



Accessible Parking: *What Every Montgomery County Property Manager, Condominium, and Homeowner's Association Needs to Know.*

This document contains information to Montgomery County property managers, condominium and homeowner associations and their residents about their responsibilities under the Fair Housing Act, the American with Disabilities Act and the Maryland Accessibility Code as they relate to the provision of accessible parking. We will address the most frequently asked questions related to buildings and accessibility. Information in this article is being provided to you by the Montgomery County Department of Permitting Services, Office of Human Rights, Department of Health and Human Services, Commission on People with Disabilities, Maryland Codes Administration, and the County's Interagency Fair Housing Coordinating Group.

What can I do if I suspect that the person issued a disability parking plate or placard does not need it?

For persons who use mobility assistive devices such as wheelchairs or scooters, the property manager can readily appreciate the need for designated disability parking. The needs of persons with hidden disabilities (such as a serious heart condition) for reserved parking are not readily apparent but must be accommodated when they have the requisite Motor Vehicle Administration (MVA) permit. Drivers who regularly transport persons with disabilities are issued MVA permits or stickers that entitle them to reserved parking only when they are transporting the person with a disability. If property managers suspect a permit is not justified, they may report it to the MVA which issued the plate/placard as that office will follow up. A property manager may not ask for proof of disability. Only a police officer or an official designee in some jurisdictions is authorized to request this information.

Who tickets cars that are illegally parked in designated accessible parking spaces?

The police will only enforce the accessible parking restrictions by issuing citations if the sign reserving the space is the official sign. This official sign must include the international symbol of accessibility. Examples of these signs can be seen in Montgomery County Government parking facilities. ADA Accessibility Guidelines (ADAAG) does not include a specific location or minimum height for signs but requires them to be placed so as not to be obscured by a car or van parked in the space. Wheelchair symbols painted on the space are not official. Anyone can call the police department to come and ticket an illegally parked vehicle where the official sign is displayed. On private property the owner may also contract with a towing company to patrol and tow on its own motion.

What is the responsibility of property managers and owners to provide reserved accessible parking spaces?

It is the responsibility of the property owner or association, when requested to do so, to provide a reserved parking space for a person who possesses a disabled person's registration plate or placard issued by the MVA. The only reason this could be exempted if there is undue hardship or expense or it is architecturally infeasible to do so. Property owners and associations must provide reasonable accommodation and could be challenged in court on this issue. If there are assigned or deeded parking spaces, a visitor space may have to be converted to a reserved accessible parking space.

What does a person do to request a reasonable accommodation for a designated disability parking space in a Condominium Association?

The first step is for the resident to put a request in writing to the Condominium Association or property manager for a reasonable accommodation for a designated handicapped parking space, and they should explain where they think that should be so that they can effectively and safely utilize the unit. The resident should also explain that they have disabled parking tags and ask for a response within a reasonable amount of time such as 30 days. If the Condominium Association or property manager fails to respond on or before that day, it would be assumed that it is a denial or a delay, then the resident can contact the Office of Human Rights to file a fair housing complaint at 240-777-8450. They have investigators and enforcement authority. Similarly, a condominium may have a shortage of parking spaces and a waiting list. If a disabled person needs a parking space in order to utilize a unit, that

person must be moved to the head of the waiting list. If the disabled person must park next to the building exit and that space is already occupied by an existing owner who is not handicapped, a reasonable accommodation might be to give the non-disabled person, such as a parking space further from the exit and the disabled person the more accessible spot. A lower federal court in New Jersey has ruled that a condominium association must accommodate a disabled person's request for a reserved parking space near the entrance of the apartment even though the master deed provided that parking spaces were common elements and required that decisions regarding commonly owned property be made by a vote of all the unit owners.

FYI: <http://www.allbusiness.com/personal-finance/real-estate/730029-1.html>. Information about parking is on page 3.

How many accessible parking spaces must be provided on each residential building site?

When parking is provided at the site, for residents or visitors, the following must be included:

- designated accessible parking as close as possible to the dwelling units on request of residents with disabilities;
- on the same terms and with the full range of choices; e.g., surface parking or garage, that are provided for other residents of the project;
- with accessible parking on a route accessible to wheelchairs for at least 2% of the covered dwelling units;
- accessible visitors parking which is sufficient -to provide access to grade-level entrances of covered multifamily dwellings; and
- Accessible parking at facilities (e.g. swimming pools) that serve accessible buildings.

For visitor parking and parking at facilities such as swimming pools the Guidelines do not require a specific number or percentage of spaces. Such parking should be provided in accordance with the local code, or at a minimum, provide at least one space for visitors and one space at each facility.

A person with a disability lives in a townhouse, and would like a reserved parking space and an accessible parking sign installed. How can they get one?

First the individual should make a written request for a reasonable accommodation of the association or management company requesting a response on or before a certain date such as 30 days. If they do not respond within the reasonable time requested such as 30 days, contact Permitting's Complaint Line at 240-777-6300 or the Office of Human Rights Complaint Line at 240-777-8450. If all parking spaces in a townhouse community or homeowner's association are "deeded" it may not be possible to provide the requested reserved space.

I am designing a parking lot. What are the dimensions for accessible parking spaces?

There are different dimension for cars, vans and access aisles. Most vans are equipped with a lift or ramp at a side door so they need the extra wide access aisle (8 feet wide not 5 feet wide) for the lift to come down, and for the person using the wheelchair or scooter to have sufficient space to roll on or off the lift. In Maryland, the ratio for a van accessible space to accessible parking spaces is 1:4. If your lot only requires one accessible parking space then that one must be van accessible. Generally, in addition to an 8 foot wide parking space, cars need a 5 foot access aisle and vans need an 8 foot access aisle. Check to be sure that there is a nearby curb cut onto the sidewalk. Also, please try to make the parking spaces as level as possible with no more than a 2% grade of slope. Contact Permitting Services Zoning Line at 240-777-6300 for complete information.

How many reserved accessible parking spaces are required?

It depends on whether the project is commercial or residential. Contact Permitting's Plan Review Section at 240-777-6300.

What does an official reserved accessible parking sign look like?

Contact Permitting at 240-777-6300 or go to the MD Accessibility Code

<http://mdcodes.umbc.edu/dhcd2/access.htm>. Click on the Maryland Accessibility Code.

I am a tenant in a strip shopping center built in 1980. Does my retail space need to be accessible?

Yes, all lots shall conform with the requirements of the Maryland Accessibility Code after October 1, 2010. Especially those do something to their lot.

I am being told that if the parking lot was established prior to the ADA that they do not have to comply. Is this true?

A. Not true.

Can I obtain a waiver from the Maryland Accessibility Code?

You must first file a written formal request with the Maryland Department of Housing and Community Development 410-514-7220 or go to the web at <http://mdcodes.umbc.edu/dhcd2/access.htm> Click on the Maryland Accessibility Code.

I intend to obtain a building permit. Do my plans have to conform to the Maryland Accessibility Code? Do my plans also have to comply with ADA?

Yes, in both cases. The Maryland Accessibility Code exceeds the ADA in that it requires one van accessible parking space in every four accessible spaces, but not less than one. The Code also requires that each van accessible parking space aisle have a "No Parking in Access Aisle" sign to prevent illegal parking.

I do not understand a provision of the ADA related to building accessibility. To whom can I speak?

Contact the U. S. Architectural and Transportation Barriers Compliance Board 1-800-872-2253 or the ADA Information Center for the Mid-Atlantic Region at 30-217-0124. You can also contact Permitting's Plan Review Section 240- 777-6300 that will give you a technical opinion, but not an official interpretation of the ADAAG.

I have a complaint about the lack of accessibility at a local shopping Strip. Whom can I contact?

Contact Permitting's Complaint Line: 240- 777-6300

U. S. Department of Justice: 1-800-514-0301 (V), 1-800-514-0383 (TTY)

Montgomery County Office of Human Rights: 240-777-8450 (V), 240-777-8460 (TTY)

Maryland Disability Law Center: 301-925-9871 or 1-800-870-6362

Maryland Commission on Human Relations: 410-767-8600

GENERAL INFORMATION

Permitting's Plan Review Section enforces the Maryland Accessibility Code for any building issued a construction permit after May 15, 1975. The Plan Review Section also enforces the Fair Housing Amendments Act of 1989 for all multi-family buildings. The Plan Review Section reviews all commercial plans for conformance to ADAAG, but lacks enforcement authority. Design consultation with the Plan Review Section is available by appointment at 240-777-6300. A licensed architect must attend the consultation. The Plan Review Section does not enforce accessibility standards for the City of Rockville nor Town of Gaithersburg. Contact these respective municipalities for assistance.

**Remember fair housing is the law
Equal Housing Opportunity**