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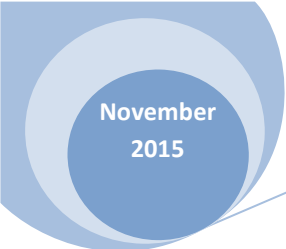
Analysis of Municipality Parking Compliance in Genesee County, 2015

Impediments to Fair Housing

The Fair Housing Center of Eastern Michigan of Legal Services of Eastern Michigan is funded by the U. S. Department of Housing and Urban Development and also receives funds from Genesee County. Each year municipalities receive federal funds administered by Genesee County to Affirmatively Further Fair Housing (AFFH) in their community. One method to accomplish this quest is to provide the necessary legal requirement for accessible parking for people with disabilities. This analysis is a report card of municipality parking compliance.

**Fair Housing Center of Eastern Michigan
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Introduction

The Fair Housing Center of Eastern Michigan (FHC) is a division of Legal Services of Eastern Michigan, which is a non-profit tax-exempt organization. The FHC was established in October 1997 as the Genesee County Fair Housing Center. In 2004, the service area expanded to include Saginaw, Bay, and Midland counties. The Center's name was changed to Fair Housing Center of Eastern Michigan, to include all service areas.

At its inception, the FHC in Genesee County received a two-year grant from the Charles Stewart Mott Foundation. Since obtaining initial funding from the Mott Foundation, the FHC has moved to solidify its funding for the future. Funding commitments are received from the City of Flint, Genesee County, City of Saginaw, City of Bay City, and the City of Midland and from the U. S. Department of Housing and Urban Development (HUD); which provided the majority of the funds.

The mission of the FHC is to ensure equal housing opportunities for all people, regardless of race, sex, age, color, religion, national origin, familial, marital, and disability status. The FHC addresses the needs of individual clients by providing reactive services, such as responding to housing complaints. In addition, impact projects that help identify and resolve problems in the community are incorporated into the FHC's mission. As such, FHC acts both reactively and

proactively to fair housing concerns. The three priority areas for the FHC are enforcement (testing), research, and community awareness.

Research is ongoing and includes a variety of fair housing related topics. The findings included in reports are used to support and assist many community groups and non-profit organizations in their quest for housing equality. In addition, the FHC provides community awareness by reporting research findings on a variety of fair housing matters on a regular basis through community presentations, conferences, fair housing quarterly meetings, newspapers, television, libraries, radio, etc.

The study published by Patricia Baird in 2007, *Impediments to Fair Housing for City of Flint and Genesee County, Michigan*, served as a five-year follow-up study to the original, *Impediments to Fair Housing in Genesee County Including the City of Flint*, by Joe Darden in 1998. The 2007 study was designed to examine changes in Genesee County since the first analysis by investigating racial composition, distribution, and socioeconomic characteristics and how these relate to barriers to fair housing. The FHC has also conducted Analysis of Impediments for Midland County, Midland City and the City of Bay City.

As a recipient of funds from the HUD, the FHC is required to perform special projects. These projects include testing housing providers for discriminatory practices toward inter-racial couples, persons with mental disabilities, service animals, same sex marriage, or families with children. One such project was an Analysis of Municipality Parking Compliance in Genesee County, 2008 — *Impediments to Fair Housing*. This idea was spawned as the result of findings

from the 2007 Impediment study included in the chapter on subsidized housing. Fair housing auditors surveyed the parking lots of subsidized apartment complexes in Genesee County. The analysis shows that none of the seventy-six housing sites evaluated were in compliance with the accessible parking standards. This creates a challenge for potential renters and persons residing in subsidized housing in Genesee County. After this outcome was revealed, a decision was made to conduct an analysis of the municipality's parking lots.

The Department of Justice's regulation implementing Title II, subtitle A, of the Americans with Disabilities Act (ADA) - Standards for Accessible Design, Section 504 of the Rehabilitation Act of 1973, and Michigan Persons with Disabilities Act No. 220, Public Acts of 1976, as amended; which prohibits discrimination on the basis of disability in all services, programs, and activities provided to the public by State and local governments. Therefore, all buildings and parking areas must be accessible and in compliance with ADA regulations. This study will compare the 2008 study to the results of current audits to discover if municipalities are in compliance in 2015. The 2008 study showed that of the 33 municipalities in Genesee County only six were in compliance with the legal requirements. The six municipalities that were in compliance included Genesee County, Burton, Davison City, Fenton Township, Gaines Township, Genesee Township, and Vienna Township. The local governmental offices that are not in compliance included the following infractions:

- Need van accessible parking space(s) — 21 of 34 (62%),
- Need car accessible parking space — 1 of 34 (3%),
- Need access aisle(s) — 10 of 34 (30%),
- Parking space(s) too narrow — 2 of 34 (6%),

- Access aisle(s) too narrow — 7 of 34 (21%),
- Need proper sign(s) — 7 of 34 (21%),
- Sign height incorrect — 1 of 34 (3%),
- Faded paint — 4 of 34 (12%),
- No paint — 1 of 34 (3%), and
- Miscellaneous infraction — dumpster located where a sign should be posted.

Disability, as defined by the U. S. Census Bureau, is a long-lasting physical, mental, or emotional condition, which limits a person's ability to perform major life activities. There are 67,192 non-institutionalized people with disabilities over the age of five years residing in Genesee County (DP02 - U.S. Census 2013). Twenty-nine of the thirty-three municipalities have a population ranging from 10.3% to 20.6% of persons with disabilities (Table 1). The municipalities with the greatest percentage of population with disabilities include: Village of Otisville 19.0%, Genesee Township 19.4%, Mt. Morris Township 19.6%, City of Flint 20.6%, and Mt. Morris City 22.7%. The high rate of residents with disabilities in each municipality supports a definite need for accessible parking which meets the legal requirements.

There are thirty-three municipalities (cities, townships, and villages) in Genesee County. Each municipality has a local government office, which is open to the public. Services rendered that are fair housing related include: planning, zoning, master plans, taxes, building inspectors, property assessments, town hall meetings, etc. Every year local units of government receives Community Development Block Grant (CDBG) federal funds, dispersed by the County, to provide

services or other activities to Affirmatively Further Fair Housing (AFFH) in the individual communities.

Table 1: Distribution of Person with Disabilities within Genesee County Municipalities, 2013 (Most Current)

Municipality	Total Population	# of People with Disabilities	% With Disabilities in Municipality
Argentine Township	6,774	785	11.6%
Atlas Township	7,877	628	8.0%
Burton City	29,653	5,153	17.4%
Clayton Township	7,488	1312	17.5%
Clio City	2,607	428	16.4%
Davison City	5,117	732	14.3%
Davison Township	19,353	2,417	12.5%
Fenton City	11,425	1,172	10.3%
Fenton Township	15,408	1,386	9.0%
Flint City	100,601	20,726	20.6%
Flint Township	13,094	5,299	17.0%
Flushing City	8,189	1,203	14.7%
Flushing Township	10,508	1,500	14.3%
Forest Township	4,593	811	17.7%
Gaines Township	6,750	900	13.3%
Genesee Township	21,286	4,137	19.4%
Grand Blanc City	8,074	1,197	14.8%
Grand Blanc Township	36,811	3,658	9.9%
Linden City	3,872	434	11.2%
Montrose City	1,702	257	15.1%
Montrose Township	6,007	1,156	15.1%
Mt. Morris City	3,059	693	22.7%
Mt. Morris Township	21,302	4,184	19.6%
Mundy Township	14,932	2,275	15.2%
Richfield Township	8,621	1,031	12.0%
Swartz Creek City	5,705	941	16.5%
Thetford Township	8,621	1,031	12.0%
Vienna Township	12,980	1,703	13.1%
Village of Gaines	398	52	13.1%
Village of Goodrich	1,748	135	7.7%
Village of Lennon	461	69	15.0%
Village of Linden	3,872	434	11.2%
Village of Otisville	821	156	19.0%
Village of Otter Lake	387	54	14.0%
Genesee County	418,820	67,192	16.0%

Census 2013 DP02

The CDBG program began in 1974 and is administered by HUD, which provides annual grants to units of state and local government. Genesee County, a recipient of funds, is categorized as an Entitlement Community. Entitlement Communities are comprised of central cities of Metropolitan Statistical Area (MSA), with populations of at least 50,000 and qualify as urban counties with a population of 200,000 or more. The CDBG entitlement program allocates annual grants to develop viable communities by providing decent housing, a suitable living environment, principally for low-and moderate- income persons. These activities are directed primarily toward revitalizing neighborhoods, encouraging economic development, and providing improvements to community facilities and services in low to moderate income areas. CDBG is an important tool in assisting local governments when tackling serious challenges facing communities.

Each CDBG assisted activity must meet at least one of the following objectives: 1. Provide benefit to low and moderate income persons and households; 2. Aid in the prevention or elimination of slums or blight conditions; or 3. Address community development needs having a particular urgent need in Genesee County. CDBG grant funds are allocated between 28 local units of government on a rotating, three-year cycle. Currently the three-year cycle of funding is 2013-2015, with 2015 as the third year in the cycle.

Accessible Parking Regulations

Parking accessibility standards are mandated by title II of the Americans with Disabilities Act (ADA) - Standards for Accessible Design, Section 504 of the Rehabilitation Act of 1973, and Michigan Persons with Disabilities Act No. 220, Public Acts of 1976, as amended. Title II of the ADA prohibits discrimination against persons with disabilities in all services, programs, and activities made available by State and local governments. The Department of Justice (DOJ) has coordinated authority for the ADA in accordance with Executive Order 11250 (Legal Authority: Americans with Disability Act of 1990 42 USC 12131; DOJ regulation; 28 CFR Part 35).

The title II regulation covers “public entities” which includes any state or local government and any of its departments, agencies, or other instrumentalities. All activities, services, and programs of public entities are covered, including activities of state legislatures and courts, town meetings, police and fire department, motor vehicle licensing, and employment. State and local government shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities. In addition, they must ensure that individuals with disabilities are not excluded from services, programs, and activities because buildings are inaccessible.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities under ***any program or activity receiving federal financial assistance***. HUD is the designated agency for all programs, service, and regulatory activities relating to state and local public housing, housing assistance, and referrals. Section 504 further states that no otherwise qualified individual with a disability in United States, shall, solely by reason of his/her disability,

be excluded from the program or activity receiving federal financial assistance or under any program or activity conducted by any executive agency or by the United States Postal Service.

Program activity is defined as all operations of a department, agency, special purpose district, or instrumentally of a state or of a local government; or the entity of such state or local government that distributes such assistance and each such department or agency (and each other state and local government entity) to which the assistance is extended, in the case of assistance to a state or local government.

The third regulation is the Michigan Persons with Disability Act No. 220, Public Acts of 1976, as amended. This Act defines the civil rights of persons with disabilities; to prohibit discriminatory practices, policies, and customs in the exercise of those rights; to prescribe penalties and to provide remedies. This Act includes public facility, department, agency, board, or commission owned, operated, or managed by or on behalf of this state or a subdivision of this state, a county, city, village, township, or independent or regional district in this state or a tax exempt private agency established to provide service to the public, except that public service does not include state or county correctional facility with respect to actions or decisions regarding an individual serving a sentence of imprisonment.

The Michigan Persons with Disability Act No. 220, Public Acts of 1976 states that a person shall not deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation or public services, because of a disability that is unrelated to the individual's ability to utilize and benefit

from the goods, services, facilities, privileges, advantages, or accommodations or because of the use by an individual or adaptive devices or aids.

Accessible Parking Standards

The municipality parking lot assessments in this study followed the ADA Standards for Accessible Design. The Standards were published in Appendix A of the Department of Justice's Title II regulations, 28 CFR Part 36, *Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities*. This assessment places a focus on the number of accessible spaces, parking space size, signage, access aisles, curb cuts, and miscellaneous infractions.

Accessible Spaces

Section 4.1.2 (5) of the ADA Standards specifies the minimum number of accessible parking spaces to be provided, including van-accessible parking spaces. One out of every six accessible spaces provided must be a van accessible space (Table 2). When only one accessible parking space is required, the space provided must be a van accessible parking space. For example, if the parking lot has fifty-three parking spaces, there should be a minimum of three accessible parking spaces and one has to be van accessible. Van accessible spaces can serve vans and cars because they are not designated for vans only.

Parking Space Size

An accessible parking space for a car measures 96 inches. An accessible parking space for a van may be 96 inches or 132 inches. The measurement is taken midline to midline. The stripes

do not have to be blue, however, the color or size, may be addressed by local jurisdictions. The stripes must be well defined.

Signage

Signs with the international symbol of accessibility must be mounted high enough so they can be seen while a vehicle is parked in the space. The recommended height is 60 inches from the ground to the bottom of the sign. The access symbol can also be mounted on walls, posts, or from garage ceilings so that vehicles parked in the space do not obscure it.

Each parking space should have its own sign. ADA specifies the sign content and symbol/field contrast (light-on-dark or dark-on-light), but not the color or size, which may be addressed by local jurisdictions. Signage does not have to be the traditional blue with white print as long as it is as large as the traditional signage and is easy to read.

Table 2: Minimum Number of Accessible Parking Spaces

Lot Total	Standard Spaces	Van Spaces	Total Accessible
1 - 25	0	1	1
26 - 50	1	1	2
51 - 75	2	1	3
76 - 100	3	1	4
101 - 150	4	1	5
151 - 200	5	1	6
201 - 300	6	1	7
301 - 400	6	2	8
401 - 500	7	2	9
501 - 1000			2% of total
1001 and over			20, plus 1 for each 100

Parking spaces for vans are required to have an additional sign that identifies the parking spaces as "Van Accessible." The "Van Accessible" designation is meant to be informative, not restrictive, in the use of van spaces. Additional signage can clarify this, which may be important in lots with only one accessible space, since that space must be a van space.

Access Aisles

Accessible parking spaces for cars must be at least a 60 inches wide access aisle located adjacent to the designated parking space. The access aisle is measured on the outside to the outside of the striping. The access aisle is wide enough to permit a person using a wheelchair to enter or exit the vehicle. Van accessible parking spaces are the same as accessible parking spaces for cars except they have a wider access aisle, ninety-six inches, to accommodate a wheelchair lift. The exception is when the parking space for a van is 132 inches, then an access aisle can measure 60 inches the same as a car. Two van accessible parking spaces may share an access aisle. A van can also share an access aisle with a car if it is the correct size.

The parking space for the vehicle and the entire access aisle must be level (a maximum slope of 1:50 in all directions), with a firm, stable, and non-slip surface. The access aisle must also be part of an accessible route to a facility or building entrance. There must be an access aisle, where a parking space is located adjacent to a sidewalk; the sidewalk is not considered an access aisle. Boundary of the access aisle must be marked. In addition, the access aisle must have well defined diagonal stripes or some type of filler to indicate it is an access aisle.

Curb Cuts

Objects must not obstruct the accessible route. This includes vehicles that extend into the accessible route, a curb, outdoor furniture, or shrubbery. Accessible parking spaces must be located on the shortest route of travel to an accessible facility entrance. If an accessible route crosses a curb, a curb ramp must be used. However, the built-up curb ramp may not project into the minimum required space for the access aisle or the accessible parking space.

Genesee County Governmental Offices Parking Lot Analysis Results

Table 3 shows the results of the municipality parking lot assessments conducted by the Fair Housing Center including recommendations to bring the parking lots up to code.

Table3: Government Offices' Parking Lot Assessments per ADA Requirements in Municipalities within Genesee County, 2015

Municipality	Total Spots	Currently Have			Required		Needed		Comments
		Van	Car	No Access Lane	Van	Car	Van	Car	
Argentine Twp.	11	1	1	0	1	0	0	0	IN COMPLIANCE
Atlas Twp.	37	0	2	0	1	1	1	1	Need one van accessible space and one space too narrow.
Burton City	78	2	3	0	1	3	0	0	IN COMPLIANCE
Clayton Twp.	35	0	3	0	1	1	1	0	No signs and faded paint
Clio City	31	1	1	0	1	1	0	0	IN COMPLIANCE
Davison City	67	4	1	0	1	2	0	0	IN COMPLIANCE

Municipality	Total Spots	Currently Have			Required		Needed		Comments
		Van	Car	No Access Lane	Van	Car	Van	Car	
Davison Twp.	29	0	4	0	1	1	1	0	Need van accessible spaces. Two are likely wide enough, just need new signs.
Fenton City	25	2	3	3	1	0	0	0	3 car spaces need access aisles
Fenton Twp.	51	1	3	0	1	2	0	0	IN COMPLIANCE
Flint City	233	0	5	5	5	2	2	0	IN COMPLIANCE.
Flint Twp.	38	3	1	0	1	1	0	0	IN COMPLIANCE
Flushing City	20	0	2	0	1	0	1	0	IN COMPLIANCE

Municipality	Total Spots	Currently Have			Required		Needed		Comments
		Van	Car	No Access Lane	Van	Car	Van	Car	
Flushing Twp.	24	1	1	0	1	0	0	0	IN COMPLIANCE
Forest Twp.	31	1	4	0	1	1	0	0	Need two signs
Gaines Twp.	26	2	0	0	1	1	0	0	IN COMPLIANCE
Genesee Twp.	15	1	2	0	1	0	0	0	IN COMPLIANCE
Grand Blanc City	38	1	2	1	1	1	0	0	Need one sign and one access aisle
Grand Blanc Twp.	40	2	4	0	1	1	0	0	IN COMPLIANCE

Municipality	Total Spots	Currently Have			Required		Needed		Comments
		Van	Car	No Access Lane	Van	Car	Van	Car	
Linden City	4	1	0	0	1	0	0	0	Van access aisle too narrow and sign too low.
Montrose City	14	0	1	1	1	0	1	0	Needs a van accessible sign and needs an access aisle.
Montrose Twp.	4	0	1	0	1	0	1	0	Needs a van accessible sign.
Mt. Morris City	30	0	2	0	1	1	1	0	Needs 1 van & access aisles too narrow No power door – heavy pull.
Mt. Morris Township	34	1	3	0	1	1	1	0	Needs fresh paint.
Mundy Twp.	110	4	5	0	1	4	0	0	IN COMPLIANCE

Municipality	Total Spots	Currently Have			Required		Needed		Comments
		Van	Car	No Access Lane	Van	Car	Van	Car	
Richfield Twp.	23	0	2	0	1	0	1	0	Needs one van.
Swartz Creek	44	0	2	0	1	1	1	0	One missing sign.
Thetford Twp.	28	2	3	0	1	1	0	0	Needs a sign, van accessible too narrow, and access aisle too narrow.
Vienna Twp.	48	1	1	0	1	1	0	0	Needs fresh paint
Village of Gaines	6	1	1	0	1	0	0	0	One missing sign.
Village of Goodrich	33	2	4	0	1	1	0	0	IN COMPLIANCE

Municipality	Total Spots	Currently Have			Required		Needed		Comments
		Van	Car	No Access Lane	Van	Car	Van	Car	
Village of Lennon	5	0	0	0	1	0	1	0	No accessible parking, Office is a library.
Village of Otisville	10	0	1	0	1	0	1	0	Needs one van accessible
Village of Otter Lake	4	1	0	0	1	0	0	0	IN COMPLIANCE
Genesee County	149	1	6	0	4	1	0	0	IN COMPLIANCE

The Fair Housing Center of Eastern Michigan recently conducted an accessible parking audit that included all municipality offices in Genesee County including cities, townships, villages, and the County. There are a total of 33 municipality offices and one office for Genesee County. Of the 34 governmental office parking lots assessed, only 6 were in compliance in the 2008 audit. In 2015 that number has increased to 16 governmental offices in ADA compliance leaving 18 units of government in violation of the ADA regulations. The infractions are shown in Table 5.

Municipality	In ADA Compliance
Argentine Township	Yes
Atlas Township	No
Burton City	Yes
Clayton Township	No
Clio City	Yes
Davison City	Yes
Davison Township	No
Fenton City	No
Fenton Township	Yes
Flint City	Yes
Flint Township	Yes
Flushing City	Yes
Flushing Township	Yes
Forest Township	No
Gaines Township	Yes
Genesee Township	Yes
Grand Blanc City	No
Grand Blanc Township	Yes
Linden City	No
Montrose City	No
Montrose Township	No
Mt. Morris City	No
Mt. Morris Township	No
Mundy Township	Yes
Richfield Township	No
Swartz Creek City	No
Thetford Township	No
Vienna Township	No
Village of Gaines	No
Village of Goodrich	Yes
Village of Lennon	No
Village of Otisville	No
Village of Otter Lake	Yes
Genesee County	Yes



Table 5: Local Governmental Parking Lots Violations 2008 and 2015, in Genesee County

Violation	2008	20015
Need Van Accessible spaces	21	6
Need Car Accessible Space	1	0
Need Access Aisle(s)	10	3
Parking Space(s) Too Narrow	2	2
Need Proper Sign(s)	7	6
Sign Height Too Low	7	1
Faded Paint	1	3
No Paint	4	0
Miscellaneous Infraction	1	0
Access Aisle Too Narrow	0	2
No Accessible Parking	0	1
NOT IN COMPLIANCE	28	18

Recommendations

The FHC conducted audits of the thirty-four government offices' parking lots in both 2008 and 2015. This included the Genesee County parking lot along with all the cities, townships, and villages. The surveys showed evidence in violation of the Americans with Disabilities Act (ADA) - Standards for Accessible Design, Section 504 of the Rehabilitation Act of 1973, and Michigan Persons with Disabilities Act No. 220, Public Acts of 1976, as amended. Although the compliance level has increased there is still work to be completed. ***It is the recommendation of the FHC that each municipality that is not in compliance with the ADA regulations take corrective action to ameliorate the remaining violations in Genesee County.***

In Genesee County there are 67,192 non-institutionalized persons over the age of five with disabilities or 16.0% of the entire County population. In 5 of the 34 municipalities, the number of persons with disabilities exceeds 19% of that municipality's total population. A definite need for accessible parking, which meets the legal requirements, is necessitated by this high rate of residents with disabilities.

Although there are infractions at 52% of the municipality offices in Genesee County, the majority of these violations will require minimal resources to bring the parking lots into compliance. For example, Atlas Township needs one van accessible space and one handicapped parking space needs to be wider. Clayton Township is required to have at least one van and one car accessible parking space. Clayton Township currently has three accessible parking spaces for cars and no van accessible spaces. The solution is to change one car accessible parking space to a designated van accessible parking space. The only

alteration is to up-grade the signage to include van accessible. Two of the three car accessible parking spaces and access aisles that Clayton Township has are large enough to meet the standards for van accessibility.

Every year each local unit of government receives Community Development Block Grant (CDBG) federal funds, dispersed by Genesee County, to provide services or other activities to AFFH in the individual community. Upgrading city, township, and village governmental office parking areas will not only meet the legal requirements set forth under state and federal law, but also demonstrates a good example of AFFH in the community.

A second recommendation is for the FHC to make written contact with each municipality regarding the condition of the parking areas. Those with a parking lot that is in compliance will receive a correspondence indicating that they are in compliance recognizing them for their strides to affirmatively further fair housing in their community. Those municipalities with parking lots not in compliance with the ADA regulation will receive a correspondence indicating the need to bring the parking lot into compliance. As an enforcement agent the FHC will notify the municipalities not yet in compliance as to the legal requirements; what needs to be done to bring the parking lot into compliance; and the consequences of not bringing the parking into compliance.

References

Americans with Disabilities Act (ADA) - Standards for Accessible Design

Baird, Patricia A. *Impediments to Fair Housing for City of Flint and Genesee County, Michigan*. 2007

Michigan Persons with Disabilities Act No. 220, Public Acts of 1976, as amended

Section 504 of the Rehabilitation Act of 1973

U. S. Census 2013, DP02