Access Living staff and AYLP
- Senator Peters and Representative Cassidy are working on ensuring that CESSA is at the top of the racial justice agenda for the Illinois legislature
- Developing messaging and media coverage to raise CESSA's profile
- Coordinating with Congressional/national partners so they are aware of this effort; there are efforts in Congress to develop legislation that would fund transition to the kind of model that CESSA proposes

Key staff involved right now include:

- Candace Coleman, Racial Justice Organizer
- Janet Horne, Disability and Incarceration Policy Analyst
- Charles Petrof, Senior Attorney
- Dave Lowitzki, contract lobbyist
- Bridget Hayman, Director of Communications
- Amber Smock, Director of Advocacy
- A variety of other staff are also involved in support roles.

Further reading for those interested in this bill:

<https://truthout.org/articles/911-services-that-dispatch-mental-health-counselors-not-cops-gain-traction/>

<https://whitebirdclinic.org/cahoots-featured-on-all-things-considered/>

MEMORANDUM

TO: Access Living Board
FROM: Amber Smock, Director of Advocacy
RE: Covid and Congregate Settings Advocacy Update
DATE: June 26, 2020

As you may well imagine, one of the most difficult aspects of the Covid-19 pandemic has been the horrific rate of infection and death among residents and workers in congregate settings across the country, including but not limited to nursing homes, facilities for people with developmental disabilities, facilities for people with psychiatric disabilities, group homes, jails, prisons, and ICE detention centers. In these settings, people have not been able to socially distance, and at least those who reside in the settings tend to have not gotten much in the way of PPE, if any.

Access Living is currently in the middle of stepping up our advocacy related to social reliance on congregate settings for people with disabilities, as are many of our colleagues. There is increasing frustration among CILs that we have few resources and safe opportunities to move people out of nursing homes and other institutions, and we know that finding community housing for people with disabilities coming out of jail, or on medical furlough from prison, has been extremely difficult. Community activists such as ADAPT and the Alliance for Community Services have been calling for emergency evacuations to get people to hotels with supports, in order to make room for social distancing. The problem is not just the pandemic---the problem is also that we have a systemic failure from the government to not only ensure available community services and housing, but also to adequately regulate congregate settings and protect all those currently housed within.

Earlier this week, several national organizations sent a petition to the U.S. Department of Health and Human Services (HHS) outlining the death toll and the disproportionate impact not only on people with disabilities and seniors, but also on Black and brown communities, and poor people. The petition calls out HHS and its agencies, the Centers for Medicare and Medicaid Services (CMS), Center for Clinical Standards and Quality (CCSQ), and the Centers for Disease Control and Prevention (CDC). The 38 page petition can be read [at this link](#).

The petition's lead organizational authors are the ACLU and Service Employees International Union, with the national cosigners being the American Association of People with Disabilities, Autistic Self-Advocacy Network, Disability Rights Education and Defense Fund, National Council on Independent Living (NCIL), Partnership for Inclusive Disaster Strategies, and World Institute on Disability. Access Living is a member of NCIL.

The petition makes the argument that HHS and its agencies have failed their responsibilities in at least four ways that have unnecessarily magnified the death toll for people who live in nursing homes and other congregate settings for people with disabilities:

- Hiding the true size of the problem.
- Creating bad circumstances in congregate settings, and not doing anything to stop them.
- Failing to reduce crowding in congregate settings for people with disabilities.
- Issuing incomplete, inconsistent, and confusing guidance.

The petition makes the case that the congregate setting crisis disproportionately affects marginalized people in the following ways:

- Nursing homes with predominantly Black and Latinx residents have been twice as likely to be hit by COVID-19 as predominantly white nursing homes.
- More than 60 percent of nursing homes where at least a quarter of the residents are Black or Latinx have reported at least one coronavirus case, which is double that where Black and Latinx people are less than 5 percent of the population.
- The workforce serving congregate settings for people with disabilities are disproportionately women of color. Eighty-two percent of aides in long-term care facilities are women; nearly one third of aides are Black; 16 percent are Latinx; 23 percent are immigrants.

The advocates lay out three main areas of action items for the government as follows:

- Require transparency and accountability
- Reduce the census in congregate settings
- Protect residents and staff

The ACLU is also beginning a blog series on this topic. The first installment by Susan Mizner [is at this link](#).

Access Living, as well as the Illinois Network of Centers for Independent Living, has signed on to a call to action letter led by the Partnership for Inclusive Disaster Strategies, calling for resources to help with solutions for transitions from congregate settings during Covid (text of letter is at end of memo, sign on list is still in formation at the time of this memo). We are also strategizing internally for ways to secure help from our state government. These talks are still in early stages, and **we will likely have a fuller verbal update by the time of the Board meeting**. While we are serious about not putting our staff, community partners, or community members at risk of Covid for transitions, we also think that more can be done to fund and take down barriers to solutions.

The key staff involved in our advocacy in this area are:

- Karen Tamley, President and CEO
- Amber Smock, Director of Advocacy
- Daisy Feidt, Executive Vice President and Interim Director of Independent Living
- Dariusz Barwacz, Manager of Community Transitions

- Angel Miles, Healthcare and HCBS Policy Analyst
- Ryan McGraw, Healthcare and HCBS Community Organizer
- Cris Johnson, Advocacy Manager
- Dave Lowitzki, contract lobbyist

Text of Sign On Letter:

FOR IMMEDIATE RELEASE – NATIONAL GOVERNORS ASSOCIATION

NATIONAL CALL TO ACTION:

EMERGENCY RELOCATION OF CONGREGATE SETTING RESIDENTS; SAVE LIVES NOW!

Congregate settings are inherently unsafe, especially during a pandemic. The stark and horrifying reality of this is painfully evident now as the COVID-19 pandemic tears through these facilities. Many of the people in these facilities are black and brown and most are poor. All are at inordinate risk and are dying in disproportionate numbers. This must stop. We can help. People with disabilities living in our communities, in their own homes, have a radically lower infection rate than people living in congregate settings. We know that home and community based services are a cost effective solution.

We, the undersigned, including people with disabilities, disability advocates, Independent Living Centers, disability organizations, and our allies - do hereby issue this Call to Action to IMMEDIATELY relocate people with disabilities confined in congregate facilities infected by COVID-19 infection.

We not only expect but demand that the full weight and force of Federal, State, and Local government is mobilized immediately, with the fierce urgency of now, to enforce disability civil rights laws and relocate people from congregate settings as life-saving and life-sustaining imperatives. The following steps must happen now:

- Relocate residents to safe, non-congregate, cohort settings that house no more than one person per room
- Identify residents who want to transition to Home & Community Based Services (HCBS)
- Require that institutions / long-term care facilities grant access to essential CIL staff and transition coordinators in order to implement these relocation plans
- Expedite HCBS eligibility determinations for those who want to remain in the community OR who refuse to return to an unsafe congregate setting

- Work with your Department of Commissioners, etc. to utilize alternative funds (such as FEMA Public Assistance Category B funds) to cover the costs of care, shelter and food during disaster relocations
- Immediately lift the restrictions on visitations. Data shows visits from family are critical to the well-being and quality of life of people housed in these congregate settings. Not allowing visitations is contributing to the increases in death

The undersigned call for a multi-pronged approach to preventing additional abuse and neglect in congregate settings due to pandemic policies and responses. The first prong is to divert people with disabilities from ever going to congregate facilities by ensuring that they have adequate support at home and in the community. The second is to support people in congregate facilities, with and without COVID-19, in transitioning back to the community with adequate health care, infection control, daily living support, and opportunities for improved pandemic outcomes. Many local Centers for Independent Living have the expertise to spearhead immediate transitions out of congregate settings. But this requires the full support, backing and reimbursement measures of agencies as laid out by, for example, FEMA Public Assistance Emergency Protective Measures, Category B (p. 57). The FEMA language states that funds cover: evacuate and shelter individuals to meet their life-saving and life sustaining needs; their rights to be served in the most integrated setting appropriate to their needs; as well as all other mechanisms available to meet the emergency protection obligations of recipients and sub recipients of federal financial assistance.

We demand that CILs and / or other transition personnel have immediate access to congregate settings as part of the Strike Teams that have been created and implemented. It is imperative that we be able to identify, evaluate and coordinate plans for relocation to accessible hotels, dorms, and other structures suitable for safe supports and occupancy.

It is wholly unacceptable to continue the current position that proposes to make congregate settings “better.” This is NOT the answer. We must liberate our brothers and sisters from these congregate settings and into permanent, sustainable, integrated, accessible and affordable housing with the support and services they require to maintain their health, safety, independence and dignity. This is the only acceptable answer.

The organizations listed below have signed on in support and in solidarity of the Emergency Relocation of Congregate Setting Residents

[list in formation]

CONFIDENTIAL AND PRIVILEGED: DO NOT DISTRIBUTE**MEMORANDUM**

TO: Board of Directors
FROM: Charles Petrof, Mary Rosenberg, and Ken Walden
RE: Update on Uber case, City of Chicago case (Affordable Rental Housing Program) case, City of Chicago case (Emergency Shelters), CPS case, Historic Home/Historic Neighborhood case, **NEW Case - UI Health, New Case - Haymarket sober home**
DATE: June 23, 2020

Uber – Federal Court Case

UPDATES IN BOLD

On May 5, 2020, the 7th Circuit denied our appeal. While we are encouraged that the 7th Circuit left intact the district court’s ruling that Uber is governed by the ADA, we believe the Court’s decision is wrong in most other respects. **Most critically, this decision severely limits disability advocacy organizations, especially Centers for Independent Living (CILs), from defending their rights under Title III. While CILs are required by federal law to hire a large percentage of employees with disabilities, this decision does not allow CILs to confront discrimination against those employees even when that discrimination interferes with the CIL’s business. This is neither legally nor practically appropriate.**

We are unaware of any other area of law that limits an organization, non-profit or for profit, in this way. It is generally recognized that an organization can only act through its employees. We are certain that the legislature never intended that organizations like CILs should be excluded in this way from protecting the rights of people with disabilities to access public accommodations. It is also certain that the legislature never intended CILs to be denied the right to protect their own activities from disability discrimination. No other civil right has been similarly burdened.

Although the 7th Circuit correctly held that an individual plaintiff has a right to enforce the ADA even though her need for using a mobility device is intermittent, the rest of the Court’s decision about the standard for an individual to seek injunctive relief is problematic. Uber told Access Living leadership and staff that it would not comply with the ADA. The individual plaintiff, a member of Access Living’s leadership, knew of Uber’s refusal and still wanted to use the service because she had no comparable transportation option for activities, both professional and personal, she regularly undertakes. She had viewed Uber’s app and learned that there was no service at her home. In that situation, the injury is obvious. The Court’s decision that this individual plaintiff needs to suffer more discrimination before she can complain of her injury sets a standard that is out of touch with current business practices and contrary to the remedial purposes of the ADA.

City of Chicago (Affordable Rental Housing Program) – Federal Court Case**UPDATES IN BOLD**

As reported previously, the parties have moved into the discovery phase of litigation, which is the sharing of information with each side via formal written requests for information and interviews with potential witnesses.

District Court Judge Dow referred the parties to Magistrate Judge Cole for help resolving discovery disputes. We have been before Judge Cole a handful of times, but we became concerned that he was defining the scope of discovery in a manner inconsistent with Judge Dow’s directives. Accordingly, we filed with Judge Dow a motion to define the scope of discovery to help get everyone on the same page about the scope. **Recently, Judge Dow declined to rule on that motion. He opined that enough discovery progress had been made since the filing of our motion, and hence there was no need to rule on the motion.**

City of Chicago (Housing Shelters) – Federal Court Case**UPDATES IN BOLD**

Martin case: We settled our lawsuit that alleged plaintiff Laura Martin was denied access to City of Chicago homeless shelters because the shelters are inaccessible, in violation of Title II of the ADA. The settlement provides monetary damages to Ms. Martin and reserved for later the question of the appropriate amount of attorneys’ fees for plaintiff’s lawyers. Since our last report, led by the law firm Porter Wright, which has worked on this case *pro bono*, we have been negotiating the amount of attorneys’ fees with the City. **We attended a settlement conference over the fee issue, but negotiations remain ongoing.**

Carter case: On February 13, because the case on behalf of Ms. Martin settled without an order requiring the City to address the accessibility of its shelters, we – along with our partners at Coalition for the Homeless and the law firm Porter Wright - filed a new lawsuit in federal court on behalf of a new plaintiff, the goal of which is to force the City to make its shelter system accessible. The case is captioned *Gloria Carter vs. City of Chicago*. **The City received service in the suit, and filed its appearance on May 7, 2020.**

Chicago Public Schools – Federal Court Case**UPDATES IN BOLD**

We represent a CPS primary school student and her mother in their demand for installation of an elevator in the student’s school, which the student needs in order to make the school accessible to her.

On December 17, 2019, we completed briefing on our motion for summary judgment. Our motion argues that CPS violated the ADA in two separate ways. First, we argue the CPS school selection process discriminates against students with disabilities because only half of the schools

available through that process are physically accessible, giving students with disabilities half the choices enjoyed by students without disabilities. Second, we argue CPS should be required to accommodate our client's disability because installing an elevator at one of its schools would not fundamentally alter CPS's activities. In furtherance of this second argument, we stress that for a district the size of CPS, the cost of an elevator is dwarfed by its general activities, even in years of great financial hardship.

Also on December 17, 2019, CPS completed briefing its own motion for summary judgment. The CPS motion argues CPS's offer to transfer our client to a different school that operates in an accessible building is all that is required for compliance with Section 504 or the ADA. CPS further argues that transfer to an accessible building has been ruled to be a sufficient remedy under the Individuals with Disabilities in Education Act (IDEA).

Recently, the Court issued a disappointing and surprising decision. We are still digesting it and will provide details at a future date.

Historic Home/Historic Neighborhood case –Federal Court Case and State Court Case

UPDATES IN BOLD

Federal Court: In December, Access Living and the law firm Relman Colfax filed a fair housing complaint on behalf of a family that wants to modify an historic home in the historic neighborhood of Old Town to make it accessible for their 14-year-old daughter who uses a wheelchair. Namely, the family desires to create an accessible entrance, garage, and small living space in the rear of the building, install an elevator from there to upper floors, and make other accessibility improvements. Sadly, the family's effort is opposed by a group of neighbors who comprise the Old Town Triangle Association (OTTA), who claim the modifications will compromise the historical nature of the neighborhood and home, even though a number of historical preservation organizations have approved the family's plans for the home. The complaint alleges the OTTA's actions violate the Fair Housing Act, including the provision that prohibits coercion, intimidation, threats, or interference against someone who exercises his/her housing rights. **The OTTA filed an Answer (i.e. a formal response to the complaint).**

State Court: You may recall we previously helped this same family win approval for its planned modifications from the Chicago Zoning Board of Appeals (ZBA). Unfortunately, the OTTA appealed the ZBA's decision to the Circuit Court (state court), and that case remains pending in that court. Access Living, as an organization, successfully intervened in the state court case to stress the fair housing implications of the case, and will urge the court to uphold the ZBA's decision. This case remains pending in state court. **Recently, the parties, including Access Living, filed briefs in the case, which the court will consider to determine whether to uphold or reverse the ZBA's decision.**

Accordingly, and in summary, we continue to advocate on the family's behalf in the state court case, but also co-filed and are co-counseling the new case in federal court.

NEW CASE: UI Health – Federal Court Case

On February 14, 2020, with our *pro bono* partners Andres Gallegos and Jennifer Sender of Robbins, Salomon & Patt, we sued the Board of Trustees for the University of Illinois concerning two ADA/504 violations in their UI Health system.

Our plaintiff, staff member Dr. Angel Miles, had two separate medical tests scheduled at UI Health. Since Dr. Miles uses a wheelchair, she recognized the possibility that the testing facility may not be accessible, and therefore advocated for accommodations at the outset when she started to schedule the tests. Despite her advocacy, UI Health scheduled both tests in facilities that were inaccessible to wheelchair users. Dr. Miles also discovered that UI Health had no person or office with responsibility for coordinating accessible healthcare, in violation of the ADA.

UI Health accepted service in this case, and we offered an extension of time for UI Health to respond in light of the COVID-19 pandemic.

NEW CASE – Haymarket Sober Home Effort in Itasca – Local Administrative Case and Possible Federal Court Case

We recently decided to represent Haymarket in its effort to operate a sober home for individuals recovering from addiction to drugs and/or alcohol. The Haymarket effort has faced stiff and vocal opposition from members of the Itasca community. Note that those in recovery are considered people with disabilities under the federal Fair Housing Act.

With our law firm partner, Daspin & Aument, we will aim to get approval for the home from the Village of Itasca, through a series of hearing zoning/planning hearings and, if necessary and appropriate, we will file a proactive fair housing lawsuit against the Village.



Development Report

Access Living Board Meeting – 7.1.2020

RDC Chair: Kristin Weaver

RDC Vice Chair: Jennifer Brown

Director of Development: Barbara Khalouf

2020 Lead On! Gala

- **UPDATE: Our gala has officially moved to virtual!**

Date: Wednesday, November 18, 2020

As you know, the current health pandemic resulted in our need to change the date to November (from 6.24.20). We have additionally made the difficult (but necessary) decision to move to an all-virtual format, since social distancing measures will most assuredly be extending into the fall.

We are deeply grateful to all of our current sponsors and look forward to welcoming additional supporters at all levels. **A huge thank you to everyone for your help and support!**

- As of June 23, we have secured commitments for **\$460,000**. Our budgeted goal is \$750,000, so we're 61% to goal! **PLEASE NOTE: Since the gala funds were anticipated in the FY20 budget, we have been working to get as much secured and in-house during the FY20 fiscal year, as possible. We greatly appreciate everyone's support in this effort.**
- **REMINDER:** Have you joined the **Marca Bristo Tribute Committee** yet? (*formerly called Host Committee*) As you know, this year's Gala Committee is a tribute to Marca's life & legacy. Please help us make this one a great success!

The minimum request amount is \$5,000 - give or get (i.e., one table is \$5K). *Please note that this is above and beyond your company's sponsorship commitments.* **Thank you to all who have confirmed and don't forget to complete the Tribute Committee Form and return with your payment!**

- **Our Sponsorship Opportunities and Forms are all virtual now.**

Here are the links...

- [Tribute Committee Form](#)
- [Sponsorship Form](#)
- [Event Details](#)
- [Sponsorship Opportunities](#)



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2020 Lead On! Gala (continued)

- Please don't forget to speak with Barbara Khalouf (*pronounced kay-loff*) about your own stretch goals - *individual and/or corporate*. We are asking everyone to work with us to help make this gala one that would make Marca proud!

Potential Virtual Auction

Additional funding opportunities are under review. One opportunity that seems extremely promising is a virtual auction, but we would need *your* help to make this a success.

Who do you know? / What can your company donate? / Other?

Let's get creative - please follow-up with Barbara!

Here are some ideas to kickstart your creativity...

- Cooking class (one-on-one and/or group with a chef)
- Special Zoom one-on-one/small group with VIP (who do we know?!)
- Special Behind the Scenes experience
- Virtual Personal Training Session
- Selection of wines
- Zoom tasting (wine/alcohol)
- In-person trips/travel/events – *with extended deadlines*

#GivingTuesdayNow Update

This international campaign, which was held on May 5 in direct response to COVID-19, was a success for Access Living! Many board members donated that day, one offered a match to help drive participation, and many of you also asked your friends and family to support us. Because of those efforts, **we raised \$18,475**. Thank you so much for your support!



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Marca Bristo Legacy Campaign

We are in the process of setting up meetings with potential donors to our Legacy Campaign. Reminder: We have secured a \$500K 2:1 matching gift.

Update on our \$2 million dollar proposal:

Karen & Daisy are scheduled to virtually meet with our longtime & anonymous donor in July. This will be an opportunity to introduce the donor to Karen and discuss the proposal that has been under review.

Board Giving

Question: Have you made your 2020 Calendar Year Board gift yet?
A big thank you to everyone who has!

- 100% board participation is crucial. Board members, as the legal stewards of the organization, lead by example. The impact of board member's participation goes well beyond the individual donations themselves.
- ***Did you know?*** Many foundations only contribute to organizations where every board member is a financial contributor.

Wishing you a safe and happy summer!