



## **9 TIPS PROPERTY MANAGERS**

**NEED TO KNOW  
ABOUT PARKING LOT  
ADA COMPLIANCE**

Property managers have a wide range of responsibilities when it comes to doing their job. In a business setting, property managers need to be a liaison between both their employers, who are the owners of the property in question and the tenants of that same property and their customers.

However, this means more than ensuring that the sidewalks get shoveled in the winter and that the tenants pay the rent on time. As agents of the owners of a business location, property managers have a responsibility to their employers to inform them of when there are possible issues at play with their property -- and one of the biggest issues often takes the form of violations of the Americans with Disabilities Act.



## 1. When and Why the ADA Comes into Play

The ADA is specific in when it comes into play -- if you own a business that is a "public accommodation", you'll need to abide by its rules. That means that public accommodations like office buildings, shopping centers, and restaurants, and these types of businesses are bound by law to provide access and accommodations to disabled individuals. This access needs to be similar or equal to the access and accommodations available to generally non-disabled individuals. This extends not just to the building itself but to its parking lot -- and as a property manager, it's your job to ensure the owner knows about any possible violations.

Any building, or any property featuring construction (like a parking lot) altered after the 26th of January 1992, is required to be in compliance with the ADA to its fullest extent. Older properties are required to comply with the ADA if it's "readily achievable" to make changes, which is defined as able to be altered without much in the way of expense or difficulty. Repaving a parking lot -- or re-painting parking space lines in order to comply with the ADA's accessible parking requirements -- is routinely considered to be readily achievable.

## 2. Who the ADA Holds Responsible for Violations

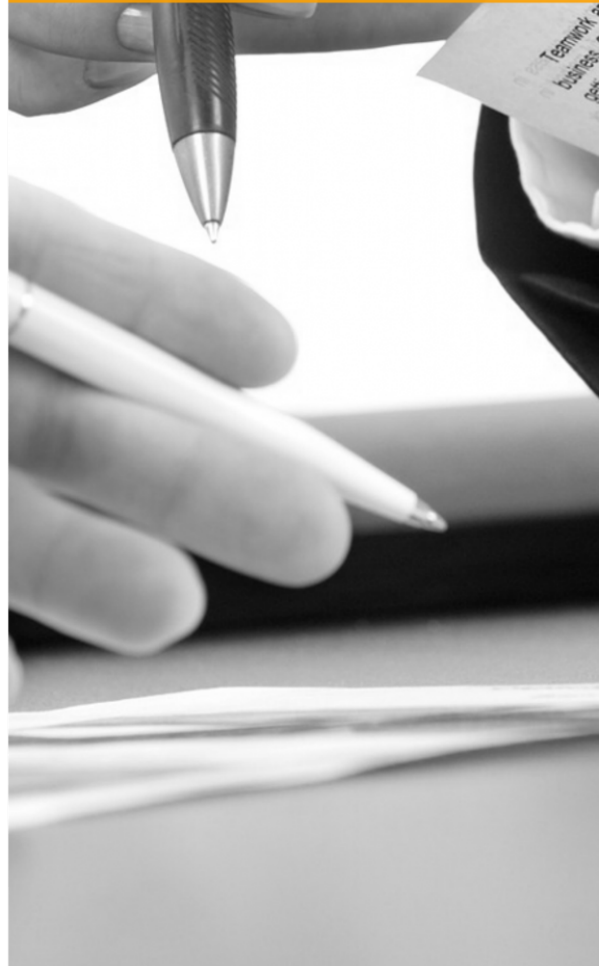
When it comes to being responsible for ADA violations, the law is clear: property owners, landlords, and even tenants can all bear their fair share. However, in many cases, the tenant is at least partially shielded by the law, as landlords are not permitted to shift ADA liability to tenants. This doesn't mean the landlord can't try to recoup the financial costs of a violation by raising rent prices, but the landlord is usually the entity that bears the brunt of responsibility.

As owners of facilities termed "public accommodations," landlords have been found to be independently duty-bound to comply with the ADA when it comes to their property, even if it's being leased. Common areas or other places on the property that aren't under their exclusive control -- like parking lots -- are beyond the scope of a tenant in the majority of cases, leaving landlords firmly on the hook in a majority of cases. In other words, if you're a property manager, it's your employer that's going to be found liable for any ADA violations because of non-compliance with accessible parking space rules.

You might think that your worries are over if your employer sells a specific property. To a degree, you would be correct, as in the event that a facility with ADA violations changes hands through a property sale, the new owners inherit the responsibility to ensure these violations are addressed. However, if the purchase agreement states otherwise - i.e. if the new buyers are wise to the fact there are problems with ADA compliance - this all changes. While this requires prospective property buyers to add research into ADA compliance issues when it comes to due diligence, it also means you're not off the hook just yet.

Recommendations for buyers who discover ADA compliance issues in a property that they wish to purchase include fixing any outstanding issues as part of the purchase agreement. This can either be done by the seller prior to the sale or by the purchaser shortly after, though the latter instance often necessitates the seller to lower the purchase price to accommodate the buyer's increased financial responsibilities. Either way, there's a good chance you're going to be overseeing efforts to bring the property's parking spaces into compliance with the ADA, so it's important to know what you need to be looking for.

### 3. A Facility's ADA Violations Are Transferable if It Changes Hands



## 4. Where Accessible Spots Must Be Located

Accessible parking spaces are required to be located in places that offer the shortest accessible travel routes to a handicapped-accessible entrance of a facility. This route must be free of stairs and curbs, have a surface that is stable, firm, and slip-resistant, and be a minimum of 3 feet wide. The grade of these spaces cannot exceed 1:48 in slope, so it's not just about re-painting clear lines -- it's about maintaining the slope and condition of your parking lot as a whole.

In the event that your building has more than one accessible entrance with parking spots adjacent to them, parking spaces reserved for handicapped access must accompany all these entrances. There is an exception to this rule for van-accessible spaces within parking garages; in order to ensure the minimum vertical height requirement of 98" is satisfied, van-accessible spaces may all be on one floor. Otherwise, you'll need to ensure that each of your building's entrances has handicapped-accessible parking nearby.

## 5. Required Dimensions for Handicapped Accessible Spaces

There are specific guidelines for the dimensions of handicapped accessible spaces. Spaces designed to accommodate passenger vehicles must be no less than 96 inches wide and are required to be the same length as any adjacent parking spaces, regardless of whether they are accessible or not. Additionally, these spaces must also connect to an accessible route to your facility or building.

Meanwhile, accessible spaces designed for van access need a vertical clearance of 98 inches in order to provide better access for these larger vehicles, as they often have accompanying technologies such as wheelchair lifts to accommodate passengers. There must be at least one van-accessible spot for every six handicap parking spots in any given parking lot; if you have just one handicapped-accessible parking spot, it must be a van-accessible spot.

## 6. The Required Number of Parking Spaces

Aside from ensuring that a minimum of 1 out of every 6 of your handicapped parking spots is van-accessible, there are additional requirements for the number of spaces your lot needs. These requirements change depending on the number of vehicles your lot will accommodate overall. For smaller lots, these requirements are relatively easy to accommodate: for lots with 25 or fewer spaces in total, for example, you need only 1 handicapped-accessible space. Lots with 100 spaces, however, require 4 accessible spaces.

These requirements do change as you acquire more spots overall. Lots with 101-150 spaces overall need to have 5 accessible spaces; lots with 151-200 require 6 spaces. Requirements continue to increase by 1 per 100 spaces until 501-1000 space lots, which require 2% of their total spaces to be accessible. For lots in excess of 1000 spaces, there need to be 20 handicapped spaces in total, plus 1 for every 100 spaces in excess of 1000. If you've got a parking lot that large or larger, you're going to be required to have quite a few accessible spaces indeed.



It's no longer enough simply to ensure that your parking lot has the right number of handicapped-accessible parking spaces. Today, each of these spots must be accompanied by an access aisle with a minimum width of 60 inches in order to provide suitable space for someone using a wheelchair to exit or enter the vehicle. Including these extra access, aisles will reduce the total number of vehicles your parking lot will be able to accommodate, but the ADA is specific on its requirements.

Meanwhile, van-accessible parking space access aisles are even wider than those for passenger vehicles. In order to accommodate wheelchair lift clearances, these parking spaces require access aisles with a minimum 96" width to be in compliance. Whether these spaces are for vans or for traditional passenger vehicles, their boundaries must be marked clearly; however, it is permissible for one access aisle to be shared between two flanking parking spaces.

## 7. Access Aisle Requirements





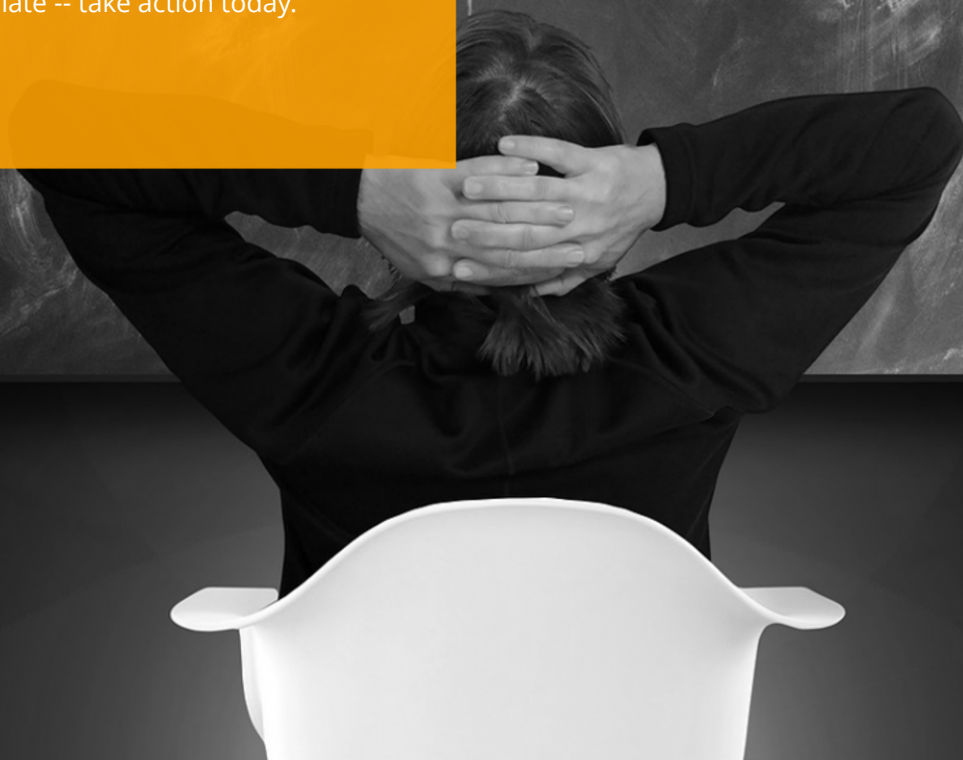
## 8. Specific Signage Requirements

Just as there are strict requirements on the size and dimensions of each handicapped space, there are also specific instructions that need to be followed when it comes to proper signage. These requirements are exacting when it comes to the minimum height of each sign, which is 60" from the ground or floor to the bottom of the sign.

Additionally, each sign must have the well-known "person in wheelchair" international symbol of accessibility. Signs that adorn van accessible spaces must also have "van accessible" printed on them. There may be other signage requirements as well, depending on the particular state or jurisdiction, but these are the most well-known federally mandated ones under the ADA.

## 9. Take Responsibility for The Property You Manage

As a property manager, it's your responsibility to ensure the parking lot of your property is in compliance with the ADA. You need to ensure the property owners are fully aware of any possible violations, and you owe it to the tenants of your property, and their customers, to provide safe, accessible routes to use that property at all times. Don't wait until it's too late -- take action today.



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