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Americans with Disabilities Act Transition Plan



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SECTION I: EXECUTIVE SUMMARY

Introduction: Development of ADA Transition Plan

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive civil rights protections to qualified individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. A primary goal of the ADA is to ensure equal participation in public life for all Americans with disabilities. Title II of the Act covers programs, services and activities of public entities, such as the Sonoma County Community Development Commission.

The ADA defines “disability” as:

- a. a physical or mental impairment that substantially limits one or more major life activities;
- b. having a record of such an impairment; or
- c. being regarded as having such an impairment.

If an individual meets any one of these tests, they are considered to be an individual with a disability for purposes of the ADA.

Under Title II, a public entity may not deny the benefits of its programs, services, and/or activities to individuals with disabilities by maintaining inaccessible facilities, which house these programs, services and activities. The Commission's programs, services, and activities, when viewed in their entirety, must be made accessible to and usable by individuals with disabilities, except where to do so would result in a fundamental alteration in the nature of the program; result in undue financial and administrative burdens or threaten or destroy the historic significance of a historic property.

Section §35.150 requires that each program, service or activity conducted by the Commission, when viewed in its entirety, be readily accessible to and usable by individuals with disabilities. The regulation makes clear, however, that for existing facilities, there are exceptions including where the action would threaten or destroy the historic significance of an historic property; or result in a fundamental alternation in the nature of a service, program or activity or in undue financial and administrative burdens.

To comply with the Title II requirements for accessibility to the Commission’s *programs, services and activities*, this Transition Plan:

- Evaluates existing policies, procedures and practices as they pertain to the Commission’s programs, services and activities;

- Provides findings and recommendations with regard to policies, procedures and practices;
- Identifies physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Assesses the extent of architectural barriers to program accessibility in the public rights-of-way and within the buildings, parks and other facilities operated by the Commission;
- Describes in detail the methods that will be used to make the facilities accessible;
- Estimates costs for mitigation solutions;
- Specifies the steps necessary to achieve compliance;
- Provides a schedule for barrier removal/mitigation;
- Sets priorities for barrier elimination; and
- Indicates the official responsible for implementation of the plan.

OVERVIEW: ACCESS COMPLIANCE SURVEYS OF FACILITIES

The ADA Transition Plan is used to document physical accessibility barriers to the Commission's programs, services, and activities and to outline a schedule / plan (or the basis to produce one) for which the Commission shall follow to transition from a state of noncompliance to compliance.

The access compliance surveys of Commission owned and leased facilities fulfill a portion of the first two requirements of an ADA Transition Plan by identifying existing building conditions that deviate from current State and Federal standards for new construction and providing detailed description of proposed solutions for barrier mitigation. For each barrier, the surveys outline the code deviations and requirements from the Americans with Disabilities Act Accessibility Guidelines (ADAAG), ADA Standards for Accessible Design (ADAS) and the Accessibility Standards in the California Building Standards Code (CBC).

The access compliance surveys of Commission facilities cover 1 leased facility maintained by the Commission. The surveys identified approximately 105 different accessibility related barriers within the Commission facility and that the financial cost to mitigate all barriers identified in the surveys to be approximately \$219,075.

| Number of Facilities Surveyed | Number of Accessibility Barriers | Total Cost Estimated (\$) |
|-------------------------------|----------------------------------|---------------------------|
| 1 | 105 | \$219,075 |

The Commission facility that were surveyed are shown in the table below:

| Facility Number | Facility Name | Address | City, State, Zip |
|-----------------|--|-----------------------|----------------------|
| 1 | Office of the Sonoma County Community Development Commission and Housing Authority | 1440 Guerneville Road | Santa Rosa, CA 95403 |

Report Production

The following information contains the minimum data included in the Transition Plan – Access Compliance Survey Reports:

- Item number of barrier and/or room numbers, corresponding to schematic site and floor plans

- Area/location of the barrier; for example, room name or number
- Description of the barrier (as-built situation)
- As-is measurement/dimension
- Method of mitigation (e.g. physical alteration, purchase, program modification, equivalent facilitation, etc.)
- Detailed description of proposed solution and, if applicable, an alternative or interim solution
- Code citations, specifying the applicable sections in the State accessibility regulations, and in the Federal standards
- Severity of individual barriers (four levels: 1=severe, 2=moderate, 3=mild 4=minor)
- Unit and estimated unit price
- Total estimated cost for barrier removal
- Special site conditions (if applicable)

The information obtained from the surveys of the Commission facilities is maintained on a Microsoft Excel spreadsheet database.

Access Compliance Survey Reports are contained in Section II: Appendix.

[SEE Appendix A: Access Compliance Survey Report of Facilities](#)

Prioritization Criteria for Barrier Mitigation – Facilities

The third requirement of an ADA Transition Plan is to create a schedule that the Commission shall follow which addresses the order in which barriers shall be mitigated. This schedule shall be a public document and shall be made available for public inspection, maintained, and updated for the duration of the Transition Planning period. The maintaining and updating of this document shall mark the Commission's good-faith efforts in transitioning from a state of noncompliance to compliance regarding the ADA.

The difficulty and complexity of creating a schedule is recognized. Therefore, to provide a methodology for creating a schedule, a prioritization criterion was formed to rank barriers in order of most important to mitigate first to least important. The prioritization criteria rates each barrier based on two factors, its Priority Score, and its Severity

Score. The Priority Score ranks the relative importance of addressing the barrier based on its locational impact on the disabled population, and the Severity Score ranks the barrier based on the degree of deviation exhibited compared to applicable access standards.

Overall Prioritization Criteria according to programmatic functions:

- Importance of the program function
- Frequency of Use
- Program location and relation to other programmatic functions
- Future Projects

Since persons with disabilities utilize certain facilities with greater frequency than other facilities, the impact of barriers identified at those facilities was deemed to be greater. Upon compilation of the survey results, prioritization criteria were determined for barriers identified in the survey and additional information was obtained to determine a final level of prioritization.

Prioritization Criteria according to barrier location:

Priority can be further divided within any one facility depending on the function of the area within the facility being surveyed. Typically, these areas are divided into 4 general priorities.

The prioritization criteria can be used to sort the access barriers identified in the surveys and create a schedule that order barrier mitigation work starting from barriers of highest importance to barriers of least importance.

SEE Appendix B: Prioritization Criteria for Barrier Mitigation – Facilities

Additional Consideration: Age of the Facility

The age of the facility can also determine the Commission's obligations to meet ADA compliance. Facilities built before September 15, 2010 are obligated to be in compliance with the 1991 ADAAG, barring that the building has not gone through major reconstruction or alteration henceforth that date. The facility will also be required to comply with the applicable California Building Codes (CBC) at the time of construction.

If a facility was constructed or altered between the transition period of September 15, 2010 through March 15, 2012, an option of choosing either the 1991 ADA or 2010 ADA Standards were allowed.

Facilities built after March 15, 2012 are required to meet the updated 2010 ADA Standards as well as the California Building Code (CBC) at time of construction.

The caveat being that crucial program functions and services must be provided in accessible locations.

| Compliance Date for New Construction or Alterations | Applicable Standards |
|--|---|
| Before September 15, 2010 | 1991 Standards or UFAS |
| On or after September 15, 2010, and before March 15, 2012 | 1991 Standards, UFAS, or 2010 Standards |
| On or after March 15, 2012 | 2010 Standards |

OFFICIAL(S) RESPONSIBLE

The last requirement of an ADA Transition Plan requires that an official be identified as responsible for the implementation of the entity's Transition Plan.

It is the U.S. Department of Justice's (DOJ) view that compliance with 28 CFR 35.150(a), like compliance with the corresponding provisions of the section 504 regulations for public programs, would in most cases not result in undue financial and administrative burdens on a typical commission. In determining undue financial and administrative burdens, all commission resources available for use in the funding and operation of commission services, programs and activities would need to be considered.

The burden of proving that compliance with paragraph (a) of 28 CFR 35.150 would either fundamentally alter the nature of a service, program, or activity OR would result in undue financial and administrative burdens shall rest with the commission. The decision that compliance would result in such alteration and/or burden must be made by the head of the public entity or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion.

While the U.S. DOJ has acknowledged the difficulty/complexity of not only making such a determination, but also identifying the official responsible to make this decision/determination, the department's intention is clear in that the determination must be made by a high level official with budgetary authority and responsibility for making spending decisions.

The Official Responsible for the implementation should be able to seek/acquire funding for ADA barrier removal work over the commission's Transition Planning period. As such, the commission shall designate the commission's ADA Coordinator as the Official Responsible for maintaining the ADA Transition Plan.

The commission's ADA Coordinator contact info is as below:

Martha Cheever
Housing Authority Manager
Sonoma County Housing Authority
Sonoma County Community Development Commission
Martha.Cheever@sonoma-county.org
California Relay TTY/VCO/HCO: 711

Indication of the official(s) responsible for implementation of the plan fulfills the final requirement of a Transition Plan.

PUBLIC INPUT

Per 28 Code of Federal Regulations, Part 35; Subpart D – Program Accessibility; §35.150 – Existing Facilities; (d) Transition Plan (1): The Commission shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the ADA Transition Plan by submitting comments.

In order to satisfy this requirement and to gain the perspective of persons with disabilities, the Self-Evaluation and Transition Plan will be posted online for review and comments.

[SEE Appendix C: Solicitation of Public Input](#)

TRANSITION PLAN IMPLEMENTATION

The document should be maintained and updated for the duration of the Transition Planning period and a copy of the Transition Plan shall be made available for public inspection.

The final product is a working document to be modified as barriers are removed or alterations are made. The Official(s) Responsible and project managers overseeing the barrier-removal projects will document all such ADA improvements/upgrades. Also as part of this process, technical infeasibility, if any, to meet necessary accessibility compliance will be documented and filed for the commission's records by the Engineer-of-Record on the said project. It is also recommended to provide accessibility site audits (inspections) of on-going projects as part of the project close-out/certification. This documentation and verification of barrier-mitigation will be integrated into the commission's ADA Transition Plan on a regular basis to ensure that barriers are "checked-off" and the Transition Plan remains current with a record of barrier-mitigation work. Annual reports of the barrier-mitigation work may also be provided to the Sonoma County Community Development Commission Board of Commissioners to document good-faith efforts taken by the commission in maintaining the Transition Plan.

This is a living document and is open to and expected to be modified throughout the transitioning period.

The commission is tasked with analyzing the commission's ADA Compliance efforts and implement, where necessary, changes to the commission's policies, procedures and infrastructure to ensure that they adhere to the guidelines set forth in this Transition Plan and that the commission's programs, services or activities are accessible to people with disabilities.

MAINTENANCE OF ACCESSIBLE FEATURES

The Maintenance of accessible features is mandated by State and Federal Regulations and is an integral part of the Commission's plan to transition into a more accessible destination. Both, Chapter 28 Code of Federal Regulation, Part 35, Section 35.133 as well as the California Building Code section 1101B.3 – Maintenance of accessible features, state:

1. A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and usable by persons with disabilities.
2. This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

These sections recognize that it is not sufficient to provide features such as accessible routes, ramps, or signals, if those features are not maintained in a manner that enables individuals with disabilities to use them. Inoperable pedestrian signals are neither "accessible to" nor "usable by" individuals with disabilities.

It is, of course, impossible to guarantee that mechanical devices will never fail to operate. As such, the 2nd paragraph provides that this section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. This paragraph is intended to clarify that temporary obstructions or isolated instances of mechanical failure would not be considered violations of the ADA or this part. However, allowing obstructions or "out of service" equipment to persist beyond a reasonable period of time would violate this part, as would repeated mechanical failures due to improper or inadequate maintenance. Failure of the public entity to arrange prompt repair of inoperable elevators or other equipment intended to provide access would also violate this part.

IMPLEMENTATION POLICIES

Sonoma County Community Development Commission proposes the following implementation policies for transition of its facilities into compliance with the ADA.

- 1) The Commission will establish a \$50,000/year Fund for Facilities to be dedicated solely to the mitigation of barriers identified in this Transition Plan.
- 2) The Commission will continue to seek out a variety of grants to assist in ADA mitigation each year.
- 3) Where projects in the Commission's pipeline are identified whose scope of work overlaps with the location of access barriers identified in the Access Compliance Survey, the Commission shall ensure that the project incorporate the mitigation of the corresponding barriers. The project and completion of mitigation work shall be appropriately documented in the corresponding inventory.

NOTICE OF COMPLIANCE UNDER ADA & CALIFORNIA STATE LAW

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, the Americans with Disabilities Amendments Act of 2008, the Fair Employment & Housing Act (FEHA), California Government Code Section 11135 and other applicable codes, the Commission does not discriminate against individuals on the basis of disability in its services, programs or activities.

Employment: The Commission does not discriminate on the basis of disability in its hiring or employment practices and will comply with the Fair Employment and Housing Act, as well as Title I of the ADA, including the regulations promulgated by the U.S.

Equal Employment Opportunity Commission (EEOC), including the requirement to provide reasonable accommodations.

Effective Communication: The Commission will generally, upon request, provide appropriate aids and services leading to effective communication for qualified person(s) with disabilities, including sign language interpreters, documents in Braille and other alternate formats to ensure information and communication is accessible to people who have speech, hearing, vision, or cognitive impairments so they can participate equally in the programs, services and activities.

Modification to Policies and Procedures: The Commission will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to participate in all of its programs, services and activities. *For example, individuals with service animals behaving within applicable standards are welcome in offices and Commission facilities, even when pets are generally prohibited.*

Anyone who requires auxiliary aids and services for effective communication, or a modification of policies or procedures to participate in a program, service or activity in the Commission should communicate with the responsible Department contact as soon as possible, but no later than **48 hours** before the scheduled event.

Neither the ADA, nor State law requires the Commission to take action that would fundamentally alter the nature of its programs, activities or services or impose an undue financial or administrative burden. Complaints that a program, activity or service of the Commission is not accessible should be directed to the **ADA Coordinator:**

Martha Cheever
Housing Authority Manager
Sonoma County Housing Authority
Sonoma County Community Development Commission
Martha.Cheever@sonoma-county.org
California Relay TTY/VCO/HCO: 711

The Commission does not place a surcharge on a particular individual with a disability or a group of individuals with disabilities to cover the cost of providing auxiliary aids and services or making a reasonable modification to a policy to create access.

ADA GRIEVANCE PROCEDURE

Grievance Procedure under ADA and California State Disability Rights Laws

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”), the Americans with Disabilities Amendments Act (ADAAA) and California State law. It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the ACPWD. The ACPWD’s Disability Discrimination Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date and a description of the problem(s). Alternative means of filing a complaint, such as personal interviews or a tape recording the complaint, are available to persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

Martha Cheever
Housing Authority Manager
Sonoma County Housing Authority
Sonoma County Community Development Commission
Martha.Cheever@sonoma-county.org
California Relay TTY/VCO/HCO: 711

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will schedule a meeting with the complainant to discuss the complaint and possible resolutions. After an investigation and review the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the commission’s position on the issue and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Commission Administrative Officer.

After receiving the appeal, the Commission Administrative Officer or his/her designee will review the appeal and the ADA Coordinator finding. Within a reasonable period, after a review, the Commission Administrative Officer or his designee will respond in writing, and where appropriate, in a format that is accessible to the complainant, with a final resolution to the complaint. This reasonable period of time may vary based on the situation but should usually be responded to within 15 days.

All written complaints received by ADA Coordinator or her designee, appeals to the Commission Administrative Officer or his/her designee, and responses from these two offices will be retained by the Commission for at least three years.

SECTION II: APPENDIX

- A. Access Compliance Survey Report of Facilities**
- B. Prioritization Criteria for Barrier Mitigation – Facilities**
- C. Public Vetting Meeting and Solicitation of Public Input**

APPENDIX A: ACCESS COMPLIANCE SURVEY REPORT OF FACILITIES

APPENDIX B: PRIORITIZATION CRITERIA FOR BARRIER MITIGATION – FACILITIES

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Definitions

Access Compliance Survey – Process taken to fulfill the requirements of a Transition Plan, by surveying and identifying physical barriers which impede accessibility to a program or service provided to the public.

Curb Ramp – A ramp graded down from the top surface of a sidewalk to the surface of an adjoining street to provide connectivity within the Public Rights-of-Way.

Facility – A place housing a program or service for the public.

Feature – An element provided in the Public Rights-of-Way, including public sidewalks and streets, crosswalks, curb ramps, street furnishings, pedestrian signals, parking, etc. The four main features surveyed are 1) sidewalks, 2) curb ramps, 3) pedestrian signals, and 4) bus stops

Pedestrian Signal – Devices used at signalized intersections to notify pedestrians when it is safe to cross the street.

PROW – *Refer to definition of “Public Rights-of-Way (PROW)”*

Public Rights-of-Way (PROW) – Public infrastructure such as streets, roads, or walkways under the responsibility or authority of a public entity, such as a City or County.

Self-Evaluation – A review of a public entity’s policies, procedures, and practices in meeting the programmatic requirements of Title II of the Americans with Disabilities Act. The findings of the review and the modifications made as a result must be compiled and shall be made available for public inspection.

Title I – Regulations from the Americans with Disabilities Act specific to employment.

Title II – Regulations from the Americans with Disabilities Act specific to State and local government entities, including City and County governments.

Title III – Regulations from the Americans with Disabilities Act specific to areas of public accommodations and commercial facilities.

Transition Plan - A living document that inventories the physical barriers identified which impede accessibility to a public entity’s programs and services. The document will identify solutions to mitigate the barriers and set forth the steps necessary to achieve compliance via a timeline or schedule, and designate an official responsible to maintain and update the document. The document is a requirement of the Americans with Disabilities Act and shall be made current and available for public inspection.

Priority Score

A Priority Score is a rating that rates the relative importance of addressing a barrier according to its impact upon the disabled population. The score considers the expected frequency of use and frequency of contact that the barrier will have with the public based on its location within a facility and where the public have access to.

The Priority Score is rated on a score ranging from 1 to 4, 1 being the highest priority, which are barriers that are expected to be in contact with the public consistently, and 4 being the lowest priority, which are barriers with minimal contact by the public. The scoring for the Priority Score is based on the following:

Table 1: Priority Score Breakdown

| | |
|-------------------|--|
| Priority 1 | Areas of basic public access |
| | Accessible routes from site entry points to an accessible building entrance of the program location (EX. walks, ramps, accessible parking spaces, curb ramps, crosswalks at vehicular ways, passenger loading zones, etc.) |
| | Accessible route from accessible building entrances to “first contact points” (EX. information counters, public lobbies, elevators) |
| Priority 2 | Access to critical spaces of program function |
| | (EX. Classrooms, assembly areas, meeting rooms, public offices, etc.) |
| Priority 3 | Access to public common areas that support program functions |
| | (EX. Restrooms, drinking fountains, public telephones, etc.) |
| Priority 4 | Staff only areas not expected to be accessed by the public |

Severity Score

A Severity Score is a rating of the degree of deviation that the existing barrier has in comparison to applicable standards and the reparability of mitigating the barrier.

The Severity Score is rated on a score ranging from 1 to 4, 1 being the highest severity, and 4 being the lowest severity. Severity Scores are assigned on a case-by-case basis depending on the type of barrier and the most cost-effective solution to mitigate the barrier.

APPENDIX C: PUBLIC VETTING MEETING AND SOLICITATION OF PUBLIC INPUT