

Institutionalized Ableism by Leiney Gamache, Seattle PlayGarden Youth Leader

Despite the passing of the ADA in 1990, policies that discriminate against people with disabilities continue to be implemented all around King County and the United States to this day. While PlayGarden has not historically been focused on policy, especially those policies impacting older teens and adults, we are aware that as many of our campers enter adulthood, they continue to be left behind by systems across King County and many policies, whether intentionally or not, exclude those in our community with disabilities. As a youth coalition over the past few months, Play Garden has granted four young adults the ability to investigate these systems further. The following are some of their findings.

From the moment youth finish high school, our policies do not thoroughly support marginalized people. Under our society's current structure, humans are often valued for their ability to produce capital, and many policies in King County reflect that. To start this essay, let us focus on a recent story that unfolded in Issaquah. This story will show many intersectional points at which ableist policies impact people with disabilities and their caregivers¹. In 2019, a then-pregnant Vanessa Aguilar moved into the Gilman Square apartment complex². Aguilar, who already had a toddler in tow, was hoping to receive an apartment unit on the complex's first floor, as children tend to be loud, and she did not want to disrupt her neighbors. Unfortunately, Aguilar ran late to her appointment to finalize the lease, and they granted the downstairs unit to someone else before she arrived. To be clear, at this point, none of Aguilar's rights had been violated under the ADA. Neither Aguilar nor any of her family members had a known disability in 2019; however, knowing that Aguilar had, from the time she moved in, made requests for accommodations that would allow her to be a better neighbor is integral to

¹ US DOJ, "Protecting the Rights of Parents and Prospective Parents with Disabilities," accessed June 14, 2022, https://www.ada.gov/doj_hhs_ta/child_welfare_ta.html.

² Hannah Krieg, "King County Housing Authority to Evict Single Mother Because Her Autistic Toddler Is Too Loud," The Stranger, accessed June 14, 2022, <https://www.thestranger.com/slog/2022/05/09/72926170/king-county-housing-authority-to-evict-single-mother-because-her-autistic-toddler-is-too-loud>.

understanding the events that would unfold three years later. It is also important to note, that, according to Aguilar, her family was the only family with small children at the time that the apartment was unable to provide the accommodation of a ground floor apartment to.

Later in 2019, Aguilar would become pregnant. When the complex had caught wind of her pregnancy, they tried to evict her for violating her lease by breaking the maximum occupancy, however let the issue go when her oldest child and the father of her three eldest moved out.³ Aguilar continued to hope that the complex would give her the accommodations appreciated by the other families of small children for the next three years, however was never given that ground-floor apartment that would make for a much more pleasant living situation for both her family and downstairs neighbors who had to hear the constant noises of toddlers. When her son was diagnosed with Autism, Aguilar again requested her family receive accommodations by getting a ground-floor apartment, knowing that her toddler would be predictably loud (as toddlers often are) and that this was now not only an accommodation for a family but an accommodation for her son's disability, as he was prone to having loud outbursts.

On February 7, 2022, Aguilar received a notice in English, a language her landlord knows she does not speak, giving her ten days to comply with her lease noise guidelines or she would be forced to leave, citing three noise complaints filed by her downstairs neighbors, complaining about the noise coming from her two-year-old son. Aguilar carried on with her life in her apartment with her toddler, and over the next two months, the apartment complex would receive over a dozen noise complaints from her downstairs neighbor, ranging in severity. As a result, Aguilar received an eviction notice in April for her failure to comply with her lease. Aguilar was summoned to court after refusing to leave, forced to represent herself, again, despite not speaking English, until the Housing Justice Project eventually intervened. In the end, a settlement was made, as the complex had indeed violated the ADA⁴, but the point of this story is not to show whether the ADA works, but look at accessibility issues from an intersectional lens, understanding how accessibility barriers are exacerbated by factors like race, gender, and class. Aguilar was in this situation not only because she had a son with a disability, but because

³ Krieg.

⁴ King County Housing Authority Vs Aguilar, No. 22-2-05057-8 SEA (King County Superior Court May 19, 2022).

she had no other housing options in the area, because she did not receive notices in a language she could read, because she initially had to represent herself in court. Disability is, like all issues, an intersectional issue, and to look at it without the lens of race, class, and gender does a disservice to all people with disabilities.

The first policy we will be looking at is the policy surrounding accommodations in higher education. For the purposes of this research, we will be referring to Seattle College's policies, however, it is important to note that these policies are typical for obtaining accommodations in higher education. In fact, the barriers to receiving accommodations in post-secondary education are so vast, that as of 2022, only one-third of college students who had disabilities reported their disability to their school, and only thirteen percent of students implemented 504 plans at their university despite twenty percent of students being eligible for them.⁵

Seattle Colleges is fully compliant with the ADA when it comes to providing resources for young adults with disabilities, however, the barriers to accessing the accommodations one may need are extensive and can often deter students from receiving the support they need⁶. To qualify for accommodations, a student is required to have documentation of their disability from a licensed medical professional⁷. This alone can be a barrier. A history of mistreatment of BIPOC communities by the medical community has led to distrust, making many people of color hesitant to get official diagnoses, even when needed⁸. On top of that, Black and brown children are much less likely to be diagnosed with certain disabilities even when they do seek help, due to medical racism. Instead, cognitive disabilities will be written off due to racist beliefs that Black and brown people are inherently less smart or "misbehaved," and physical disabilities, particularly disabilities more common in adults, such as chronic pain, will be written off as

⁵ "The NCES Fast Facts Tool Provides Quick Answers to Many Education Questions (National Center for Education Statistics)" (National Center for Education Statistics), accessed July 29, 2022, <https://nces.ed.gov/fastfacts/display.asp?id=60>.

⁶ "Challenging Ableism and Institutional Barriers Through Writing Center Work – Another Word," accessed June 21, 2022, <https://dept.writing.wisc.edu/blog/challenging-ableism-and-institutional-barriers-through-writing-center-work/>.

⁷ "Student Policy and Procedure Details | Seattle Colleges," accessed June 21, 2022, <https://www.seattlecolleges.edu/about/student-rules/policies/pol387>.

⁸ "Understanding and Ameliorating Medical Mistrust Among Black Americans," January 14, 2021, <https://doi.org/10.26099/9grt-2b21>.

drug-seeking behaviors⁹. In addition to the racial biases in the diagnosis of disabilities, there are huge class barriers to getting an official diagnosis, as medicine is privatized in the US. Getting the documentation of a disability requires a person to have access to a doctor to diagnose them, something which can cost thousands of dollars out of pocket and is unfeasible for some low-income people.

Even with documentation though, receiving accommodations is still an uphill battle. Students must go in to speak with a person in the Accessibility Resource Center, schedule and have a meeting with someone they have never met, and then reach out to the center every quarter requesting that their accommodations be sent to their new teachers. While to some people who do not have disabilities or have not been through this process, this may sound straightforward, those who have dealt with this process will tell you it is not. People who struggle with things like time management or forgetfulness may easily miss their meetings. Anxiety and disabilities that make social interaction hard can interfere with your ability to sit down and talk with a stranger about an issue which, to many people, can be extremely sensitive, forgetfulness can mean that you do not email requesting accommodations at the beginning of every quarter. Language barriers may prevent you from being able to effectively communicate the accommodations you need. These are just some of the barriers that make accessing accommodations in higher education inaccessible to so many people.

Another huge barrier for adults with disabilities is asset limits. To receive disability benefits in the United States, a person must have a documented disability AND make less than \$1300/month^{10,11}. Disability pays averages around \$1200/month, meaning that at most, a person on disability will usually make around \$2500/month. The average rent in Seattle for a one-bedroom apartment is upwards of \$1700 as of February 2022¹², meaning over half of the

⁹ Amanda Holpuch, "Black Patients Half as Likely to Receive Pain Medication as White Patients, Study Finds," *The Guardian*, August 10, 2016, sec. Science, <https://www.theguardian.com/science/2016/aug/10/black-patients-bias-prescriptions-pain-management-medicine-opioids>.

¹⁰ **Income may be higher to account for medical expenses, for blind persons the limit is \$2600 before taxes**

¹¹ "Working While Disabled: How We Can Help" (Social Security Administration, 2022), [SSA.gov](https://www.ssa.gov).

¹² "Rental Rates Skyrocketing in Seattle, Expected to Keep Rising," KIRO 7 News Seattle, February 23, 2022, <https://www.kiro7.com/news/local/rental-rates-skyrocketing-seattle-expected-keep-rising/L2D7RJV75BH4XAHJGATHYLS5DA/>.

monthly income of a person on disability will go towards housing. On top of that, the cost of living as a person with a disability is 28 percent higher than it is for a person without a disability, according to a study done by the National Disability Institute in 2020. To make matters worse, the standards by which means testing is held haven't been updated since a gallon of gas cost \$1.50 in today's money¹³. As a result of these static standards, nearly half a million people a year have to appeal their rulings¹⁴ and 10,000 people a year die waiting for their appeals to be heard¹⁵. This means that to receive disability, people are forced to live in poverty and receive sub-living wages, perpetuating a cruel, discriminatory system.

This means testing is not limited to federal practices either. Even here, in our own back yards, allegedly progressive governments, such as King County, take part in this antiquated form of means testing. Both the subsidized housing and Medicare programs in Washington follow means testing, which, like on the federal level, has rigid guidelines which leave many people too rich for government support but too poor to survive on their own. A driving factor behind the practice of means testing as it is currently done goes back to the "war on poverty" and the myth of the welfare Queen.¹⁶

While there are many other ableist policies around the city, county, state, and country, it is essential to understand that a lot of work is being done to fight them. Aside from non-profits doing their work to fight continued ableism, many wonderful things are being done by city and state officials. Seattle is working to eliminate single-family zoning, which disproportionately impacts people with disabilities as many single-family homes (unlike their multi-family and mixed-used counterparts) do not need to be ADA compliant;¹⁷ King County continues to expand

¹³ "Fact #741: August 20, 2012, Historical Gasoline Prices, 1929-2011," Energy.gov, accessed July 17, 2022, <https://www.energy.gov/eere/vehicles/fact-741-august-20-2012-historical-gasoline-prices-1929-2011>.

¹⁴ "SSA's Official Hearings and Appeals Website," accessed July 17, 2022, <https://www.ssa.gov/appeals/>.

¹⁵ Rebecca Cokley Dawson Kelly, "How Ableist Federal Laws Allow Discrimination Against the Disabled Community," accessed July 17, 2022, <https://www.refinery29.com/en-us/how-federal-laws-discriminate-against-disabled-community>.

¹⁶ Jina B. Kim, "Crippling the Welfare Queen: The Radical Potential of Disability Politics," *Social Text* 39, no. 3 (148) (September 1, 2021): 79–101, <https://doi.org/10.1215/01642472-9034390>.

¹⁷ Sydney George, "Housing (In)Accessibility for People With Disabilities," *Abundant Housing LA* (blog), December 21, 2020, <https://abundanthousingla.org/housing-inaccessibility-for-people-with-disabilities/>.

its transit system to make the city more accessible for everyone,¹⁸ and subminimum wages for people with disabilities are being eradicated in Washington state.¹⁹ While these changes are coming too late and too slowly, if we fight, we can make waves.

¹⁸ “Cities Are Making Nature More Accessible Through Public Transportation - Blue Zones,” July 30, 2021, <https://www.bluezones.com/2021/07/cities-are-making-nature-more-accessible-through-public-transportation/>, <https://www.bluezones.com/2021/07/cities-are-making-nature-more-accessible-through-public-transportation/>.

¹⁹ D. D. C. Washington, “Transition Out of Subminimum Wage in Washington State | Informing Families,” accessed July 18, 2022, <https://informingfamilies.org/transition-out-of-subminimum-wage-in-washington-state/>.

- “Challenging Ableism and Institutional Barriers Through Writing Center Work – Another Word.” Accessed June 21, 2022.
<https://dept.writing.wisc.edu/blog/challenging-ableism-and-institutional-barriers-through-writing-center-work/>.
- “Cities Are Making Nature More Accessible Through Public Transportation - Blue Zones,” July 30, 2021.
<https://www.bluezones.com/2021/07/cities-are-making-nature-more-accessible-through-public-transportation/>,
<https://www.bluezones.com/2021/07/cities-are-making-nature-more-accessible-through-public-transportation/>.
- Dawson, Rebecca Cokley, Kelly. “How Ableist Federal Laws Allow Discrimination Against the Disabled Community.” Accessed July 17, 2022.
<https://www.refinery29.com/en-us/how-federal-laws-discriminate-against-disabled-community>.
- Energy.gov. “Fact #741: August 20, 2012 Historical Gasoline Prices, 1929-2011.” Accessed July 17, 2022.
<https://www.energy.gov/eere/vehicles/fact-741-august-20-2012-historical-gasoline-prices-1929-2011>.
- George, Sydney. “Housing (In)Accessibility for People With Disabilities.” *Abundant Housing LA* (blog), December 21, 2020.
<https://abundanthousingla.org/housing-inaccessibility-for-people-with-disabilities/>.
- Holpuch, Amanda. “Black Patients Half as Likely to Receive Pain Medication as White Patients, Study Finds.” *The Guardian*, August 10, 2016, sec. Science.
<https://www.theguardian.com/science/2016/aug/10/black-patients-bias-prescriptions-pain-management-medicine-opioids>.
- Kim, Jina B. “Crippling the Welfare Queen: The Radical Potential of Disability Politics.” *Social Text* 39, no. 3 (148) (September 1, 2021): 79–101.
<https://doi.org/10.1215/01642472-9034390>.
- King County Housing Authority Vs Aguilar, No. 22-2-05057-8 SEA (King County Superior Court May 19, 2022).
- Krieg, Hannah. “King County Housing Authority to Evict Single Mother Because Her Autistic Toddler Is Too Loud.” *The Stranger*. Accessed June 14, 2022.
<https://www.thestranger.com/slog/2022/05/09/72926170/king-county-housing-authority-to-evict-single-mother-because-her-autistic-toddler-is-too-loud>.
- KIRO 7 News Seattle. “Rental Rates Skyrocketing in Seattle, Expected to Keep Rising,” February 23, 2022.
<https://www.kiro7.com/news/local/rental-rates-skyrocketing-seattle-expected-keep-rising/L2D7RJV75BH4XAHJGATHYLS5DA/>.
- “SSA’s Official Hearings and Appeals Website.” Accessed July 17, 2022.
<https://www.ssa.gov/appeals/>.
- “Student Policy and Procedure Details | Seattle Colleges.” Accessed June 21, 2022.
<https://www.seattlecolleges.edu/about/student-rules/policies/pol387>.

“The NCES Fast Facts Tool Provides Quick Answers to Many Education Questions (National Center for Education Statistics).” National Center for Education Statistics. Accessed July 29, 2022. <https://nces.ed.gov/fastfacts/display.asp?id=60>.

“Understanding and Ameliorating Medical Mistrust Among Black Americans,” January 14, 2021. <https://doi.org/10.26099/9grt-2b21>.

US DOJ. “Protecting the Rights of Parents and Prospective Parents with Disabilities.” Accessed June 14, 2022. https://www.ada.gov/doj_hhs_ta/child_welfare_ta.html.

Washington, D. D. C. “Transition Out of Subminimum Wage in Washington State | Informing Families.” Accessed July 18, 2022. <https://informingfamilies.org/transition-out-of-subminimum-wage-in-washington-state/>.

“Working While Disabled: How We Can Help.” Social Security Administration, 2022. SSA.gov.