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83-Year-Old Woman with Disability Sues for Equal Access to Retirement Community Dining Room

SAN FRANCISCO, July 8 — Lillian Hyatt, an 83-year-old resident of The Sequoias – San Francisco, a Continuing Care Retirement Community (CCRC), is suing The Sequoias because it does not allow people with disabilities to use walkers at the buffet tables in the dining room. “I am perfectly capable of getting my own food with the use of my walker. I want the autonomy to come and go to the dining room when I please, and to select my own food, just like everybody else,” says Mrs. Hyatt.

On behalf of Mrs. Hyatt, Protection & Advocacy, Inc. (PAI) and AARP Foundation Litigation filed a federal lawsuit on Monday challenging the policy of the residence, which serves more than 300 older adults, of banning the use of walkers in the dining room. “CCRC residents who use walkers have a right to equal access to the dining room as other residents,” says Pamela Cohen, PAI Attorney. “The Sequoias’ ban on walkers violates state and federal laws that prohibit discrimination against people with disabilities.”

CCRCs offer independent living for older adults, as well as an array of services and care to meet residents’ changing needs and designed to promote “aging in place.” “People want to live in the community, independently, as they age,” says AARP Attorney Susan Ann Silverstein. “People use mobility aids such as walkers in order to allow them to live independently.”

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The Sequoias provides meals for residents in a dining room consisting of two sides: a service side with wait staff and a dress code, and a buffet side. Residents who use walkers are required to leave them with dining room staff, who store them in a closet during the meal. Under this policy, residents are prohibited from using their walkers for access to the buffet. The Sequoias has refused to change its written policy banning walkers in the dining room, and will not allow Mrs. Hyatt unrestricted access to the buffet with her walker.

Mrs. Hyatt says, “I want to remain independent as long as possible, and don’t want to be restricted because I have disabilities. The day may come when I will require having someone wait on me, but that day has not arrived yet.”

Significance of Case

This case is important to an increasing portion of the population, not just those who live in a CCRC, assisted living, or retirement community. The incidence of disability increases with age and more and more people of all ages with disabilities are living independently in the community. The federal Fair Housing Act and other civil rights laws prevent all housing providers from discriminating on the basis of disability. This certainly includes restricting access to facilities for individuals who use a walker.

The Sequoias – San Francisco is run by Northern California Presbyterian Homes and Services. Ms. Hyatt is represented by Protection & Advocacy, Inc. (soon to be Disability Rights California), and AARP Foundation Litigation. The case was filed in the United States District Court for the Northern District of California in San Francisco on July 7, 2008.

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