

## A VICTORY WE ARE ESPECIALLY PROUD OF!



February 5, 2007

NORTH JERSEY local officials should heed the warning from a jury in a Ridgefield discrimination case. Municipal governments, schools and other public agencies will be held responsible for failing to make buildings handicapped accessible.

A federal jury ruled last week that Ridgefield discriminated against a wheelchair-bound resident whose wife had to drag him up the stairs of Borough Hall for a zoning hearing. The jury awarded the resident, Manuel Castro, \$50,000 in damages.

The decision has spurred Ridgefield's mayor to issue an immediate directive. All municipal government meetings must now be held at either the borough library or community center, which are handicapped accessible, the mayor said. Why wasn't this policy put in place years ago?

Manuel Castro, 44, is seriously ill with cancer and rheumatoid arthritis. In 2004, when he was so debilitated he could get around only on a motorized scooter, Castro applied for a zoning variance. He wanted to add an outdoor ramp to his home and make certain other modifications for accessibility.

It should have been clear from Castro's application that he could not walk up the stairs of Ridgefield's antiquated Borough Hall for the zoning hearing. Officials should have automatically moved the meeting to a different location or at least offered to carry Castro up the stairs. They did neither.

Instead, after Castro's wife hoisted him to the second floor, the board took two hours to get to his application. During the wait, Castro's wife had to drag him to an inaccessible, cramped bathroom. He ended up soiling his pants.

Castro's experience at Borough Hall that night was degrading, as he testified to the jury. But his troubles didn't end there. During two subsequent zoning hearings, Castro waited on the first floor of Borough Hall while his lawyer and architect presented his case to the board. The board rejected his application. A state court later overturned the borough's decision. But it cost Castro \$28,000 for the appeal.

Castro contends his absence from the zoning hearings hurt his case. The jury apparently agreed through its award of compensatory damages.

But the damage award could easily have been far higher. Castro sold his house several months ago out of frustration at the delay in trying to make it fully accessible. He and his wife are living with his parents.

Ridgefield officials said that the size of the award and lack of punitive damages buttress their claim that no malice was intended against Castro. But the presence or absence of malice is beside the point.

The message from the jury was clear. It is a basic right in our society to represent oneself at public hearings. That right belongs to the disabled as much as anyone else. Local government agencies are responsible for upholding that right