

# **ADA Task Force**

## **Final Recommendations**

Completed October, 16, 2017

The Lexington ADA Taskforce convened at the request of council members Peggy Henson and Richard Moloney along with disability advocates in Fayette County. It came to the attention of members of the Commission for People with Disabilities that new construction as well as the renovation of old construction was not meeting ADA compliance in many cases in Fayette County. As Lexington strives to become a viable community long into the future, the appointed members of the group were tasked with finding solutions that would ensure Lexington be the gold standard for all other similarly sized communities to follow. The taskforce is made up of city leaders and stakeholders who aim to improve the quality of life and accessibility of our city. Our charge was to develop a list of recommendations that will facilitate a more positive experience for people with disabilities, both residents and visitors, of Lexington. We would like to thank the Mayor's Office and the Urban County Council for the opportunity. Our recommendations are as follows:

1. Although the ADA Task Force was first conceived only to make recommendations, we discovered a great cohesion among members during our monthly meeting. We feel it would be in the best interest of Lexington-Fayette County Urban Government (LFUCG) to establish the ADA Task Force as a permanent advisory committee to the Urban County Council. We would continue to meet, on a quarterly basis, with representatives from the following, but not limited to: Urban County Council, Division of Building Inspection, Fire Marshal's Office, Lexington Human Rights Commission, University of Kentucky Human Development Institute, Independence Place, LFUCG Law Department, the LFUCG ADA Coordinator, LFUCG Grants Manager and at least three disability advocates.
2. Increase capacity of the ADA coordinators office to do sign offs on all new commercial construction permits submitted to the Division of Building Inspection for review. Currently a review board meets with contractors/builders weekly to review all new building plans for accuracy in adhering to building code. There are designated members on that committee that must sign off on plans before construction can move forward. It is the recommendation of our group that the city designate a person with extensive knowledge of the ADA to attend those weekly meetings, review all plans, offer suggestions to builders and to be a mandatory signer of proposed construction.
3. Require all inspectors within the Division of Building Inspection be certified as an *ICC Accessibility Inspector/Plans Examiner Certification* to enhance the capabilities of the

inspectors to better enforce section ICC/ANSI A117.1 per the Kentucky Building Code: *Standard Accessibility and Usable Buildings and Facilities*; the section of the building code where accessibility features reside. In addition, require inspectors a minimum three hours of ADA/accessibility training annually, which applies to inspectors' Continuing Education Units (CEU) requirements.

4. Increase/allocate the Lexington Human Rights Commission funding to go towards accessibility assessments and enforcement. Consider acquiring additional staff capacity to investigate complaints of inaccessibility and to act as liaison between the public and those discriminated against due to lack of access.
5. Perform a complete review of the city's current ADA transition plan. This document is required by law and has not been updated in more than a decade. We recommend consulting with an outside source that is trained and proficient in the production of this document.
6. Leverage the Urban County Government's public relations resources to design a PSA campaign to address parking and access information, correct myths about accessibility and to inform the public about using the Lexington Human Rights Commission to lodge official complaints based on human rights violations against people with disabilities.
7. Create a voluntary accessibility certification for business owners in Lexington. The ADA Taskforce would determine certificate criteria, and would include an accessibility check and complete compliance with suggested changes. Businesses would be able to place a sticker in their windows designating themselves as "Accessible Lexington."
8. Search and apply for an array of community improvement grants to fund accessibility improvements, educate residents and to advertise to potential tourists the commitment of Lexington to be an inclusive community.
9. As a suggestion of Fire Marshal Michael Farmer, develop and print a "Top 10" list to be used by inspectors from the Divisions of Fire and Building Inspection of LFUCG as a quick reference guide to the most pertinent issues regarding accessibility of structures in Lexington. For example:
  - a) Doors too heavy to open <5lbs; openers not set correctly
  - b) No landing at top of ramps
  - c) Missing grab bars
  - d) Door width, particularly bathrooms
  - e) Placement of toilet paper and soap dispensers
  - f) Light switch placement
  - g) Missing curb cuts on routes or from parking

- h) Poor accessible parking striping and signage
  - i) Blocked entryways and ramp access
  - j) Aisle width less than 36 inches
10. During the work sessions of the ADA Task Force, the group worked with members of the Kentucky Department of Housing, Buildings, and Construction, including Commissioner Duane Curry. It was suggested during those meetings that our group submit proposed amendments to the state building code for consideration because the state is in the midst of its review process. These proposed changes were submitted July 22, 2017 to the Department of Housing, Buildings and Construction for consideration and are currently in the pipeline to be considered by the Kentucky Legislature. Members of the task force attended a public hearing August 22, 2017 in Frankfort to advocate for these changes. It is recommended that LFUCG fully support the proposal and to use available resources to provide information to legislators as to the importance of adopting said proposal.
- a. Proposed Amendments to the Kentucky Building Code include:
    - i. Section R311.2 Egress Door: All egress doors must maintain a clear net opening width not less than 32 inches.
    - ii. Section 3411.4.1 (410.4.1 IEBC) Partial Change in Occupancy: When a portion of a building is changed to a new occupancy classification, the building should have at least one accessible entrance and at least one accessible route from an accessible entrance to primary function areas.
    - iii. Section 3411.7 (410.7 IEBC) Alterations Affecting an Area Containing a Primary Function: the percentage of the cost of providing the accessible route is not required to exceed 25 percent of the costs of the alterations affecting the area of primary function; listing the possible accessible elements to implement in order of priority:
      - 1. Accessible parking and a route to the entrance.
      - 2. An accessible entrance.
      - 3. An accessible route to the altered area.
      - 4. At least one accessible restroom for each sex or a single-user facility.
      - 5. Accessible telephone.
      - 6. Accessible drinking fountains.
      - 7. Other features, such as storage and alarms.

\*Official proposed amendments by the task force to the Kentucky Building Code are attached

### **Respectfully submitted by the Members of the LFUCG ADA Task Force**

Jason Jones, ADA Taskforce Chair, Project Coordinator - UK Human Development Institute  
Peggy Henson, Urban County Council - 11th District  
Richard Moloney, Urban County Council - Council At-Large  
Dewey Crowe, Director - Division of Building Inspection  
Cash Olszowy, Residential Building Inspection Manager - Division of Building Inspection  
Michael Farmer, Fire Marshal - Lexington Fire Department  
Roger Daman, ADA Coordinator - LFUCG  
Ray Sexton, Executive Director - Lexington Human Rights Commission  
Norb Ryan, Former State ADA Coordinator  
Christina Espinosa-Bard, Community Education Director - UK Human Development Institute  
Willis Deitz, Executive Director - Independence Place  
Suzie Loveday, Grants Manager - LFUCG  
Laura Thomas, Chair - Mayor's Commission for People with Disabilities

### **Summary of Meetings**

The task force met five times during the year, 2017. The group formed three committees: the State Committee, which mostly concentrated on state building codes changes; the Local Committee, which focused on current accessibility issues in Lexington; and the Public Education Committee, which sought out better ways to educate the public.

#### **Meetings Dates:**

February 16, 2017  
April 11, 2017  
June 22, 2017  
July 27, 2017  
September 21, 2017