For 96-Year-Old Woman, Door Is 4 Steps Too Far

City Apartment Lacks Disabled Access

By MONTE WILLIAMS

By day, Maria Hernandez was once a self-employed seamstress; at night, the olive-skinned woman with thick dark hair and killer cheekbones lived to dance the merengue.

But that was many years ago. Now Ms. Hernandez, 96, a widow who is poor, epileptic and partly paralyzed, lies in her small bed most of the day, muttering about what it would be like to go outside in her wheelchair, soak in some sun, inhale the outdoor air and "play the numbers again."

But she has trouble leaving her apartment because she cannot get her wheelchair past the four steps leading from her lobby to the sidewalk, and no one, including her home health care aides, has been willing to help her.

As a result, Ms. Hernandez lives in a tiny two-room apartment on East 86th Street in Manhattan on her own, once a month, for medical visits, when the driver of a wheelchair-accessible van and a neighbor take her outside from her first-floor apartment.

The building in which Ms. Hernandez lives is owned by the city. She was moved there by the Department of Housing Preservation and Development after the agency renovated and sold her previous apartment building on West 88th Street. That building was also not wheelchair accessible.

These days, "I close my eyes and feel what it's like to be outside," Ms. Hernandez said in Spanish. "I feel like I'm in jail with this bed."

She has only one relative in New York, a 64-year-old nephew who is also in poor health. Ms. Hernandez, whose husband died many years ago, has no children.

A neighbor, Johnny Moreno, whom she thinks of as a son, does not want the responsibility of carrying her up and down the four steps. "God forbid we drop her and then get sued," Mr. Moreno said. Her three home health aides, who provide constant care, said company policy does not permit them to carry her outside.

Mr. Moreno blamed the city for placing Ms. Hernandez in a building that is not handicap accessible.

Ms. Hernandez, a native of the Dominican Republic, lives off her Supplemental Security Income and pays $113 a month in rent. The apartment is small — one room doubles as a kitchen and living room. The floors slope, the ceilings are cracked and there are holes in the bathroom walls as big as the back wheels of tricycles.

Carol Abrams, a spokeswoman for the housing agency, said the city plans to sell the building on East 86th Street to keep it "out of the landlord business by 2006."

"In the interim, Ms. Abrams said the city would like to place Ms. Hernandez in a senior residence run by a local organization where her needs for housing and supportive services can be met" as soon as an apartment becomes available.

Mr. Moreno had a stroke nine years ago that left her left side paralyzed. At the time, she lived on the fifth floor of the city-owned walk-up on 88th Street. There, her neighbor helped her get around. She had lived in the Upper West Side building for about 20 years before she was moved 1997.

In her bedroom, there is, what is for her, an aura of hope: statues of Roman Catholic saints next to burning candles. The room, like the rest of the apartment, is hot, because a malfunctioning boiler cannot be turned off even in August. The only window in the bedroom is plastered shut. Though a futile gesture, Ms. Hernandez said her right hand to her self, her gaunt left hand in "dead," she said, a casualty of the paralysis.

Liz Savage, a spokeswoman at the United States Department of Justice, said the city may be in violation of the Americans with Disabilities Act for placing Ms. Hernandez in a building that is not handicap accessible.

"If the woman or someone else could fill out a complaint, it would be investigated," said Ms. Savage, a lawyer for the Department of Housing and Urban Development. "Ms. Savage added."

But Ted Zerkle, a lawyer for MFY Legal Services, an agency that provides legal assistance, said the city has probably not violated any laws. While new buildings must be handicap accessible, old buildings, like the tenements Ms. Hernandez lives in are not required to be wheelchair accessible unless they have been remodeled extensively.

Mr. Moreno and other tenants said they have been asking the city to find Ms. Hernandez housing that is wheelchair accessible. They have gotten support from several politicians, including Mark J. Green, the public advocate; C. Virginia Fields, Manhattan Borough president; and Representative Carolyn B. Maloney, Democrat of Manhattan.

In a statement, the Department of Housing Preservation and Development said Ms. Hernandez was told when she moved into the apartment that the agency did not have any wheelchair-accessible buildings in Manhattan.

"We have no control over what buildings we own — buildings are under HPD's central management when they are acquired by the city through tax foreclosure proceedings — and are taken in as 'as is' condition," the statement read. "Ms. Hernandez chose to accept the apartment at 330 East 86th Street. Ms. Hernandez, like all tenants in city-owned buildings, are free to move at any time."

Mr. Moreno said Ms. Hernandez's birthday, May 15, had just passed. His wish for her was no surprise:"a wheelchair-accessible, well-maintained apartment by the time she turned 97. "I don't know how much more of this she can take," he said. "It's too much on her.