



SMART CITIES: CIVIL RIGHTS

“There is no such thing as separate but equal. Separation, segregation, inevitably makes for inequality, and I think that is the first reason why segregation is evil ... “

—Dr. Martin Luther King, Jr., Desegregation and the Future, Dec. 1956

Why are cities important?

Concentration of Institutions

Cities are home to a multitude of businesses, hospitals, news organizations, government offices, law enforcement units, prisons, schools of all types, community centers, political coalitions, transportation networks, and all sorts of other large and small institutions. These institutions provide the backbone of modern living, and in particular, often provide resources for people who may have little access to the services they provide if they were to live in more rural areas.

Population density and concentration of diverse populations

Just as cities can highlight the differences between groups, they can also create opportunities for connections or networks to build across groups. Solidarity and unlikely alliances can form in cities, again, because of the close proximity of diverse populations who might find common cause.

Why Civil Rights and cities?

Local unrest can lead to national change

Concerns at the municipal level often provide concrete starting points for these types of movements. Much of the Civil Rights movement in the 1960s, for example, gained traction around local boycotts that called for change at the municipal level. Cities can pave the way for or incubate policies adopted later on a wider scale. In some sense, cities have more flexibility to develop approaches—and even to veer in different directions with those approaches—than states or the national government. Sometimes, that means they can resist national or state-level legislation.

Helpful case law

City of Cleburne, Tex. v. Cleburne Living Ctr., Inc., 473 U.S. 432 (1985). The denial of a special use permit for I/DD housing violated the Equal Protection Clause because it was irrational (failed rational basis review). The Court, however, declined to grant the community a suspect, or “quasi-suspect” classification that would afford members of the community a right to automatic strict scrutiny of discriminatory laws.

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Floyd v. City of New York, 959 F. Supp. 2d 540 (S.D.N.Y. 2013). The court found that the New York City stop-and-frisk policy was a violation of the plaintiffs' Fourth and Fourteenth Amendment rights. Following the case, a Second Circuit judge granted the city a stay in changing the policy pending appeal. *Ligon v. City of New York*, 736 F.3d 118, 123 (2d Cir. 2013).

Olmstead v. L.C. by Zimring, 527 U.S. 581 (1999). This case asked whether financial constraints can determine whether a state must comply with the ADA. The Supreme Court held that such constraints could not be the only factor. The Court stated that financial constraints might be significant, but only if the state can show that allocation of resources to one patient will cause harm to others. Otherwise, the ADA requires that a patient with mental disabilities be placed in "integrated settings" when a doctor clears them for such settings, the patient wants to be placed in such a setting, and resources allow it.

Other helpful sources

Off. of Comm., *Intellectual and Developmental Disabilities (IDDs): Condition Information*, NAT'L INSTS. HEALTH, <https://www.nichd.nih.gov/health/topics/idds/conditioninfo/default> (last revised Dec. 1, 2016).

Americans with Disabilities Act of 1990 (ADA), P.L. No. 101-336, 104 Stat. 327 (1990).

Dep't Econ. & Soc. Affairs, *Factsheet on Persons with Disabilities*, UNITED NATIONS, <https://www.un.org/development/desa/disabilities/resources/factsheet-on-persons-with-disabilities.html> (last visited May 1, 2020).

Why Civil Rights and smart cities?

Inclusion and visibility

Technology is not only helpful for the I/DD community, it is a necessary first step to members of the community being able to integrate into the broader city community as a whole. Smart cities have the unique opportunity to incorporate many needs of this population in their design from the start, what we are calling *accommodation by design*. Smart city solutions for the I/DD community include creating apps that map accessible routes along city sidewalks, and public changing rooms that feature adjustable sinks and toilets or accommodate caregivers assisting adults. For the visually impaired, audio cues can help them navigate escalators, automatic doors, or gaps between a train and its platform. Voice adaptation technology for those who require speech accommodations and instant translation technology that can translate audio into written text are also both helpful.

Creating a new "default" user

These accommodations have to be incorporated into infrastructure during the design process. They can't be an afterthought or an added benefit. The designers of these technologies have to actually think about designing for everyone—or designing explicitly for those in the I/DD community, as well as everyone else. Otherwise, as we have seen repeatedly, the default "user" in the designer's mind will be a white, able-bodied male. That traditional default doesn't just limit users; it also closes off possible avenues of technological development. Incorporating technology that accounts for members of the I/DD community from the beginning opens up possibilities for them in a way never-before contemplated.