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Analysis of Municipality Parking Compliance in Genesee County, 2008

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 further fair housing 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.

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Introduction

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

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

The mission of the Fair Housing Center is to ensure equal housing opportunities for all people, regardless of race, sex, age, color, religion, national origin, familial, marital, and disability status. The Fair Housing Center 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 Fair Housing Center's mission. As such, the Center acts both reactively and proactively to fair housing concerns. The three priority areas for the Fair Housing Center 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 Fair Housing Center 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 Fair Housing Center has also conducted Analysis of Impediments for Midland County, Midland City and the City of Bay City.

As a recipient of funds from the U. S. Department of Housing and Urban Development, the Fair Housing Center of Eastern Michigan is required to perform special projects. These projects include testing housing providers for discriminatory practices toward inter-racial couples, persons with mental disabilities, or families with children. This project, *Analysis of Municipality Parking Compliance in Genesee County, 2008 — Impediments to Fair Housing*, is a 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.

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 82,814 non-institutionalized people with disabilities over the age of five years residing in Genesee County (Table 1- U.S. Census 2000 Summary File 3, QT-P21). Of that number, 15,070 people have sensory disabilities while 38,294 have physical disabilities. Thirty-two of the thirty-three municipalities have a population ranging from 12% to 23% of persons with disabilities. 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 each local unit 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 in the individual community.

Table 1: Distribution of Person with Disabilities within Genesee County Municipalities, 2000

Municipality	Total Population	# of People with Disabilities	% With Disabilities in Municipality
Argentine Township	6,521	838	12.9%
Atlas Township	5,904	873	14.8%
Burton City	30,308	5,636	18.6%
Clayton Township	7,029	955	13.6%
Clio City	2,483	466	18.8%
Davison City	5,536	1,085	19.6%
Davison Township	17,722	2,609	14.7%
Fenton City	10,582	1,644	15.5%
Fenton Township	12,968	1,560	12.0%
Flint City	124,943	29,172	23.3%
Flint Township	33,691	6,979	20.7%
Flushing City	8,348	1,075	12.9%
Flushing Township	10,230	1,350	13.2%
Forrest Township	4,319	708	16.4%
Gaines Township	5,759	986	17.1%
Genesee Township	24,125	4,874	20.2%
Grand Blanc City	8,242	411	5.0%
Grand Blanc Township	29,827	4,178	14.0%
Linden City	2,861	413	14.4%
Montrose City	1,619	290	17.9%
Montrose Township	6,336	1,059	16.7%
Mt. Morris City	3,194	664	20.8%
Mt. Morris Township	23,725	5,725	24.1%
Mundy Township	12,191	2,160	17.7%
Richfield Township	8,170	1,227	15.0%
Swartz Creek City	5,102	1,142	22.4%
Thetford Township	8,277	1,509	18.2%
Vienna Township	13,108	2,526	19.3%
Village of Gaines	366	55	15.0%
Village of Goodrih	1,353	186	13.7%
Village of Lennon	517	81	15.7%
Village of Lennon	882	140	15.9%
Village of Otter Lake	437	63	14.4%
Genesee County	436,141	82,639	18.9%

The CDBG program began in 1974 and administered by the U. S. Department of Housing and Urban Development, provides annual grants to units of local government and States. 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. CDBG is an important tool in assisting local governments when tackling serious challenges facing communities. According to HUD, Genesee County received \$2,136,367 CDBG funds in fiscal year 5/1/2005 to 4/30/2006 with 45.97% of the funds directed towards housing and in fiscal year 5/1/2006 to 4/30/2007 Genesee County received \$1,904,970 in CDBG funds, using 45.56% for housing.

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, and 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 eight 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 van or a car measures 96 inches. The measurement is taken from the inside of the stripes. 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	7	1	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 have at least a 60-inch wide access aisle located adjacent to the designated parking space. The access aisle is measured on the outside of the striping. The access aisle is just 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. Two van accessible parking spaces may share an access aisle.

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, 2008

Municipality	Total Spots	Currently Have			Required		Needed		Comments
		Van	Car	No Access Lane	Van	Car	Van	Car	
Argentine Twp.	11	0	1	0	1	0	1	0	<u>Needs 1 van, signage low, faded paint</u> (curb cut good) There is enough space to change the car site to a van, but must restripe and have appropriate van accessible signage.
Atlas Twp.	32	0	2	0	1	1	0	1	<u>Needs 1 van</u> (Sign height & curb cuts good) Change one car site to van accessible, with proper signage and width for the parking space and access aisle.
Burton City	88	2	3	0	1	3	0	0	<u>IN COMPLIANCE</u>
Clayton Twp.	40	0	3	0	1	1	1	0	<u>Needs 1 van</u> (sign height and curb cuts good) Change the signage on one of the larger car sites to van accessible.
Clio City	18	0	1	0	1	0	1	0	<u>Needs 1 van & access aisle too narrow</u> (sign height and curb cuts good) Change current site to a van accessible with wider access aisle and proper signage.
Davison City	35	2	0	0	1	1	0	0	<u>IN COMPLIANCE</u>

Municipality	Total Spots	Currently Have			Required		Needed		Comments
		Van	Car	No Access Lane	Van	Car	Van	Car	
Davison Twp.	42	0	4	0	1	1	1	0	<u>Needs 1 van</u> (Sign height & curb cut good) Change one larger car site to a van accessible with proper signage.
Fenton City	16	0	2	0	1	0	1	0	<u>Needs 1 van, 1 site too narrow</u> (Sign & curb cuts good) Change larger site to van accessible with proper signage and widen the other site by 7 inches.
Fenton Twp.	51	1	3	0	1	2	0	0	<u>IN COMPLIANCE</u>
Flint City	233	0	5	5	5	2	2	0	<u>Needs 2 van & access aisle for all sites, faded paint</u> (sign height and curb cuts good) Change two sites to van accessible with correct dimensions and signage. Currently there are no access aisles for any sites.
Flint Twp.	36	0	5	0	1	1	1	0	<u>Needs 1 van & 1 parking space too narrow</u> (sign height and curb cuts good)
Flushing City	24	0	2	0	1	0	1	0	<u>Needs 1 van</u> (sign height and curb cuts good) Change 1 car site to van access aisle with proper signage and widen the accessible to 96 inches.

Municipality	Total Spots	Currently Have			Required		Needed		Comments
		Van	Car	No Access Lane	Van	Car	Van	Car	
Flushing Twp.	24	0	2	0	1	0	1	0	<u>Needs 1 van, 1 access aisle, 1 sign & dumpster is located where a sign should be</u> (sign height and curb cut good) Change largest site to van accessible with proper signage, add access aisle to the other space and add proper signage.
Forest Twp.	21	0	2	0	1	0	1	0	<u>Needs 1 van</u> (sign height and curb cuts good) Change one space to van accessible by adding a van sign – space and access aisle are correct size.
Gaines Twp.	38	2	0	0	1	1	0	0	<u>IN COMPLIANCE</u>
Genesee Twp.	15	1	2	0	1	0	0	0	<u>IN COMPLIANCE</u>
Grand Blanc City	20	0	2	1	1	0	1	0	<u>Needs 1 van, 1 access aisle, & 1 sign</u> (sign that is there is correct height and curb cut good) The space without a sign is large enough for van accessible but needs proper signage and a 96 inch access aisle.
Grand Blanc Twp.	101	1	3	0	1	4	0	1	<u>Needs 1 car, all access aisles too narrow, and one space needs signage</u> (sign height and curb cuts good) Required to have 4 car and 1 van.

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 with faded paint (sign height and curb cuts good) Access aisle needs to be 96 inches.
Montrose City	16	0	1	1	1	0	1	0	Needs 1 van & 1 access aisle (sign height and curb cuts good)
Montrose Twp.	7	0	1	0	1	0	1	0	Needs 1 van & current access aisle too narrow for a van (sign& curb cuts good) Widen access aisle to 96 inches and add proper van accessible signage.
Mt. Morris City	30	0	2	0	1	1	1	0	Needs 1 van & access aisles too narrow (sign and curb cuts good) Change one space to van accessible with proper signage and increase both access aisles – car 60 inches and van 96 inches.
Mt. Morris Twp.	34	0	4	0	1	1	1	0	Needs 1 van (sign that is there is correct height and curb cut good) Change the 114” space with the 96” access aisle to a van accessible by adding a van sign.
Mundy Twp.	100	2	5	0	1	3	0	0	4 access aisles too narrow and 4 spaces need signage (current sign height and curb cuts good) Change the largest car space to van accessible with the proper signage, widen access aisles and post necessary signs.

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	<u>Needs 1 van</u> (sign height and curb cut good) Change largest site to van accessible with proper signage, and extend access aisle to 96 inches.
Swartz Creek	45	0	2	0	1	1	1	0	<u>Needs 1 van</u> (sign height and curb cuts good) Change one space to van accessible by adding a van sign – space and access aisle are correct size.
Thetford Twp.	23	2	0	2	1	0	0	0	<u>Need access aisles & paint is faded</u> (sign height and curb cuts good)
Vienna Twp.	36	1	1	0	1	1	0	0	<u>IN COMPLIANCE</u>
Village of Gaines	6	0	1	0	1	0	1	0	<u>Needs 1 van & sign</u> (curb cut good)
Village of Goodrich	10	1	0	0	1	0	0	0	<u>Access aisles too narrow</u> (sign height and curb cuts good)

Municipality	Total Spots	Currently Have			Required		Needed		Comments
		Van	Car	No Access Lane	Van	Car	Van	Car	
Village of Lennon	4	0	1	0	1	0	1	0	<u>Needs 1 van & access aisle too narrow</u> (sign height and curb cut good) Needs to have one access aisle to measure 96 inches and change car space to van accessible with proper signage.
Village of Otisville	10	0	1	1	1	0	1	0	<u>Needs 1 van & 1 access aisle</u> (sign height and curb cuts good) Change car space to van accessible by adding a van sign and add a 96 inch access aisle.
Village of Otter Lake	?	0	1	1	1	0	1	0	<u>Needs 1 van, 1 access aisles & paint</u> (sign height and curb cuts good)
Genesee County	149	1	6	0	4	1	0	0	<u>IN COMPLIANCE</u>

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 six are in compliance. The six in compliance include: Genesee County, Burton City, 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.

Recommendations

The Fair Housing Center of Eastern Michigan of Legal Services of Eastern Michigan conducted an audit of the thirty-four government offices' parking lots in July and August, 2008. This included the Genesee County office and cities, townships, and villages. The survey 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. ***It is the recommendation of the Fair Housing Center of Eastern Michigan that each municipality take corrective action to ameliorate this correction.***

In Genesee County there are 82,639 non-institutionalized persons with disabilities or 18.9% of the entire County population. Of that number, 38,294 (46.4%) have physical disabilities. In five of the thirty-three municipalities, the number of persons with disabilities exceeds 20% of their 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 82.4% 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, 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 affirmatively further fair housing in the individual community. Upgrading city, township, and village governmental office parking areas will not only meet the requirements set forth under state and federal law, but also demonstrates a good example of affirmatively furthering fair housing in the community.

References

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

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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 2000 Summary File 3, QT-P21.