

## CLASS ACTION FOR THE BUENOS AIRES CITY BUILDING CODE

In June of this year, Eduardo Joly – president of Rumbos Foundation – on behalf of people with disabilities filed a class action lawsuit against the BUENOS AIRES CITY LEGISLATURE claiming the City's Building Code must be declared unconstitutional. In the lawsuit, Joly charged that due process guarantee regarding citizen participation was not respected, in addition he filed a constitutional challenge to those articles of the Code that undermine the right to accessibility for persons with disabilities.

This suit requests that the judicial branch take on the responsibility to assess the issues Rumbos has been raising for over two years in the City's Legislature regarding essential concerns to the persons with disabilities, such as bathrooms, sidewalks, curb cuts, elevators and housing.

### COVERAGE IN THE MEDIA



### HOW DOES THIS CODE AFFECT PERSONS WITH DISABILITIES?

**HOUSING:** It allows for extremely small studio apartments (18 m2 or 194 ft2 + reduced-size bathroom) that do not contemplate actual living needs. The bathroom is too small for a wheelchair user. In one or more bedroom apartments, the bedrooms are reduced in size, making them even less accessible than allowed for in previous legislation. People living there would be more isolated and their quality of life would be seriously compromised.

**RESTROOMS:** It allows for non-accessible restrooms in certain public use premises. Doors need not open outwards, a safety requirement in case someone falls or suffers an accident. It allows for toilet areas without washbasins, indispensable for adequate hygiene. It does not contemplate changing tables for adults, disregarding human diversity. Not having an accessible restroom inhibits prolonged stay at a premise.

**SIDEWALKS - CURB CUTS / ELEVATORS:** Accessibility guidelines were removed from the body of the law. Regarding sidewalks and curb cuts, there is now a legal vacuum that fails to guarantee safe and autonomous pedestrian circulation for persons with disabilities.

**SCHOOLS:** It allows for permanent use classrooms above the fourth floor, if there are enough elevators. This, however, increases evacuation times, endangering the life of students and staff under an emergency (elevators stop functioning when power is cut off).

**By backtracking on accessibility guidelines, without improving or updating them, the City Legislature reinforces the material and social conditions that generate disability.**

Judge Liberatori, who must rule on this case, has recognized its collective nature and has called on –through mass media- all those who consider themselves legally affected to join the process either as plaintiffs or as defendants. Fifteen disability rights, human rights and other organizations in the disability field have joined the case as plaintiffs, in addition to the Child Protection Services Office, 37 distinguished personalities, specialists in disability and the elderly, city council persons, communal representatives, and individuals affected by the Code.

In support of our case, we published a paid announcement in *Página 12* daily (10/08/19, page 11) with over 200 signatures, including organizations of persons with disabilities, personalities in the scientific, cultural and human rights fields, legislators and politicians, architects and urban designers, as well as

representatives of labor unions, neighborhood, religious, ethnic and social institutions.

Notably, nobody came forth to defend the bill submitted before the City Legislature by the executive branch, a law that was adopted with the exclusive votes of the governing party. Thus, the class action confirms the antidemocratic nature of this Code.

### What stage are we in?

The City Legislature argues that the judge lacks jurisdiction over this case, intending to limit the plaintiff's demands while, at the same time, seeking to remove the natural judge, thus violating due-process guarantees. We are resisting this attempt and the judge must decide whether or not to continue with the case and, if so, must adjudicate the injunctive relief requested.

## DEFENDING INCLUSIVE PUBLIC SPACES

**Present in neighborhoods and struggles so that no one with a disability or reduced mobility is left out due to a lack of accessibility.**

### ROUNDTABLE FOR THE RIGHT TO INCLUSIVE PUBLIC SPACES (MEPI)

This year, we contributed to the establishment of a Roundtable within the Committee for Protection and Use of Public Spaces in the City Legislature.

Including representatives of organizations of persons with disabilities and reduced mobility as well as specialists in design, urbanism and architecture, we drafted a diagnostic report on the state of the art of accessibility in the City's

public spaces. In early December, the Roundtable will make it public as well as the agenda to move forward in 2020.

### PLAZA CLEMENTE

The City Government inaugurated Plaza Clemente, although work was still in progress. This allowed us to ascertain the plaza's usability and Project shortcomings, and communicate our opinions to the authorities. Under the banner "We celebrate the achievements, we continue to struggle for what's lacking," on September 21 we celebrated the anniversary of Colegiales neighborhood along with neighbors and members of different social organizations. There was music, games, dancing and information on the different problems besetting the neighborhood.





## ACCESSIBLE AND SAFE SIDEWALKS

Moving forward with the working relationship between the Disability Program of the School of Philosophy and Humanities (SEUBE), the Lucioni Chair of the Department of Geography (FILO, UBA) and Rumbos Foundation, we conducted four accessibility surveys in public spaces. After

a brief introduction, participants were able to identify design and construction failings in sidewalks and curb cuts that endanger pedestrians in general and that complicate safe and autonomous circulation for persons with disabilities and the elderly.



*Near the School of Philosophy and Humanities, with students enrolled in Elements of Computing (1st semester) and Automatic Systems of Geographical Information (2nd semester), Department of Geography.*



*UBANEX Program that promotes university-community relations: with Colegio Carlos Pellegrini high school students, near the institution, and with students enrolled in the Advanced Studies Degree in Disability as a Social and Political Category - ATE/FILO Agreement, surveying Belgrano, Alberti, Moreno and Saavedra streets, City of Buenos Aires.*

## JANE'S WALK INTERNATIONAL FESTIVAL



*Jane's Walk Buenos Aires Festival: We are members of the City Commune 13 Advisory Council, which organized a walk through the Colegiales neighborhood. Over 70 persons interested in defending quality of neighborhood life participated. We incorporated accessibility inviting participants to wheelchair their way along the sidewalks.*

## UNIVERSITY TEACHING

### SCHOOL OF ART AND ARCHITECTURE OF THE UNIVERSITY DEL SALVADOR

We concluded our research Project on the City of Luján “Detection of conceptual vacuums in the process of contextualizing the problematic of physical accessibility. Research on the city of Luján 2018-2020.” We also continued with our undergraduate classes and with new proposals for the forthcoming year.



## OTHER ACADEMIC AND MEDIA INTERVENTIONS



Silvia Coriat lectured on “Habitable bodies” in an Intensive Postgraduate Seminar on inclusive habitat at the School of Architecture of the National University of La Plata. She also lectured at the Association of Architects of the Province of Santa Fe – at Pre Arquisur 2019 – 8th Regional Meeting on Accessibility and Universities; as well as leading a workshop in Venado Tuerto for members of the Urban Accessibility and Mobility Commission and giving an open lecture for architects, government functionaries, city council members and professionals regarding the needs of persons with disabilities, at the Associations of Architects of Santa Fe D3.



Eduardo Joly gave a videoconference on Disability, Health and Employment at the International Congress on Disability of ALAMES – Latin-American Association of Social Medicine – in Mexico, and lectured in the Course on Disability organized by the Social Services Department of Hospital Fernandez for health workers and social workers.

**Monthly program on accessibility and personal mobility in RADIO SUMEMOS:** As of this year, we are participating in the “Contributing to Inclusion” program of the radio of the Assisted Athletics Foundation, providing counseling and useful information to persons with disabilities, their families and the community at large.

**DONATE NOW**

**Join us to make this possible.**

**Your donation will help the physically disabled and the elderly gain freedom of movement.**



**[www.rumbos.org.ar](http://www.rumbos.org.ar) - [fundacion.rumbos@gmail.com](mailto:fundacion.rumbos@gmail.com)**