



Agenda

MAYOR'S COMMITTEE ON DISABILITY

THURSDAY, July 18, 2019

10:00 A.M.

CITY COUNCIL CHAMBERS

200 LINCOLN AVENUE, SANTA FE, N.M.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. APPROVAL OF MINUTES: FROM THE JUNE 20, 2019 MEETING
5. PUBLIC COMMENTS (15 MIN. TOTAL)
6. PRESENTATIONS
 - a) ABLE NEW MEXICO – HEATHER R. BENAVIDEZ, LIAISON OFFICER, STATE OF NEW MEXICO OFFICE OF THE TREASURER
7. NEW BUSINESS – DISCUSSION AND POSSIBLE ACTION
 - a) INTRODUCTION OF NEW ADA COORDINATOR TOM GRAHAM
 - b) SUMMARY OF HLAA CONVENTION – PAM PARFITT
8. OLD BUSINESS
 - a) MCD SUB-COMMITTEE REPORTS
 - b) DELEGATE FOR COMMUNITY HEALTH COUNCIL UPDATE

ITEMS FROM MEMBERS AND STAFF (3 MINUTES)

9. ADJOURN

NEXT MEETING AUGUST 15, 2019

PERSONS WITH DISABILITIES IN NEED OF ACCOMMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 955-6520, FIVE (5) WORKING DAYS PRIOR TO MEETING DATE.

THIS IS A FRAGRANCE FREE MEETING

****Please notify Aurore Bleck, Chair at (505)473-2060 and/or Tom Graham, ADA Coordinator/Liaison, at (505)955-6654 if you are unable to attend.**

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: July 10, 2019
TIME: 1:54 PM

**SUMMARY OF ACTION
MAYOR'S COMMITTEE ON DISABILITY
CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE
THURSDAY, JULY 18, 2019, 10:00 AM**

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| APPROVAL OF MINUTES | APPROVED | 2 |
| PUBLIC COMMENTS | NONE | 2 |
| <u>PRESENTATIONS</u> | | |
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**MAYOR'S COMMITTEE ON DISABILITY
CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE
THURSDAY, JULY 18, 2019, 10:00 AM**

1. CALL TO ORDER

The meeting of the Mayors Committee on Disability was called to order by Kathlyne Gish, Vice Chair at 10:00 am, on Thursday, July 18, 2019, at the City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT

Kathlyne Gish, Vice Chair
Miriam Jawhar
Hope Reed
Michael D. Wirtz
Kendra Garcia
Angelique Montoya-Chavez
Pam Parfitt

MEMBERS ABSENT

Aurore Bleck, Chair, Excused
Victor Hughes, Excused

OTHERS PRESENT

David Chapman, Staff Liaison
Tom Graham, City of Santa Fe ADA Coordinator
Elizabeth Martin, Stenographer

3. APPROVAL OF AGENDA

Chair Gish said she would like to add a presentation from Kendra of the Make Your Mark Youth Leadership Forum.

There were issues with the hearing assistance equipment in the Council Chambers.

Ms. Montoya-Chavez said this is a perfect reason why we have to resolve issues for people with disabilities.

Chair Gish said she would also like to add under Old Business a discussion about the SNAP income and the Mayor's Committee on Disability email update.

MOTION A motion was made by Ms. Reed, seconded by Ms. Montoya-Chavez, to approve the agenda as amended.

VOTE The motion passed unanimously by voice vote.

**4. APPROVAL OF MINUTES
JUNE 20, 2019**

Chair Gish said the minutes say June 20, 2009 instead of 2019, Kendra Garcia was excused, on page 5, the 3rd paragraph should say her mom is on the waiting list at Villa Allegro. The City Council in LA should say Los Angeles, page 7, 3rd line down, regarding the Housing Authority website, the intention was to state that many housing authorities have websites that include information for landlords and tenants, but the Civic Housing Authority does not.

Mr. Chapman said on page 7 the spelling is Solace.

MOTION A motion was made by Ms. Reed, seconded by Ms. Garcia, to approve the minutes as amended.

VOTE The motion passed unanimously by voice vote.

5. PUBLIC COMMENTS

None.

6. PRESENTATIONS

**A. ABLE NEW MEXICO
HEATHER BENEVIDEZ, LIAISON OFFICER, STATE OF NEW MEXICO
OFFICE OF THE TREASURER**

Ms. Benevidez presented a power point presentation which is herewith attached to these minutes as Exhibit "1".

Ms. Montoya-Chavez asked so you would lose SSI, but not Medicaid benefits.

Ms. Benevidez said it won't effect Medicaid benefits, just the money they receive monthly. There is a grace period until they spend back down. It is a suspension of benefits, not losing benefits.

Chair Gish said you won't be able to use Medicaid while suspended. SSI Medicaid.

Ms. Benevidez said we need to clear that up.

Chair Gish said they would need to apply for State Medicaid.

Ms. Benevidez said this is only if they get over \$100,000.

Chair Gish said also if they work and make too much money.

Ms. Benevidez said thank you for that. She will follow up with that.

Chair Gish said she has done a lot of research on this. She is on SSI. One issue is because of the fees, living on \$9,000 a year you can't save anything. She thought she could save \$200 a year, but the fees take 25% of what she can save. There should be protections for people who are not employed to not have fees. There are issues with employment. One issue with that is it also counts against housing. If she were to work part time at \$450 a month she would lose because her rent would rise and there would be benefit cuts. It is disheartening. There is no incentive for disabled people to work what they can. We have a right to be included and be employed. Those disincentives and punishments keep us from being able to be employed. She hopes the age will be increased to 62. People can legally become disabled until age 62.

Ms. Benevidez said she agrees. Thank you for your comments and for encouraging her to work toward making this better.

Ms. Montoya-Chavez said she has several students who are disabled and the parents are too. If mom or dad passes away does that money roll over to the children.

Ms. Benevidez said no, just sibling to sibling.

Chair Gish said thank you very much.

B. MAKE YOUR MARK YOUTH LEADERSHIP FORUM
Kendra Garcia

Ms. Garcia said she works with New Vistas who partners with people with disabilities. We also do youth coordination with the agency. We don't have a lot of youth participating in the program. She was hired to get more youth participation. There

are classes for age 18 to 22 for independent living skills. We go and speak to those classes about the program and independent living. That is our main interaction with youth in Santa Fe who have disabilities. We are trying to branch out to other youth with disabilities. We serve many counties. Nine of them. Right now we are trying to get the youths opinion about what they want and what their needs are. The youth leadership forum is about that. In addition we will be doing a community panel. We would like to see if a few of our members here could come talk during that panel.

Chair Gish said thank you for doing that. It is really great. She is interested in participating. She will need to check her schedule.

Ms. Garcia said great. The panel will be from 11:00 am to 11:40 am with lunch afterwards. We are using our Facebook page and just got a Twitter account and Instagram account going.

Ms. Montoya-Chavez said there is a huge gap after kids turn 3 and are put in the school system. Kiva is a transition program that they transfer to if they are high functioning. What about the lower functioning youth. Is there a way they can participate in this or can we create something.

Ms. Garcia said we encourage all to participate. She is going to see if we can include the hard of hearing community with additional systems. It is at the Nancy Rodriguez Community Center. We are seeing about getting transportation and a sign language person and the loop system. It is on August 17th.

7. NEW BUSINESS - DISCUSSION AND POSSIBLE ACTION

A. INTRODUCTION OF NEW ADA COORDINATOR TOM GRAHAM

Mr. Graham introduced himself. He started on July 8th. He is a licensed architect in California and New Mexico and while going through his architectural career he has always been concerned with ADA. In 2007 he had a near fatal motorcycle accident and that made disability more personal to him at the time. He has since recovered, but it was a long road back. He became a certified accessibility specialist for the State of California and the firm in New Mexico. He moved to New Mexico a year ago and worked for the Governor's Commission on Disability and is now the ADA Coordinator for the City of Santa Fe. He is very interested in this position and acting as your liaison and in helping you reach your goals.

Chair Gish said welcome. We are very happy to have you and allow David a bit of a break.

B. SUMMARY OF HLAA CONVENTION

PAM PARFITT

Ms. Parfitt said being at an International Hearing Loss convention was a total eye opener for her. The information about hearing devices being effected with a hearing loop was a conversation that went around the convention. The UK is now entirely looped. You may take this information to your doctor or your children's doctors to see if these devices may help with their hearing. There is an international push to make buildings looped.

Ms. Parfitt said accessibility, she has worn hearing aids for 44 years. She never heard about any support groups from any of her doctors. Any child in a public school who is hard of hearing must have a device to connect. It is called Assisted Listening Technology. When we had the Technical Assistance Program participation they had no devices for Assisted Listening Technology to lend out. She learned at the convention that communities have taken that on themselves to get devices to use. The devices need to work for individuals. If it works for you, you can purchase it. She looking at a project like that for her local chapter.

Ms. Parfitt said the biggest thing she learned is how huge the Get In the Hearing Loop movement is. It is international. States are passing massive legislation to mandate the installation of hearing loops and mandating hearing aid dispensaries and that audiologists tell their patient about Telecoil technology. Some states are mandating the installation of hearing loop technology. There are six of those states. We have a vicious cycle going on in the hard of hearing community. People are walking around with Telecoils in their hearing aids, but don't know how to act for connection. Some states are going with putting it in all new construction from the beginning and educating the users. New Mexico has opted to educate the audiologists and hearing aid dispensers to tell their clients about this. Everything is looped in New York City. Seattle has a handbook for event planners. Cities are making it easier for event planners to understand what they need to do to make things accessible. She is working on looping everything in one loop at a time. Maybe we could move forward in this City with a City Ordinance that says all new construction or renovation over a certain amount of money automatically has to install this system. It is the way the world is going.

Chair Gish said thank you for sharing that. It is important information. The City of Santa Fe does not have much regarding what can be done to make events more accessible.

Ms. Reed said good work.

Ms. Montoya-Chavez asked David, are there any City buildings that have companion restrooms. It is so difficult to go into womens or mens restrooms and have to change an adult child. The looks and stares are incredible.

Mr. Chapman said the City of Santa Fe does have some restrooms that accommodate changing children, but he does not know if the City has any that would accommodate adult children. He will work with the new ADA Coordinator and contact the facilities Director to see what we have as to availability.

Mr. Montoya-Chavez said it is a humiliation for the individuals.

Ms. Gish said it is important. The City of Santa Fe has mentioned many times that they do not want signage downtown for restrooms. Family restrooms need to be identified. There was a map that was supposed to be proposed to identify public restrooms.

Ms. Reed said she did work with the Governor's Committee on where accessible bathrooms are in the downtown area. They are all in private businesses. In our building code right now we do require for assembly areas where there are more than 2 mens and 2 womens toilet facilities there does not have to be family restrooms. Having a table for adults to be changed on should be in the code.

Mr. Chapman asked regarding the companion restrooms, is that different from a family restroom.

Ms. Montoya-Chavez said it is same thing, but there are not tables always for changing. Just the baby table.

Ms. Reed said it could be looked at as an amendment to the code.

8. OLD BUSINESS

A. MCD SUBCOMMITTEE REPORTS

Plan Review

Ms. Reed said there have been no plans to review.

Housing

Chair Gish said she read in the *Santa Fe New Mexican* about an issue at the Villa Alegre Apartments that there were some threats of a seven day notice to evict because elderly residents were not pulling out the flowers they had planted. Her concern is they have to pull out their own flowers. They want a uniform building. It is not in the lease that they can't plant flowers. She doesn't know if the issue is with maintaining it. When she has been there is has been well maintained by the residents. She doesn't think the

City can do anything about it. If they are threatened with eviction over something so minor it is awful. These are seniors who are 70 to 80 years old and susceptible to eviction. Management needs to work with tenants in a compassionate way.

Mr. Chapman said with your approval he can get an update from Gino.

Chair Gish said wonderful.

Transportation

Chair Gish said the Transportation update is in the packet.

B. DELEGATE FROM COMMUNITY HEALTH COUNCIL UPDATE

Mr. Chapman said we elected to put this on old business to keep it in mind. Kyra is still putting that committee together. They do want a delegate from this Committee to sit on that Committee along with others to communicate ideas up to the Council. He is not sure when they will finish the criteria that needs to be established as to how to select delegates. It is an ongoing issue.

Mr. Chapman said Joe Abeyta, who tried to assist us with the loop system, said he contacted Romy and she is going to come work on the system next Tuesday. He wants to thank Joe for taking prompt action on that.

Chair Gish said she is interested in participating in the new Committee. It sounds very promising in regards to policy change to have voices come together.

Mr. Chapman said as soon as he gets the criteria he will bring that information back to this Committee.

C. SNAP AS INCOME

Mr. Chapman said kudos for this success go to Ms. Gish. She provided him all the information to get this changed. We had been working on this since January of this year. He sent an email to the Director of the Water Division and the City Attorney to look at the issue. They have removed SNAP as income from the low income standards for utility discounts and that is exactly what we wanted. He found out yesterday that the change had been made for people coming in for applications for utility discounts.

Chair Gish said without you, David, it would not have happened.

Mr. Chapman said thanks to you, Chair Gish.

Chair Gish said it is an incredible thing that with this now people will be able to

get medical care and have SNAP and be eligible for water benefits.

D. MAYORS COMMITTEE EMAIL

Chair Gish said we wanted an email address and started working on that last year. We did not want to use our personal email addresses on agendas, etc. We wanted an official Mayor's Committee email to communicate with the public. She does not know what happened over time, but she received a phone call from David and found out that we have started the process again to have that email address. Hopefully that will happen. She wanted to give an update on that. Thank you very much David.

Ms. Parfitt said she represents several entities and does not know what business is for what entity, for whom, much less what email address to use. She needs training on what her official limits and mandates are as a member.

Chair Gish said it has been brought up at this Committee before that there is a need for training. The Governors Committee has ADA training for State employees and we are not allowed to participate due to not being a State employee.

Mr. Chapman said he did contact the City Clerk with a question about training. He will follow up on that.

There was a discussion about the role of Committee members and the Committee itself.

Mr. Graham said regarding the trainings with the Governor's Committee, he will arrange with them to come over here to do trainings for what you need. If there are any trainings you want to go to maybe he can work it out.

Chair Gish said she appreciated that. Thank you very much.

9. ITEMS FROM MEMBERS AND STAFF

Ms. Montoya-Chavez said at the last meeting she brought up awareness stickers for first responders. She put it out on social media and got a huge response. She was caught off guard by the response from Veterans and the need for first responders to know that they are suffering from a disability. She is working on that. She is going to meet with fire and police to get something that notifies them to take a step back and approach the situation differently. It needs to be simple and clear. She will keep working on that and will keep you up to date. There is a huge need.

Chair Gish said the app she referred to at the last meeting is called Smart 911 and is on the City website. There are some limitations. You have to call from your number as registered with the app.

Ms. Montoya-Chavez said several police officers loved that idea. They never know what they are coming into and do not have time to dial into the app so just a simple universal sign would be so helpful.

Ms. Reed said at the Governor's Committee they do a lot of training with emergency preparedness. Would that fit in.

Mr. Graham said it might be similar. He will have to check on that a bit more. There is one thing you have to watch out for with that. By putting that on the door or window you do draw attention to that residence that may be unwanted attention. It depends on the person themselves if they want that or not. It may not be something to mandate.

Ms. Montoya-Chavez said no, we just want it available if people want it. It is just to allow first responders to approach the situation with sensitivity. She is hoping to just give families the opportunity to protect their loved ones in an emergency situation.

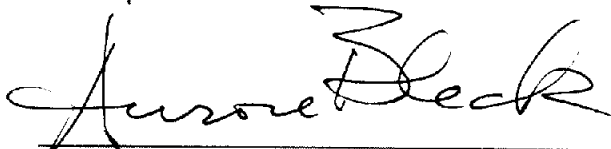
Ms. Garcia said this week is National Disability Voter Registration Week. Now is the time to let your voice be heard.

Chair Gish said for absentee voting you need to apply. It is not automatic. She is working on getting an annual application so you don't have to apply for every single election.

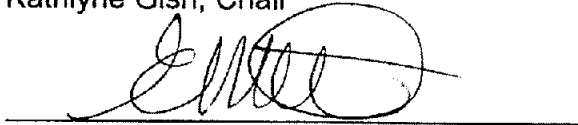
**10. NEXT MEETING
AUGUST 15, 2019**

11. ADJOURN

There being no further business before the Committee the meeting adjourned at 12:30 pm.



Kathlyne Gish, Chair



Elizabeth Martin, Stenographer



Understanding ABLE

Mayor's Committee on Disability

July 18, 2019

Santa Fe, NM

Heather Benavidez

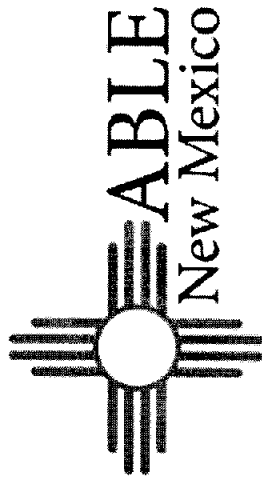


EXHIBIT "1"

Stephen Beck JR and Family

The concept for the ABLE Act started with families including Stephen and Catherine Beck who had concerns about their daughter Natalie. It took four US Congresses and a decade before it was enacted and signed into law. Natalie was the first ABLE Account Beneficiary in the U.S.





In New Mexico the ABLE Act was enacted in 2016. However, there wasn't a way to open accounts in New Mexico until January 2018. Advocates in the 2017 legislature lobbied for New Mexico to be able to work in partnerships with Ohio STABLE accounts to bring ABLE Accounts to New Mexico.





With/Without ABLE NM

Without ABLE

- Persons could not save more than \$2000 without loss of benefits
- Would sometimes need to spend quickly to prevent going over without long term planning
- Family couldn't always give gifts in fear of going over

With ABLE

- Persons can save for unexpected emergencies
- Persons can save for special events or for larger items
- Persons can make better financial decisions when making purchases
- Families can give gifts



Impact of ABLE Accounts

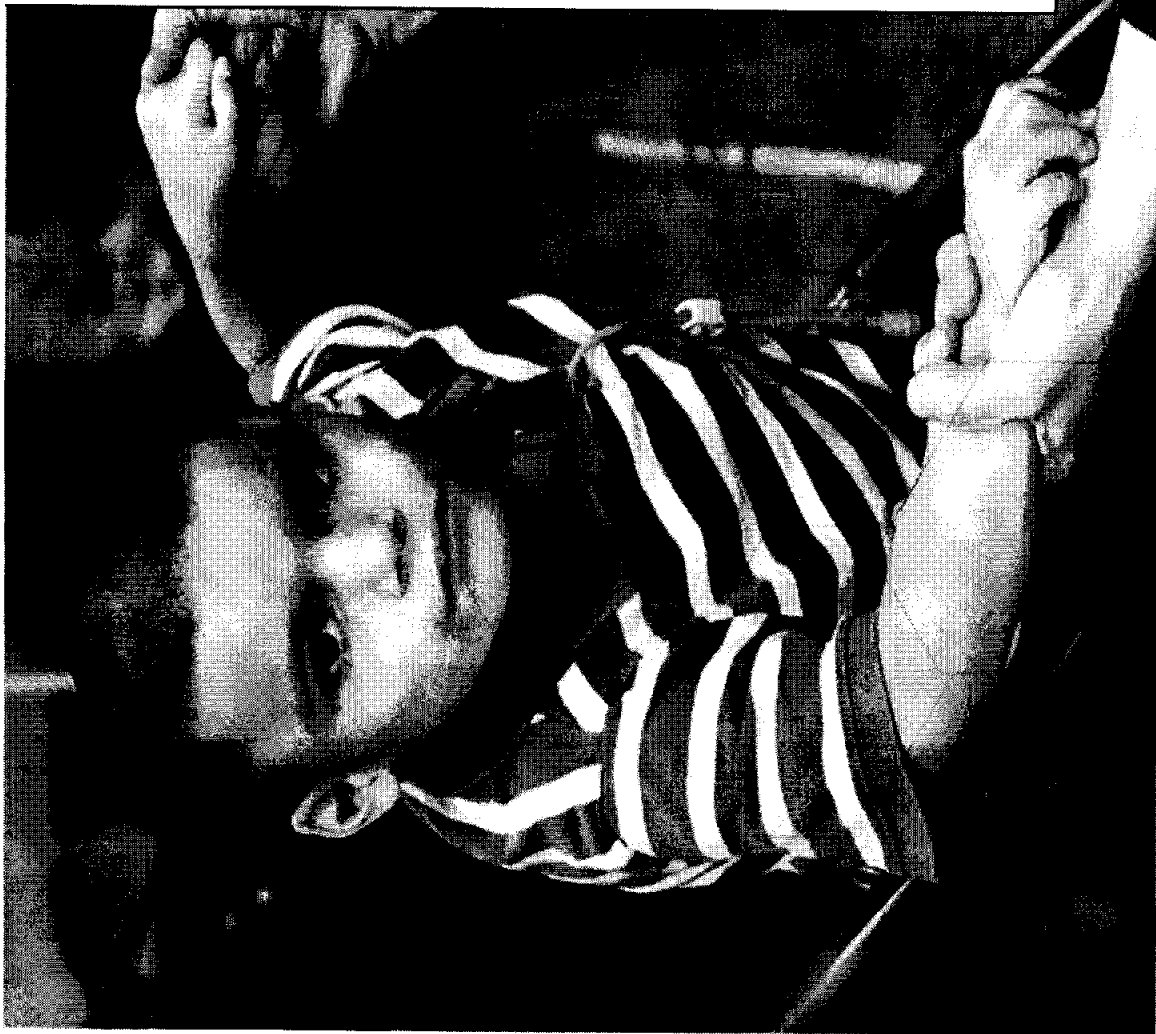
Empowerment

Independence

Financial Stability/Literacy

Financial Decision Making and Control

Spending Flexibility



New Mexico's
ABLE Plan



ablenewmexico.com



Review: What is ABLE?

- Creates investment accounts for individuals with disabilities (earnings grow tax free)
 - Money in your account **does not** affect eligibility for benefit programs like SSI/Medicaid/Housing assistance
- Combination of 529 college savings account (investment) + checking account (spending) + Special Needs Trust (saving)



What is ABLE New Mexico?

- ABLE New Mexico is New Mexico's ABLE Plan
 - Offered to New Mexico residents through a no-cost partnership with the Ohio STABLE Account program
- Administered by the Office of the State Treasurer, Tim Eichenberg
- 1st Anniversary for ABLE NM
- Launched: January 18, 2018



Benefits of ABLE New Mexico

- Provides financial independence for people with disabilities
- Account is owned by the individual with the disability
- Dramatically increases ability to save
 - Before ABLE, individuals could only save around \$2,000 of their own money before risking loss of health care and other benefits
- Provides investment opportunity
 - Tax free earnings



Who Can own an ABLE New Mexico Account?

- Must be a New Mexico resident
 - Limit of 1 Account per person
- Individuals with disabilities that occurred prior to age 26
- Must also meet one of three criteria:
 1. Eligible to receive SSI or SSDI due to disability;
 2. Have a condition listed on SSA's "*List of Compassionate Allowances Conditions*"; **or**
 3. Self-certification



Self-Certification

- Need diagnosis of a physical or mental impairment that causes “marked and severe functional limitations”
 - Such as conditions in the SSA’s *Blue Book*
- Certify that the condition has lasted or is expected to last for at least 1 year
- Enter physician name, address, date of diagnosis
 - Do not need to send in written diagnosis, but must have on hand
- Not sure if you’re eligible?
 - Eligibility Quiz - ablenewmexico.com



Enrollment Process

- Online Enrollment (Online account)
- Takes approx. 20 minutes
- \$50.00 minimum opening deposit
- Can be done by individual with disability (“Beneficiary”) or an Authorized Legal Representative (ALR)
- ALR = parent, guardian, power of attorney



Funding your Account

- **Contributions**

- Via Electronic Funds Transfer or check
- **\$15,000** annual limit
- If employed, you may be able to contribute up to an additional **\$12,140** of income
- **\$468,000** lifetime limit
 - 17 to 32 years to reach the lifetime cap
- System automatically rejects excess contributions

- **Gifting/Similar to GoFundMe**

- Create an eGift Event (birthday, holiday, etc.) ~ system will send out an email to friends and family
- System tracks contributors for sending thank-you notes/replies



Investment Options

- Four Vanguard mutual funds that range from aggressive to conservative:

Growth, Moderate Growth, Conservative Growth, Income

- One FDIC-Insured Option
 - **BankSafe** (default option, functions as a checking/savings account)

****Investment options can be changed twice a year****



How Can ABLE New Mexico funds be Spent?

- Withdrawals must be used on “Qualified Disability Expenses”
 - Anything that (1) relates to your disability and (2) helps to maintain or improve your health, independence, or quality of life

Examples:

- Housing and Rent
- Basic Living Expenses
- Medical/Financial/Legal Bills
- Education
- Transportation
- Assistive Technology
- Others



Non-Qualified Expenditures

- Not illegal, but there are consequences

Affects Benefits

- The amount of the expenditure *may* now be considered a countable resource (but not necessarily)

Tax Penalties

- Pay taxes plus 10% penalty on the earnings portion of the withdrawal (if no interest earned, penalty will be 0)



Spending From Your Account

Withdrawals

- Free + No limits
- Transfer to personal checking or savings
- Third-Party Check (Useful for rent)
- Transfer to STABLE Card

*ABLE New Mexico will not ask what you spend on, but
benefits agencies and IRS can*



STABLE Card



- Loadable VISA debit card
- Does not pull from account
- Online spending records + notate expenses
- Protections – limiting of merchants (Amazon/Wal-Mart), no cash access, no overdraft
- Text alerts to monitor spending, low balances

The STABLE Prepaid MasterCard is issued by Metropolitan Commercial Bank (Member FDIC) pursuant to a license from MasterCard International Incorporated. MasterCard and MasterCard® Brand Mark are registered trademarks of MasterCard International Incorporated. "Metropolitan" and "Metropolitan Commercial Bank" are registered trademarks of Metropolitan Commercial Bank © 2014



SSI Considerations

- Balances over \$100,000 count as a resource – but SSI merely suspended, not terminated
 - *(Your account balance will not affect Medicaid benefits, though, regardless of the amount)*
- If you hold on to the money from one calendar month to the next, then housing expenditures count as resources
- Beneficiary's own wages still count as income even if contributed to a ABLE New Mexico account (asset shield v. income shield)



When Account Holder Passes Away

- No designated transfer upon death
 - Account will pass to the account holder's estate
 - The estate administrator notifies STABLE and can take over account access
- Medicaid can ask for payback in some cases. Medicaid does not get first access to the funds. The estate can first:
- Pay any outstanding bills for QDEs, funeral/burial expenses/deduct Medicaid Buy-In premiums.
- Medicaid Payback is only from date the account was opened
 - Medicaid Payback is not unique to ABLE NM accounts



Account Cost

Monthly

Maintenance Fees

\$3.50 (\$42.00 Annually)

Asset-based

Fees (based on choice of investment, .33% is the cap.

Between 0.19% and 0.33%



ABLE New Mexico & Special Needs Trusts

- Complementary tools can be used together
- Unique ABLE New Mexico account benefits:
 - Cost-Effective (no attorneys required)
 - Broader spending power (i.e. housing)
 - Easy account access
 - No federal or state income tax on earnings
 - No separate tax returns to file
 - Can be established, administered, and owned by individual with disability



Helpful Resources

Customer Service

team@stabledaccount.com

1.800.439.1653

Monday - Friday

7 a.m. - 8 p.m. EST

ablenewmexico.com



ABLE New Mexico updates/stats

- Reintroduction of the ABLE Age Adjustment Act – March 5, 2019.
- U.S. Senators Casey, Moran, Van Hollen, and Roberts – S. 651
 - *Companion bill (03.18.19) – H.R. 1814 (McMorris-Rodgers, Cohen, Fitzpatrick, Turner, Rose, Wasserman-Schultz, Katko, Moulton, and Bonamici)*
- Increases the age of eligibility to 46
- Aims to help 1 million veterans with disabilities, and increase sustainability
- STABLE Account
- Ohio, Kentucky, Vermont, Missouri, Georgia, South Carolina, New Hampshire, New Mexico, West Virginia, Wyoming, Arizona, Oklahoma
- \$60 million in assets, largest affiliation in the country.
- Average ABLE NM account owner:
 - Basis of eligibility: SSI, Type: Developmental Disorder., Admin Relationship: Legal Guardian, Average age: 37, Non-working.
- 285 accounts, average account balance: \$4,570, employed: \$5,007.



For more information



NM State Treasurers Office - nmsto.gov

The Arc of New Mexico - arcnm.org



ablenrc.org



NATIONAL RESOURCE CENTER
ACHIEVING A BETTER LIFE EXPERIENCE



THANK YOU!