STATE OF CONNECTICUT
APPELLATE COURT

A.C. 21792

WEBSTER BANK

v.

LORNA T. OAKLEY, ET AL.

BRIEF OF *AMICI CURIAE*,
ADVOCACY UNLIMITED, INC.
JUDGE DAVID L. BAZELON CENTER FOR MENTAL HEALTH LAW
DISABILITY RESOURCE CENTER OF FAIRFIELD COUNTY
THE CONNECTICUT OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES
MENTAL HEALTH ASSOCIATION OF CONNECTICUT
NATIONAL ASSOCIATION FOR RIGHTS PROTECTION AND ADVOCACY
CONNECTICUT LEGAL RIGHTS PROJECT, INC.

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Whether a lender is required to accommodate borrowers under the Americans with Disabilities Act and the Federal Fair Housing Act in the Servicing of Loans.

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<u>**STATEMENT OF INTEREST OF PROPOSED AMICI CURIAE**</u>

Proposed *amici* are Connecticut and national non-profit organizations as well as a State agency established to protect and promote the rights of persons with disabilities. All of the organizations have worked for years to ensure that people with mental health disabilities and people in recovery from mental illnesses are more fully integrated into the mainstream of our society. Through public education, outreach, and advocacy, they advance opportunities for community integration and for greater access to social institutions; fighting the misinterpretations and discrimination persistently related to psychiatric labels and mental illness. See Appendix for individual descriptions of *amici* organizations.

STATEMENT OF NATURE OF PROCEEDINGS AND FACTS OF THE CASE

Amici adopt the statement of facts and nature of proceedings set forth in the brief of the defendant-Appellant.

ARGUMENT

POINT I

TITLE III OF THE AMERICANS WITH DISABILITIES ACT APPLIES TO THE PRODUCTS AND SERVICES OFFERED BY BANKS AND LENDING INSTITUTIONS AND REQUIRES PUBLIC ACCOMMODATIONS, INCLUDING BANKS, TO MAKE REASONABLE MODIFICATIONS TO THE SERVICES THEY OFFER THE PUBLIC

A. Title III of the ADA Applies to Banks and Lending Institutions

The ADA was promulgated "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities," as well as to establish "clear, strong, consistent, enforceable standards" for scrutinizing such discrimination. 42 U.S.C. § 12101(b)(1)-(2). Title III of the ADA sets forth as a general rule:

> No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.

42 U.S.C. § 12182(a). A bank is a "place of public accommodation," and is specifically defined as such in the statute.[1]

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[1] 42 U.S.C. § 12181(7) Public accommodation. The following private entities are considered public accommodations for purposes of this title, if the operations of such entities affect commerce ... (F) a laundromat, dry-cleaner, ***bank***, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment... (Emphasis added)

The lower court was erroneous in determining that the ADA does not apply to the servicing of a mortgage. And it was wrong in finding no requirement under the ADA for a bank to offer *reasonable* modifications — meaning changes or accommodations that do not fundamentally alter the nature of the mortgage agreement — to a mortgagor who has a disability. As a consequence of this mistaken reading of the ADA, the court below never addressed the mortgagor's defenses to foreclosure under the Title III of the ADA.

Were it not for this unfortunate analysis of the ADA, the court below could have explored the reasonableness of the modification requested or of alternate modifications. Similarly, that court could have explored whether, under the particular circumstances of this case, the bank could have entered into a modification with its customer short of a fundamental alteration to the loan agreement.

B. The antidiscrimination provisions of Title III of the ADA are not limited to physical access, but extend to the content of goods and services offered by public accommodations.

Although it is clear that banks are covered under Title III of the ADA, the appellee bank argues for a narrow application of the law that would entitle persons with disabilities to simple access, but would never extend to the content of the goods and services it offers. (Brief of Plaintiff-Appellee, p. 10). It would have this Court conclude, as have several Federal courts of appeals, that Title III simply does not require public accommodations to modify or alter the goods and services it offers. McNeil v. Time Ins. Co., 205 F.3d 179, 186-87 (5th Cir. 2000); Parker v. Metropolitan Life Ins. Co., 1212 F.3d 1006 (6th Cir. 1997). However, there is a split in the circuits on this issue, and Appellee bank minimizes the significance of the Second Circuit's holding that Title III extends beyond barriers to physical accessibility:

> "We believe an entity covered by Title III is not only obligated by the statute to provide disabled persons with physical access, but is also prohibited from refusing to sell them its merchandise by reason of discrimination against their disability."

Pallozzi v. Allstate Life Ins. Co., 198 F.3d 28, 32-33 (2d Cir. 1999), *amended on denial of reh'g*, 204 F.3d 392 (2d Cir. 2000) (application of Title III to a health insurer's underwriting practices). The First Circuit has gone even further, finding support in the plain language and the legislative history of the ADA for extending Title III's scope to the substance of the good or service offered. Carparts Distrib. Ctr. v. Automotive Wholesaler's Ass'n., 37 F.3d 12, 19 (1st Cir. 1994);[2] *accord*, Doukas v. Metropolitan Life Ins. Co., 950 F. Supp. 422, 425-26. (D. NH. 1996).

The language of Title III addresses physical barriers and communication barriers as one, and only one, form of discrimination. 42 U.S.C. § 12182(b)(2)(A)(iv) and (v). Additional forms of discrimination include using "standards or criteria or methods of administration that have the effect of discriminating on the basis of disability; or perpetuate the discrimination of others who are subject to common administrative control, 42 U.S.C. § 12182(b)(1)(D), and employing "eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any... services" offered by the public accommodation unless the criteria are "necessary" for the provision of the services.

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[2] "Neither Title III nor its implementing regulations make any mention of physical boundaries or physical entry. Many goods and services are sold over the telephone or by mail with customers never physically entering the premises of a commercial entity to purchase the goods or services. To exclude this broad category of businesses from the reach of Title III and limit the application of Title III to physical structures which persons must enter to obtain goods and services would run afoul of the purposes of the ADA and would severely frustrate Congress's intent that individuals with disabilities fully enjoy the goods, services, privileges and advantages, available indiscriminately to other members of the general public." *Id.* at 20.

42 U.S.C. § 12182(b)(2)(A)(i.). The legislative history noted that discrimination that needed to be addressed under Title III, while including physical access to facilities, also included "the imposition or application of standards or criteria that limit or exclude people with disabilities, the failure to make reasonable modifications in policies to allow participation, and a failure to provide auxiliary aids and services." Comm. on Education and Labor, House Rep. 101-485 (Pt. 2), 101st Cong., 2nd Sess., at 35-36 (May 15, 1990).[3]

Discrimination that clearly violates the dictates of Title III can occur in the manner in which examinations and courses relating to licensing, applications, certification, or credentialing are offered. Such discrimination includes the failure to make reasonable modifications to "policies, practices or procedures" if the modifications are necessary for the enjoyment of the services by persons with disabilities, unless the requested modifications would fundamentally alter the very nature of the services offered. 42 U.S.C. § 12189.

Title III claims relating to denial of treatment for persons with AIDS, *see, e.g.*, Bragdon v. Abbott, 524 U.S. 624 (1998), refusal to provide interpreters for persons with hearing impairments, *see, e.g.*, United States v. York Obstetrics & Gynecology, P.A., 2001 U.S. Dist. LEXIS 2884 (D. Maine. 2001), and accommodations in licensing examinations, *see, e.g.*, Bartlett v. New York State Bd. of Law Examiners, 226 F.3d 69 (2d Cir. 2000), frequently arise. They clearly fall outside mere physical accessibility. Numerous other cases reflect the application of Title III to situations beyond mere physical access or the elimination of architectural barriers. E.g., Staron v. McDonald's Corp., 51 F.3d 353, 357 (2d Cir. 1995) (Title

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[3] Examples included a credit application that inquired into history of mental illness, a policy of refusing to accept checks without the presentation of a driver's license, and the refusal to treat burn victims who are HIV seropositive. Id. At 105-06.

III could, under the appropriate circumstances, require a ban on smoking as a reasonable accommodation); Schultz v. Hemet Youth Pony League, Inc., 943 F.Supp. 1222, 1225 (C.D. Cal. 1996) (Title III claim for denying plaintiff full and equal opportunity to play baseball because of disability); Rothman v. Emory University, 828 F.Supp. 537 (N.D. Ill. 1993) (Title III claim for negative law school letter of recommendation based on disability).

Limiting the purview of Title III to simple physical access is a form of discrimination itself — reflecting the belief that the only "valid" form of disability is a physical impairment. If Title III were so limited, then there would be no need to define disability for Title III's purposes as encompassing mental disabilities at all. Clearly, that was not Congress' intent when it enacted the ADA. *See* Stefan, *Unequal Rights: Discrimination Against People With Mental Disabilities and the Americans With Disabilities Act,* 2001, p. 266. Moreover, the focus of Title III inquiries is properly placed on the discrimination against the person who has a disability, rather than on the involvement of a physical structure. *See* Stone, Interpreting "Place of Public Accommo-dation" Under Title III of The ADA: a Technical Determination With Potentially Broad Civil Rights Implications, 50 Duke L.J. 297 (2000).

C. The requirement of reasonable modifications is an integral aspect of Title III of the ADA.

Under Title III, discrimination includes the

> failure to make **reasonable modifications** in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations.

42 U.S.C. § 12182(b)(2)(A)(ii) (emphasis supplied).

The ADA requires a public accommodation – such as a bank – to make "reasonable modifications" to its policies and practices to afford an individual with a disability an opportunity to obtain the goods, services, facilities, privileges, or accommodations that it offers. *Id.*[4] The per se finding by the court below that the ADA's requirement of reasonable accommodations does not apply outside the employment-related context is plainly wrong.

Indeed, the United States Supreme Court applied reasonable modification analysis recently in an ADA Title III case, examining whether the use of a golf cart by a golfer with a disability would fundamentally alter the nature of professional golf competitions. PGA Tour, Inc. v. Martin, 532 U.S. 661 (2001). In its decision, the Supreme Court uses the words "accommodation" and "modification" interchangeably in discussing Title III,[5] *Id.* at 1892, as do numerous courts[6] and the Justice Department in the regulations implementing Title III.[7]

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[4] Title III does not require any entity to undertake any measures to accommodate a person with a disability if such measures would cause undue financial or administrative burden. 42 U.S.C. 12182(b)(2)(A)(ii) and (iii). See 28 C.F.R. Pt. 36, App. B. at 647.

[5] For example, "[p]etitioner does not contest that a golf cart is a reasonable ***modification*** that is necessary if Martin is to play in its tournaments. Martin's claim thus differs from one that might be asserted by players with less serious afflictions that make walking the course uncomfortable or difficult, but not beyond their capacity. In such cases, an ***accommodation*** might be reasonable but not necessary. In this case, however, the narrow dispute is whether allowing Martin to use a golf cart, despite the walking requirement that applies to the PGA TOUR... is a modification that would "fundamentally alter the nature" of those events. (Emphasis supplied).

[6] See, e.g., Bartlett v. New York State Bd. of Law Examiners, 226 F.3d 69 (2d Cir. 2000); Staron v. McDonald's Corp., 51 F.3d 353 (2d Cir. 1995); Soignier v. American Bd. of Plastic Surgery, 92 F.3d 547 (7th Cir. 1996); Johnson v. Gambrinus Company/Spoetzl Brewery, 116 F.3d 1052 (5th Cir. 1997).

[7] See, e.g., 28 C.F.R. pt. 36 app. B, at 623.

D. Because a bank's servicing of a loan is not excluded from the provisions of Title III, determination of reasonable modifications must be made on a case-by-case basis.

Unless specifically excluded from the ADA's provisions, determination of reasonable modifications are to be made on a case-by-case basis.

> Although neither the ADA nor the courts have defined the precise contours of the test for reasonableness, it is clear that the determination of whether a particular modification is "reasonable" involves a fact-specific, case-by-case inquiry that considers, among other factors, the effectiveness of the modification in light of the nature of the disability in question and the cost to the organization that would implement it. See D'Amico v. New York State Board of Law Examiners, 813 F. Supp. 217, 221-22 [W.D. NY. 1993](holding that allowing a law student with a vision disorder four days to take the bar exam was a reasonable accommodation); *cf.* Vande Zande v. Wisconsin Dep't of Admin., 44 F.3d 538, 542 [7th Cir. 1995](stating that, to be "reasonable," the cost of an accommodation should not be disproportionate to the benefit); Tuck v. HCA Health Servs. of Tennessee, Inc., 7 F.3d 465, 471 (6th Cir. 1993) ("Issues involving . . . reasonable accommodation [under the Rehabilitation Act] are primarily factual issues."). at 356.

Staron v. McDonald's Corp., 51 F.3d 353, 355-56 (2d Cir. 1995).

The language of the ADA is broad in scope, and there is no authority within the statute, its legislative history, or the regulations that would support a finding that, as a matter of law, Title III's requirement of reasonable modifications does not apply to lenders servicing their customers' loans. Thus, whether a modification to a mortgage repayment agreement is reasonable or not — whether it constitutes a fundamental alteration — is a matter to be determined by examining the merits of the specific case.

E. The bank was obliged to provide a modification if it reasonably could do so without fundamentally altering its servicing of the mortgage.

The court below foreclosed the possibility of addressing "reasonableness" when it mistakenly held that the reasonable modification provisions of Title III of the ADA do not apply

and found that "it does not appear that these statutes [the ADA and the FHA] require any conduct on the part of the plaintiff." Memorandum of Decision, p. 3. Moreover, it does not suffice that "the court's research has not turned up any cases" to "suggest that they are applicable to the enforcement of a mortgage." *Id.* Neither the court below, the parties, or *amici* have turned up any authority suggesting that Title III of the ADA does not apply to the servicing of a mortgage.

As a consequence of its problematic reading of the applicable antidiscrimination statutes, the court below was precluded from reaching a critical issue in the case.

In addition, the bank made no effort to discuss the mortgagor's request for an accommodation — there was no response to her request that the bank "work out a plan" with her. Rather than enter into a discussion of what modification, if any, to the mortgage repayment agreement might be reasonable, it "stonewalled," ignoring her request. When the court dispensed with the ADA's reasonable modification inquiry, it also missed a possible opportunity to bring the parties to a mutually agreeable compromise that would have conserved judicial resources, while remaining consistent with the public policy underlying the ADA and Fair Housing Act and furthering the interests of justice.

POINT II

THE FAIR HOUSING ACT EXTENDS TO THE CONDUCT OF BANKS AND LENDING INSTITUTIONS

The Fair Housing Act makes it illegal to discriminate against people on the basis of disability in the sale, rental, or ***financing*** of housing. 42 U.S.C. 3601 *et seq:*

Discrimination in residential real estate-related transactions:

(a) In general. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) "Residential real estate-related transaction" defined. As used in this section, the term "residential real estate-related transaction" means any of the following:
(1) The making or purchasing of loans or providing other financial assistance--
(A) for purchasing, constructing, improving, repairing, or maintaining a dwelling;
or
(B) secured by residential real estate.

42 U.S.C. § 3605. *See* 28 C.F.R. § 36.104 (defining "place of public accommodation as including a "... bank... or other service establishment." There is no question that the Federal Fair Housing Act applies to banks and mortgage companies. *See, e.g.*, Doane v. National Westminster Bank U.S.A. 938 F. Supp. 149 (E.D.N.Y. 1996) (homeowner has standing to assert claim that bank rejected mortgage loan applications of prospective African-American purchasers based on racial composition of the neighborhood or applicant's race); Eva v. Midwest Nat'l Mortg. Banc, Inc., 143 F. Supp. 2d 862 (N.D. Ohio 2001) (challenge to lenders' alleged pattern or practice of predatory and sexually discriminatory lending directed at female borrowers for residential loans).

As is the case with the ADA defense interposed by the Appellant, the court erroneously determined that the Fair Housing Act has no application to the enforcement of a mortgage.

CONCLUSION

The present appeal presents an issue that has a crucial impact upon the civil rights of people with disabilities. The ADA was enacted to allow those individuals to participate as fully as possible in all aspects of civic life. The lower court's decision precludes the needed factual inquiry concerning the merits of the Defendant-Appellant's defenses to foreclosure as it casts aside vital Federal antidiscrimination laws. Affirming the lower court's interpretation of the Americans with Disabilities Act and the Fair Housing Act would contravene the plain language of these statutes as well as the sound public policy in which they are grounded.

Wherefore, *amici* respectfully request that this Court reverse the decision of the Superior Court and remand this matter for further appropriate proceedings.

Respectfully submitted on behalf of the *amici curiae*

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STATE OF CONNECTICUT
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APPENDIX:

INTEREST OF *AMICI* ORGANIZATIONS

ADVOCACY UNLIMITED, INC.
JUDGE DAVID L. BAZELON CENTER FOR MENTAL HEALTH LAW
DISABILITY RESOURCE CENTER OF FAIRFIELD COUNTY
THE CONNECTICUT OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES
MENTAL HEALTH ASSOCIATION OF CONNECTICUT
NATIONAL ASSOCIATION FOR RIGHTS PROTECTION AND ADVOCACY
CONNECTICUT LEGAL RIGHTS PROJECT, INC.

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INTEREST OF AMICI ORGANIZATIONS:

Connecticut Legal Rights Project, Inc.

The Connecticut Legal Rights Project, Inc. (CLRP), is an independent non-profit organization established to provide legal assistance to people diagnosed with psychiatric disabilities. It was created as a result of the settlement of the case of Doe v. Hogan, Civil No. H 88-239 (EBB). In Doe, plaintiffs filed a class action against officials of the Department of Mental Health alleging that the defendants failed to provide the plaintiffs with effective access to the courts as guaranteed by the First and Fourteenth Amendments of the United States Constitution. CLRP receives funding from the Connecticut Department of Mental Health and Addiction Services (DMHAS), the Connecticut Bar Foundation, and other private foundations. CLRP represents adult clients of DMHAS operated or funded inpatient and outpatient psychiatric facilities who are in need of legal assistance in a wide range of matters, including admission, discharge, treatment, and housing discrimination.

Over the past decade, CLRP has served as *amicus curiae* in several cases, including State v. Garcia, 233 Conn. 44 (1995); Fraser v. United States, 236 Conn 625 (1996); Fraser v. United States, 83 F.3d 591 (2d Cir. 1996), *cert den.* 519 U.S. 872 (1996); State v. Metz, 230 Conn. 400 (1994); and In re Eden F., 250 Conn. 674 (1999), *reargument den.*, 251 Conn. 924 (1999). On behalf of its clients, CLRP actively monitors commitment and conservatorship proceedings throughout Connecticut, and has often been involved in training the bench and bar on issues relating to mental health proceedings and the representation of individuals with mental disabilities.

CLRP advocates work with clients as they make the transition from institutional treatment — often long-term — back into the community. There are numerous hurdles to be surmounted as these individuals are reintegrated into community, *e.g.*, stigma and discrimination, access to mental health and other medical services, and many issues relating to stretching a modest budget to make it through the month. At their income level, finding and affording decent housing is often problematic. CLRP's clients have experienced extraordinary delays in their transition back into the community due to the shortage of housing opportunities like those at issue in this case.

Advocacy Unlimited, Inc.

Advocacy Unlimited, Inc. (AU), is a consumer-operated program established to prepare persons with psychiatric disabilities to be effective advocates for themselves and others. AU provides education and advocacy support for individuals with mental health disabilities. It is operated and directed by mental health "consumers" -- persons who have psychiatric disabilities or who now or in the past have received psychiatric treatment or services. It was founded in 1994 with the support of SAMHSA (the Federal Substance Abuse and Mental Health Services Administration), under a Community Support Program Grant from the Center for Mental Health Services, and the Department of Mental Health and Addiction Services.

The primary mission of AU is to educate individuals with psychiatric disabilities in individual and systems-change advocacy skills. With these skills, advocates play a central role in the shaping of policies and services that directly affect their lives. AU emphasizes self-help and provides peer education about their rights as persons with disabilities living in the community. Consumers receive training that empowers them to pursue the most effective

services and to improve the laws and public policy effecting people with psychiatric disabilities. AU is deeply committed to the belief that all persons with mental health disabilities should have access to the same rights, privileges, and opportunities, including housing, as are afforded to the community at large.

AU has served as *amicus curiae* in several cases, including Phoebe G. v. Solnit, 252 Conn. 68, 743 A.2d 606 (1999); In re Eden F., 250 Conn. 674, 738 A.2d 141 (1999); rearg. den., 251 Conn. 924, 742 A.2d 364 (1999); and Greg C.'s Appeal from Probate, 56 Conn. App. 439, 744 A.2d 914 (2000).

National Association for Rights Protection and Advocacy (NARPA)

The National Association for Rights Protection and Advocacy (NARPA) was formed in 1981 to provide support and education for advocates working in the mental health arena. It monitors developing trends in mental health law and identifies systemic issues and alternative strategies in mental health service delivery on a national scale. Members are attorneys, people with psychiatric histories, mental health professionals and administrators, academics, and non-legal advocates — with many people in roles that overlap. Central to NARPA's mission is the promotion of those policies and strategies that represent the preferred options of people who have been diagnosed with mental disabilities. Approximately 40% of NARPA's members are current or former patients of the mental health system.

NARPA has submitted amicus briefs in many cases in state and federal courts in cases affecting the lives of persons with psychiatric disabilities, including Phoebe G. v. Solnit, 252 Conn. 68, 743 A.2d 606 (1999); Olmstead v. L. C., 527 U.S. 581, (1999);, 531 U.S. 356 (2001); Godinez v. Moran, 509 U.S. 389 and University of Alabama v. Garrett, 531 U.S. 356 (2001). NARPA members were key advocates for the passage of Federal legislation such as the Americans with Disabilities Act (42 U.S.C. §§ 12101 et seq.) and the Protection and Advocacy for Individuals with Mental Illness Act of 1986 (42 U.S.C. §§ 10801-51).

The Connecticut Office of Protection and Advocacy for Persons with Disabilities

The Office of Protection and Advocacy for Persons with Disabilities was established by statute in 1977. Conn. Gen. Stat. § 46a-7. The State of Connecticut recognized that it "has a special responsibility for the care, treatment, education, rehabilitation of and advocacy for its disabled citizens" and the Office of Protection and Advocacy has the authority to "represent, appear, intervene in or bring an action on behalf of any person with disability… in any proceeding before any court… in this state in which matters related to this chapter are in issue…." Conn. Gen. Stat. §46a-11(7). Individuals with disabilities are traditionally discriminated against in the provision of services and housing.

In the case before this Court, The Office of Protection and Advocacy has an interest in protecting the rights of persons with disabilities who are refused reasonable accommodations under both the Americans with Disabilities Act and the Fair Housing Act. It is in furtherance of its statutory obligations that the Office of Protection and Advocacy requests permission to appear as amicus curiae.

Judge David L. Bazelon Center for Mental Health Law

The Bazelon Center for Mental Health Law is a national legal advocacy organization representing low-income adults and children with mental disabilities. The Center seeks their full integration into the community by protecting their rights to choice and dignity and expanding their access to housing and other support. The Center has been counsel of record or counsel for amici in a number of significant fair housing cases involving zoning and land use issues, including City of Edmonds v. Oxford House, Inc., 115 S.Ct. 1776 (1995); Groome Resources, Ltd. v. Parish of Jefferson, 234 F.3d 192 (5th Cir. 2000); Marbrunak, Inc. v. City of Stow, 974 F.2d 43 (6th Cir. 1992); and Potomac Group Home Corp. v. Montgomery County, 823 F.Supp. 1285 (D.Md. 1993). Because of their disability and poverty, many clients and constituents of the Bazelon Center rely on community and group homes to provide more humane and integrated settings than are available in state hospitals and nursing homes. The Center advocates broad enforcement of the Fair Housing Act so that people with disabilities may have an equal opportunity to use and enjoy the broadest possible range of dwellings.

Disability Resource Center of Fairfield County (DRCFC)

Established in 1981, the Disability Resource Center of Fairfield County (DRCFC) provides a comprehensive array of services both to the individuals and the communities of Fairfield County. These services reflect the awareness that better than anyone else, people with disabilities know what they want and what services they need to achieve their goals. Regardless of disability, people have the capacity to make their own decisions, direct their own lives, live where they choose, and gain access to all the opportunities available in their communities. DRCFC and its members work to challenge the social attitudes and physical barriers that stigmatize and exclude people with disabilities from the community. They support public policy and laws, such as the Fair Housing Act and the Americans with Disabilities Act, that prevent discrimination and encourage integration.

Since DRCFC began 20 years ago, people with disabilities have come to enjoy increased participation in all aspects of community life. To continue this trend, DRCFC believes continuing emphasis must be placed on removing the barriers that prevent individuals from living in the housing of their choice.

Mental Health Association of Connecticut, Inc.

The Mental Health Association of Connecticut, Inc. (MHAC) was founded in 1908 as the Connecticut Society for Mental Hygiene by Clifford W. Beers, a New Haven resident who had experienced numerous psychiatric hospitalizations. It is a statewide, private, non-profit membership organization and is the oldest organization in this country's mental health movement. The mission of MHAC is to advocate and work for everyone's mental health. Among its numerous programs MHAC, through its Bridge Fund, provides persons with disabilities opportunities to be reintegrated into their home communities from segregated settings, such as nursing homes and hospitals.

The philosophy of MHAC is its belief that all people have a right to be treated with dignity and respect and are to be encouraged to assume the responsibilities commensurate with

CONNECTICUT LEGAL RIGHTS PROJECT

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January 7, 2002

Michael Allen, Esq.
Bazelon Center for Mental Health Law
1101 15th Street NW, Suite 1212
Washington, DC 20005-5002

Re: *Webster Bank v Oakley*

Dear Michael:

Enclosed is a copy of the Amicus Brief that was filed with the Connecticut Appellate Court on January 2, 2002.

Thank you very much for your interest and support. I will keep you informed of developments in the case as they occur.

Sincerely,

Thomas Behrendt

Enclosure