

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. A-06-CA-068-SS
)
LEGEND COMMUNITIES, INC., D/B/A SDC AUSTIN)
COMMUNITIES; RANDALL JONES ENGINEERING,)
INC.; ALEXANDER CONSULTING ENGINEERS, INC.,)
D/B/A PROFESSIONAL DESIGN GROUP;)
TRUGREEN LANDCARE, L.L.C., D/B/A LAND)
DESIGN STUDIO; HATCH PARTNERSHIP, L.L.P.,)
ARCHITECTS; DANZE & DAVIS ARCHITECTS, INC.;)
ST. JOHN'S HOUSING PARTNERSHIP, L.P.; SMDC)
DEVELOPMENT, INC.; DECKER LANE PARTNERS,)
L.P.; AND SDCW DEVELOPMENT CORP.)
)
Defendants.)
_____)

CONSENT ORDER

I. INTRODUCTION

A. *Background*

1. This Consent Order is entered between the United States of America and Defendants Legend Communities, Inc., d/b/a SDC Austin Communities; Randall Jones Engineering, Inc.; Alexander Consulting Engineers, Inc., d/b/a Professional Design Group; TruGreen Landcare, L.L.C., d/b/a/ Land Design Studio; Hatch Partnership, L.L.P., Architects; Danze & Davis Architects, Inc.; St. John's Housing Partnership, L.P.; SMDC Development, Inc.; Decker Lane Partners, L.P.; and SDCW Development Corp.

2. This action is brought by the United States to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (“the Fair Housing Act”), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601-3619. The complaint of the United States alleges

that Defendants discriminated against persons with disabilities by failing to design and construct St. John's Village Apartments ("St. John's Village"), 7607 Blessing Avenue, Austin, Texas, and Huntington Meadows Apartments ("Huntington Meadows"), 7000 Decker Lane, Austin, Texas, with the features of accessible and adaptable design and construction required by 42 U.S.C. § 3604(f)(3)(C). The United States contends that these complexes are covered, multifamily dwellings subject to the accessible design and construction requirements of 42 U.S.C. § 3604(f)(3)(C).

B. *Defendants*

3. Legend Communities, Inc., d/b/a SDC Austin Communities, is a Texas corporation whose principal place of business is Austin, Texas. It was the general contractor for the construction of St. John's Village and Huntington Meadows.

4. Randall Jones Engineering, Inc., whose principal place of business is Austin, Texas, participated in the design of some of the exterior attributes of St. John's Village and Huntington Meadows.

5. Alexander Consulting Engineers, Inc., d/b/a Professional Design Group, whose principal place of business is in the City of Austin, Texas, participated in designing the exterior attributes of St. John's Village.

6. TruGreen Landcare, L.L.C., d/b/a/ Land Design Studio, whose principal place of business is Austin, Texas, participated in the design of some of the exterior attributes of St. John's Village.

7. Hatch Partnership, L.L.P., Architects, whose principal place of business is in the City of Austin, Texas, provided architectural design services for the buildings and interiors at St.

John's Village, excluding construction administration, bidding, and permitting.

8. Danze & Davis Architects, Inc., whose principal place of business is Austin, Texas, provided architectural design services for the buildings and interiors at Huntington Meadows, excluding construction administration, bidding, and permitting.

9. St. John's Housing Partnership, L.L.P., is a Texas limited partnership whose principal place of business is Austin, Texas. It is the owner of St. John's Village.

10. SMDC Development, Inc., is a Texas corporation, the principal place of business of which is Austin, Texas, and was the developer of St. John's Village.

11. Decker Lane Partners L.P., a limited partnership whose principal place of business is Austin, Texas, is the owner of Huntington Meadows.

12. SDCW Development Corp., whose principal place of business is Austin, Texas, was the developer of Huntington Meadows.

13. Legend Communities, Inc., d/b/a SDC Austin Communities; St. John's Housing Partnership, L.P.; SMDC Development, Inc.; Decker Lane Partners, L.P.; and SDCW Development Corp. are hereinafter known collectively as the "Owner/Developer Defendants," or individually as an "Owner/Developer Defendant."

14. Randall Jones Engineering, Inc.; Alexander Consulting Engineers, Inc., d/b/a Professional Design Group; Hatch Partnership, L.L.P., Architects; and Danze & Davis Architects, Inc., are hereinafter known collectively as the "Design Defendants," or individually as a "Design Defendant."

15. The phrases "each defendant," "any defendant," and "all defendants," when used herein, shall refer to all the defendants enumerated in Part I.B. of this Order.

C. *Requirements of the Fair Housing Act*

16. The Fair Housing Act provides that, for non-elevator residential buildings with four or more units, all ground-floor units that are designed and constructed for first occupancy after March 13, 1991, are “covered, multifamily dwellings” and must include certain basic features of accessible and adaptable design to make such units usable by a person who has or who develops a disability. 42 U.S.C. §§ 3604(f)(3)(C) and (f)(7)(B).

17. The accessible and adaptable design provisions of the Fair Housing Act require that for covered, multifamily dwellings: (i) the public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability; (ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability using wheelchairs; and (iii) all premises within such dwellings contain the following features of adaptive design: (I) an accessible route into and through the dwelling; (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (III) reinforcements in bathroom walls to allow later installation of grab bars; and (IV) usable kitchens and bathrooms such that an individual using a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C).

D. *Alleged Violations at Subject Properties*

18. St. John's Village has thirteen buildings containing 156 rental apartments, fifty-two of which the United States alleges to be “covered, multifamily dwellings” within the meaning of 42 U.S.C. § 3604(f)(7)(B). The last certificate of occupancy at St. John's Village was issued in August 2000.

19. Huntington Meadows has fifty buildings containing 200 rental apartments, 110 of

which the United States alleges to be “covered, multifamily dwellings” within the meaning of 42 U.S.C. § 3604(f)(7)(B). The last certificate of occupancy was issued at Huntington Meadows in November 1998.

20. The United States surveyed St. John’s Village and Huntington Meadows and identified alleged failures to meet the Fair Housing Act’s accessible design requirements. These alleged deficiencies include, but are not limited to, excessive running and cross slopes on the walkways from the public access street to the covered buildings; excessive running and cross slopes on the approach walks to the ground-floor units; doors that are too narrow to allow passage by persons using wheelchairs; environmental controls in inaccessible locations; and kitchens and bathrooms that are not usable such that a person using a wheelchair can maneuver about the space.

21. The Owner/Developer Defendants have agreed to make the retrofits described in this Order, which retrofits the United States contends are necessary to bring St. John’s Village and Huntington Meadows into compliance with the intent, purpose, and spirit of the Fair Housing Act.

E. *Consent of the Parties to Entry of this Order*

22. The parties agree that this Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. § 1345 and 42 U.S.C. § 3614(a). The parties further agree that the controversy should be resolved without further proceedings and without an evidentiary hearing.

23. As indicated by the signatures appearing below, the parties agree to entry of this Order.

It is hereby ADJUDGED, ORDERED and DECREED:

II. GENERAL INJUNCTION

24. Each Defendant, and each of its officers, employees, agents, successors, and assigns, and all other persons in active concert or participation with them, are enjoined from discriminating on the basis of disability as prohibited by the Fair Housing Act, 42 U.S.C. § 3604(f).

III. RETROFIT OF COVERED, MULTIFAMILY DWELLINGS AND PUBLIC AND COMMON USE AREAS

25. The United States alleges that St. John's Village and Huntington Meadows do not meet the accessibility and adaptability standards of the Fair Housing Act and the Fair Housing Accessibility Guidelines, 56 Fed. Reg. 9472 (1991) ("Guidelines"). To address these alleged violations the Owner/Developer Defendants agree to correct these deficiencies as described herein and in Appendices A and B.

A. *Accessible Building Entrances on Accessible Routes and Accessible and Usable Public and Common-Use Areas*

26. As soon as reasonably possible, but in any event not more than twelve months after entry of this Order, the Owner/Developer Defendants shall, as specified and described in Appendices A and B, Part I, commence and finish the retrofits to building entrances, accessible routes, and the public and common-use areas of St. John's Village and Huntington Meadows. These Defendants shall, as provided in the Appendices, pay the expenses associated with these modifications and shall, in good faith, attempt to minimize any inconvenience to the residents of St. John's Village and Huntington Meadows.

B. *Retrofits of Dwelling Interiors*

27. As soon as reasonably possible, but in any event not more than eighteen months

after entry of this Order, the Owner/Developer Defendants shall commence and finish the retrofits specified herein and in Appendix A, Parts II and III, and Appendix B, Parts II and III, even if there has not been a vacancy in the units to be retrofitted.

28. The alleged deficiencies enumerated in Appendices A and B, Parts II and III, are those found at selected, covered, multifamily units surveyed by the United States at St. John's Village and Huntington Meadows. These units are, however, agreed to be typical of the 162 covered, multifamily units at the properties, and the alleged deficiencies identified in the surveyed units are assumed to be present in all of them. The Owner/Developer Defendants agree to correct the alleged deficiencies of the types enumerated in the covered, multifamily dwellings at St. John's Village and Huntington Meadows, as agreed herein and set forth in Appendices A and B. The units to be retrofitted are listed in Appendices A and B.

C. Enhanced Retrofits Exceeding the Requirements of the Fair Housing Act

29. As soon as reasonably possible, but in any event not more than eighteen months after entry of this Order, the Owner/Developer Defendants shall retrofit six units, consisting of two one-bedroom units, two two-bedroom units, and two three-bedroom units, at St. John's Village to contain the enhanced accessibility features specified in Appendix H.

30. As soon as reasonably possible, but in any event not more than eighteen months after entry of this Order, the Owner/Developer Defendants shall retrofit twelve units at Huntington Meadows to contain the enhanced accessibility features specified in Appendix H. If, during the term of this Order these units become fully tenanted, these Defendants shall retrofit up to ten additional units, upon request by an existing or new tenant and no later than thirty days after such request, with the enhanced accessibility features specified in Appendix H. Further,

these Defendants shall retrofit the exterior features surrounding these twenty-two units to ensure that there exist fully accessible entrances on fully accessible routes serving these units and serving all public and common-use areas, including mail boxes, swimming pool, classroom buildings, rental office, and laundry, in compliance with Requirements 1 and 2 of the Fair Housing Accessibility Guidelines., and section 4.3 of ANSI A117.1-1986. Finally, these Defendants will provide three, van-accessible parking spaces serving these units, in accordance with ICC/ANSI A117.1-2003, Part 502.

31. The Owner/Developer Defendants shall pay all expenses associated with these modifications and shall attempt, in good faith, to minimize any inconvenience to the residents of St. John's Village and Huntington Meadows.

32. No later than thirty days after entry of this Order, the Owner/Developer Defendants shall provide the notice described below to every tenant of a covered, multifamily dwelling at St. John's Village and Huntington Meadows. During this thirty-day period these Defendants shall also provide to the United States a list, in electronic format if possible, of the names and addresses of the persons to whom the notice was mailed. The notice shall inform the tenant that: (1) the unit may not meet the accessible and adaptive design requirements of the Act, (2) features of accessible and adaptive design shall be retrofitted in the unit, (3) the retrofits will be made at no cost to the tenant, and (4) the scheduling of the retrofits will take into account the preferences and convenience of the tenant. This notice shall be substantially equivalent to the form of Appendix C.

33. If the Owner/Developer Defendants receive a written request from a tenant of a covered, multifamily dwelling at St. John's Village or Huntington Meadows to expedite the

retrofits, these Defendants shall complete the requested retrofits no later than forty-five days after the date on which the request to expedite was received, with such deadline being subject to the provisions of paragraph 64.

34. In the event a resident of a St. John's Village or Huntington Meadows unit scheduled to undergo a modification incurs undue inconvenience or hardship (defined as a required dislocation from the unit for more than twenty-four hours consecutively), the Owner/Developer Defendants shall pay such resident the applicable federal government per diem rate for food and lodging for the local area for each day of undue inconvenience or hardship. Such payment shall be made prior to the commencement of any retrofit work on the resident's unit, so that the resident can use the money to obtain alternative living accommodations while dislocated.

35. The Owner/Developer Defendants may not charge any additional rent, deposit, or other fee for the units in which retrofits are implemented solely because of the contemplated or completed retrofits.

D. *Inspections*

36. The Owner/Developer Defendants shall enter into a contract with a neutral inspector approved by the United States to conduct on-site inspections of the retrofits that have been performed under this Order to determine if they have successfully corrected the deficiencies as agreed to herein and enumerated in Appendices A and B. Said inspector may, upon request by an Owner/Developer Defendant, review and comment upon the sufficiency of all proposed repairs in writing in advance of any repair by any such Defendant, but such review and comment shall be completed no later than fourteen days after the request .

37. For each complex, the inspection shall take place no later than thirty days after the completion of all of the retrofits to all of the units and common-use areas at that complex, or as soon thereafter as practicable. The Owner/Developer Defendants shall give the United States at least three-weeks' notice of the inspection and shall give the United States an opportunity to have its representative present for the inspection. Nothing in this paragraph precludes any Owner/Developer Defendant from undertaking additional inspections to ascertain compliance with the terms of this Order.

38. The inspectors shall set out the results of each inspection, including deficits if any, in writing and shall send that report to counsel for the United States¹ and the Owner/Developer Defendants. If the inspection indicates that not all of the required retrofits have been made as specified herein and enumerated in Appendices A and B, the Owner/Developer Defendants shall correct any deficiencies within a reasonable period of time as determined by the inspector, and shall pay for another inspection by the same inspector to certify that the deficiencies have been corrected. This process shall continue until the inspector certifies that all of the necessary modifications have been made. These Defendants shall pay all of the inspector's costs associated with these inspections, and such payments shall be made without regard to the inspector's findings. Upon reasonable notice to these Defendants, representatives of the United States shall be permitted to inspect the modifications made by these Defendants in accordance with this Order or the third-party inspection reports provided for in this Order, to ensure compliance, provided,

¹ For purposes of this Order, all reports should be sent to: Chief, Housing and Civil Enforcement Section, Civil Rights Division, United States Department of Justice, 950 Pennsylvania Avenue, NW - NWB G St., Washington, D.C. 20530, Attn: DJ# 175-15-39, or as otherwise directed by the United States.

however, that the United States shall endeavor to minimize any inconvenience caused by such inspections.

E. *Sale or Transfer of an Ownership Interest*

39. The sale or transfer of ownership, in whole or in part, of the St. John's Village or Huntington Meadows complexes shall not affect the Owner/Developer Defendants' continuing obligations to retrofit the properties as specified in this Order, unless these Defendants have obtained, in writing, as a condition of sale or transfer, the purchaser or transferee's commitment to be bound by the terms of this Order to correct the deficiencies as agreed herein and enumerated in Appendices A and B. Should any Owner/Developer Defendant who owns any complex decide to sell or transfer any ownership of the complex, in whole or in part, prior to the completion of the required retrofits, such Defendant shall, at least thirty days prior to completion of the sale or transfer: (a) provide to each prospective purchaser or transferee a copy of this Consent Order, along with written notice that the subject property is covered by this Order, including specifically such Defendants' obligations to complete required retrofit work and to allow inspections, or to obtain the purchaser or transferee's commitment to be bound by this Order to do the same, in writing, and (b) provide to the United States, by facsimile and first class mail, written notice of its intent to sell or transfer ownership, along with a copy of the notice sent to each purchaser or transferee.

IV. NON-DISCRIMINATION IN FUTURE DESIGN AND CONSTRUCTION

40. For the duration of this Order, each Owner/Developer Defendant and each Design Defendant shall maintain and provide to the United States upon request, the following information and statements regarding any covered, multifamily dwellings intended to be

developed, built, designed, and/or engineered in whole or in part, by it or by any entities in which it has a position of control as an officer, director, member, or has a ten-percent or larger ownership share:

- A. The name and address of the project;
- B. A description of the project and the individual units;
- C. The name, address, and telephone number of the civil engineer(s) involved with the project;
- D. (For developers and civil engineers only) a statement from the civil engineer(s) involved with the project acknowledging and describing his/her knowledge of and training in the requirements of the Fair Housing Act in the field of accessible site design and certifying that he/she has reviewed the engineering documents for the project and that the design specifications therein fully comply with the requirements of the Fair Housing Act and the Fair Housing Accessibility Guidelines;
- E. The name, address and telephone number of the architect(s) involved with the project; and
- F. (For developers and architects only) a statement from the architect(s) acknowledging and describing his/her knowledge of and training in the requirements of the Fair Housing Act and in the field of accessible building and housing design and certifying that he/she has reviewed the architectural plans for the project and that design specifications therein fully comply with the requirements of the Fair Housing Act and the Fair Housing Accessibility Guidelines.

41. If the engineering documents or architectural plans are revised, and the revisions could have any impact on the accessibility of the dwellings or complex, each Owner/Developer Defendant or Design Defendant involved in that project shall obtain and maintain (and provide to the United States upon request) a statement from the site engineer or architect, as applicable, that all specifications in the revised engineering documents or architectural plans, as pertinent, comply with the requirements of the Fair Housing Act and the Fair Housing Accessibility Guidelines.

V. COMPENSATION OF AGGRIEVED PERSONS

42. No later than thirty days after entry of this Order, the Owner/Developer Defendants shall deposit in an interest-bearing escrow account the sum of \$50,000 for the purpose of compensating aggrieved persons who may have suffered as a result of Defendants' alleged failure to design and construct the subject properties in compliance with the Fair Housing Act. This money shall be referred to as the settlement fund.

43. Any interest accruing to the settlement fund shall become a part of the settlement fund and be utilized as set forth herein.

44. No later than 15 days after entry of this Order, the Owner/Developer Defendants shall publish the Notice to Potential Victims of Housing Discrimination at Appendix D informing readers of the availability of compensatory funds. The notice shall be no smaller than three columns by six inches and shall be published on three occasions in the news section of *The Austin-American Statesman*. The publication dates shall be separated from one another by at least five days, and at least two of the publication dates shall be a Sunday. No later than ten days after each publication date, these Defendants shall submit a newspaper containing the notice to counsel for the United States. No later than fifteen days after entry of this Order, these Defendants shall send a copy of the notice to each of the following organizations:

Advocacy, Inc.
7800 Shoal Creek Blvd., Suite 171-E
Austin, Texas 78757

Austin Housing Authority
P.O. Box 6159
Austin, Texas 78762

Austin Resource Center for Independent Living
5555 North Lamar, Suite J-125

Austin, Texas 78751

Statewide Independent Living Councils
P.O. Box 9879
Austin, Texas 78766

Texas Department of Housing and Community Affairs
P.O. Box 13941
Austin, Texas 78711

Travis County Housing Authority
P.O. Box 1748
Austin, Texas 78767

45. No later than thirty days after entry of this Order, the Owner/Developer Defendants shall send by first-class mail, postage prepaid, a copy of the notice to each past (as can be identified after reasonable effort by these Defendants) and present tenant of covered, multifamily dwellings at St. John's Village and Huntington Meadows. No later than forty-five days after entry of this Order these Defendants shall provide to counsel for the United States proof that the notice has been sent.

46. Nothing in this section shall preclude the United States from making its own efforts to locate and provide notice to potential aggrieved persons.

47. The United States shall investigate the claims of allegedly aggrieved persons and, no later than 180 days after it receives the last of the notices specified in the previous two paragraphs, shall make a preliminary determination of which persons are aggrieved and an appropriate amount of damages that should be paid to each such person. The United States will inform the Owner/Developer Defendants in writing of its preliminary determinations together with a copy of a sworn declaration from each aggrieved person setting forth the factual basis of the claim. These Defendants shall have fourteen days to review the declaration and provide to the

United States any documents or information that they believe may refute the claim. The United States shall give due consideration to any objections it receives from these Defendants and shall, no later than twenty days after receipt of an objection, submit to these Defendants its final determination setting forth the aggrieved persons and the amount that each is to be paid.

48. After receiving the Owner/Developer Defendants' comments, the United States shall submit its final recommendations to the Court for approval together with a copy of the declarations and any additional information submitted by these Defendants. These Defendants may make their own submission to the Court no later than ten days after the filing of the United States under this paragraph. When the Court issues an order approving or changing the United States' proposed distribution of funds for aggrieved persons, these Defendants shall, no later than ten days after the Court's order, deliver to the United States checks payable to the aggrieved persons in the amounts approved by the Court. In no event shall the aggregate of all such checks exceed the amount of the settlement fund, including accrued interest. No aggrieved person shall be paid until he/she has executed and delivered to counsel for the United States the release at Appendix E.

49. After satisfaction of paragraphs 42 through 48 and expiration of the corresponding time periods, any money remaining in the settlement fund shall be returned to the Owner/Developer Defendants.

50. The Owner/Developer Defendants shall permit the United States, upon reasonable notice, to review any records that may reasonably facilitate its determinations regarding the claims of alleged aggrieved persons.

VI. CIVIL PENALTY

51. The Owner/Developer Defendants shall pay the total sum of \$10,000 to the United States as a civil penalty pursuant to 42 U.S.C. § 3614(d)(1)(C). Said sum shall be paid no later than thirty days after entry of this Order by submitting a check made payable to the United States of America.

VII. EDUCATIONAL PROGRAM

52. No later than thirty days after entry of this Order, the Owner/Developer Defendants and the Design Defendants shall provide a copy of this Order to all of their agents and supervisory employees, if any, who are involved in the design or construction of covered, multifamily dwellings, and secure from each such agent or employee a signed statement, substantially in the form of Appendix F, acknowledging that he or she has received and read this Order and had an opportunity to have questions about it answered.

53. During the term of this Order, and no later than thirty days after the date he or she commences an agency or employment with any Owner/Developer Defendant or Design Defendant, any new agent or supervisory employee who will be involved in the design or construction of covered, multifamily dwellings shall be given a copy of this Order by such Defendant, and such Defendant shall require such new agent or employee to sign a statement, substantially in the form of Appendix F, acknowledging that he or she has received and read this Order and had an opportunity to have questions about it answered.

54. Each Owner/Developer Defendant and Design Defendant shall also ensure that it and any of its employees and agents who have supervisory authority over the design or construction of covered, multifamily dwellings have a copy of, are familiar with, and personally have reviewed the Fair Housing Accessibility Guidelines, 56 Fed. Reg. 9472 (1991) and the

United States Department of Housing and Urban Development, Fair Housing Act Design Manual, *A Manual to Assist Builders in Meeting the Accessibility Requirements of the Fair Housing Act*, (August 1996, Rev. April 1998). Each such Defendant and any of its employees and agents whose duties, in whole or in part, involve the sale and/or rental of multifamily dwellings at issue in this case shall be informed of those portions of the Fair Housing Act that relate to accessibility requirements, reasonable accommodations, and reasonable modifications.

55. No later than 120 days after the date of entry of this Consent Order, each Owner/Developer Defendant and Design Defendant, with respect to its employees and agents whose duties, in whole or in part, involved supervisory authority over the development, design, and/or construction of the covered, multifamily dwellings at issue in this case, shall provide to the United States proof that such employees and agents have undergone training on the design and construction requirements of the Fair Housing Act. A qualified third party, unconnected to such Defendants or their employees, agents or counsel, shall conduct the training, and any expenses associated with this training shall be borne by the relevant Defendant. The proof of such training to be submitted to the United States shall include the name(s), address(es) and telephone number(s) of the trainer(s), copies of the training outlines and any materials distributed by the trainers, and certifications, substantially in the form of Appendix G, executed by such employees and agents confirming their attendance.

VIII. NOTICE OF DEFENDANTS' NON-DISCRIMINATION POLICY

56. No later than ten days after entry of this Order, each Owner/Developer Defendant or Design Defendant who owns or operates housing complexes containing covered, multi-family dwellings shall post and prominently display in all rental offices a sign no smaller than ten by

fourteen inches indicating that all such dwellings are available for rental on a nondiscriminatory basis. A poster that comports with 24 C.F.R. Part 110 will satisfy this requirement.

57. For the duration of this Order, in all future advertising generated and/or purchased by any Owner/Developer Defendant or Design Defendant in newspapers, and on pamphlets, brochures and other promotional literature regarding the existing complexes or any new complexes that any such Defendant may develop, design, or construct, such Defendant shall place, in a conspicuous location, a statement that the dwelling units include the features for persons with disabilities required by the federal Fair Housing Act.

IX. NOTIFICATION AND DOCUMENT RETENTION REQUIREMENTS

58. No later than 100 days after entry of this Order, each Owner/Developer Defendant and Design Defendant shall submit to the United States an initial report regarding the signed statements of such Defendant's respective employees and agents who have completed the training program specified in paragraph 55 of this Order. Thereafter during the term of this Order, each such Defendant shall, on the anniversary of the entry of this Order, submit to the United States a report containing the signed statements of new employees and agents that, in accordance with paragraph 53 of this Order, they have received and read this Order and had an opportunity to have questions about it answered

59. Each Owner/Developer Defendant and Design Defendant shall advise the United States in writing no later than fifteen days after receipt of any written, administrative or legal fair-housing complaint against any property owned or managed by such Defendant, or against any employees or agents of such Defendant working at or for any such property, regarding discrimination on the basis of disability or retaliation in housing. Upon reasonable notice each

such Defendant shall also provide the United States all information it may request concerning any such complaint. Each such Defendant shall also notify the United States in writing no later than fifteen days after the resolution of any such complaint.

60. For the term of this Order, each Owner/Developer Defendant and Design Defendant is required to preserve all records related to this Order for St. John's Village and Huntington Meadows and all other covered, multifamily dwellings designed, constructed, or owned by them. Upon reasonable notice to any such Defendant, representatives of the United States shall be permitted to inspect and copy any records of that Defendant or inspect any developments or residential units under that Defendant's control bearing on compliance with this Order at any and all reasonable times, provided, however, that the United States shall endeavor to minimize any inconvenience to such Defendants from such inspections.

X. DURATION OF ORDER AND TERMINATION OF LEGAL ACTION

61. This Order shall remain in effect for three years after the date of its entry. By consenting to entry of this Order, the United States and all Defendants agree that in the event that any Defendant engages in any future violation(s) of the Fair Housing Act, such violation(s) shall constitute a "subsequent violation" by that Defendant pursuant to 42 U.S.C. § 3614(d)(1)(C)(ii). This provision only applies to the development, design, and/or construction of covered, multifamily dwellings that occurs after the date of this Order.

62. The Court shall retain jurisdiction for the duration of this Order to enforce the terms of the Order, at which time the case shall be dismissed with prejudice. The United States may move the Court to extend the duration of this Order in the interests of justice. Any Defendant may move the Court to shorten the duration of this Order in the interests of justice.

63. The United States and all Defendants shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Order prior to bringing such matters to the Court for resolution. However, in the event of a failure by Defendants to perform in a timely manner any act required by this Order or otherwise to act in conformance with any provision thereof, the United States may move this Court to impose any remedy authorized by law or equity including, but not limited to, an order requiring performance of such act or deeming such act to have been performed, and an award of any damages, costs, or reasonable attorneys' fees that may have been occasioned by the violation or failure to perform.

XI. TIME FOR PERFORMANCE

64. Any time limits for performance imposed by this Order may be extended by the mutual written agreement of the United States and the relevant Defendant(s).

XII. COSTS OF LITIGATION

65. Each party to this litigation will bear its own costs and attorney's fees associated with this litigation.

SO ORDERED this _____ day of _____, 2006:

UNITED STATES DISTRICT COURT JUDGE

Agreed to by the parties as indicated by the signatures appearing below:

For the United States:

JOHNNY K. SUTTON
United States Attorney for the Western
District of Texas

WAN J. KIM
Assistant Attorney General

STEVEN H. ROSENBAUM
Chief

DANIEL M. CASTILLO
Assistant United States Attorney
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216

MICHAEL S. MAURER
Deputy Chief

HOWARD R. GRIFFIN
Attorney
Housing and Civil Enforcement Section
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave. N.W.
Washington, D.C. 20035
(202) 514-4741

For Defendants:

LEGEND COMMUNITIES, INC.
by Jason C. Spencer, Attorney
Ford Nassen & Baldwin P.C.
98 San Jacinto Blvd.
Suite 1450
Austin, Texas 78701

DANZE AND DAVIS, ARCHITECTS,
INC.
by Jeffrey S. Boyd, Attorney
Thompson & Knight, L.L.P.
98 San Jacinto Blvd.
Suite 1900
Austin, Texas 78701

RANDALL JONES ENGINEERING, INC.,
by Stephen A. Wood, Attorney
Thompson, Coe, Cousins & Irons, L.L.P.
701 Brazos
Suite 1500, Austin Centre
Austin, Texas 78701

ST. JOHN'S HOUSING PARTNERSHIP,
L.P.
by Jason C. Spencer, Attorney
Ford Nassen & Baldwin P.C.
98 San Jacinto Blvd.
Suite 1450
Austin, Texas 78701

ALEXANDER CONSULTING
ENGINEERS, INC.
by William B. Gammon, Attorney
2525 Wallingwood Drive
Suite 301
Austin, Texas 78746

SMDC DEVELOPMENT, INC.
by Jason C. Spencer, Attorney
Ford Nassen & Baldwin P.C.
98 San Jacinto Blvd.
Suite 1450
Austin, Texas 78701

TRUGREEN LANDCARE, L.L.C.

by John D. Jacks, Attorney
Gray & Becker, P.C.
900 West Ave.
Austin, Texas 78701

HATCH PARTNERSHIP, L.L.P.

by Matthew B. Cano, Attorney
Allensworth & Porter, L.L.P.
620 Congress Avenue
Suite 100
Austin, Texas 78701

DECKER LANE PARTNERS, L.P.

by Jason C. Spencer, Attorney
Ford Nassen & Baldwin P.C.
98 San Jacinto Blvd.
Suite 1450
Austin, Texas 78701

SDCW DEVELOPMENT CORP.

by Jason C. Spencer, Attorney
Ford Nassen & Baldwin P.C.
98 San Jacinto Blvd.
Suite 1450
Austin, Texas 78701

APPENDIX A

Deficiencies at St. John's Village Apartments, Austin, Texas

The Owner/Developer Defendants are jointly and severally responsible for all aspects, including the cost and performance, of the retrofits for St. John's Village specified in the Consent Order and in all parts of this Appendix. The deficiencies enumerated below were documented in units 213, 414, 612, 913, 1011, 1114, and 1414, which were surveyed by the United States in April 2004. This enumeration is intended to illustrate the types of deficiencies that are assumed to be present in all covered, multifamily dwelling units at St. John's Village. These Defendants shall implement the remedies specified below for the following 52 dwelling units at St. John's Village:

| | | | | | | | | |
|-----|-----|-----|-----|-----|------|------|------|------|
| 211 | 313 | 511 | 613 | 811 | 913 | 1111 | 1213 | 1411 |
| 212 | 314 | 512 | 614 | 812 | 914 | 1112 | 1214 | 1412 |
| 213 | 411 | 513 | 711 | 813 | 1011 | 1113 | 1311 | 1413 |
| 214 | 412 | 514 | 712 | 814 | 1012 | 1114 | 1312 | 1414 |
| 311 | 413 | 611 | 713 | 911 | 1013 | 1211 | 1313 | |
| 312 | 414 | 612 | 714 | 912 | 1014 | 1212 | 1314 | |

All remedial work is to comply with Requirement No. 1 of the Fair Housing Accessibility Guidelines.

PART I: ACCESSIBLE AND USABLE PUBLIC AND COMMON USE AREAS

A. Accessible Parking

| ¶ | Deficiency | Remedy |
|---|---|---|
| 1 | <p>The access aisle at the designated accessible parking space has a cross slope greater than the maximum required 2.0%.</p> <p>Bldg. #1 - Cross slope of 2.8% Bldg. #2 - Cross slope of 3.2% Bldg. #4 north - Cross slope of 3.6% Bldg. #4 south - Cross slope of 3.6% Bldg. #11west - Cross slope of 2.6% Bldg. #13 east - Cross slope of 2.7%</p> | <p>Replace existing paving with new paving installed to provide maximum cross slope of 3.00%.</p> |
| 2 | <p>The designated accessible parking space has handicapped signs mounted too low.</p> <p>Bldg. #6 Signs at 51 ½" & 54 ½" in height.</p> | <p>Provide signage with the handicapped symbol mounted a minimum of 60" height, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

B. Pedestrian Sidewalk and Entry from the Public Access Street

| | | |
|----|---|---|
| 1 | The Blessing street entrances have curb ramps in the concrete sidewalks with slopes exceeding the maximum allowable 8.33% slope. Bldg. #14 entry, south ramp has slope of 9.2% | Replace existing curb ramp with a new concrete ramp installed to provide the required maximum running slope of 8.33%, and maximum 2.00% cross slope, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 2a | The Blessing street concrete sidewalk to the Leasing Office has a running slope of 8.0%, exceeding the maximum 5.0% allowable. | Replace existing curb ramp with a new concrete ramp installed to provide maximum running slope of 6.0%. |
| 2b | The Blessing street concrete sidewalk to the Leasing Office has a cross slope of 3.2%, exceeding the maximum 2.0% slope allowed. | Replace existing curb ramp with a new concrete ramp installed to provide the required maximum cross slope of 3.0%. |
| 2c | The entry passage gate to the Leasing Office has at the latch side zero maneuvering clearance space, less than the minimum 18" required. | Provide a maneuvering clearance space, 18" in width x 60" in depth, at the same level of the concrete walkway, located at the latch side of the entry gate, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |

C. Accessible Pedestrian Route

| | | |
|---|---|---|
| 1 | The 48" wide pedestrian accessible route within the project can be blocked to less than 36" clear width by the overhang of vehicles legally parked. | Provide concrete wheel stops at the parking spaces at a distance to prevent the overhang of a vehicle which would reduce the pedestrian walkway to less than 36" clear width, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
|---|---|---|

| | | |
|----------|---|--|
| <p>2</p> | <p>The pedestrian accessible routes to the public access street and common-use facilities crosses curb ramps included in the route which have running slopes exceeding 8.33%, and cross slopes which exceed 2.0%, each the maximum slopes allowed, in the following locations:</p> <p>Bldg. #1 (Van) Cross slope of 8.4% Bldg. #6 (Van right) Cross slope of 14.6% Bldg. #6 (Van left) Cross slope of 16.3% & running slope of 10.9%. Bldg. #2 (west end) Cross slope of 13.5% Bldg. #3 (west end) Cross slope of 11.5% and running slope west of 22.7% running slope east of 17.2% Bldg. #3 (east end) Running slope 17.2% Bldg. #4 (front left) Cross slope of 14.5% Bldg. #4 (front right) Cross slope 12.9% And running slope of 8.4% Bldg. #5 (south end left) Cross slope of 11.7% & running slope of 8.6% Bldg. #5 (south end right) Cross slope of 14.1% & running slope north of 9.2% and running slope south of 10.2% Bldg. #9 (south end) Cross slope 22.3%, & running slope west 10.7% Bldg. #10 (south end left) running slope of 9.0% Bldg. #11 (north end left) Cross slope of 14.9% Bldg. #11 (north end right) Cross slope of 10.5% Bldg. #11 (south end, left) Cross slope of 9.2% Bldg. #13 (north end left) Cross slope of 13.1% and running slope of 9.1% Bldg. #13 (north end right) Cross slope of 12.9% Bldg. #14 (south end left) Cross slope of 12.6% Bldg. #14 (south end right) Cross slope of 9.5% & running slope of 9.0%.</p> | <p>Replace the existing curb ramps and/or parallel curb ramps with a new concrete ramp installed to provide the required maximum cross slope of 2.0% at the center, and at the left and right flares a maximum running slope of 8.33% and maximum cross slope of 2.0%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|----------|---|--|

| | | |
|---|---|--|
| 3 | <p>The pedestrian accessibility route to the public access street and common-use facilities, as delineated on the project site map, lacks marked crossings at hazardous vehicular ways as follows:</p> <p>Between Bldg. #2 and Bldg. #6 Between Bldg. #7 and Bldg. #3 Between Bldg. #11 and Bldg. #13</p> | <p>Provide marked crossings at the hazardous vehicular ways between buildings #2 and #6, buildings #7 and #3, and buildings #11 and #13, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| 4 | <p>There is a lack of an pedestrian accessible route provided from the public access street and common-use facilities to Building #12.</p> | <p>Provide and install a designated accessible parking space with access aisle, curb ramp, and paved accessible route with a minimum clear width of 36" on the shortest possible route to the Breezeway of Building #12, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

D. Accessible Pedestrian Route - Cross Slopes

| | | |
|----------|--|---|
| <p>1</p> | <p>The pedestrian accessible route from the public access street and common-use facilities leading to the residential buildings have cross slopes exceeding the 2.0% maximum allowable in the following locations:</p> <p>Bldg. #1 Leasing Office - At the center has 2.9%, at left 2.6%, at right 2.9%, and at far right 3.9% cross slopes.</p> <p>Bldg. #2 West walkway 2.8% cross slope. South walkway 7.3% cross slope.</p> <p>Bldg. #3 South walkway has at the center 5.8%, at right 4.5%, at left 4.4%, at far left 3.9% and 4.4% cross slopes.</p> <p>Bldg. #4 West walkway has at the center 3.2% and at the far left 2.6% cross slopes.</p> <p>Bldg. #5 West walkway has at the center 8.1%, at left 7.6%, and at far right 3.9% cross slopes.</p> <p>Bldg. #6 West walkway has at the right 6.5%, at left a 3.6% cross slope. North walkway has at parking curb a 9.9% cross slope.</p> <p>Bldg. #7 North walkway at the center 5.8% and 5.1% cross slopes. East walkway has at left 3.8% and at right 4.0% cross slopes.</p> <p>Bldg. #8 South walkway has at left 4.7%, and at right 4.5% cross slopes. West walkway has a center 3.0, at left 6.9%, and at far left a 3.4% cross slope. East walkway has at center 3.6%, at left 3.3%, and at right 3.0% cross slopes.</p> <p>Bldg. #9 South walkway has at right 3.1% and at left 3.1% cross slopes. West walkway has at far left 2.6% cross slope.</p> <p>Bldg. #10 South walkway has at center 2.8%, at left 2.7%, at far left 3.5% cross slopes. North walkway has at center a 3.6%, and far left 3.2% cross slopes.</p> | <p>Replace existing paving violations listed which exceed cross slope of 3.00% located at buildings #1 thru building #14 with new paving installed to provide maximum cross slope of 3.00%.</p> |
|----------|--|---|

| | | |
|---|--|---|
| 1 | <p>Bldg. #11 East walkway has at center 4.1%, at right 5.1%, at left 4.2% & at far left 3.8% cross slopes. West walkway has at center 2.2% cross slope.</p> <p>Bldg. #11 & #13 Access aisle between buildings has at south 3.0% and at center 5.0% cross slopes.</p> <p>Bldg. #12 North walkway has at left 3.7% & at far left 4.1% cross slopes. South walkway has at center 4.8%, at left 2.8%, far left 4.6%, at right 3.8% and at far right 3.3% cross slopes.</p> <p>Bldg. #13 East walkway has at center 2.7%, and at left 3.3% cross slopes.</p> <p>Bldg. #14 South walkway has at left 3.2% cross slope.</p> | <p>Replace existing paving violations listed which exceed cross slope of 3.00% located at buildings #1 thru building #14 with new paving installed to provide maximum cross slope of 3.00%.</p> |
|---|--|---|

E. Accessible Pedestrian Route - Running Slopes

| | | |
|---|--|---|
| 1 | <p>The pedestrian accessible route from the public street and common-use facilities leading to the residential buildings have running slopes exceeding the 5.00% maximum allowable in the following locations.</p> <p>Bldg. #2 South walkway has at center 6.7% running slope.</p> <p>Bldg #4 West walkway has at center 7.9% running slope. North walkway to pavilion east has 11.6% running slope.</p> <p>Bldg. #5 West walkway has at center 7.1% and at left 7.4% running slope.</p> <p>Bldg. #6 North walkway has at left 7.8% running slope.</p> <p>Bldg. #8 North walkway has at right 7.8% running slope.</p> <p>Bldg. #9 North walkway has at right 6.2% running slope.</p> | <p>Replace existing paving which exceeds 6.00% running slope located at buildings #1 thru building #14 with new paving installed to provide maximum running slope of 6.00%. Alternate: Provide handrails at each side of walkway up to a slope of 8.33%.</p> |
|---|--|---|

F. Projecting Objects

| | | |
|---|--|---|
| 1 | <p>The fire extinguisher cabinets in the Breezeways project out 7", beyond the maximum 4" allowable projection into the circulation path, in the following buildings.</p> <p>Breezeway in buildings #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, & #14.</p> | <p>Provide a cane detectible device beneath the fire extinguisher cabinet such as a railing or partition, for a minimum of 27" above the deck beneath each cabinet.</p> <p>Alternate: Provide a fire extinguisher cabinet which is recessed into the wall, or semi-recessed projecting no greater than 4" into the circulation path.</p> <p>Either to comply with Requirement #2 of the Fair Housing Accessibility Guidelines</p> |
|---|--|---|

G. Breezeway in Residential Buildings - TABLE "A"

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------|--|----------|--------------------|----------|--------------------|----------|--------------------|----------|--------------------|----------|--------------------|----------|--------------------|----------|--------------------|----------|--------------------|-----------|------------------------|-----------|------------------------|-----------|------------------------|-----------|------------------------|-----------|------------------------|--|
| Table A Line 1 | <p>The maneuvering surface in the Breezeway at the primary entry door to the ground floor dwelling units exceeds the maximum 2.0% allowable slope at the following units.</p> <table data-bbox="324 798 779 1218"> <tr><td>Bldg. #2</td><td>211, 212, 213, 214</td></tr> <tr><td>Bldg. #3</td><td>311, 312, 313, 314</td></tr> <tr><td>Bldg. #4</td><td>411, 412, 413, 414</td></tr> <tr><td>Bldg. #5</td><td>511, 512, 513, 514</td></tr> <tr><td>Bldg. #6</td><td>611, 612, 613, 614</td></tr> <tr><td>Bldg. #7</td><td>711, 712, 713, 714</td></tr> <tr><td>Bldg. #8</td><td>811, 812, 813, 814</td></tr> <tr><td>Bldg. #9</td><td>911, 912, 913, 914</td></tr> <tr><td>Bldg. #10</td><td>1011, 1012, 1013, 1014</td></tr> <tr><td>Bldg. #11</td><td>1111, 1112, 1113, 1114</td></tr> <tr><td>Bldg. #12</td><td>1211, 1212, 1213, 1214</td></tr> <tr><td>Bldg. #13</td><td>1311, 1312, 1313, 1314</td></tr> <tr><td>Bldg. #14</td><td>1411, 1412, 1413, 1414</td></tr> </table> | Bldg. #2 | 211, 212, 213, 214 | Bldg. #3 | 311, 312, 313, 314 | Bldg. #4 | 411, 412, 413, 414 | Bldg. #5 | 511, 512, 513, 514 | Bldg. #6 | 611, 612, 613, 614 | Bldg. #7 | 711, 712, 713, 714 | Bldg. #8 | 811, 812, 813, 814 | Bldg. #9 | 911, 912, 913, 914 | Bldg. #10 | 1011, 1012, 1013, 1014 | Bldg. #11 | 1111, 1112, 1113, 1114 | Bldg. #12 | 1211, 1212, 1213, 1214 | Bldg. #13 | 1311, 1312, 1313, 1314 | Bldg. #14 | 1411, 1412, 1413, 1414 | <p>As provided in paragraph 29 of the Consent Order, the maneuvering surfaces in the breezeways at the primary entrance doors to six units will be retrofitted to fully comply with Requirement 4 of the Fair Housing Accessibility Guidelines. In addition, upon request by an existing or new tenant and no later than thirty days after such request, breezeway maneuvering surfaces at primary entrance doors of other covered, ground-floor units will be retrofitted to fully comply with Requirement 4 of the Fair Housing Accessibility Guidelines, up to a maximum of two such retrofits per building. Such retrofitting may be accomplished by:</p> <p>Replace existing paving at the maneuvering surface of each primary entry door with new paving installed to provide the required maximum slope of 2.00%.</p> <p>Alternate: Replace existing paving at the building Breezeway to engage all 4 primary entry doors with new paving installed to provide the maximum slope of 2.0% at each entry.</p> <p>Either replacement to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| Bldg. #2 | 211, 212, 213, 214 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #3 | 311, 312, 313, 314 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #4 | 411, 412, 413, 414 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #5 | 511, 512, 513, 514 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #6 | 611, 612, 613, 614 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #7 | 711, 712, 713, 714 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #8 | 811, 812, 813, 814 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #9 | 911, 912, 913, 914 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #10 | 1011, 1012, 1013, 1014 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #11 | 1111, 1112, 1113, 1114 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #12 | 1211, 1212, 1213, 1214 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #13 | 1311, 1312, 1313, 1314 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bldg. #14 | 1411, 1412, 1413, 1414 | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | |
|---------------------------|---|---|
| <p>Table A Line 2</p> | <p>The door hardware to the primary entry door to the dwelling unit requires tight grasping, pinching, or twisting to operate (knob hardware provided) at the following units.</p> <p>Bldg. #2 211, 212, 213, 214 Bldg. #3 311, 312, 313, 314 Bldg. #4 411, 412, 413, 414 Bldg. #5 511, 512, 513, 514 Bldg. #6 611, 612, 613, 614 Bldg. #7 711, 712, 713, 714 Bldg. #8 811, 812, 813, 814 Bldg. #9 911, 912, 913, 914 Bldg. #10 1011, 1012, 1013,1014 Bldg. #11 1111, 1112, 1113, 1114 Bldg. #12 1211, 1212, 1213, 1214 Bldg. #13 1311, 1312, 1313, 1314 Bldg. #14 1411, 1412, 1413, 1414</p> | <p>Provide at each entry door, door hardware or operating device which is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate, (Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs), to conform with Requirement #3, Guide (1), of the Fair Housing Accessible Guidelines.</p> |
| <p>Table A Line 3</p> | <p>The vertical clearance adjoining an accessible route is reduced to less than 80" beneath the stairs in the following Breezeways.</p> <p>Bldg. #2 2 stairs Bldg. #3 2 stairs Bldg. #4 2 stairs Bldg. #5 2 stairs Bldg. #6 2 stairs Bldg. #7 2 stairs Bldg. #8 2 stairs Bldg. #9 2 stairs Bldg. #10 2 stairs Bldg. #11 2 stairs Bldg. #12 2 stairs Bldg. #13 2 stairs Bldg. #14 2 stairs</p> | <p>Provide a cane detectible device beneath the stairs, such as a metal railing, with a minimum height of 27" above the deck, in such areas which do not have a circulation space with a minimum clear headroom of 80", to comply with Requirement #2 of the Fair Housing Accessibility Guidelines</p> |

H. Leasing Office/Community Room - Exterior Violations

| | | |
|----------|---|---|
| <p>1</p> | <p>The maneuvering surface at the exterior of the entry doors to the Leasing Office/Community Room building exceeds the maximum 2.0% allowable slope in the following locations:</p> <p>South side Leasing Office entry has 3.6% slope. North side Leasing Office entry has 4.5% slope.</p> | <p>Replace existing paving at the exterior of the entry doors with new paving installed to provide the required maximum slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>2</p> | <p>The maneuvering clearance at the north entry door has less than the required 18" maneuvering clearance space.</p> <p>Maneuvering space of only 7" provided.</p> | <p>Provide maneuvering clearance space, 18" in width x 60" in depth, similar to the concrete walkway, located at the latch side of the north entry door, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>3</p> | <p>An abrupt level change between 1/4" and 1/2" without a 1:2 ratio beveled slope exists at the following exterior door thresholds:</p> <p>Gym equipment door has a 1/2" abrupt level change. North Leasing Office door has a 3/4" abrupt level change. North pool side entry door has a 1" abrupt level change. South pool side entry door has a 1 1/4" abrupt level change.</p> | <p>Provide and install modular ramp threshold assembly as manufactured by Pemko, or equivalent supplier, to traverse the offset at the door sill, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>4</p> | <p>The allowable height at the thresholds is 1 1/4" (3/4" for threshold & 1/2" for offset) and is exceeded at the following exterior doors.</p> <p>North pool side entry door threshold has a height of 1 3/4". South pool side entry door threshold has a height of 1 1/2".</p> | <p>Provide and install modular ramp threshold assembly as manufactured by Pemko, or equivalent supplier, to traverse the offset at the door sill, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>5</p> | <p>The circulation path to the rent drop slot has a change in level, a 7" step, which is greater than the allowable offset of 1/4" without ramp features on an accessible route.</p> | <p>Provide a concrete ramp to the rent drop slot with a minimum width of 36", a maximum slope of 8.33%, and with handrails at each side.</p> <p>Alternate: Relocate the rent drop slot to another part of the Leasing Office that is handicapped accessible at the exterior side.</p> <p>Either to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

| | | |
|----|---|--|
| 6 | The door hardware at the accessible entry door to the common-use Gym Equipment Room requires tight grasping, pinching, or twisting to operate in the following locations: Gym Equipment room exterior door has knob hardware. Gym Equipment room interior door has knob hardware. | Provide door hardware or operating device which is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate, (Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs), to conform with Requirement #2 of the Fair Housing Accessible Guidelines. |
| 7a | The message/notice box is mounted too high, at 53", to meet the required 48" for a forward approach. | Reinstall the message/notice box to a height of 48" for a forward approach to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 7b | The ground at the base of the message/notice box is not stable, firm, or slip resistant for a wheelchair user, but is part of the planting area of the building. | Provide a 36" wide paved area with concrete or other paving material at the base of the message/notice box which is stable, firm, and slip resistant, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |

I. Leasing Office/Community Room - Interior Violations

| | | |
|---|--|--|
| 1 | Doorways for passage do not provide the required 32" clear opening in the following locations: Door to the north office has a 31 ½" clear opening. Door to the south office has a 31 ½" clear opening. | Provide a door to the North Office, South Office, and Gym Equipment room with a minimum clear opening of 32" measured between the face of the door and the opposite stop, when the door is opened 90 degrees, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 2 | In the Kitchen area the fire extinguisher projects out too far, at 5 1/4" at a height 44 3/4" above the finished floor in the circulation area of the room. | Provide fire extinguisher cabinet recessed or semi-recessed into the wall to project no greater than 4" from the wall surface into passageways, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 3 | In the Uni-sex Restroom, the wall hung cabinet projects 12" in to the room at a point 53 ½" above the finished floor in the circulation area of the room. | Provide a base cabinet unit below the wall hung cabinet unit or other device a minimum of 27" in height which can be cane detectable or provide a detection of an object protruding greater than 4" into a passageway, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 4 | The signage for the Uni-sex rest room is mounted on the door of the rest room. | Relocate the signage for the Uni-sex restroom to be mounted on the wall adjacent to the latch side of the door at a height of 60" above the finished floor to the centerline of the sign, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |

J. Swimming Pool Area

| | | |
|----|--|--|
| 1a | The maneuvering clearance area at the latch side of the east pool gate is not level, but has a flare with a slope of 16.8%, which is greater than the maximum 2.00% allowable | Replace existing paving at the pool gate latch side surface flare, with new paving installed to provide the required maximum slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 1b | The maneuvering surface at the pool gates have a slope which is greater than the maximum 2.0% allowable in the following locations: West side pool gate has a 2.7% slope. | Replace existing paving at the pool maneuvering surface with new paving installed to provide the required maximum slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 1c | The west side pool gate has an opening force of 17.0lbf., greater than the maximum 8.5 lbf allowable. | Readjust or replace the pool gate closer so as to provide an opening force of 8.5 lbf (pound force) or less, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 1d | The deck area around the pool have cross slopes greater than the maximum 2.0% allowed in the following locations: West side deck has 3.9% slope. North side deck has 3.9% slope. Northeast corner has 3.2% slope. Southeast corner has 4.2% slope. | Provide a marked accessible route with a minimum clear width of 36" and a maximum cross slopes of 2.0% for access at the pool deck area. |
| 1e | The hose rack along the fence projects out 5 ½" at a height of 47" above the deck, greater than the 4" maximum allowable projection. | Provide a cane detectible device beneath the racks such as a metal railing, with a minimum height of 27" above the deck, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines |

K. Laundry Room/Breezeway/Mail Box Area

| | | |
|----|--|---|
| 1a | Objects projecting from the wall with leading edges between 27" and 80" above the floor protrude greater than 4" into the circulation path in the following locations: Breezeway at Laundry Room building has bracket light fixtures which project out 7 1/4" mounted 76" above the deck, and a fire extinguisher cabinet which projects out 6 3/4" mounted 34 ½" above the deck, each into the circulation path. | Provide a cane detectible device beneath the fire extinguisher cabinet and bracket light fixtures, such as a railing or partition, a minimum of 27" in height above the deck at each cabinet. Alternate: Provide a fire extinguisher cabinet which is recessed into the wall, or semi-recessed projecting no greater than 4" into the circulation path. Alternate: Relocate light fixture to a height to allow 80" of clearance below the fixture, or provide light fixture with a projection less than 4" from the wall. |
| 1b | Mail box center has bracket light fixtures at the east and west ends which project out 8" mounted 75" above the deck, each into the circulation path. | Either option to comply with Requirement #2 of the Fair Housing Accessibility Guidelines |

| | | |
|----|---|--|
| 1c | The mail box slot for out-going parcel mail is mounted 62" above the deck, and mail box key lock is mounted 63" above the deck, each at a height which exceeds the 54" allowable height for a side reach. | Relocate the slot for parcel mailing and mail box key lock to a maximum height of 54" for a side reach approach by a wheel chair user, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines |
| 1d | The accessible route aisle to the mail center has a cross slope which, at 3.2%, exceeds the maximum 2.0% allowable. | Replace existing paving with new paving installed to provide the required maximum slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 1e | The maneuvering surface at the exterior side of the Laundry room doors have slopes greater than the maximum 2.00% allowable. South entry door has 4.9% slope. North entry door has 5.6% slope. | Replace existing paving with new paving installed to provide the required maximum slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 1f | The door hardware on accessible entry doors at the Laundry room requires tight grasping, pinching, or twisting to operate. (knob hardware provided) | Provide door hardware or operating device which is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate, (Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs), to conform with Requirement #2 of the Fair Housing Accessible Guidelines. |
| 1g | The Laundry room north door has an abrupt level change greater than the allowable ½" with 1:2 ratio beveled slope. Abrupt level change of 3/4". | Provide and install modular ramp threshold assembly as manufactured by Pemko, or equivalent supplier, to traverse the offset at the door sill, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 1h | The pedestrian accessible route at the Laundry room has cross slopes greater than the 2.0% allowed in the following locations. A cross slope of 5.3% as it passes the front of the Laundry room south entry walkway. A cross slope of 3.4% as it passes the front of the Laundry building Breezeway. A cross slope of 5.8% as it passes the front of the Maintenance room. | Replace existing paving with new paving installed to provide the required maximum cross slope of 2.00%. Alternate: Provide alternative accessible route with a minimum clear width of 36" and cross slope of 2.00%. Either option to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |

L. Dumpsters

| | | |
|---|---|--|
| 1 | The tenant-used dumpsters are typically placed on the same level as the access drives, and have a height to the bottom of the lid of 50", which exceeds the allowable height of 48" for a forward approach to open the lid vertically with sufficient opening height for access using one hand. | <p>Provide a dumpster with a horizontal sliding door the sill of which is no greater than 48" in height for a forward approach.</p> <p>Alternate: Provide an accessible ramp to the dumpster the access opening of which is no greater than 48" in height above the deck.</p> <p>Either option to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|---|---|--|

PART II: USABLE DOORS

Door Width

| Unit Type | Bldg. # | Apt. # | Deficiency | Remedy |
|-----------|---------|--------|---|--|
| D | 2 | 213 | Door to Bedroom #2 = 30" width Door to Bedroom #3 = 30" width Door to Bath #2 = 28" width | Provide minimum 32" nominal width door, the 32" nominal width being measured between the face of the door and the opposite stop, when the door is opened 90 degrees, to comply with Requirement #3, Guide (2), of the Fair Housing Accessibility Guidelines. |
| C | 9 | 913 | Door to Bath #2 = 26" width | |
| C | 10 | 1011 | Door to Bath #2 = 26" width | |

Primary Entry Door Hardware

| | | | | |
|---|----|------|--------------------------------------|--|
| D | 2 | 213 | Primary entry door has knob hardware | Provide door hardware or operating device which is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate, (Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs), to conform with Requirement #3, Guide (1), of the Fair Housing Accessible Guidelines. |
| B | 4 | 414 | Primary entry door has knob hardware | |
| B | 6 | 612 | Primary entry door has knob hardware | |
| C | 9 | 913 | Primary entry door has knob hardware | |
| C | 10 | 1011 | Primary entry door has knob hardware | |
| A | 11 | 1114 | Primary entry door has knob hardware | |
| A | 14 | 1414 | Primary entry door has knob hardware | |

PART III: FEATURES OF ADAPTIVE DESIGN

(1) ACCESSIBLE ROUTE INTO AND THROUGH THE DWELLING UNITS

Abrupt Level Change

| | | | | |
|---|----|------|---|---|
| C | 10 | 1011 | Abrupt level change of ½" at interior side of primary entry door. | Provide slope at abrupt level change at interior side of primary entry door threshold, and interior side of patio door threshold, with a 1:2 ratio beveled slope, to comply with Requirement #4, Guide (2), of the Fair Housing Accessibility Guidelines. |
| B | 6 | 612 | Abrupt level change of ½" at interior side of patio door. | |
| C | 10 | 1011 | Abrupt level change of ½" at interior side of patio door. | |

(2) LIGHT SWITCHES, ELECTRICAL OUTLETS, & THERMOSTATS

Thermostat Location

| | | | | |
|---|----|------|--|---|
| D | 2 | 213 | Thermostat control is mounted too high, at 62 ½" above finished floor. | Mount thermostat such that the operable thermostat control is 48" above the finished floor, to comply with Requirement #5, "Guideline", of the Fair Housing Accessibility Guidelines. |
| B | 6 | 612 | Thermostat control is mounted too high, at 58 ½" above finished floor. | |
| C | 9 | 913 | Thermostat control is mounted too high, at 63" above finished floor. | |
| C | 10 | 1011 | Thermostat control is mounted too high, at 63" above finished floor. | |
| A | 11 | 1114 | Thermostat control is mounted too high, at 61" above finished floor. | |
| A | 14 | 1414 | Thermostat control is mounted too high, at 60" above finished floor. | |

(3) USABLE KITCHENS AND BATHROOMS

Kitchens:

60" Turning Radius in Kitchen - Range at Base of the "U"

| | | | | |
|---|----|------|---|--|
| D | 2 | 213 | A turning radius of only 55" of the required 60" is provided in the U-shaped kitchen with a range at the base of the U-shape. | Alternate #1 Move the kitchen counter unit containing the sink and dishwasher toward the dining area a sufficient distance to provide at least 59" turning radius in the kitchen, to comply with Requirement #7, Guide (1)(c), of the Fair Housing Accessibility Guidelines. Alternate #2 |
| B | 4 | 414 | A turning radius of only 55 ½" of the required 60" is provided in the U-shaped kitchen with a range at the base of the U-shape. | Delete the existing range and replace with a cooktop range having controls at the side, and a removable base cabinet under the cooktop. Knee space below the cooktop to be minimum 30" wide, and 27" in height, and have a minimum clear floor space of 30" x 48" centered on the appliance for a forward approach. |
| B | 6 | 612 | A turning radius of only 51 ½" of the required 60" is provided in the U-shaped kitchen with a range at the base of the U-shape. | Extend the existing flooring, cabinet, and wall materials into the recess of the removable base cabinet area. Provide insulation beneath the cooktop. The oven function can be provided by installing a combination counter top microwave-convection oven. Both Alternate #1 and #2 comply with Requirement #7, Guide (1)(c), of the Fair Housing Accessibility Guidelines. |
| C | 9 | 913 | A turning radius of only 57" of the required 60" is provided in the U-shaped kitchen with a range at the base of the U-shape. | Alternate #3 This alternate does not comply with the Fair Housing Accessibility Guidelines, but is included in the safe harbor document ANSI A117.1-1986 which provides, in lieu of a 60" turning radius, a "T-shaped Space for 180 degree Turns" for maneuverability in the kitchen area. |
| C | 10 | 1011 | A turning radius of only 56 ½" of the required 60" is provided in the U-shaped kitchen with a range at the base of the U-shape. | Such T-shaped space would require the kitchen sink base counter to be removable, knee space provided, and a 30" x 48" clear floor space provided for a forward approach, and a 27" high knee space. The sink piping would need to either be wrapped with insulation or have a protective cover over the piping. |

60" Turning Radius in Kitchen - Sink at Base of the "U"

| | | | | |
|---|----|------|--|---|
| A | 11 | 1114 | A turning radius of only 58" of the required 60" is provided in the U-shaped kitchen with a sink at the base of the U-shape. | <p>Modify base cabinet to have removable cabinet at kitchen sink. Knee space below the sink to be minimum 30" wide, and 27" in height, and have a minimum clear floor space of 30" x 48" centered on the sink for a forward approach. Extend the existing flooring, cabinet finish, and wall materials into the recess of the removable cabinet area. Exposed piping to be protected by insulation wrapping, or a removable panel over the piping. To comply with Requirement #7, Guide (1)(c), of the Fair Housing Accessibility Guidelines.</p> |
| A | 14 | 1414 | A turning radius of only 58" of the required 60" is provided in the U-shaped kitchen with a sink at the base of the U-shape. | |

Bathrooms:

Water Closet Location

| | | | | |
|---|----|------|--|--|
| B | 4 | 414 | Bath water closet is mounted too near, at 16", from the sidewall | <p>The Fair Housing Accessibility Guidelines in Requirement #7, Guide (2)(a)(ii) and Guide (2)(b)(iv) require the water closet to be a minimum of 18" from the sidewall.</p> <p>While the following ANSI Standards do not meet the above Guidelines, the following safe harbors of: ICC/ANSI A117.1 - 1998 edition ICC/ANSI A117.1 - 2003 edition allow water closets to be mounted 16" minimum and 18" maximum from the sidewall.</p> <p>Provide and install an "offset water closet flange" as manufactured by Aubuchon Hardware, or equivalent supplier, to bring the water closet to within the allowable 16" minimum - 18" maximum distance. To comply with Requirement #7, Guide (2)(a)(ii), of the Fair Housing Accessibility Guidelines.</p> |
| B | 6 | 612 | Bath water closet is mounted too near, at 13 1/4" from the sidewall | |
| C | 9 | 913 | Bath #1 water closet is mounted too near, at 14", to the sidewall. Bath #2 water closet is mounted too far, at 18 1/2" , from the bathtub. | |
| C | 10 | 1011 | Bath #1 water closet is mounted too near, at 17 1/2", from the sidewall. Bath #2 water closet is mounted too far, at 19 1/2", from the bathtub. | |
| A | 11 | 1114 | Bath water closet is mounted too near, at 15", from the sidewall. | |
| D | 2 | 213 | Bath #2 water closet is mounted too far, at 19", from the bathtub. | |

| | | | | |
|---|----|------|---|---|
| A | 14 | 1414 | Bath water closet is mounted too near, at 12", from the sidewall. | Provide and install an "offset water closet flange" to bring the water closet to within the allowable 16" minimum - 18" maximum distance. To comply with Requirement #7, Guide (2)(a)(ii), of the Fair Housing Accessibility Guidelines. |
|---|----|------|---|---|

33" Clear Floor Space at Water Closet

| | | | | |
|---|----|------|---|--|
| C | 9 | 913 | Bath #1 water closet has a clear floor space of only 30 ½" of the 33" minimum required. | Reduce the width of the lavatory counter unit in Bath #1 an amount sufficient to provide a clear floor space of 33" in width at the water closet, to comply with Requirement #7, Guide (2)(a)(ii) and Guide (2)(b)(iv) of the Fair Housing Accessibility Guidelines. |
| C | 10 | 1011 | Bath #1 water closet has a clear floor space of only 31" of the 33" minimum required. | |

30" x 48" Clear Floor Space at Bath Lavatory

| | | | | |
|---|----|------|---|--|
| D | 2 | 213 | Bath #1 lavatory is centered only 16 ½" from the bathtub. Bath #2 lavatory is centered only 17" from the sidewall. | Alternate 1 Provide a removable base cabinet at the lavatory in the Bath#1 and Bath #2 such that a 30" x 48" clear floor space using a forward approach can be provided in each Bath. Alternate 2 Provide a wall-hung lavatory in the Bath #1 and Bath #2 such that a 30" x 48" clear floor space using a forward approach can be provided in each Bath. Either Alternate #1 or #2 to comply with Requirement #7, Guideline "Note" Figure 7 (c), of the Fair Housing Accessibility Guidelines. |
| C | 9 | 913 | Bath #1 lavatory is centered only 16" from the bathtub. Bath #2 lavatory is centered only 16" from the sidewall. | |
| C | 10 | 1011 | Bath #1 lavatory is centered only 16 ½" from the bathtub. Bath #2 lavatory is centered only 16" from the sidewall. | |

30" x 48" Clear Floor Space outside inward swing of Bath door.

| | | | | |
|---|---|-----|--|---|
| D | 2 | 213 | Bath #1 has a clear floor space of only 31" x 24" outside the inward swing of the Bath door. Bath #1 has a clear floor space of only 28" x 40" outside the inward swing of the Bath door. | Reverse the swing of the Bath #1 door and Bath #2 door to swing out, thereby allowing a 30" x 48" clear floor space inside each bath, to comply with Requirement #7, Guide (2)(a)(i) and Guide (2)(b)(iv) of the Fair Housing Accessibility Guidelines. |
| C | 9 | 913 | Bath #1 has a clear floor space of only 30" x 26" outside the inward swing of the Bath door. Bath #1 has a clear floor space of only 30 ½" x 39" outside the inward swing of the Bath door. | |

| | | | | |
|---|----|------|---|--|
| C | 10 | 1011 | <p>Bath #1 has a clear floor space of only 29 ½" x 26" outside the inward swing of the Bath door.</p> <p>Bath #1 has a clear floor space of only 30" x 38" outside the inward swing of the Bath door.</p> | |
|---|----|------|---|--|

Type "B" Bath Alternative

| Unit Type | Bldg. # | Apt. # | Type "B" Bath Alternative |
|-----------|---------|--------|--|
| D | 2 | 213 | <p>The two baths, Bath #1 and Bath#2 in these three unit types, are each Type "A" baths since each has a perpendicular approach to the bathtub.</p> <p>In order to convert one of these Type "A" baths into a Type "B" bath, Bath #1 of each unit type may be converted into a Type "B" bath by meeting the following requirements:</p> <ol style="list-style-type: none"> 1. Bath must be on an accessible route. 2. Provide a 32" nominal width door. 3. Swing the bath door out into the Bedroom so a parallel approach could be made to the bathtub. 4. Provide switches, outlets, and controls in accessible locations. 5. Mount the water closet 16" - 18" from the sidewall. 6. Provide a minimum 33" clear floor space at the water closet between the sidewall and lavatory. 7. Provide a minimum 56" from wall behind water closet to opposite wall. 8. Provide a wall hung lavatory adjacent to the bathtub, extending no greater than 19" from the wall, and 15" from the bathtub edge to the lavatory centerline, thus a parallel approach could be made to the bathtub. 9. Have reinforced walls around water closets, tubs, and shower stalls. |
| C | 9 | 913 | <p>With the above modifications to Bath #1 the other bath, Bath #2, would be limited to the following modifications.</p> <ol style="list-style-type: none"> 1. Be on an accessible route. 2. Provide a 32" nominal width door. 3. Provide switches, outlets, and controls in accessible locations. 4. Have reinforced walls around water closets, tubs, and shower stalls. |
| C | 10 | 1011 | <p>With the above modifications to Bath #1 the other bath, Bath #2, would be limited to the following modifications.</p> <ol style="list-style-type: none"> 1. Be on an accessible route. 2. Provide a 32" nominal width door. 3. Provide switches, outlets, and controls in accessible locations. 4. Have reinforced walls around water closets, tubs, and shower stalls. |

APPENDIX B

Deficiencies at Huntington Meadows Apartments, Austin, Texas

The Owner/Developer Defendants are jointly and severally responsible for all aspects, including the cost and performance, of the retrofits for Huntington Meadows specified in the Consent Order and in all parts of this Appendix. The deficiencies enumerated below were documented in units 602, 701, 801, 902, 3004, 3102, 3201, 4902, and 5002, which were surveyed by the United States in April 2004 and August 2005. This enumeration is intended to illustrate the types of deficiencies that are assumed to be present in all covered, multifamily dwelling units at Huntington Meadows Apartments. These Defendants shall implement the remedies specified below for the following 94 dwelling units at Huntington Meadows Apartments: 201, 202, 203, 204, 301, 302, 303, 304, 3001, 3002, 3003, 3004, 3101, 3102, 3103, 3104, 4901, 4902, 4903, 4904, 101, 102, 2801, 2802, 3201, 3202, 3301, 3302, 4501, 4502, 5001, 5002, 401, 402, 501, 502, 601, 602, 701, 702, 801, 802, 1001, 1002, 1601, 1602, 2701, 2702, 2901, 2902, 3501, 3502, 3601, 3602, 3701, 3702, 4001, 4002, 4301, 4302, 4401, 4402, 4701, 4702, 4801, 4802, 901, 902, 1101, 1102, 1201, 1202, 1301, 1302, 1501, 1502, 1701, 1702, 1801, 1802, 1901, 1902, 2001, 2002, 2501, 2502, 3401, 3402, 4101, 4102, 4201, 4202, 4601, and 4602.

In addition to the retrofits described below, twelve to twenty-two units are to be retrofitted with enhanced accessibility features as specified in paragraph 30 of the Consent Order. These units to be from among the following: 101, 102, 201, 202, 203, 204, 301, 302, 303, 304, 2801, 2802, 3001, 3002, 3003, 3004, 3101, 3102, 3103, 3104, 3201, and 3202. Further, as specified in paragraph 30 of the Consent Order, these Defendants shall retrofit the exterior features surrounding these twenty-two units to ensure that there exist fully accessible entrances on fully accessible routes serving these units and serving all public and common-use areas, including mail boxes, swimming pool, classroom buildings, rental office, and laundry, in compliance with Requirements 1 and 2 of the Fair Housing Accessibility Guidelines., and section 4.3 of ANSI A117.1-1986. Finally, three, van-accessible parking spaces will be provided serving these units.

All remedial work is to comply with Requirement No. 1 of the Fair Housing Accessibility Guidelines.

PART I: ACCESSIBLE AND USABLE PUBLIC AND COMMON USE AREAS

A. Accessible Parking

| ¶ | Deficiency | Remedy |
|---|--|--|
| 1 | <p>The access aisle adjacent to the accessible parking space is less than the minimum 60" required width in the following locations:</p> <p>Bldg. #30 (center aisle) width of only 41" Bldg. #32 (west aisle) width of only 48" Bldg. #49 (north aisle) width of only 57" Bldg. #49 (south aisle) width of only 54"</p> | <p>Reallocate spacing of parking area to provide a passenger loading zone accessible aisle of at least 60" in width, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

| | | |
|----------|---|---|
| <p>2</p> | <p>The access aisle adjacent to the accessible parking space has a cross slope which exceeds the required 2.00% maximum cross slope in the following locations:</p> <p>Bldg. #1 (center aisle) has a 5.8% slope Bldg. #2 (south aisle) has a 3.5% slope Bldg. #3 (north aisle) has a 4.0% slope Bldg. #28 access aisle has a 6.5% slope Bldg. #30 (center aisle) has a 3.6% slope Bldg. #30 (south aisle) has a 5.2% slope Bldg. #31 (north aisle) has a 2.9% slope Bldg. #49 (north aisle) has a 2.7% slope</p> | <p>Remove existing paving as required and pave access aisle to provide a maximum cross slope of 2.0% in each direction, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|----------|---|---|

| | | |
|----------|--|--|
| <p>3</p> | <p>The accessible parking space must have signage with the handicapped symbol provided and be mounted at the required height of 60" in the following locations.</p> <p>Bldg. #1 (center parking spaces) Two spaces have no signs provided.</p> <p>Bldg. #2 (north parking spaces) Two spaces have signs at 49" height.</p> <p>Bldg. #2 (south parking spaces) Two spaces have signs at 49" height.</p> <p>Bldg. #3 (north parking space) Sign is mounted at 49" height.</p> <p>Bldg. #3 (south parking space) Sign is mounted at 49" height.</p> <p>Bldg. #16 Accessible parking space has no sign provided.</p> <p>Bldg. #25 Bldg. #16 Accessible parking space has no sign provided.</p> <p>Bldg. #30 (center parking spaces) Two spaces have no sign provided.</p> <p>Bldg. #30 (south parking space) Has no sign provided.</p> <p>Bldg. #31 (north parking space) Has no sign provided.</p> <p>Bldg. #32 (west parking space) Has no sign provided.</p> <p>Bldg. #32 (east parking space) Has no sign provided.</p> <p>Bldg. #35 Accessible parking space has no sign provided.</p> <p>Bldg. #41 Accessible parking space has no sign provided.</p> <p>Bldg. #44 Accessible parking space has no sign provided.</p> <p>Bldg. #48 Accessible parking space has no sign provided.</p> <p>Bldg. #49 (south parking space) Two spaces have no sign provided.</p> <p>Bldg. #50 Accessible parking space has no sign provided.</p> | <p>Provide a sign showing the symbol of accessibility, installed at a height of 60" from the ground surface at each designated accessible parking space, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|----------|--|--|

| | | |
|---|--|---|
| 4 | The Leasing Office building and Mail Box area have no accessible parking space with adjacent access aisle, no curb ramp associated with the access aisle, and no sign showing the symbol of accessibility. | <p>Provide a 96" wide designated accessible parking space on the shortest route of travel to the Leasing Office, with an adjacent 60" wide access aisle.</p> <p>At the access aisle of the designated accessible parking space, provide a concrete curb ramp.</p> <p>Provide and install a sign showing the symbol of accessibility associated at the accessible parking space mounted 60" above the deck.</p> <p>Each of the above to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| 5 | The Classroom building and swimming pool area have no accessible parking space with adjacent access aisle, no curb ramp, and no sign showing the symbol of accessibility. | <p>Provide a 96" wide designated accessible parking space on the shortest route of travel to the Leasing Office, with an adjacent 60" wide access aisle.</p> <p>At the access aisle of the designated accessible parking space, provide a concrete curb ramp.</p> <p>Provide and install a sign showing the symbol of accessibility associated at the accessible parking space mounted 60" above the deck.</p> <p>Each of the above to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

B. Accessible Pedestrian Routes

| | | |
|---|--|---|
| 1 | There is no accessible pedestrian route provided from the public access street, Decker Lane to the primary entrances of the dwelling units. | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Provide and install a continuous accessible route for pedestrian passage from the entrances of the units to the public access street, Leasing Office/Community Room, Classroom building, and common-use facilities within the project to include:</p> <p>An accessible route with a minimum of 36" in clear width, with cross slopes less than 2.0%, and running slopes less than 5.0%.</p> <p>Marked crossings at hazardous vehicular way</p> <p>Curb ramps.</p> <p>Walks to building entrances that do not require wheelchair users to proceed in driveways or behind parking places.</p> <p>Each of the above to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| 2 | There is no accessible pedestrian route provided from the public access street, Decker Lane to the Leasing Office, Classroom building, pool area, and common use facilities. | |
| 3 | There is no accessible pedestrian route provided from the dwelling units primary entrances to the common-use facilities. | |

C. Pedestrian Access to Public Road

| | | |
|-----------|--|--|
| <p>1</p> | <p>The pedestrian accessible route from the public access road, Decker Lane, through a passage gate, to the Leasing Office have running slopes exceeding 5.0% and cross slopes exceeding 2.0% in the following locations:</p> <p>At the public road side of the gate: Cross slope of 4.9% between public road and the drainage swale.. Cross slope of 14.3% at the drainage swale.. Running slope of 9.6% beyond the swale. Cross slopes of 2.8% beyond the swale toward the passage gate, 9.4% cross slope at the middle, and 6.6% nearest the gate.</p> <p>At the apartment side of the gate: Cross slope of 10.0% adjacent to the entry drive. Running slope of 6.3% adjacent to the entry drive. Cross slope of 9.5% at the center of the walkway adjacent to the entry drive. Cross slopes of 8.0% & 8.8% near the traffic circle, and 3.9% near the covered parking. Running slope of 6.3% near the traffic circle.</p> | <p>Remove the existing paving where the excessive cross slopes are listed and provide paving with cross slopes having a maximum cross slope of 2.0%.</p> <p>Remove the existing paving where the excessive running slopes are listed and provide paving with running slopes having a maximum running slope of 5.0%.</p> <p>Alternately, provide handrails on both sides of areas with excessive running slopes.</p> <p>Each of the above to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>2a</p> | <p>The passage gate on the pedestrian accessibility route has zero maneuvering clearance at the latch side of the gate, both at the public road side and apartment side.</p> | <p>Provide and install maneuvering clearance at the latch side of the gate, minimum 18" in width x 60" in depth, concrete paving similar to the concrete walkway, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>2b</p> | <p>The passage gate on the pedestrian accessibility route has a maneuvering surface of 2.6%, at the apartment side which exceeds the 2.0% maximum slope.</p> | <p>Remove the paving at the maneuvering surface and replace with paving having a maneuvering surface with a maximum slope of 2.0%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>2c</p> | <p>The passage gate on the pedestrian accessibility route at the public street side provides only a 30" maneuvering clearance, less than the required 48" depth for a forward approach.</p> | <p>Increase the concrete walkway at the public street side of the passage gate to a minimum 48" for a forward approach to the gate, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

| | | |
|----|---|--|
| 2d | The horizontal gate used for vehicular traffic when full open, overlaps the passage gate making it impossible to open the gate, thus preventing an accessible pedestrian route from the public road into the project. | Provide and install a governing device which will prevent the horizontal gate from overlapping the pedestrian gate thereby allowing for the opening of the gate and thus an accessible route, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 2e | The pedestrian accessibility route has an abrupt level change, greater than ½" without ramp features, of 1" at the apartment side of the passage gate. | Remove either the upper or lower portion of the concrete walkway at the offset, and at a slope not to exceed 5.0%, provide new concrete walkway to be at the same elevation with that portion to which it is joined, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 2f | The pedestrian accessible route has a conduit projecting into the walkway ¾", greater than a level change of ½" without ramp features at the apartment side of the passage gate. | Cut the conduit down to the level of the concrete accessible route to eliminate the barrier. |

D. Parallel Curb Ramps - TABLE "A"

| | | |
|--------------------------|--|--|
| Table A Line 1 | The access aisle adjacent to the designated accessible parking space is less than the required width. Bldg. #30 (center aisle) width of only 41" Bldg. #32 (west aisle) width of only 48" Bldg. #49 (north aisle) width of only 57" Bldg. #49 (south aisle) width of only 54" | For the 22 units specified in paragraph 30 of the Order: Reallocate spacing of parking area to provide a passenger loading accessible aisle adjacent to the designated accessible parking space, with a minimum width of 60", to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| Table A Line 2 | The access aisle adjacent to the designated accessible parking space has a cross slope greater than the 2.00% maximum allowable slope. Bldg. #1 (center aisle) has a 5.8% slope. Bldg. #2 (south aisle) has a 3.5% slope. Bldg. #3 (north aisle) has a 4.0% slope. Bldg. #28 access aisle has a 6.5% slope. Bldg. #30 (center aisle) has a 3.6% slope. Bldg. #30 (south aisle) has a 5.2% slope. Bldg. #31 (north aisle) has a 2.9% slope. Bldg. #49 (north aisle) has a 2.7% slope. | For the 22 units specified in paragraph 30 of the Order: Remove existing paving as required and pave access aisle to provide a maximum slope of 2.0% in each direction, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |

| | | |
|----------------------------------|---|--|
| <p>Table A Line 3</p> | <p>Where the accessible route within the project crosses a curb ramp the slope of the left flare has a maximum allowable running slope of 8.33%. The left flare exceeds the maximum slope in the following locations.</p> <p>Bldg. #1 Left flare has a 12.0% slope Bldg. #2 (south) Flare has a 11.0% slope Bldg. #30 (north) Flare has a 9.3% slope. Bldg. #30 (center) Flare has a 9.1% slope Bldg. #30 (south) Flare has a 9.8% slope. Bldg. #31 (north) Flare has a 10.0% slope Bldg. #31 (south) Flare has a 13.3% slope Bldg. #49 (north) Flare has a 11.4% slope Bldg. #49 (south) Flare has a 13.1% slope</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove the existing left flare of the concrete ramp and provide a new concrete flare with a maximum running slope of 8.33%, and a maximum cross slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>Table A Line 4</p> | <p>Where the accessible route within the project crosses a curb ramp, the center section of the curb ramp has a maximum allowable cross slope of 2.00%. The center section exceeds the 2.0% cross slope in the following locations:</p> <p>Bldg. #1 Has a 15.5% cross slope Bldg. #2 (north) Has a 9.3% slope Bldg. #2 (south) Has a 9.9% slope Bldg. #3 (north) Has a 11.1% slope Bldg. #3 (south) Has a 7.0% slope Bldg. #30 (north) Has a 9.3% slope Bldg. #30 (center) Has a 9.1% slope Bldg. #30 (south) Has a 9.8% slope Bldg. #31 (north) Has a 10.0% slope Bldg. #31 (south) Has a 13.3% slope Bldg. #32 (west) Has a 7.1% slope Bldg. #49 (north) Has a 11.4% slope Bldg. #49 (south) Has a 13.1% slope Bldg. #50 Has a 11.4% slope</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove the existing center section of the concrete ramp and provide a new concrete center section with a maximum cross slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>Table A Line 5</p> | <p>Where the accessible route within the project crosses a curb ramp the slope of the right flare has a maximum allowable running slope of 8.33%. The right flare exceeds the maximum slope in the following locations.</p> <p>Bldg. #49 (north) Has a 11.7% slope Bldg. #49 (north) Has a 8.9% slope Bldg. #50 Has a 8.9% slope</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove the existing concrete right flare of the concrete ramp and provide a new concrete flare with a maximum running slope of 8.33%, and a maximum cross slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

| | | |
|----------------------------------|---|--|
| <p>Table A Line 6</p> | <p>The signage at the accessible parking spaced showing the handicapped symbol is mounted too low or is not provided in the following locations:</p> <p>Bldg. #1 (center parking spaces) Two spaces have no signs provided.</p> <p>Bldg. #2 (north parking spaces) Two spaces have signs at 49" height.</p> <p>Bldg. #2 (south parking spaces) Two spaces have signs at 49" height.</p> <p>Bldg. #3 (north parking space) Sign is mounted at 49" height.</p> <p>Bldg. #3 (south parking space) Sign is mounted at 49" height.</p> <p>Bldg. #16 Accessible parking space has no sign provided.</p> <p>Bldg. #25 Bldg. #16 Accessible parking space has no sign provided.</p> <p>Bldg. #30 (center parking spaces) Two spaces have no sign provided.</p> <p>Bldg. #30 (south parking space) Has no sign provided.</p> <p>Bldg. #31 (north parking space) Has no sign provided.</p> <p>Bldg. #32 (west parking space) Has no sign provided.</p> <p>Bldg. #32 (east parking space) Has no sign provided.</p> <p>Bldg. #35 Accessible parking space has no sign provided.</p> <p>Bldg. #41 Accessible parking space has no sign provided.</p> <p>Bldg. #44 Accessible parking space has no sign provided.</p> <p>Bldg. #48 Accessible parking space has no sign provided.</p> <p>Bldg. #49 (south parking space) Two spaces have no sign provided.</p> <p>Bldg. #50 Accessible parking space has no sign provided.</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Provide a sign showing the symbol of accessibility, installed at a height of 60" from the ground surface at each designated accessible parking space, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|----------------------------------|---|--|

E. Accessible Route to Dwelling Unit Primary Entrance - TABLE "B"

| | | |
|----------------------------------|--|--|
| <p>Table B Line 1</p> | <p>The cross slope on the pedestrian accessible route from the public access street and common-use facilities to the dwelling unit primary entrance exceeds the maximum allowable cross slope of 2.0% in the following locations:</p> <p>Bldg. #1 Apt. 101 Cross slope of 3.7% Bldg. #1 Apr. 102 Cross slopes of 3.8% & 4.6% Bldg. #2 Apt. 201 & 202 Cross slopes of 3.3%, 3.2%, 2.8%. Bldg. #2 Apt. 203 & 204 Cross slopes of 7.1% & 8.9%. Bldg. #3 Apt. 301 & 302 Cross slope 3.6% Bldg. #3 Apt. 303 & 304 Cross slope 2.9% Bldg. #4 Apt. 401 Cross slopes of 4.1% & 4.4%. Bldg. #4 Apt. 402 Cross slopes of 4.7%, 3.4%, & 3.5%. Bldg. #5 Apt. 502 Cross slopes of 4.0% & 3.4%. Bldg. #6 Apt. 601 Cross slope of 2.6% Bldg. #6 Apt. 602 Cross slopes of 3.6% & 3.2%. Bldg. #7 Apt. 701 Cross slopes of 3.1% & 3.6%. Bldg. #7 Apt. 702 Cross slopes of 3.1%, 2.9%, & 4.4%. Bldg. #8 Apt. 802 Cross slope of 3.7% Bldg. #9 Apt. 901 Cross slopes of 3.5% & 4.8%. Bldg. #9 Apt. 902 Cross slopes of 3.4%, 4.4%, & 2.7%. Bldg. #10 Apt. 1001 Cross slopes of 2.7%, 3.3%, & 4.2%. Bldg. #10 Apt. 1002 Cross slope of 3.0% Bldg. #11 Apt. 1101 Cross slope of 3.0% and 2.6%. Bldg. #11 Apt. 1102 Cross slopes of 3.9% & 4.0%. Bldg. #12 Apt. 1201 Cross slopes of 4.6% & 3.7%. Bldg. #12 Apt. 1202 Cross slope of 2.7%. Bldg. #17 Apt. 1701 Cross slopes of 3.0% & 4.8%. Bldg. #18 Apt. 1801 Cross slopes of 3.3% & 2.9%.</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove the existing paving where the excessive cross slopes are listed and provide paving with cross slopes having a maximum cross slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guideline.</p> |
|----------------------------------|--|--|

| | | |
|----------------------------------|---|--|
| <p>Table B Line 1</p> | <p>Bldg. #20 Apt. 2001 Cross slope of 9.3%. Bldg. #28 Apt. 2802 Cross slope of 3.5%. Bldg. #30 Apt. 3003 & 3004 Cross slopes of 6.2% & 9.9%. Bldg. #31 Apt. 3101 & 3102 Cross slope of 2.8%. Bldg. #31 Apt. 3103 & 3104 Cross slopes of 10.0% & 7.2%. Bldg. #32 Apt. 3201 Cross slopes of 6.3% & 9.5%. Bldg. #33 Apt. 3301 Cross slopes of 3.6% & 7.0%. Bldg. #33 Apt. 3302 Cross slope of 3.7%. Bldg. #34 Apt. 3401 Cross slopes of 3.3%, 4.1%, & 3.5%. Bldg. #35 Apt. 3501 Cross slopes of 3.8% & 2.8%. Bldg. #35 Apt. 3502 Cross slope of 2.5%. Bldg. #36 Apt. 3601 Cross slopes of 3.7% & 4.0%. Bldg. #36 Apt. 3602 Cross slope of 3.6%. Bldg. #37 Apt. 3701 Cross slopes of 4.3%, 2.9%, & 2.5%. Bldg. #37 Apt. 3702 Cross slopes of 3.6% & 3.2%. Bldg. #40 Apt. 4001 Cross slopes of 3.4% & 2.7%. Bldg. #41 Apt. 4101 Cross slope of 3.6%. Bldg. #42 Apt. 4202 Cross slopes of 2.9% & 3.4%. Bldg. #45 Apt. 4501 Cross slopes of 5.3% & 6.2%. Bldg. #45 Apt. 4502 Cross slopes of 4.5% & 4.1%. Bldg. #46 Apt. 4601 Cross slopes of 4.1% & 4.2%. Bldg. #46 Apt. 4601 Cross slope of 3.7%. Bldg. #47 Apt. 4701 Cross slope of 4.0%. Bldg. #48 Apt. 4801 Cross slope of 2.2%. Bldg. #48 Apt. 4802 Cross slope of 10.1%. Bldg. #49 Apt. 4903 & 4904 Cross slopes of 4.9% & 4.7%. Bldg. #50 Apt. 5001 Cross slope of 6.2%. Bldg. #50 Apt. 5002 Cross slopes of 4.1% & 3.6%.</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove the existing paving where the excessive cross slopes are listed and provide paving with cross slopes having a maximum cross slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guideline.</p> |
|----------------------------------|---|--|

| | | |
|----------------------------------|---|---|
| <p>Table B Line 2</p> | <p>The running slope on the pedestrian accessible route from the public access street and common-use facilities to the dwelling unit primary entrance exceeds the maximum allowable 5.0% running slope in the following locations:</p> <p>Bldg. #3 Apt. 301 & 302 Running slope of 5.7%.</p> <p>Bldg. #6 Apt. 602 Running slope of 10.3%</p> <p>Bldg. #8 Apt. 801 Running slope of 8.9%.</p> <p>Bldg. #9 Apt. 902 Running slope of 6.7%.</p> <p>Bldg. #12 Apt. 1202 Running slope of 7.9%.</p> <p>Bldg. #13 Apt. 1302 Running slope of 10.9%.</p> <p>Bldg. #17 Apt. 1702 Running slope of 9.8%.</p> <p>Bldg. #20 Apt. 2001 Running slope of 6.3%.</p> <p>Bldg. #25 Apt. 2502 Running slope of 5.9%.</p> <p>Bldg. #27 Apt. 2701 Running slope of 9.1%.</p> <p>Bldg. #27 Apt. 2702 Running slope of 6.7%.</p> <p>Bldg. #28 Apt. 2801 Running slopes of 6.5%, 8.5%, & 7.4%.</p> <p>Bldg. #28 Apt. 2802 Running slope of 14.2%.</p> <p>Bldg. #29 Apt. 2901 Running slope of 14.0%.</p> <p>Bldg. #29 Apt. 2902 Running slope of 7.4%.</p> <p>Bldg. #30 Apt. 3003 & 3004 Running slope of 9.0%.</p> <p>Bldg. #31 Apt. 3103 & 3104 Running slope of 10.1%.</p> <p>Bldg. #40 Apt. 4002 Running slope of 10.6%.</p> <p>Bldg. #42 Apt. 4201 Running slope of 5.5%.</p> <p>Bldg. #42 Apt. 4202 Running slope of 8.4%.</p> <p>Bldg. #43 Apt. 4301 Running slopes of 16.5% at drainage swale, 29.1%, & 27.8%.</p> <p>Bldg. #43 Apt. 4302 Running slopes of 6.2% & 7.1%.</p> <p>Bldg. #45 Apt. 4502 Running slope of 7.1%.</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove the existing paving where the excessive running slopes are listed and provide paving having a maximum running slope of 5.0%.</p> <p>Alternately, provide handrails on both sides of ramps with running slopes in excess of 5.0% up to slopes of 8.33%.</p> <p>Either of the above to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|----------------------------------|---|---|

| | | |
|----------------------------------|--|---|
| <p>Table B Line 2</p> | <p>Bldg. #46 Apt. 4602 Running slope of 6.9%. Bldg. #47 Apt. 4701 Running slope of 19.2%. Bldg. #47 Apt. 4702 Running slope of 13.1%. Bldg. #48 Apt. 4802 Running slopes of 10.8% & 7.5%.</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove the existing paving where the excessive running slopes are listed and provide paving having a maximum running slope of 5.0%.</p> <p>Alternately, provide handrails on both sides of ramps with running slopes in excess of 5.0% up to slopes of 8.33%.</p> <p>Either of the above to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|----------------------------------|--|---|

| | | |
|----------------------------------|--|---|
| <p>Table B Line 3</p> | <p>The pedestrian accessibility route from the public access street and common-use facilities to the primary dwelling unit entrances have offsets (abrupt level changes) between 1/4" and 1/2" without the required 1:2 ratio beveled slope, or offsets greater than 1/2" without ramp features, in the following locations:</p> <p>Bldg. #1 Apt. 101, Offset of 1 3/4" Bldg. #1 Apt. 102, Offset of 1 1/2" Bldg. #2 Apt. 203 & 204, Offset of 3/4" Bldg. #4 Apt. 401, Offset of 1 1/4" filled w/concrete which is deteriorating, & an offset of 3/4" Bldg. #4 Apt. 402, Offset of 4" Bldg. #5 Apt. 502, Offset of 3/4" Bldg. #6 Apt. 601, Offset of 2" filled w/concrete but has 16.6% running slope. Bldg. #6 Apt. 302, Offset of 1 1/4" Bldg. #7 Apt. 702, Offset of 1" filled w/concrete but has 9.7% running slope. Bldg. #8 Apt. 801, Offset of 1" Bldg. #8 Apt. 802, Offset of 1" filled w/concrete but has 16.2% running slope. Bldg. #9 Apt. 901, Offset of 2"</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove either the upper or lower portion of the concrete walkway at the offset, and at a slope not to exceed 5.0%, provide new concrete walkway to be at the same elevation with that portion to which it is joined, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|----------------------------------|--|---|

| | | |
|----------------------------------|--|--|
| <p>Table B Line 3</p> | <p>Bldg. #10 Apt. 1001 Offset of 1" Bldg. #10 Apt. 1002 Offset of 3/4" filled w/concrete but has 8.0% running slope. Bldg. #11 Apt. 1101 Offsets of 1 1/4" & 1" Bldg. #11 Apt. 1102 Offset of 1" filled w/concrete but has 13.4% running slope. Bldg. #13 Apt. 1301 Offset of 7" Bldg. #15 Apt. 1502 Offset of 2" filled w/concrete but has 13.2% running slope. Bldg. #16 Apt. 1601 Offset of 1 3/4" Bldg. #16 Apt. 1602 Offset of 3" Bldg. #18 Apt. 1801 Offset of 1" Bldg. #18 Apt. 1802 Offset of 2" Bldg. #19 Apt. 1901 Offset of 1" Bldg. #20 Apt. 2001 Offset of 1 1/2" filled w/concrete but has 8.9% running slope. Bldg. #27 Apt. 2702 Offset of 1 1/4" filled w/concrete but has 11.8% running slope. Bldg. #28 Apt. 2802 Offset of 3/4" Bldg. #30 Apt. 3003 & 3004 Two offsets of 1 1/4". Bldg. #33 Apt. 3302 Offset of 1 1/2". Bldg. #34 Apt. 3402 Offset of 3/4" filled w/concrete but deteriorating. Bldg. #37 Apt. 3702 Offset of 1" Bldg. #42 Apt. 4201 Offset of 1 3/4" Bldg. #44 Apt. 4401 Offset of 1" Bldg. #44 Apt. 4402 Offset of 2" Bldg. #45 Apt. 4501 Offset of 1" Bldg. #46 Apt. 4602 Offset of 1" Bldg. #49 Apt. 4901 & 4902 Offset of 1" Bldg. #49 Apt. 4902 Offsets of 1" & 1 1/2" Bldg. #50 Apt. 5001 Offsets of 1 1/4" & 3/4"</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove either the upper or lower portion of the concrete walkway at the offset, and at a slope not to exceed 5.0%, provide a new concrete walkway to be at the same elevation with that portion to which it is joined, to comply with Requirement #2of the Fair Housing accessibility Guidelines.</p> |
|----------------------------------|--|--|

| | | |
|---------------------------|--|---|
| <p>Table B Line 4</p> | <p>The pedestrian accessibility route from the public access street and common-use facilities to the primary dwelling unit entrances have changes in level (concrete steps) greater than ½" without ramp features in the following locations:</p> <p>Bldg. # 12 Apt. 1202, One 7" step. Bldg. # 15 Apt. 1501, One 7" step. Bldg. # 17 Apt. 1702, One 7" step. Bldg. #19 Apt. 1901, Three steps, one 7", one 6", & one 7". Bldg. #25 Apt. 2502, One 7 ½" step. Bldg. #27 Apt. 2702, Two 7 ½" steps. Bldg. #29 Apt. 2901, Three 7 ½" steps. Bldg. #33 Apt. 3301, Three steps, one 5 ½", one 6", & one 5 ½". Bldg. #35 Apt. 3501, One 7" step. Bldg. #36 Apt. 3601, Concrete ramp provided but w/7.3% running slope. Bldg. #36 Apt. 3602, One 8" step. Bldg. #40 Apt. 4002, One 7" step. Bldg. #47 Apt. 4701, Three 7" steps. Bldg. #47 Apt. 4702, Two 7" steps.</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Provide alternate accessible route from parking walkway to the covered porch of the dwelling unit. Such accessible route to be concrete construction, with a minimum clear width of 36", and with a maximum cross slope of 2.0% and a maximum running slope of 5.0%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>Table B Line 5</p> | <p>The pedestrian accessibility route from the public access street and common-use facilities to the primary dwelling unit entrances have gaps between sections of walkways greater than ½" in width in the following locations.</p> <p>Bldg. #2 Apt. 203 & 204, Gap of 1" Bldg. #12 Apt. 1201, Gap of 1 ¼" Bldg. #20 Apt. 2002, Gap of 2" Bldg. #30 Apt. 3003 & 3004, Gaps of 1 ½" & 1 ¼". Bldg. #31 Apt. 3101 & 3102, Two gaps of 1 ¼" Bldg. #31 Apt. 3103 & 3104, Gap of 1" Bldg. #43 Apt. 4301, Gap os 1 ¼" Bldg. #49 Apt. 4901 & 4902, Gap of 1 ½" Bldg. #49 Apt. 4903 & 4904, Gaps of 1" & 2 ½" Bldg. #50 Apt. 5002, Gap of 1 ¾"</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Provide and install concrete to fill the gaps between sections of the accessible route to be level and comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

F. Covered Front Porch/Primary Dwelling Unit Entry - TABLE "C"

| | | |
|---|---|---|
| <p>Table C Line 1 Line 2</p> | <p>Buildings #1, #2, #3, #30, #31, & #32</p> <p>The maneuvering surface at the sill of the primary entry door has a slope which exceeds the maximum 2.0% slope.</p> <p>Bldg. #1 Apt. 101, Slope of 2.5% Bldg. #2 Apt. 201, Slope of 5.2% Bldg. #2 Apt. 202, Slope of 6.2% Bldg. #2 Apt. 203, Slope of 4.9% Bldg. #2 Apt. 204, Slope of 4.8% Bldg. #3 Apt. 301, Slope of 3.5% Bldg. #3 Apt. 302, Slope of 5.0% Bldg. #3 Apt. 303, Slope of 4.4% Bldg. #3 Apt. 304, Slope of 4.4% Bldg. #30 Apt. 3001, Slope of 16.8% Bldg. #30 Apt. 3002, Slope of 9.7% Bldg. #30 Apt. 3003, Slope of 29.3% Bldg. #30 Apt. 3004, Slope of 16.2% Bldg. #31 Apt. 3001, Slope of 4.4% Bldg. #31 Apt. 3002, Slope of 10.6% Bldg. #31 Apt. 3003, Slope of 13.6% Bldg. #31 Apt. 3004, Slope of 9.3% Bldg. #32 Apt. 3201, Slope of 6.2% Bldg. #32 Apt. 3202, Slope of 7.5%</p> <p>Building #4 thru Building #29 and Building #33 thru Building #50, with the exception of those buildings which are exempt.</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Provide a saw-cut in the concrete porch deck and remove the concrete from the saw-cut to the door sill.</p> <p>Pour a concrete ramp from the saw-cut to the door sill to within 1/4" of the height of the interior floor slab.</p> <p>The distance of the saw-cut from the door sill shall be determined by the slope of the new concrete ramp, which shall not exceed a maximum 2.00% slope.</p> <p>The above to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|---|---|---|

In an attempt to address the conditions of excessive slope at the maneuvering surface and the abrupt level change at the thresholds of the primary dwelling unit entry, the contractor during the retrofit process, placed a dollop or two or three of concrete at the door sill of the ground level units. When settle, the dollop created an oval-shaped lump, less that 36" in width, and with a variety of slopes much larger than the previous slopes at the maneuvering surface of the primary entry door, in the following locations:

- Bldg. #4 Apt. 401, Slope of 11.9%
- Bldg. #4 Apt. 402, Slope of 6.5%
- Bldg. #5 Apt. 501, Slope of 15.5%
- Bldg. #5 Apt. 502, Slope of 26.7%
- Bldg. #6 Apt. 601, Slope of 17.7%
- Bldg. #6 Apt. 602, Slope of 19.4%

| | | |
|--|--|--|
| | | |
|--|--|--|

| | | |
|---|--|---|
| <p>Table C Line 1 Line 2</p> | <p>Bldg. #7 Apt. 701, Slope of 10.3% Bldg. #7 Apt. 702, Slope of 6.3% Bldg. #8 Apt. 801, Slope of 12.4% Bldg. #8 Apt. 802, Slope of 12.9% Bldg. #9 Apt. 901, Slope of 18.6% Bldg. #9 Apt. 902, Slope of 21.5% Bldg. #10 Apt. 1001, Slope of 10.6% Bldg. #10 Apt. 1002, Slope of 10.6% Bldg. #11 Apt. 1101, Slope of 9.7% Bldg. #11 Apt. 1102, Slope of 17.0% Bldg. #12 Apt. 1201, Slope of 14.8% Bldg. #12 Apt. 1202, Slope of 11.4% Bldg. #13 Apt. 1301, Slope of 15.5% Bldg. #13 Apt. 1302, Slope of 13.5% Bldg. #15 Apt. 1501, Slope of 10.6% Bldg. #15 Apt. 1502, Slope of 18.3% Bldg. #16 Apt. 1601, Slope of 13.4% Bldg. #16 Apt. 1602, Slope of 21.2% Bldg. #17 Apt. 1701, Slope of 19.7% Bldg. #17 Apt. 1702, Slope of 17.3% Bldg. #18 Apt. 1801, Slope of 10.6% Bldg. #18 Apt. 1802, Slope of 18.3% Bldg. #19 Apt. 1901, Slope of 13.8% Bldg. #19 Apt. 1902, Slope of 11.7% Bldg. #20 Apt. 2001, Slope of 20.6% Bldg. #20 Apt. 2002, Slope of 18.0% Bldg. #25 Apt. 2501, Slope of 13.0% Bldg. #25 Apt. 2502, Slope of 17.9% Bldg. #27 Apt. 2701, Slope of 14.6% Bldg. #27 Apt. 2702, Slope of 18.8% Bldg. #29 Apt. 2901, Slope of 13.6% Bldg. #29 Apt. 2902, Slope of 9.6% Bldg. #33 Apt. 3301, Slope of 10.4% Bldg. #33 Apt. 3302, Slope of 8.5% Bldg. #34 Apt. 3401, Slope of 2.9% Bldg. #34 Apt. 3402, Slope of 4.9% Bldg. #35 Apt. 3501, Slope of 12.6% Bldg. #35 Apt. 3502, Slope of 16.7% Bldg. #36 Apt. 3601, Slope of 10.4% Bldg. #36 Apt. 3602, Slope of 13.0% Bldg. #37 Apt. 3701, Slope of 8.3% Bldg. #37 Apt. 3702, Slope of 28.4%</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Provide a saw-cut in the concrete porch deck and remove the concrete from the saw-cut to the door sill.</p> <p>Pour a concrete ramp from the saw-cut to the door sill to within 1/4" of the height of the interior floor slab.</p> <p>The distance of the saw-cut from the door sill shall be determined by the slope of the new concrete ramp, which shall not exceed a maximum 2.00% slope.</p> <p>The above to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|---|--|---|

| | | |
|---|---|---|
| <p>Table C Line 1 Line 2</p> | <p>Bldg. #40 Apt. 4001, Slope of 7.7% Bldg. #40 Apt. 4002, Slope of 9.4% Bldg. #41 Apt. 4101, Slope of 10.0% Bldg. #41 Apt. 4102, Slope of 15.1% Bldg. #42 Apt. 4201, Slope of 14.1% Bldg. #42 Apt. 4202, Slope of 16.0% Bldg. #43 Apt. 4301, Slope of 12.4% Bldg. #43 Apt. 4302, Slope of 18.9% Bldg. #44 Apt. 4401, Slope of 10.0% Bldg. #44 Apt. 4402, Slope of 12.1% Bldg. #45 Apt. 4501, Slope of 12.2% Bldg. #45 Apt. 4502, Slope of 10.3% Bldg. #46 Apt. 4601, Slope of 7.9% Bldg. #46 Apt. 4602, Slope of 16.2% Bldg. #47 Apt. 4701, Slope of 10.8% Bldg. #47 Apt. 4702, Slope of 15.6% Bldg. #48 Apt. 4801, Slope of 13.4% Bldg. #48 Apt. 4802, Slope of 18.0% Bldg. #49 Apt. 4901, Slope of 10.8% Bldg. #49 Apt. 4902, Slope of 10.7% Bldg. #49 Apt. 4903, Slope of 8.1% Bldg. #49 Apt. 4904, Slope of 14.2% Bldg. #50 Apt. 5001, Slope of 18.0% Bldg. #50 Apt. 5002, Slope of 12.6%</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Provide a saw-cut in the concrete porch deck and remove the concrete from the saw-cut to the door sill.</p> <p>Pour a concrete ramp from the saw-cut to the door sill to within 1/4" of the height of the interior floor slab.</p> <p>The distance of the saw-cut from the door sill shall be determined by the slope of the new concrete ramp, which shall not exceed a maximum 2.00% slope.</p> <p>The above to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|---|---|---|

| | | |
|----------------------------------|--|--|
| <p>Table C Line 3</p> | <p>In the circulation spaces at the covered porches of the ground floor dwelling units, the clear headroom is reduced to less than the required 80" at the bottom of the stair landings in the following locations.</p> <p>Bldg. #1 Headroom of only 69 1/2" Bldg. #4 Headroom of only 71" Bldg. #5 Headroom of only 70" Bldg. #6 Headroom of only 71" Bldg. #7 Headroom of only 71" Bldg. #8 Headroom of only 70" Bldg. #9 Headroom of only 65" Bldg. #10 Headroom of only 71" Bldg. #11 Headroom of only 65" Bldg. #12 Headroom of only 63 1/2" Bldg. #13 Headroom of only 67" Bldg. #15 Headroom of only 66" Bldg. #16 Headroom of only 73 1/2" Bldg. #17 Headroom of only 65 1/2" Bldg. #18 Headroom of only 65" Bldg. #19 Headroom of only 65" Bldg. #20 Headroom of only 63"</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Provide a cane detectible device beneath the stairs, such as a metal railing, with a minimum height of 27" above the deck, in such areas which do not have a circulation space with a minimum clear headroom of 80", to comply with Requirement #2 of the Fair Housing Accessibility Guidelines</p> |
|----------------------------------|--|--|

| | | |
|----------------------------------|---|--|
| <p>Table C Line 3</p> | <p>Bldg. #25 Headroom of only 64" Bldg. #27 Headroom of only 70" Bldg. #28 Headroom of only 70" Bldg. #29 Headroom of only 70" Bldg. #32 Headroom of only 69" Bldg. #33 Headroom of only 71" Bldg. #34 Headroom of only 65" Bldg. #35 Headroom of only 71" Bldg. #36 Headroom of only 70" Bldg. #37 Headroom of only 71" Bldg. #40 Headroom of only 70" Bldg. #41 Headroom of only 65" Bldg. #42 Headroom of only 67" Bldg. #43 Headroom of only 72" Bldg. #44 Headroom of only 71" Bldg. #45 Headroom of only 70" Bldg. #46 Headroom of only 64" Bldg. #47 Headroom of only 70" Bldg. #48 Headroom of only 71" Bldg. #50 Headroom of only 71"</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Provide a cane detectible device beneath the stairs, such as a metal railing, with a minimum height of 27" above the deck, in such areas which do not have a circulation space with a minimum clear headroom of 80", to comply with Requirement #2 of the Fair Housing Accessibility Guidelines</p> |
|----------------------------------|---|--|

| | | |
|----------------------------------|--|--|
| <p>Table C Line 4</p> | <p>The dwelling unit concrete porch deck has an offset (abrupt level changes) between 1/4" and 1/2" without the required 1:2 ratio beveled slope, or offsets greater than 1/2" without ramp features, in the following locations:</p> <p>Bldg. #1 Apt. 101, Offset of 1 3/4" Bldg. #1 Apt. 102, Offset of 1 1/2" Bldg. #2 Apt. 201, Offset of 3" Bldg. #2 Apt. 202, Offset of 1" Bldg. #3 Apt. 301, Offset of 3" filled w/ concrete but has a 9.2% running slope. Bldg. #3 Apt. 302, Offset of 1 1/2" filled w/ concrete but has a 11.9% running slope. Bldg. #3 Apt. 303, Offset of 1 1/4" filled w/ concrete but has a 7.4% running slope. Bldg. #3 Apt. 304, Offset of 3/4" Bldg. #4 Apt. 402, Offset of 4" Bldg. #6 Apt. 601, Offset of 2" filled w/ concrete but has a 16.6% running slope. Bldg. #6 Apt. 602, Offset of 1 1/4" Bldg. #7 Apt. 702, Offset of 1" filled w/ concrete but has a 9.7% running slope.</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove either the lower portion of the concrete walkway at the offset, and at a slope not to exceed 5.0%, provide new concrete walkway to be at the same elevation with that of the concrete porch, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|----------------------------------|--|--|

| | | |
|----------------------------------|--|--|
| <p>Table C Line 4</p> | <p>Bldg. #8 Apt. 801, Offset of 1" Bldg. #8 Apt. 802, Offset of 1" filled w/ concrete but has a 16.2% running slope. Bldg. #9 Apt. 901, Offset of 1 ½" Bldg. #10 Apt. 1001, Offset of 1" Bldg. #10 Apt. 1002, Offset of ¾" filled w/concrete but has a 8.0% running slope. Bldg. #11 Apt. 1101, Offset of 1" Bldg. #11 Apt. 1102, Offset of 1" filled w/ concrete but has a 13.4% running slope. Bldg. #13 Apt. 1301, Offset (step) of 7" Bldg. #15 Apt. 1501, Offset (step) of 7" Bldg. #16 Apt. 1601, Offset of 1 ¾" Bldg. #16 Apt. 1602, Offset of 3" ----- Bldg. #17 Apt. 1702, Offset (step) of 7" Bldg. #19 Apt. 1901, Offset of 3 ½" Bldg. #20 Apt. 2001, Offset of 1 ½" filled w/concrete but has a 8.9% running slope. Bldg. #27 Apt. 2701, Offset (step) of 7 ½" Bldg. #27 Apt. 2702, Offset of 1 ¼" filled w/concrete but has a 11.8% running slope. Bldg. #30 Apt. 3003, Offset of 1 ½" Bldg. #30 Apt. 3004, Offset of 1 ¼" Bldg. #31 Apt. 3101, Offset of 1 ¼" Bldg. #31 Apt. 3102, Offset of 1 ¼" Bldg. #32 Apt. 3202, Offset of ¾" Bldg. #33 Apt. 3301, Offset (step) of 6" Bldg. #33 Apt. 3302, Offset of 9" filled w/concrete but has a 11.8% running slope. Bldg. #34 Apt. 3402, Offset of ¾" Bldg. #35 Apt. 3501, Offset (step) of 7" Bldg. #36 Apt. 3602, Offset (step) of 8" Bldg. #37 Apt. 3702, Offset of 1" Bldg. #40 Apt. 4002, Offset (step) of 7" Bldg. #42 Apt. 4201, Offset of 1 ¾" Bldg. #44 Apt. 4401, Offset of 1" Bldg. #44 Apt. 4402, Offset of 2" Bldg. #45 Apt. 4502, Offset of 1" Bldg. #46 Apt. 4601, Offset of 1" Bldg. #49 Apt. 4901, Offset of 1" Bldg. #49 Apt. 4903, Offset of 1 ½" Bldg. #49 Apt. 4904, Offset of 1" Bldg. #50 Apt. 5001, Offset of ¾"</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Remove either the lower portion of the concrete walkway at the offset, and at a slope not to exceed 5.0%, provide new concrete walkway to be at the same elevation with that of the concrete porch, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|----------------------------------|--|--|

| | | |
|----------------------------------|--|---|
| <p>Table C Line 5</p> | <p>The pedestrian accessibility route walkway to the dwelling units have at the intersection of the concrete walkway and the concrete covered porch deck a separation or gap greater than the ½" allowable at the following locations:</p> <p>Bldg. #2 Apt. 203, Gap of 2" Bldg. #20 Apt. 2002, Gap of 2" Bldg. #30 Apt. 3003, Gap of 1 1/4" Bldg. #31 Apt. 3104, Gap of 1" Bldg. #42 Apt. 4202, Gap of 1 3/8" Bldg. #49 Apt. 4901, Gap of 1 ½" Bldg. #49 Apt. 4903, Gap of 1" Bldg. #49 Apt. 4904, Gap of 2 ½"</p> | <p>For the 22 units specified in paragraph 30 of the Order:</p> <p>Provide and install concrete to fill the gaps between the accessibility route and the deck of the covered porches, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
|----------------------------------|--|---|

G. Leasing Office/Community Room - Exterior Violations

| | | |
|----------|--|--|
| <p>1</p> | <p>The pedestrian accessibility route leading to the Leasing Office has cross slopes which exceed the maximum allowable of 2.0% slope in the following locations:</p> <p>Cross slope of 4.8% to the right of entry to Leasing Office. Cross slope of 3.6 to the far right of entry to Leasing Office.</p> | <p>Remove the existing concrete paving where the excessive cross slopes are listed and provide concrete paving having a maximum cross slope of 2.0%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| <p>2</p> | <p>The pedestrian accessibility route leading to the Leasing Office has a running slope which exceeds the maximum allowable of 5.0% slope in the following location:</p> <p>Running slope of 7.3% to the right of entry to Leasing Office.</p> | <p>Remove the existing concrete paving where the excessive running slope is listed and provide concrete paving having a maximum running slope of 5.0%.</p> <p>Alternately, provide handrails on both sides of accessible routes which exceed a 5.0% running slopes up to slopes of 8.33%.</p> <p>Either remedy to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

| | | |
|---|---|---|
| 3 | <p>The maneuvering surface at the 4 exterior doors of the Leasing Office/Community Room building have slopes which exceed the maximum allowable 2.0% slope in the following locations:</p> <p>Slope of 5.7% at the main entry to the Leasing Office.</p> <p>Slope of 7.0% at entry from the pool area to the Parlor area.</p> <p>Slope of 2.9% at entry to the Hall from the passageway to the mail box area.</p> <p>Slope of 7.5% at the entry from the pool area to the Meeting Room.</p> | <p>Remove the paving where the maneuvering surface is excessive and replace with paving having a maneuvering surface with a maximum slope of 2.00%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| 4 | <p>There is an abrupt level change of 1 ½" on the pedestrian accessible route from the parking area to the Leasing Office which exceeds the allowable offset of 1/4" in the following location:</p> <p>Ramp from parking area to covered porch of Leasing Office.</p> | <p>Remove the concrete walkway at the lower portion of the abrupt level change and provide a concrete walkway with a slope no greater than 5.0% to be level with the top portion, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| 5 | <p>There is an abrupt level change of 2 ¾" at the threshold of the door from the Leasing Office to the mail box pathway, greater than the 1 ¼" acceptable threshold offset.</p> | <p>Remove the existing concrete paving at doorway and provide new concrete walkway at the door sill such that the distance from the interior floor to the new concrete walk does not exceed ½", to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

H. Leasing Office/Community Room - Interior Violations

| | | |
|----|--|---|
| 6a | <p>The pull side/hinge side approach to the outward swinging Uni-sex restroom door has only a 43" clearance to access the restroom, less than the required 54" depth for a pull side approach.</p> | <p>Reverse the swing of the door inward into the Uni-sex restroom, and provide a minimum 18" maneuvering space at the latch side of the door, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| 6b | <p>In the Uni-sex restroom, the toilet is mounted too near, at 15", from the sidewall.</p> | <p>Provide and install an "offset water closet flange" as manufactured by Aubuchon Hardware, or equivalent supplier, to bring the water closet 18" from the sidewall, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| 7a | <p>The kitchen sink is mounted too high, at 37", to meet the required 34" height.</p> | <p>Modify the kitchen counter to provide the sink at 34" height above the floor, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |
| 7b | <p>The sink in the Clubhouse Kitchen does not provide for an accessible knee space depth of 19" beneath the sink due to the 5 ¾" fixed base in the recessed space.</p> | <p>Remove 5 ¾" base beneath the sink to provide a knee space depth of 19", height of 27", a width of 30, and a clear floor space of 30" x 48" for a forward approach, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines.</p> |

| | | |
|----|---|---|
| 7c | The hot water and drain piping beneath the sink are not insulated or otherwise protected. | Provide insulation on drain and hot water piping, or provide a removable protective panel to protect against contact by a wheelchair user, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 8 | The door to the Meeting room has door hardware which requires tight grasping, pinching, or twisting to operate. Knob hardware provided. | Replace door hardware with operating device which has a shape that is easy to grasp with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. Lever-type, push type, and U-shaped handles are acceptable designs, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |

I. Mail Box Area Violations

| | | |
|---|--|---|
| 1 | There is an abrupt level change of 1 ½" from the access walkway to the deck of the Mail Box area greater than the 1/4" allowable offset. | Remove and replace the concrete access walkway at the Mail Box area such that there is no greater than a 1/4" offset at the intersection of the two surfaces, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 2 | The outgoing-mail slot is mounted too high, at 67", and the top mail box key slot is mounted too high, at 65", greater than the maximum allowable height of 54" for a parallel approach. | Provide for the outgoing-mail slot and the mail box key slots to be mounted, not in the alcoves, but in the center area such that they are mounted no higher than 54" above the deck and are accessible to a wheelchair user using a parallel approach, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 3 | The mail boxes extend into a dead-end alcove at each side of the mail box area, and are at a 31" width and 44" depth, less than the minimum clear floor space required for a centered parallel approach. | |

J. Classroom Building - Exterior Violations

| | | |
|---|---|---|
| 1 | The pedestrian accessibility route walkway from the parking area to the common-use Classroom building has running slopes of 7.8% and 8.4%, greater than the maximum 5.0% allowable slope. | Remove the existing concrete paving where the excessive running slope is listed and provide concrete paving having a maximum running slope of 5.0%. Alternately, provide handrails on both sides of accessible routes which exceed a 5.0% running slopes up to slopes of 8.33%. Either remedy to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 2 | There is an abrupt level change of 2 3/4", greater than the allowable 1/2" with ramp features, at the door sills of the Office door, Classrooms #2, and Classroom #3. The retrofitted concrete ramp at Classroom #4, which has deteriorated, has a slope of 9.7%, greater than the allowable 2.0% slope for maneuvering surface at the door entry. | Provide a saw-cut in the concrete porch deck at each door and remove the concrete from the saw-cut to the door sill. Pour a concrete ramp from the saw-cut to within 1/2" of the height of the door sill. The distance of the saw-cut from the door sill to be determined by the slope of the new concrete ramp which shall not exceed a 2.0% slope. The above to comply with the Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 3 | There is no pedestrian accessible route from the Classroom building to the common-use playground at the rear of the Classroom building. | Provide an pedestrian accessible route to the playground equipment area with a minimum clear width of 36", and with a surface that is firm, stable, and slip resistant, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |

K. Classroom Building - Interior Violations

| | | |
|---|---|---|
| 1 | In the Classroom Office restroom the toilet is mounted too far, at 20" from the sidewall. | Provide and install an "offset water closet flange" as manufactured by Aubuchon Hardware, or equivalent supplier, to bring the to bring the water closet to within the 16" minimum - 18" maximum distance from the side wall, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 2 | The signage for the Classroom Office rest room is located on the rest room door. | Remove the signage from the door and mount signage on the wall at the latch side of the door at a height of 60" from the floor to the center of the signage, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |

L. Swimming Pool Area Violations

| | | |
|----|---|---|
| 1a | The south gate to the pool area has, at the latch side of the gate, zero maneuvering clearance. | Provide and install maneuvering clearance at the latch side of the each gate, minimum 18" in width x 60" in depth, concrete paving similar to the concrete walkway, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 1b | The north gate to the pool area has, at the latch side of the gate, zero maneuvering clearance. | |
| 1c | The north side gate to the pool has an opening force, at 20 lbf (pound force), greater than the maximum 8.5 lbf allowable. | Readjust or replace the pool gate closer so as to provide an opening force of 8.5 lbf (pound force) or less, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 1d | The hose rack along the fence project out 5" at a point 47" above the pool deck, greater than the 4" allowed into the circulation path. | Provide a cane detectible device beneath the racks such as a metal railing, with a minimum height of 27" above the deck, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |

M. South Laundry Building - Exterior

| | | |
|----------|--|---|
| 1a 1c | At the common -use Laundry, the east entry door has at the maneuvering surface a slope of 10%, exceeding the required maximum slope of 2.0%. | At either the east or west entry doors remove the existing concrete pavement and replace with concrete pavement with a maximum slope of 2.0%, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
|----------|--|---|

N. South Laundry Building - Interior

| | | |
|----|--|---|
| 2a | The east door of the common-use Laundry building has at the latch side a maneuvering clearance which, at 10", is less than the required 18" clearance. | Reverse the location of the east door to the west door location and the west door to the east door location inside the South Laundry, thereby providing a 18" clear maneuvering space at the latch side of each door, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 2b | The west door of the common-use Laundry building has at the latch side a maneuvering clearance which, at 10" is less than the required 18" clearance. | |
| 2c | The coin slot mechanism for the dryer projects too far, at 5", greater than the 4" allowed into the circulation passageway. | Provide a detection device below the leading edge of the coin slot projection which will be cane detectable at a point from floor level to 27" above the floor, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
| 2d | The area floor drain in the middle of the room has no grate, leaving a 4" opening in the floor, greater than the ½" allowable opening. | Provide and install a grate at the floor drain with openings not to exceed ½", to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |

O. North Laundry Building - Interior

| | | |
|----|--|--|
| 1a | The area floor drain in the middle of the room has no grate, leaving a 4" opening in the floor, greater than the ½" allowable opening. | Provide and install a grate at the floor drain with openings not to exceed ½", to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
|----|--|--|

P. Playground Equipment Area

| | | |
|----|--|---|
| 1a | There is no pedestrian accessible route to the common-use playground equipment area between buildings #39 and #42. | Provide a pedestrian accessible route to the common-use playground equipment area with a minimum clear width of 36", and with a surface that is firm, stable, and slip resistant, to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
|----|--|---|

Q. Dumpsters

| | | |
|---|---|---|
| 1 | The bottom of the lid to the common-use dumpster is located too high to access and lift vertically with one hand in order to use. | Provide a dumpster with a horizontal sliding door the sill of which is no greater than 48" in height for a forward approach, or provide a concrete ramp sufficient to provide no greater than a 48" lid height for access, either to comply with Requirement #2 of the Fair Housing Accessibility Guidelines. |
|---|---|---|

PART II: USABLE DOORS

Door Width

| Unit Type | Bldg. # | Apt. # | Deficiency | Remedy |
|-----------|---------|--------|--|--|
| B | 50 | 5002 | Door to Hall Bath = 22" width. Door to Master Bath = 26" width Door to Master Bedroom = 28" width Door to Master Bedroom walk-in Closet = 26" width Door to Second Bedroom = 28" width Door to Second Bedroom walk-in Closet = 26" | For the 22 units specified in paragraph 30 of the Order: Provide minimum 32" nominal width door, the 32" nominal width being measured between the face of the door and the opposite stop, when the door is opened 90 degrees, to comply with Requirement #3, Guide (2), of the Fair Housing Accessibility Guidelines. |
| C | 7 | 701 | Door to Master Bedroom = 28" width Door to Master Bedroom walk-in Closet = 22" width Door to Master Bath = 22" width Door to Bedroom #2 = 28" width Door to Bedroom #2 walk-in Closet = 22" width Door to Bedroom #3 = 28" width Door to Hall Bath = 22" width | |

| | | | |
|--------|--------|------------|---|
| D | 9 | 902 | <p>Door to Master Bedroom = 28" width</p> <p>Door to Master Bedroom walk-in Closet = 22" width</p> <p>Door to Master Bath = 22" width</p> <p>Door to Bedroom #2 = 28" width</p> <p>Door to Bedroom #2 walk-in Closet = 22" width</p> <p>Door to Bedroom #3 = 28" width</p> <p>Door to Bedroom #4 = 28" width</p> <p>Door to Hall Bath = 22" width</p> |
| C C | 6 8 | 602 801 | <p>Door to Master Bedroom = 28" width</p> <p>Door to Master Bedroom walk-in Closet = 22" width</p> <p>Door to Master Bath = 22" width</p> <p>Door to Bedroom #2 = 28" width</p> <p>Door to Bedroom #2 walk-in Closet = 22" width</p> <p>Door to Bedroom #3 = 28" width</p> <p>Door to Bedroom #4 = 28" width</p> <p>Door to Hall Bath = 22" width</p> |

PART III: FEATURES OF ADAPTIVE DESIGN

(1) LIGHT SWITCHES, ELECTRICAL OUTLETS, AND THERMOSTATS

Thermostats

| | | | | |
|---|----|------|--|---|
| A | 49 | 4902 | Thermostat control is mounted too high, at 62" above finished floor. | Mount thermostat such that the operable thermostat control is 48" above the finished floor, to comply with Requirement #5, "Guideline", of the Fair Housing Accessibility Guidelines. |
| A | 30 | 3004 | Thermostat control is mounted too high, at 60" above finished floor. | |
| B | 50 | 5002 | Thermostat control is mounted too high, at 62" above finished floor. | |
| B | 32 | 3201 | Thermostat control is mounted too high, at 60" above finished floor. | |
| C | 7 | 701 | Thermostat control is mounted too high, at 62" above finished floor. | |
| D | 9 | 902 | Thermostat control is mounted too high, at 62" above finished floor. | |
| A | 31 | 3102 | Thermostat control is mounted too high, at 61" above finished floor. | |
| C | 8 | 801 | Thermostat control is mounted too high, at 61" above finished floor. | |
| C | 6 | 602 | Thermostat control is mounted too high, at 61" above finished floor. | |

(2) USABLE KITCHENS AND BATHROOMS

KITCHENS

30" x 48" Clear Floor Space at Refrigerator

| | | | | |
|---|----|------|---|--|
| A | 49 | 4902 | The refrigerator is located adjacent to the back wall of the Kitchen, disallowing a parallel approach, and 46" from the opposite wall, disallowing a forward approach, to the refrigerator. | <p>Alternate 1 - Forward Approach Modify the built-in pantry opposite the refrigerator to provide a minimum 46" distance between the refrigerator and the pantry, thereby allowing for a 30" x 46" clear floor space forward approach to the refrigerator.</p> <p><u>or</u> Delete the existing built-in pantry and provide a cabinet-type pantry the depth of which would provide a minimum 46" distance between the refrigerator and the pantry, thereby allowing for a 30" x 46" clear floor space forward approach to the refrigerator. Cabinet type pantry to match existing kitchen cabinetry in style and color.</p> <p>Alternate 2 - Parallel Approach Move the kitchen counter unit adjacent to the refrigerator toward the dining area a sufficient distance to move the center of the refrigerator 24" away from the end wall, thus allowing a 30" x 46" clear floor space parallel to and centered on the refrigerator.</p> <p>Either Alternate #1 or #2 to comply with Requirement #7, Guide (1)(a) of the Fair Housing Accessibility Guidelines.</p> |
| A | 30 | 3004 | The refrigerator is located adjacent to the back wall of the Kitchen, disallowing a parallel approach, and 44" from the opposite wall, disallowing a forward approach, to the refrigerator. | |
| B | 50 | 5002 | The refrigerator is located adjacent to the back wall of the Kitchen, disallowing a parallel approach, and 46" from the opposite wall, disallowing a forward approach, to the refrigerator. | |
| B | 32 | 3201 | The refrigerator is located adjacent to the back wall of the Kitchen, disallowing a parallel approach, and 43" from the opposite wall, disallowing a forward approach, to the refrigerator. | |
| C | 7 | 701 | The refrigerator is located adjacent to the back wall of the Kitchen, disallowing a parallel approach, and 46" from the opposite wall, disallowing a forward approach, to the refrigerator | |
| A | 31 | 3102 | The refrigerator is located adjacent to the back wall of the Kitchen, disallowing a parallel approach, and 46" from the opposite wall, disallowing a forward approach, to the refrigerator | |
| C | 8 | 801 | The refrigerator is located adjacent to the back wall of the Kitchen, disallowing a parallel approach, and 39" from the opposite wall, disallowing a forward approach, to the refrigerator | |
| C | 6 | 602 | The refrigerator is located adjacent to the back wall of the Kitchen, disallowing a parallel approach, and 39" from the opposite wall, disallowing a forward approach, to the refrigerator | |

BATHROOMS

Water Closet Location

| | | | | |
|---|----|------|---|--|
| A | 30 | 3004 | The Bath water closet is mounted too near, at 16", to the sidewall. | <p>The Fair Housing Accessibility Guidelines in Requirement #7 Guide (2)(a)(ii) and Guide (2)(b)(iv) require the water closets to be a minimum of 18" from the sidewall.</p> <p>However, the following safe harbors of: ICC/ANSI A117.1 - 1998 edition ICC/ANSI A117.1 - 2003 edition allow water closets to be 16" minimum and 18" maximum from the sidewall.</p> <p>Provide and install an "offset water closet flange" as manufactured by Aubuchon Hardware, or an equivalent supplier, to bring the water closet to within the allowable 16" minimum - 18" maximum distance.</p> |
| B | 32 | 3201 | The Master Bath water closet is mounted too near, at 17 ½" to the sidewall. The Hall Bath water closet is mounted too near, at 17 ½", to the sidewall. | |
| A | 49 | 4902 | The Bath water closet is mounted too near, at 17 ½", to the bathtub. | |
| B | 50 | 5002 | The Master Bath water closet is mounted too near, at 15" to the bathtub. The Hall Bath water closet is mounted too near, at 15", to the bathtub. | |
| C | 7 | 701 | The Bath water closet is mounted too far, at 19", from the bathtub. | |
| D | 9 | 902 | The Master Bath water closet is mounted too near, at 13 ½", to the bathtub. The Hall Bath water closet is mounted too near, at 16 ½", to the bathtub. | |
| A | 31 | 3102 | The Bath water closet is mounted too near, at 17, to the bathtub. | |
| C | 8 | 801 | The Master Bath water closet is mounted too near, at 16 ½", to the bathtub. The Hall Bath water closet is mounted too near, at 16 ½", to the bathtub. | |
| C | 6 | 602 | The Master Bath water closet is mounted too near, at 16 ½", to the bathtub. The Hall Bath water closet is mounted too near, at 15 ½", to the bathtub. | |

33" Clear Floor Space at Water Closet

| | | | | |
|---|----|------|---|---|
| B | 50 | 5002 | The Master Bath water closet has a clear floor space of only 31" of the 33" minimum required. The Hall Bath water closet has a clear floor space of only 30 ½" of the 33" minimum required. | Reduce the width of the lavatory counter unit in the Master Bath and in the Hall Bath an amount sufficient to provide a clear floor space of 33" in width at the water closet, to comply with Requirement #7, Guide (2)(a)(ii) and Guide (2)(b)(iv) of the Fair Housing Accessibility Guidelines. |
| C | 7 | 701 | The Master Bath water closet has a clear floor space on only 32" of the 33" minimum required. The Hall Bath water closet has a clear floor space on only 30" of the 33" minimum required. | |
| D | 9 | 902 | The Master Bath water closet has a clear floor space of only 30" of the 33" minimum required. The Hall Bath water closet has a clear floor space of only 30" of the 33" minimum required. | |
| C | 8 | 801 | The Master Bath water closet has a clear floor space of only 31" of the 33" minimum required. The Hall Bath water closet has a clear floor space of only 30 ½" of the 33" minimum required. | |
| C | 6 | 602 | The Master Bath water closet has a clear floor space of only 32 ½ " of the 33" minimum required. The Hall Bath water closet has a clear floor space of only 32" of the 33" minimum required. | |

30" x 48" Clear Floor Space at Lavatory

| | | | | |
|---|----|------|---|--|
| B | 50 | 5002 | <p>The Master Bath lavatory is centered only 14" from the sidewall, disallowing a 30" x 48" clear floor space centered on the lavatory for a parallel approach.</p> <p>The Hall Bath lavatory is centered only 16" from the sidewall, disallowing a 30" x 48" clear floor space centered on the lavatory for a parallel approach.</p> | <p>Alternate 1 Provide a removable base cabinet at the lavatory in the Master Bath and Hall Bath such that a 30" x 48" clear floor space using a forward approach can be provided in each bath.</p> |
| C | 7 | 706 | <p>The Master Bath lavatory is centered only 17" from the sidewall, disallowing a 30" x 48" clear floor space centered on the lavatory for a parallel approach.</p> <p>The Hall Bath lavatory is centered only 18" from the sidewall, disallowing a 30" x 48" clear floor space centered on the lavatory for a parallel approach.</p> | <p>Alternate 2 Provide a wall-hung lavatory in the Master Bath and Hall Bath such that a 30" x 48" clear floor space using a forward approach can be provided in each bath.</p> <p>Either Alternate #1 or #2 to comply with Requirement #7, Guideline "Note" Figure 7 (c), of the Fair Housing Accessibility Guidelines.</p> |
| D | 9 | 902 | <p>The Master Bath lavatory is centered only 16" from the sidewall, disallowing a 30" x 48" clear floor space centered on the lavatory for a parallel approach.</p> <p>The Hall Bath lavatory is centered only 16" from the sidewall, disallowing a 30" x 48" clear floor space centered on the lavatory for a parallel approach.</p> | |
| C | 8 | 801 | <p>The Master Bath lavatory is centered only 18" from the sidewall, disallowing a 30" x 48" clear floor space centered on the lavatory for a parallel approach.</p> <p>The Hall Bath lavatory is centered only 18" from the sidewall, disallowing a 30" x 48" clear floor space centered on the lavatory for a parallel approach.</p> | |
| C | 6 | 602 | <p>The Master Bath lavatory is centered only 18" from the sidewall, disallowing a 30" x 48" clear floor space centered on the lavatory for a parallel approach.</p> <p>The Hall Bath lavatory is centered only 18" from the sidewall, disallowing a 30" x 48" clear floor space centered on the lavatory for a parallel approach.</p> | |

30" x 48" Clear Floor Space outside inward swing of Bath door

| | | | | |
|---|----|------|---|---|
| B | 50 | 5002 | <p>The Master Bath has a clear floor space of only 32" x 32" outside the inward swing of the bath door. The Hall Bath has a clear floor space of only 32" x 32" outside the inward swing of the bath door. Each Bath lacking the required 30" x 48" clear floor space outside the inward swing of the bath door.</p> | <p>Reverse the swing of the Master Bath door and the Hall Bath door to swing out, thereby allowing a 30" x 48" clear floor space inside each the Master Bath and Hall Bath, to comply with Requirement #7, Guide (2)(a)(i) and Guide (2)(b)(i), of the Fair Housing Accessibility Guidelines.</p> |
| C | 7 | 701 | <p>The Master Bath has a clear floor space of only 29 ½" x 42" outside the inward swing of the bath door. The Hall Bath has a clear floor space of only 31" x 42" outside the inward swing of the bath door. Each Bath lacking the required 30" x 48" clear floor space outside the inward swing of the bath door.</p> | |
| D | 9 | 902 | <p>The Master Bath has a clear floor space of only 31 ½" x 31" outside the inward swing of the bath door. The Hall Bath has a clear floor space of only 32 ½" x 31" outside the inward swing of the bath door. Each Bath lacking the required 30" x 48" clear floor space outside the inward swing of the bath door.</p> | |
| C | 6 | 602 | <p>The Master Bath has a clear floor space of only 31 ½" x 42 ½" " outside the inward swing of the bath door. The Hall Bath has a clear floor space of only 30 " x 43" outside the inward swing of the bath door. Each Bath lacking the required 30" x 48" clear floor space outside the inward swing of the bath door.</p> | |

| | | | | |
|---|---|-----|---|--|
| C | 8 | 801 | <p>The Master Bath has a clear floor space of only 30 ½" x 43" outside the inward swing of the bath door.</p> <p>The Hall Bath has a clear floor space of only 30 ½ " x 43" outside the inward swing of the bath door.</p> <p>Each Bath lacking the required 30" x 48" clear floor space outside the inward swing of the bath door.</p> | |
|---|---|-----|---|--|

Type "B" Bath Alternative

| Unit Type | Bldg. # | Apt. # | Type "B" Bath Alternative |
|-------------|-------------|-------------------|--|
| C C C | 7 6 8 | 701 602 801 | <p>The two baths, Bath #1 and Bath#2 in these three unit types, are each Type "A" baths since each has a perpendicular approach to the bathtub.</p> <p>In order to convert one of these Type "A" baths into a Type "B" bath, Bath #1, the Master Bath of each unit type may be converted into a Type "B" bath by meeting the following requirements:</p> <ol style="list-style-type: none"> 1. Bath must be on an accessible route. 2. Provide a 32" nominal width door. 3. Swing the door out into the Bedroom so a parallel approach could be made to the bathtub. 4. Provide switches, outlets, and controls in accessible locations. 5. Reverse the location of the water closet and lavatory, placing the lavatory adjacent to the bathtub, and mounting the water closet 16" - 18" from the sidewall. |
| D | 9 | 902 | <ol style="list-style-type: none"> 6. Provide a minimum 33" clear floor space at the water closet between the sidewall and lavatory. 7. Provide a minimum 56" from wall behind water closet to opposite wall. 8. Provide a wall hung lavatory adjacent to the bathtub, extending no greater than 19" from the wall, and 15" from the bathtub edge to the lavatory centerline, thus a parallel approach could be made to the bathtub. 9. Have reinforced walls around water closets, tubs, and shower stalls. <p>With the above modifications to Bath #1 the other bath, Bath #2, the Hall bath, would be limited to the following modifications.</p> <ol style="list-style-type: none"> 1. Be on an accessible route. 2. Provide a 32" nominal width door. 3. Provide switches, outlets, and controls in accessible locations. 4. Have reinforced walls around water closets, tubs, and shower stalls. |

APPENDIX C

**RESIDENTS' NOTICE OF RETROFITS FOR
[INSERT NAME OF APARTMENT COMPLEX]**

Dear Resident,

This is to advise you that, as a result of a settlement in a case brought by the United States against the owners of this apartment complex, we have agreed to modify the ground-floor apartments at [INSERT NAME OF APARTMENT COMPLEX] to provide greater accessibility for people with disabilities. Your apartment is one of those that does not meet all of the accessible and adaptive design requirements of the Fair Housing Act. The work necessary to accomplish these modifications must be completed by [INSERT DATE 18 MONTHS AFTER U.S.' APPROVAL OF RETROFIT PROPOSAL FOR PROPERTY], and will be done at no cost to you.

We want you to know, however, that you may request to have your apartment modified on an expedited basis. If you request expedited modifications the work will be completed within forty-five days of your request.

Whether or not you request expedited modifications, all work on the ground-floor apartments must be completed before [INSERT DATE 18 MONTHS AFTER U.S.' APPROVAL OF RETROFIT PROPOSAL FOR PROPERTY], regardless of your intention to stay in your apartment for a longer duration. In the event that this work requires that you be dislocated from your apartment for more than 24 consecutive hours you will receive a reasonable payment for your relocation and housing expenses.

If you would like to request expedited modifications please complete and return the attached form to [INSERT CONTACT INFORMATION] and we will contact you to schedule the necessary work. In scheduling the necessary work we will take into account your preferences and convenience.

Sincerely,

[INSERT CONTACT INFORMATION]

[INSERT NAME & APARTMENT] MODIFICATION SELECTION FORM

Name of Resident: _____

Address: _____

I am aware that the following modifications are available for my unit, at no cost to me, and am

hereby requesting that my unit be modified to include these features:²

| List of Modifications | My comments |
|---------------------------------------|-------------|
| [INSERT LIST OF AGREED MODIFICATIONS] | |
| | |
| | |
| | |
| | |

Signature

Date

² The measurements provided in the these modifications are those set forth according to the Department of Housing and Urban Development Fair Housing Accessibility Guidelines and the 1986 American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people.

APPENDIX D
NOTICE TO POTENTIAL AGGRIEVED PERSONS

On [INSERT DATE], the United States District Court for the Western District of Texas entered a consent order resolving a lawsuit brought by the United States Department of Justice against certain builders and developers alleging that they failed to include certain accessible features for persons with disabilities required by the Fair Housing Act, 42 U.S.C. § 3604(f)(3)(C), at the following properties:

St. John's Village Apartments, 7607 Blessing Avenue, Austin, Texas

and

Huntington Meadows Apartments, 7000 Decker Lane, Austin, Texas

Under this consent order, a person may be entitled to receive monetary relief if he or she

- WAS DISCOURAGED FROM LIVING AT ANY OF THESE PROPERTIES BECAUSE OF THE LACK OF ACCESSIBLE FEATURES;
- HAS BEEN HURT IN ANY WAY BY THE LACK OF ACCESSIBLE FEATURES AT ANY OF THESE PROPERTIES;
- PAID TO HAVE AN APARTMENT AT THESE PROPERTIES MADE MORE ACCESSIBLE TO PERSONS WITH DISABILITIES; OR
- WAS OTHERWISE DISCRIMINATED AGAINST ON THE BASIS OF DISABILITY AT ANY OF THESE PROPERTIES.

If you wish to make a claim for discrimination on the basis of disability, or if you have any information about persons who may have such a claim, please contact the United States Department of Justice at 1-800-896-7743. You may also fax us at 202-514-1116 or write to:

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Avenue, NW - NWB G St.
Washington, D.C. 20530
ATTN: DJ# 175-76-122

NOTE: You must call or write no later than _____, 2005

**APPENDIX E
RELEASE FORM**

In consideration of the payment of the sum of [INSERT COMPENSATION AMOUNT] pursuant to the Consent Order entered in *United States v. SDC Legend Communities, Inc., et al.*, [INSERT DOCKET NUMBER] (W.D. Tex.), I hereby release Legend Communities, Inc., d/b/a SDC Austin Communities; Randall Jones Engineering, Inc.; Alexander Consulting Engineers, Inc., d/b/a Professional Design Group; TruGreen Landcare, L.L.C., d/b/a/ Land Design Studio; Hatch Partnership, L.L.P., Architects; Danze & Davis Architects, Inc.; St. John's Housing Partnership, L.P.; SMDC Development, Inc.; Decker Lane Partners, L.P.; and SDCW Development Corp. from any and all liability for any claims, legal or equitable, I may have against them arising out of the issues alleged in the action as of the date of the entry of that Consent Order. I fully acknowledge and agree that this release of these Defendants shall be binding on my heirs, representatives, executors, successors, administrators, and assigns. I hereby acknowledge that I have read and understand this release and have executed it voluntarily and with full knowledge of its legal consequences.

(Signature)

NAME: _____

ADDRESS: _____

DATE: _____

APPENDIX F
ACKNOWLEDGMENT OF RECEIPT OF CONSENT ORDER

On _____, I received copies of and have read the Consent Order entered by the federal district court in *United States of America v. Legend Communities, Inc., et al.*, No. _____ (W. D. Tex.). I have had all of my questions concerning the Consent Order and the Fair Housing Act answered to my satisfaction.

(Signature)

(Print name)

(Position)

(Date)

**APPENDIX G
CERTIFICATION OF FAIR HOUSING TRAINING**

On _____, I attended training on the federal Fair Housing Act, including its requirements concerning physical accessibility for people with disabilities. I have had all of my questions concerning the Fair Housing Act answered to my satisfaction.

(Signature)

(Print name)

(Position)

(Date)

APPENDIX H ENHANCED ACCESSIBILITY FEATURES

- (1) Removal of cabinetry under the kitchen sink and/or bathroom lavatory such that a person using a wheelchair can make a full forward approach to the sink in accordance with ANSI A117.1-1986 § 4.32.5.5 and, where bathroom cabinetry is removed, install, if possible considering window placement, wall mounted cabinets to make up for loss of storage under the lavatory;
- (2) Either the removal of the oven unit such that a person using a wheelchair can make a full forward approach to the cook top in accordance with ANSI A117.1-1986 § 4.32.5.6 plus the provision of a separate oven appliance (i.e. convection oven) or the alternative removal of the necessary cabinetry to allow a full parallel approach to the oven in accordance with ANSI A117.1-1986 § 4.32.5.7;
- (3) Accessible bathrooms with roll-in shower in accordance with ANSI A117.1-1986 § 4.21, Fig. 35(b), available upon request by tenant;
- (4) Taller accessible toilets;
- (5) Installation of grab bars surrounding the bathing and toilet areas in accordance with ANSI A117.1-1986 §§ 4.16.4, 4.17.6, 4.20.4, 4.21.4, and 4.24;
- (6) Lever door hardware throughout the unit;
- (7) A security system with panic button(s) options;
- (8) Lever controls on faucets, tubs, kitchens, baths, and all other fixtures;
- (9) Oven controls located at the front of the range;
- (10) Wand shower head on flexible tube or shower head on height adjustable rod;
- (11) Anti-scald valves in shower;
- (12) U-shaped pulls near hinges on exterior of front door;
- (13) Remote thermostat control where location of control not compliant with Requirement 5 of the Fair Housing Accessibility Guidelines;
- (14) Three van-accessible parking spaces serving super-accessible buildings;
- (15) Fish-eye peep hole or wide view peephole at tenants' preferred height (possibly combine with periscope peep hole so that if you look out at 48" you can see out at 60");

(16) Doors that are at least 34" wide (affording a nominal 32-inch clear opening) fitted with off-set or swing-clear hinges throughout the units to allow more clear width for the passage of wide wheelchairs;

(17) Replacement of electric flip switches with rocker switches operable with push;

(18) Installation of strobe light alarms for fire and light (visual) door bell indicator;

(19) Installation of additional, lower hanging rods and shelves in the closet;

(20) Installation of full height mirror in bathroom so person seated in a wheelchair can view themselves.

