

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 GAMBONE BROTHERS DEVELOPMENT)
 COMPANY; GAMBONE)
 CONSTRUCTION COMPANY; GAMBONE)
 BROTHERS ORGANIZATION, INC.;)
 ABRAM'S RUN APARTMENTS ASSOCIATES,)
 L.P.; FOX RIDGE APARTMENTS, L.P.;)
 LEWIS ROAD APARTMENTS, L.P.;)
 HENDERSON SQUARE APARTMENTS, L.P.;)
 HENDERSON SQUARE PHASE 2, L.P.;)
 JOSEPH A. ZADLO; CHAMBERS ASSOCIATES,)
 INC.; MIKE ROSEN ARCHITECTS, P.C.; and)
 URWILER & WALTER, INC.,)
)
 Defendants.)
 _____)

Civil Action No. 2:06-cv-01386-JP

CONSENT ORDER

FILED
 JUL 23 2007
 MICHAEL E. KUNZ, Clerk
 By _____ Dep. Clerk

I. INTRODUCTION

A. Background

1. This Consent Order is entered between Plaintiff United States of America and Defendants Gambone Brothers Development Company, Gambone Construction Company, Gambone Brothers Organization, Inc., Abram's Run Apartments Associates, L.P., Fox Ridge Apartments, L.P., Lewis Road Apartments, L.P., Henderson Square Apartments, L.P., Henderson Square Phase 2, L.P., Joseph A. Zadlo, Chambers Associates, Inc., Mike Rosen Architects, P.C., and Urwiler & Walter, Inc. ("Defendants"). This Consent Order resolves the United States' claims as to the named Defendants but does not resolve any of the cross-claims among such Defendants.

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, and Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181-12189 (“the ADA”). Specifically, the United States’ Complaint alleges that Defendants have violated the Fair Housing Act by engaging in a pattern or practice of discrimination based on disability and by denying rights to a group of persons because of disability by failing to design and construct one or more of the following Pennsylvania apartment complexes with the features of accessible and adaptable design set forth in 42 U.S.C. § 3604(f)(3)(C): Abram’s Run Apartments in King of Prussia; Fox Ridge Apartments in Limerick; Fox Ridge Lakeside Apartments in Limerick; Lakeview Apartments in Royerstown; and Henderson Square Apartments I and II in King of Prussia (collectively “subject properties”). The United States further alleges that Defendants Gambone Brothers Development Company, Gambone Construction Company, Gambone Brothers Organization, Inc., Abram’s Run Apartments Associates, L.P., Fox Ridge Apartments, L.P., Lewis Road Apartments, L.P., Henderson Square Apartments, L.P., and Henderson Square Phase 2, L.P. (collectively “Gambone Defendants”) also violated Title III of the ADA by engaging in a pattern or practice of discrimination based on disability and by denying rights to a group of persons because of disability by failing to design and construct the rental office/model unit at the complexes to be readily accessible to and usable by individuals with disabilities as required by 42 U.S.C. § 12183(a)(1) and the implementing regulations issued by the Department of Justice, 28 C.F.R. Part 36, including the Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (the Standards).

B. Complexes

3. Abram's Run Apartments is located at 115 Bill Smith Blvd. in King of Prussia, Pennsylvania. It consists of 12 two-story apartment buildings. Each building has 16 units with eight units per story. There are a total of 191 units, including 95 ground-floor units. There are no elevators. Each of the ground-floor units was designed and constructed for first occupancy after March 13, 1991, and is therefore subject to the design and construction requirements of the Fair Housing Act. In addition, the public use areas of the complex, including the rental office/model unit, were designed and constructed for first occupancy after January 26, 1993 and are public accommodations within the meaning of 42 U.S.C. § 12181(7) subject to the ADA's accessibility requirements.

4. Fox Ridge Apartments and Fox Ridge Lakeside Apartments are located at 1201 Four Maples Court, Limerick, Pennsylvania. Fox Ridge Apartments consists of five two-story buildings. Fox Ridge Lakeside Apartments consists of six two-story buildings. Each building has 16 units with eight units per story. There are no elevators. There are a total of 80 units at Fox Ridge, including 40 ground-floor units. There are a total of 95 units at Fox Ridge Lakeside, including 47 ground-floor units. The United States alleges that each of the ground-floor units was designed and constructed for first occupancy after March 13, 1991, and is therefore subject to the design and construction requirements of the Fair Housing Act. In addition, the public use areas of the two complexes, including the rental office/model unit which the two complexes share, were designed and constructed for first occupancy after January 26, 1993 and are public accommodations within the meaning of 42 U.S.C. § 12181(7) subject to the ADA's accessibility requirements.

5. Lakeview Apartments is located at 107 Lakeview Drive, Royerstown, Pennsylvania. Lakeview consists of five two-story buildings. Each building has 16 units with eight units per story. There are no elevators. There are a total of 79 units at Lakeview, including 39 ground-floor units. Each of the ground-floor units was designed and constructed for first occupancy after March 13, 1991, and is therefore subject to the design and construction requirements of the Fair Housing Act. In addition, the public use areas of the complex, including the rental office/model unit, were designed and constructed for first occupancy after January 26, 1993 and are public accommodations within the meaning of 42 U.S.C. § 12181(7) subject to the ADA's accessibility requirements.

6. Henderson Square Apartments I and II are located at 406 Monroe Boulevard, King of Prussia, Pennsylvania. Henderson Square Apartments I consists of eight two-story buildings. Henderson Square Apartments II consists of two two-story buildings. Each building has 16 units with eight units per story. There are no elevators. There are a total of 127 units at Henderson Square I, including 63 ground-floor units. There are a total of 32 units at Henderson Square II, including 16 ground-floor units. Each of the ground-floor units was designed and constructed for first occupancy after March 13, 1991, and is therefore subject to the design and construction requirements of the Fair Housing Act. In addition, the public use areas of the two complexes, including the rental office/model unit which Henderson Square I and II share, were designed and constructed for first occupancy after January 26, 1993 and are public accommodations within the meaning of 42 U.S.C. § 12181(7) subject to the ADA's accessibility requirements.

7. Defendant Gambone Brothers Development Company is currently building Amberly Apartments in Whitpain Township, Pennsylvania. When completed, Amberly will have seven

two-story buildings. Three buildings will have 16 units with eight units per story, and three buildings will have 18 units with nine units per story. The seventh building will have 16 units and the leasing office/model unit. There will not be any elevators. There will be a total of 118 units at Amberly, including 58 ground-floor units. Each of the ground-floor units is subject to the design and construction requirements of the Fair Housing Act. In addition, the public use areas of the complex, including the rental office/model unit, will be public accommodations within the meaning of 42 U.S.C. § 12181(7) subject to the ADA's accessibility requirements.

C. Defendants

8. Defendant Gambone Construction Company, a Pennsylvania corporation, is the surviving corporation in a merger with Gambone Brothers Construction Company. Gambone Construction Company is one of the builders of Abram's Run Apartments, Fox Ridge Apartments, Fox Ridge Lakeside Apartments, Lakeview Apartments, and Henderson Square Apartments I and II and, in that capacity, designed and/or constructed the complexes. Gambone Construction Company will take the lead in ensuring compliance with the terms of this Order, though this does not in any way negate or otherwise diminish the responsibilities of any other Gambone Defendant.

9. Defendant Gambone Brothers Development Company, a Pennsylvania corporation, is the developer of Abram's Run Apartments, Fox Ridge Apartments, Fox Ridge Lakeside Apartments, Lakeview Apartments, and Henderson Square Apartments I and II. In addition, Defendant Gambone Brothers Development Company was an owner of Abram's Run during the time it was designed. In these capacities, Defendant Gambone Brothers Development Company designed and constructed the subject properties.

10. Defendant Gambone Brothers Organization, Inc., a Pennsylvania corporation, is one of the builders of Abram's Run Apartments and, in that capacity, designed and/or constructed the complex.

11. Defendant Abram's Run Apartments Associates, L.P., a Pennsylvania limited partnership, is the owner and developer for Abram's Run Apartments and, in those capacities, designed and constructed the complex.

12. Defendant Fox Ridge Apartments, L.P., a Pennsylvania limited partnership, is the owner and developer for Fox Ridge Apartments and, in those capacities, designed and constructed the complex.

13. Defendant Lewis Road Apartments, L.P., a Pennsylvania limited partnership, is the owner and developer for Lakeview Apartments and, in those capacities, designed and constructed the complex.

14. Defendants Henderson Square Apartments, L.P., and Henderson Square Phase 2, L.P., Pennsylvania limited partnerships, are the owners and developers for Henderson Square Apartments I and II, respectively, and, in those capacities, designed and constructed the complexes.

15. Defendant Joseph A. Zadlo is a licensed architect with his principal place of business in Pennsylvania. Defendant Zadlo prepared architectural drawings for the residential units and buildings at Abram's Run Apartments and, in that capacity, allegedly designed portions of the complex.

16. Defendant Chambers Associates, Inc., a Pennsylvania corporation, provided a set of engineering plans for the exteriors of Abram's Run Apartments, Lakeview, and Henderson

Square I and II and, in that capacity, allegedly designed portions of these complexes.

17. Defendant Mike Rosen AIA Architects, P.C., is a firm of licensed architects with its principal place of business in Pennsylvania. Defendant Mike Rosen AIA Architects, P.C. prepared architectural drawings for Fox Ridge, Fox Ridge Lakeside, Lakeview and Henderson Square I and II, in that capacity, allegedly designed portions of the complexes.

18. Defendant Urwiler & Walter, Inc, a Pennsylvania corporation, provided a set of engineering plans for the exteriors of Fox Ridge and Fox Ridge Lakeside and, in that capacity, allegedly designed portions of these complexes.

**D. Relevant Requirements of the Fair Housing Act and
Americans with Disabilities Act**

19. The Fair Housing Act provides that, in non-elevator buildings with four or more units designed and constructed for first occupancy after March 13, 1991, all ground-floor units are "covered units" and must include certain basic features of accessible and adaptable design so they are usable by persons with disabilities. 42 U.S.C. §§ 3604(f)(3)(C) and (f)(7)(B). The required features of accessible and adaptable design include: (a) public and common use areas that are readily accessible to and usable by persons with disabilities; (b) doors for passage into and within all premises that are sufficiently wide to allow passage by persons using wheelchairs; (c) an accessible route into and through the dwelling; (d) light switches, electrical outlets, thermostats, and environmental controls in accessible locations; (e) reinforcements in bathroom walls to allow later installation of grab bars; and (f) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C).

20. The ground-floor apartments at the subject properties are "covered multifamily

dwellings" within the meaning of the Act, 42 U.S.C. § 3604(f)(7)(B). As such, those units and the public and common use areas at the properties must comply with the design and construction requirements of 42 U.S.C. § 3604(f)(3)(C). In addition, the rental office/model unit at each of the subject properties is a "place of public accommodation" within the meaning of subsection 12181(7)(E) of the ADA, 42 U.S.C. § 12181(7)(E) and is required to be readily accessible to and usable by individuals with disabilities. See 42 U.S.C. § 12183(a)(1); 28 C.F.R. Part 36 & Appendix A.

E. Consent of the Parties to Entry of this Order

21. The parties agree that this Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§ 1331 and 1345, 42 U.S.C. § 3614(a) and 42 U.S.C. § 12188(b)(1)(B). The parties have negotiated a settlement such that the United States' claims will be resolved without further proceedings and without an evidentiary hearing. Defendants deny any and all liability regarding the United States' claims. Accordingly, the parties have jointly agreed to the entry of this Consent Order as indicated by the signatures appearing below.

Therefore, it is hereby ORDERED, ADJUDGED and DECREED:

II. GENERAL INJUNCTION

22. Defendants, their officers, employees, agents, successors and assigns are hereby enjoined from discriminating on the basis of disability, as prohibited by the Fair Housing Act, 42 U.S.C. § 3604(f).

23. The Gambone Defendants are hereby enjoined from discriminating on the basis of disability as prohibited by Title III of the ADA, 42 U.S.C. § 12183(a)(1), and as set forth in the implementing regulations of the Department of Justice set forth at 28 C.F.R. Part 36, including

the Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A.

III. RETROFITTING

A. Retrofits of Abram's Run Apartments, Fox Ridge Apartments, Fox Ridge Lakeside Apartments, Lakeview Apartments, and Henderson Square Apartments I and II

24. The United States alleges that Abram's Run, Fox Ridge, Fox Ridge Lakeside, Lakeview Apartments, and Henderson Square I and II do not meet the accessibility and adaptability standards of the Act or the ADA. To address these alleged violations with respect to each apartment complex, the Gambone Defendants shall take the corrective actions the United States deems necessary to bring the complex into compliance with the Act and the ADA, as provided in this section and Appendices A-S. The Gambone Defendants shall pay all costs associated with the surveys, inspections, and modifications/retrofits to each apartment complex, without prejudice to their ability to seek contribution or indemnification from other sources, including other Defendants named in this action.

1. Public and Common Use Areas

25. Within one year from the date of entry of this Order, the Gambone Defendants shall complete the modifications to the public and common use areas of Fox Ridge, Abram's Run, Fox Ridge Lakeside, Lakeview and Henderson I and II set forth in Appendices A-S. The Gambone Defendants shall pay all expenses associated with these modifications and shall attempt, in good faith, to minimize any inconvenience to the residents of the complexes. Within thirty (30) days of the entry of this Order, the Gambone Defendants shall distribute to each tenant at Fox Ridge, Abram's Run, Fox Ridge Lakeside, Lakeview and Henderson I and II a notice substantially equivalent to Appendix T informing him or her of the retrofits to the public and common use

areas required by this Order.

2. Dwelling Units

26. Within thirty (30) months from the date of entry of this Consent Order, the Gambone Defendants shall complete the retrofits of the interiors of the covered units at Abram's Run, Fox Ridge, Fox Ridge Lakeside, Lakeview, and Henderson I and II as set forth in Appendices D, I, J, N, R, and S, respectively. The Gambone Defendants shall pay all expenses associated with these modifications and shall attempt, in good faith, to minimize any inconvenience to the residents of the subject properties. The Gambone Defendants may not charge any additional rent, deposit or other fee for the units in which retrofits are implemented because of the contemplated or completed retrofits. The Gambone Defendants shall make such retrofits pursuant to the following terms:

a. Within thirty (30) days of the entry of this Order, the Gambone Defendants shall distribute to each tenant who resides in a covered ground-floor dwelling at the subject properties a notice substantially equivalent to Appendix U informing him or her of the availability of the retrofits required by this Order. The notice shall inform tenants that: (1) the retrofits being offered are required because of the settlement of this lawsuit and are available at no cost to them; (2) the retrofits will be provided on request but will in any event take place within thirty months; and (3) their preferences and convenience will be taken into account in scheduling the retrofits, and relocation costs, if any, will be provided to them in advance. The Gambone Defendants shall certify to the United States in writing that the notices have been distributed, and the manner in which they were

distributed, within ten (10) days of such distribution. As promptly as possible, but in any event no later than thirty (30) days after the receipt of a request, the requested modifications will be completed.

b. Notwithstanding the provisions of the preceding subparagraph, all covered ground floor units that are to be modified under this Order must be retrofitted to comply with relevant Appendix D, I, J, N, R, or S no later than thirty months after the date of entry of this Order, even if there has not been a vacancy in that unit since the date of entry of this Order and even if a tenant has requested only partial retrofits to a unit.

c. In the event a resident of a unit scheduled to undergo a modification incurs undue inconvenience or hardship (defined as a dislocation from the unit for more than 24 hours consecutively), the Gambone Defendants will pay such resident the applicable 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.

d. The Gambone Defendants will provide prospective residents with written materials, approved by the United States, explaining the retrofits that will be made to the covered dwellings.

3. Inspection of Retrofits

27. The Gambone Defendants shall enter into a contract with a neutral inspector

approved by the United States (hereinafter "Inspector") to conduct on-site inspections of all retrofits that have been performed under this Order to determine if the retrofits have been completed in accordance with the specifications in Appendices A-S. Such Inspector shall have expertise in the design and construction requirements of the Fair Housing Act and the ADA and its implementing regulations.

28. The inspections shall take place within sixty (60) days of the relevant deadlines for completion of the retrofits to the common use areas and to the units specified in Appendices A-S. The Gambone Defendants shall give the United States at least three weeks notice of the inspections and shall give the United States an opportunity to have its representative present for the inspections.

29. The Inspector shall set out the results of each inspection, including deficiencies, if any, in writing, and shall send that report by mail and by fax to counsel for the United States¹ and the Gambone Defendants. If the inspection indicates that not all of the required retrofits have been made as specified in Appendices A-S, the Gambone 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.

30. The Gambone Defendants shall pay all fees and costs associated with these

¹For purposes of this Order, all submissions to the United States or its counsel should be submitted to: Chief, Housing and Civil Enforcement Section, Civil Rights Division, United States Department of Justice, 950 Pennsylvania Avenue, N.W. – NWB, Washington, D.C. 20530, Attn: DJ# 175-62-351, or as otherwise directed by the United States.

inspections, and such payments shall be made without regard to the Inspector's findings. Upon reasonable notice to the Gambone Defendants, representatives of the United States shall be permitted to inspect the modifications made by the Gambone Defendants to ensure compliance with this Consent Order.

B. Other Properties Owned and/or Developed by the Gambone Defendants

31. With respect to Amberly Apartments, the United States and the Gambone Defendants agree as follows:

a) Within sixty (60) days of the issuance of the last occupancy certificate, the Inspector described above in Paragraph 27 shall conduct an on-site survey at the complex to determine its compliance with the Fair Housing Act and the ADA. The Inspector need not survey the entire complex but rather shall inspect: one of each type of unit; the walkways connecting those units to the public and common use areas, including parking and the rental office; and the rental office. The Inspector shall be specifically instructed to note any and all instances in which the sampled items do not meet the accessibility and adaptability standards of the Fair Housing Act, and, where applicable, the ADA.

b) Within one hundred twenty (120) days of the issuance of the last occupancy certificate, the Inspector shall prepare a report specifying the scope, methodology and results of the survey, as well as a description of any modifications deemed necessary for compliance with the accessibility provisions of the Fair Housing Act and the ADA.

c) The report shall be furnished to the United States by the Gambone Defendants within ten (10) days of receipt of the report by the Gambone Defendants.

d) Within thirty (30) days of submitting a report to the United States, the

Gambone Defendants shall submit to the United States a marked-up version that indicates, for any item noted in the Inspector's report, what specific modification(s) they propose to make in order to bring the complex into compliance with the Act and the ADA, if applicable.

e) Within forty (40) days of receipt of the marked-up version of the report, the United States shall notify the Gambone Defendants in writing of any comments or objections to their proposals. If there are no written comments or objections from the United States within that time-frame, the Gambone Defendants shall proceed with the modifications they proposed. Should the United States provide comments or objections, the parties shall endeavor to resolve them expeditiously and in good faith, after which Gambone Defendants shall promptly submit a revised marked-up version, to which the United States shall have ten (10) days after receipt within which to provide written objections; if there are no objections, the Gambone Defendants shall proceed with the modifications they proposed in the revised version. If, after engaging in expeditious and good faith negotiations, the parties are unable to resolve any differences about necessary modifications, any party may raise the matter for resolution with the Court.

f) The Gambone Defendants shall make the modifications within 90 days of the date on which the modifications are agreed upon in accordance with the procedures set forth in the preceding sub-paragraph.

g) Upon completion of the agreed upon modifications, the Inspector shall re-inspect the property and certify in writing that the agreed upon modifications have been properly made. The post-modification inspection shall take place within thirty (30) days

of the completion of retrofits to units and common use areas on any given property, or as soon thereafter as practicable. The Gambone Defendants shall give the United States at least one month's notice of the inspection of each property, and shall give the United States an opportunity to have a representative present for the inspection of each property. Upon reasonable notice to the Gambone Defendants, representatives of the United States shall be permitted to inspect the modifications to ensure compliance. Copies of the Inspector's certifications shall be provided to the United States within ten (10) days of receipt by the Gambone Defendants. Should the Inspector withhold certification on any items, the Gambone Defendants shall notify the United States in writing and promptly make the appropriate modification(s); afterward, the Inspector shall re-inspect the property to certify that the items have been addressed, and such certification shall be provided to the United States within ten (10) days of receipt by the Gambone Defendants.

h) The Gambone Defendants shall pay all costs associated with the surveys, inspections, and modifications/retrofits to Amberly, without prejudice to their ability to seek contribution or indemnification from other sources for such costs.

i) In the event a resident of a unit scheduled to undergo modifications incurs undue inconvenience or hardship (defined as a required dislocation from the unit for more than 24 hours, consecutively), the Gambone Defendants will pay such resident the applicable 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 alternate living accommodations while dislocated.

j) The Gambone Defendants may not charge any additional rent, deposit or other fee for the units in which retrofits are implemented because of anticipated or completed retrofits.

C. Sale or Transfer of an Ownership Interest in Covered Properties

32. The sale or transfer of ownership, in whole or in part, of the subject properties shall not affect the Gambone Defendants' continuing obligations to retrofit the properties as specified in this Consent Order, unless they have obtained, in writing, as a condition of sale or transfer, the purchaser or transferee's commitment to be bound by the terms of the Consent Decree to complete all required retrofits as specified in Appendices A-S. Should the Gambone Defendants decide to sell or transfer any ownership, in whole or in part, or any portion thereof, prior to the completion of the required retrofits, they shall, at least thirty (30) days prior to completion of the sale or transfer: (a) provide to each prospective purchaser or transferee a copy of this Consent Decree, along with written notice that the subject property is covered by this Consent Order, including specifically their obligations to complete required retrofit work and to allow inspections, or to obtain the purchaser or transferee's commitment to be bound by this Decree 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

33. During the term of this Consent Order, the Gambone Defendants shall maintain and provide to the United States the following information and statements regarding any covered, multifamily dwellings intended to be purchased, developed, built, designed, and/or engineered in

whole or in part, by them or by any entities in which they or their successors in interest have a position of control as an officer, director, member, or manager, or have a combined ten percent (10%) or larger ownership share. The Gambone Defendants shall provide the following information to the United States thirty (30) days after entry of this Order, one year after entry of this Order, and then annually for the remainder of the term of this Order:

- (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 any site engineer(s) and/or civil engineer(s) involved with the project;
- (d) a statement from all site engineers and/or civil engineers involved with the project acknowledging and describing their knowledge of and training in the requirements of Section 804(f)(3)(C) of the Fair Housing Act and 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 Guidelines and, where applicable, the ADA;
- (e) the name, address and telephone number of the architect(s) involved with the project;
and
- (f) a statement from all architects involved with the project acknowledging and describing their knowledge of and training in the requirements of Section 804(f)(3)(C) of the Fair Housing Act and in the field of accessible site design and certifying that they have reviewed the architectural plans for the project and that the design specifications therein fully comply with the requirements of the Fair Housing Act and Guidelines and, where

applicable, the ADA.

(g) If the engineering documents or architectural plans are revised, and the revisions could have any impact on the accessibility of the dwellings or complex, the Gambone Defendants shall obtain and maintain, and provide to the United States upon request, a statement from the site engineer(s) or architect(s), 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 Guidelines and, where applicable, the ADA.

34. For the term of this Order, if Defendant Joseph A. Zadlo or Defendant Mike Rosen Architects, P.C., prepares any architectural or site plans, drawings, or blueprints for covered multifamily housing, the relevant Defendant, his/its employees and agents shall include on such plans, drawings or blueprints a statement that to the best of his/her professional judgment, knowledge and belief, they comply with the Fair Housing Act and, where applicable, the ADA. This paragraph does not require such statement for site plans or drawings that are solely for land development or planning purposes and do not otherwise require technical specifications necessitated by the Fair Housing Act or ADA. During the term of this Order, Defendant Zadlo and Defendant Mike Rosen Architects, P.C., shall, on request, provide to the United States a list of all such multifamily housing such Defendant has designed or is designing.

35. For the term of this Order, if Defendant Chambers Associates, Inc., or Defendant Urwiler & Walter, Inc., prepares any site plans, drawings, or blueprints for covered multifamily housing, including the exterior and/or common use portions of such housing, the relevant Defendant, its employees and agents shall include on such plans, drawings or blueprints a

statement that to the best of his/her professional judgment, knowledge and belief, they comply with the Fair Housing Act and, where applicable, the ADA. This paragraph does not require such statement for site plans or drawings that are solely for land development or planning purposes and do not otherwise require technical specifications necessitated by the Fair Housing Act or ADA. During the term of this Order, Defendant Chambers Associates, Inc., and Defendant Urwiler & Walter, Inc., shall, on request, provide to the United States a list of all such multifamily housing such Defendant has designed or is designing.

V. EDUCATIONAL PROGRAM

A. Acknowledgments of Consent Order

36. Within thirty (30) days of the entry of this Order, Defendants shall provide a copy of this Consent Order to all their employees and agents with supervisory responsibility for the design and construction or rental of covered multifamily dwellings and secure and deliver to counsel for the United States a signed statement from each such individual certifying that he or she has received and read the Order, and has had an opportunity to have his or her questions about the Order answered. This statement shall be substantially in the form of Appendix V (Statement Acknowledging Receipt of Consent Order).

37. During the term of this Order, within thirty (30) days after the date he or she enters into an employment or agency relationship with any Defendant, each new agent or employee with supervisory responsibility for the design, construction or rental of covered multifamily dwellings shall be given a copy of this Order and required to sign the statement at Appendix V acknowledging its receipt and certifying that his or her questions about the Order have been answered.

B. Education

38. For the term of this Order, Defendants shall ensure that they and their employees and agents who have supervisory authority over the design and/or construction of covered multifamily dwellings, have a copy of, are familiar with, and personally review the Fair Housing Accessibility Guidelines, 56 Fed. Reg. 9472 (1991) and the United States Department of Housing and Urban Development's (HUD's) *Fair Housing Act Design Manual to Assist Builders in Meeting the Accessibility Requirements of the Fair Housing Act* (August 1996, Rev. April 1998).

39. Within sixty (60) days of the date of entry of this Consent Order, Defendants shall provide all their employees and agents whose duties in whole or in part include supervisory responsibility for the design and/or construction of covered multifamily dwellings, in-person training on the design and construction requirements of the Fair Housing Act and pertinent provisions of the ADA. The training shall be conducted by an independent, qualified third party, approved by the United States, and any expenses associated with this training shall be borne by Defendants. Within thirty (30) days after the training, Defendants shall provide to the United States copies of the training outlines, any materials distributed by the trainers, and certifications executed by all covered employees and agents confirming their attendance in a form substantially similar to Appendix W.

VI. PUBLIC NOTICE OF NON-DISCRIMINATION POLICY

40. During the term of this Order, the Gambone Defendants and their successors and assigns shall post and prominently display the federal Fair Housing Poster, as described in 24 C.F.R. 110.15 and 110.25, in the leasing offices of the subject properties and in any other sales or rental offices of all dwellings owned or operated by them, if any, and in any other place in

which persons may inquire about renting dwellings from them.

41. For the duration of this Consent Order, in all future advertising in newspapers where the advertisement is more than two square inches, on pamphlets, brochures and other promotional literature, and on any internet website regarding the subject properties or any new covered complexes that the Gambone Defendants may design, develop or construct, the Gambone Defendants and their successors and assigns, shall place, in a conspicuous location, a statement that the dwelling units include features for persons with disabilities required by the Fair Housing Act.

VII. ADDITIONAL MONITORING REQUIREMENTS

42. For the duration of this Order, Defendants shall advise counsel for the United States in writing within thirty (30) days of receipt of any written or unwritten complaint against them, their employees or agents, involving alleged discrimination on the basis of disability regarding housing subject to the Act. Defendants shall also promptly provide copies to the United States or permit the United States to inspect and copy all non-privileged information it may request concerning any such complaint. Within fifteen (15) days of the resolution of any such complaint, Defendants shall advise counsel of the United States of such resolution.

43. For the duration of this Order, Defendants are required to preserve all records related to this Order regarding the subject properties and all future covered multifamily dwellings to be designed, constructed, owned, operated or acquired by them. Upon reasonable notice to Defendants, representatives of the United States shall be permitted to inspect and copy any of Defendants' non-privileged records or inspect any covered dwelling or any covered public and common use areas under Defendants' control at reasonable times so as to determine compliance

with the Consent Order.

44. Within 180 days after the entry of this Order, Defendants shall submit an initial report containing the signed statement certifications of attendance for Defendants, their officers, and supervisory design and construction personnel and site managers employed or retained by them, who have completed the education program specified in Section V(B) of this Consent Order. Thereafter, during the term of this Order, Defendants shall, one year after its entry and each year thereafter, submit to the United States a report containing the signed statements of new employees and agents involved in the design and construction of multifamily dwellings certifying that, in accordance with paragraph 37, they have received and read the Order and had an opportunity to have questions about the Order answered.

VIII. DAMAGES FOR AGGRIEVED PERSONS

45. The Gambone Defendants shall pay a total not to exceed Three Hundred Seven Thousand Dollars (\$307,000.00) ("Settlement Fund") to aggrieved persons who may have suffered as a result of Defendants' failure to design and construct the subject properties in compliance with the FHA and the ADA. For the purpose of ensuring the payment of such damages, the Gambone Defendants arranged for and, on July 18, 2007, Commerce Bank issued an irrevocable letter of credit in that amount.²

46. Within fifteen (15) days of the entry of this Order, the Gambone Defendants shall publish the Notice to Potential Victims of Housing Discrimination ("Notice"), attached hereto as Appendix X, informing the public of this settlement and of the settlement fund described in the

²Such letter of credit does not relieve the Gambone Defendants of any financial obligations described in Section VIII of this Consent Order.

preceding paragraph. The Notice shall be no smaller than three columns by six inches and shall be published on five (5) occasions each in the *Philadelphia Inquirer*, *the Times-Herald*, and *The Mercury*. The publication dates shall be separated from one another by at least five (5) days, and at least two (2) of the publication dates shall be in a Sunday edition. Within ten (10) days of the final publication date, the Gambone Defendants shall provide copies of the newspapers containing the Notice to counsel for the United States. Within fifteen (15) days of the entry of this Order, the Gambone Defendants also shall send a copy of the Notice to the following organizations: (1) Fair Housing Council of Montgomery County, 105 E. Glenside Ave., Suite E, Glenside, PA, 19038; (2) Fair Housing Council of Suburban Philadelphia, 225 S. Chester Rd., Suite 1, Swarthmore, PA, 19081; (3) Montgomery County Housing Authority, 1875 New Hope St., Norristown, PA, 19401; (4) Montgomery County Legal Aid Service, 317 Swede St., Norristown, PA, 19401; (5) Pennsylvania Protection and Advocacy, Inc., 116 Pine St., Harrisburg, PA, 17101; and (6) Pennsylvania Independent Living Councils, 108-10 N. Second St., Harrisburg, PA, 17101.

47. Within thirty (30) days of the entry of this Order, the Gambone Defendants shall send by first-class mail, postage prepaid, a copy of the Notice to each tenant of the ground-floor apartments at the subject properties and to the last-known address of any past tenant of a covered unit. Within forty-five (45) days of entry of this Order, the Gambone Defendants shall provide to counsel for the United States proof that the Notice has been sent. The Gambone Defendants shall also make available for inspection and copying any documents the United States believes may reasonably assist in the identification of aggrieved persons. Nothing in this section shall preclude the United States from making its own efforts to locate and provide notice to potential

aggrieved persons.

48. Potential aggrieved persons shall have 150 days from the date of entry of this Order to contact the United States in response to the Notice. The United States shall investigate the claims of potential aggrieved persons and, within 210 days from the entry of this Order, shall make a preliminary determination as to which persons are aggrieved and an appropriate amount of damages that should be paid to the each such person. The United States will inform the Gambone Defendants in writing of its preliminary determinations, together with a copy of a sworn declaration from each potential aggrieved person setting forth the factual basis of the claim. The Gambone Defendants shall have fourteen (14) days to review the declaration and provide to the United States any documents or information they believe may refute the claim.

49. After receiving the Gambone 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 the Gambone Defendants. When the Court issues an order approving or changing the United States's proposed distribution of funds for aggrieved persons, the Gambone Defendants shall, within ten (10) days of 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 sum of the Settlement Fund. No aggrieved person shall be paid until he/she has executed and delivered to counsel for the United States the release at Appendix Y.

IX. CIVIL PENALTY

50. Within ten (10) days of the date of entry of this Order, the Gambone Defendants shall pay to the United States a civil penalty of twenty-five thousand dollars (\$25,000) to vindicate the

public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C). This sum shall be paid by submitting to counsel for the United States a check made payable to the "United States of America."

X. DURATION OF ORDER AND TERMINATION OF LEGAL ACTION

51. This Consent Order shall remain in effect for four (4) years after the date of its entry.

52. By consenting to entry of this Order, the United States and Defendants agree that in the event that there is a judicial determination that Defendants engaged in any future violation(s) of the Fair Housing Act, 42 U.S.C. §§ 3601-19, such violation(s) shall constitute a "subsequent violation" pursuant to 42 U.S.C. § 3614(d)(1)(C)(ii).

53. The Court shall retain jurisdiction, including for distribution of the settlement funds, for the duration of this Consent Order to enforce the terms of the Order, after which time the case shall be dismissed with prejudice. The United States may move the Court to extend the duration of the Order in the interests of justice.

54. The parties 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, and reasonable attorneys' fees which may have been occasioned by that defendant's violation or failure to perform.

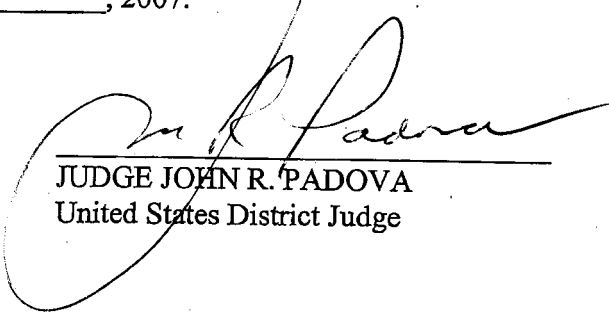
XI. TIME FOR PERFORMANCE

55. Any time limits for performance imposed by this Consent Order may be extended by

the mutual agreement, in writing, of the United States and the relevant Defendant.

IT IS SO ORDERED:

This 19th day of July, 2007.



JUDGE JOHN R. PADOVA
United States District Judge

mail:
W. Kern
T. Bergstrom
S. Rosenbaum
G. Chinnister

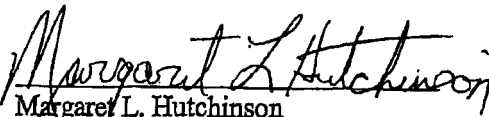
-mail:
F. Haroco
J. Butler
K. Pennington
M. Hutchison
M. Avrigon
N. Brugg
R. Murtaugh
S. Buderle
W. Cordor

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

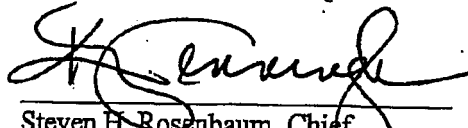
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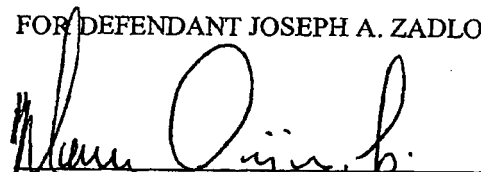
FOR DEFENDANTS GAMBONE BROTHERS DEVELOPMENT
COMPANY; GAMBONE CONSTRUCTION COMPANY;
GAMBONE BROTHERS ORGANIZATION, INC.;
ABRAM'S RUN APARTMENTS ASSOCIATES, L.P.;
FOX RIDGE APARTMENTS, L.P.; LEWIS ROAD
APARTMENTS, L.P.; HENDERSON SQUARE
APARTMENTS, L.P.; HENDERSON SQUARE PHASE 2, L.P.:

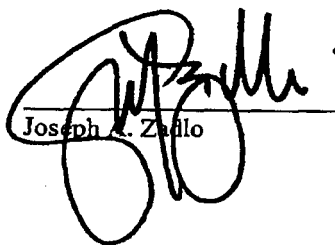
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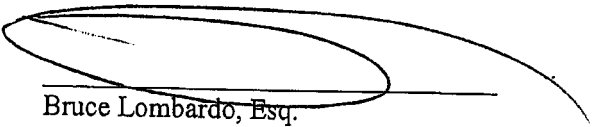

Michael Gambone

FOR DEFENDANT JOSEPH A. ZADLO:

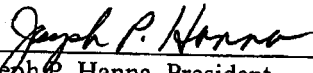

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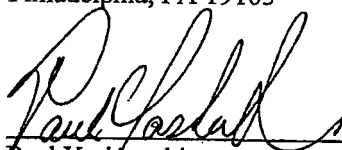
Mike Rosen

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Paul Yaskowski

APPENDIX A

ACCESSIBILITY RETROFITS TO PUBLIC AND COMMON USE AREAS AT ABRAM'S RUN APARTMENTS

1. **Accessible Route from Parking to Leasing Office/Model Unit.** An accessible route shall be provided from an accessible parking space to the leasing office/model unit. ANSI 4.3. A minimum of one accessible parking space and one accessible van parking space, both with appropriate signage, shall be provided on the shortest accessible route from parking to the leasing office/model unit, consistent with ANSI 4.6.4 and the ADA Standards §§ 4.1.3(2) and (5)(b).

This retrofit is required because no accessible parking spaces are provided for the leasing office/model unit. In addition to adding the two accessible spaces, including a van space, and access aisles, an accessible walkway and curb ramp must be added from the spaces to the entrance to the office/model unit. All retrofits shall be consistent with ADA Standards 4.1.2(5), 4.1.3(2) & 5(b), 4.6, 4.30.7(1).

2. **Accessible Route from Covered Dwelling Units to Parking.** An accessible pedestrian route shall be provided connecting all ground-floor units to parking. ANSI 4.3. The following retrofits shall be made:

A) **Route From Parking to Units 111-112.** There is no accessible route to these units. The 2 ½" step to the entry doors to these units shall be removed. A level pad measuring 48" by 48" may be installed to flatten out the level change at the threshold. The 1" level change at the curb ramp also shall be flattened with an asphalt lift. In addition, the curb ramp (with a slope of 11.8% and side flares of 13.7% and 24.4%) must be replaced consistent with ANSI.

B) **Route From Parking to Units 110, 113, 114, 117.** The access aisle to the accessible parking space at the south entrance to Building 100, which has a 4.3% cross slope, shall be retrofitted so that the cross slope is no greater than 2%. The cross slope can be reduced with an asphalt lift at the access aisle.

C) **Route From Parking to Unit 116.** The curb ramp to the south shall be replaced with one meeting ANSI 4.7.2, 4.7.5, and having a cross slope no greater than 2% and a width of 36" or more. There is no accessible route to this unit. The approach route from the north has a sidewalk with a running slope of 9.2%, a step up to the front entry, and a 7" curb at the parking lot. The approach route from the south has a curb ramp with a 13.9% running slope and 3.3% cross slope, the width of which narrows to 29" at the bottom of the curb ramp.

D) **Route From Parking to Units 211-212.** There is no accessible route to these units. The 1 ½" step to the entry doors to these units shall be removed, and the sidewalk (which has a running slope of 9.3% on the approach walk and 9.6% on the entry walk at the units)

shall be retrofitted so that the slope is no greater than 8.33% with handrails consistent with ANSI. An extruded aluminum retrofit threshold ramp may be used to remedy the 1 ½" step.

E) Route From Parking to Units 210, 213, 214, 217. There is no accessible route to these units. The entry walk (which has a running slope of 10.8%) shall be retrofitted so that the slope is no greater than 8.33% with handrails consistent with ANSI.

F) Parking at Units 310, 313, 314, 317. Relocate or remove (if not required by local jurisdictions) the designated accessible parking space, because, with a grate in the access aisle, it is unsafe.

G) Route From Parking to Units 315-16. There is no accessible route to these units. A new accessible walkway shall be provided from the south so that there is no step in the pedestrian route. An accessible curb ramp and accessible parking space meeting all ANSI requirements shall be added where the new walkway connects to the parking lot. The inaccessible curb ramp at the north must be retrofitted to meet ANSI or removed because it is unsafe.

These retrofits are necessary because: the approach walk has a slope varying from 7.7% to 9.9% to 8.7%; there is a perpendicular intersection in the approach sidewalk that has a 7.3% slope in one direction and a 3.4% slope in the other direction; there is one step up to the entry stoop; there is a 5/8" level change at the expansion joint between the sidewalk and the curb ramp; there is a 3/4" lip at top of the curb ramp; and the curb ramp is sloped at 8.7%.

H) Route From Parking to Units 411-12. There is no accessible route to these units. An accessible sidewalk and accessible curb ramp meeting all ANSI requirements shall be added to the east, as depicted in the site drawings. A striped aisle shall be painted from the new walkway to the existing accessible parking space across the drive aisle.

This is necessary because the approach walk has a running slope of 9.6% to 12.2%.

I) Route From Parking to Units 510-14, 517. A smooth transition shall be provided at the expansion joint in the curb ramp to remedy the 3/4" level change.

J) Route From Parking to Units 515-16. There is no accessible route to these units. A platform stoop shall be provided connecting the entries to these units. A ramp meeting ANSI shall be provided at each end of the existing sidewalk so that steps may be avoided. A sign indicating the way to the accessible route shall be provided at the end of the inaccessible sidewalk.

These retrofits are necessary because there are three steps at the entry to these units and no curb cut from the parking.

K) Route From Parking to Units 610, 613, 614, 617. There is no accessible route to these units. Regrade the sidewalk at the entry walk (which has a slope of 5.9%) or add

handrails as specified by ANSI.

L) Route From Parking to Units 615-16. There is no accessible route to these units. A new landing (stoop) shall be provided at the stoop so that the units may be accessed without use of the step at the entry walk or having to traverse the 8.7% slope at the entry walk. A sign shall be posted at the steep slope directing persons to the accessible route.

M) Route From Parking to Units 711-12. There is no accessible route to these units. The walkway shall be widened to at least 36" where the curb ramp impinges on the required 36" wide walkway for an accessible route. ANSI 4.3.3. The steps in the approach walk shall be removed.

N) Route From Parking to Units 710, 713, 714, and 717. The curb ramp shall be replaced with one having a cross slope no greater than 2%. It currently has a 3.7% cross slope. The steps in the approach walk shall be removed.

O) Route From Parking to Units 811-12. There is no accessible route to these units. The existing sidewalk from the accessible parking space shall be removed and replaced with one that switches back from north to south to north to the furthestmost south stoop. In addition, a new sidewalk shall be provided along the stoops to the north and continuing around to the entrances to units 810, 813, 814 and 817.

The current route is steeply sloped at 6.8% to 9.7% in the approach walkway and 7.8% to 8% in the entry walkway.

P) Route From Parking to Units 815-16. There is no accessible route to these units. A new accessible sidewalk shall be provided connecting the stoops to these units to the existing sidewalk. If the current sidewalk is retained, a sign shall be posted where it meets the parking directing persons to the accessible route.

The current route is steeply sloped at 8.9% in the approach walkway and 8.9% in the entry walkway.

Q) Route From Parking to Units 911-12. There is no accessible route to these units. An accessible ramp, consistent with ANSI, shall be provided connecting the stoops to the parking at the east or west.

The current routes are steeply sloped at 9.1% in the west and 8.7% in the east approach walkways.

R) Route From Parking to Units 910, 913, 914, 917. There is no accessible route to these units. An accessible sidewalk and curb ramp meeting all ANSI requirements shall be added connecting to the approach walk in the location depicted in the site drawings.

This is necessary because the entry walk has a running slope of 10% to 14.1% and the

curb ramp has a slope of 14%.

S) Route From Parking to Units 1010-14, 1017. There is no accessible route to these units. The sidewalk shall be removed and replaced with an accessible one, consistent with ANSI. The curb ramp (which is sloped at 17.7%) shall be replaced with one meeting all ANSI requirements.

This is necessary because the approach walk has a running slope of 6.4% to 9.1% to 4.7% and a step, and the curb ramp has a slope of 17.7%.

T) Route From Parking to Units 1015-16. There is no accessible route to these units. The existing sidewalk shall be replaced with one meeting all ANSI requirements.

This is necessary because the approach walk has a steep slope of 11.8%, as well as a step.

U) Route From Parking to Units 1110, 1113, 1114, 1117. There is no accessible route to these units. An accessible sidewalk meeting all ANSI requirements shall be added to the approach walk in the location indicated on the site plans, because the entry walk is sloped at 13.3%.

V) Route From Parking to Units 1210, 1213, 1214, 1217. There is no accessible route to these units. An accessible sidewalk meeting all ANSI requirements shall be added connecting the units to the approach walk, because the approach walk is sloped at 9.7% with a cross slope of 5.4%.

W) Route From Parking to Units 1215-16. There is no accessible route to these units. The existing curb ramp shall be replaced with one that meets all ANSI requirements, because there is a 1" change in level from the sidewalk to the access aisle.

3. Accessible Route from Covered Dwelling Units to the Public Access Road and Leasing Office. An accessible pedestrian route shall be provided connecting all ground-floor units to the public access road, i.e., Power Station Road, and the leasing office. ANSI 3.5, 4.3, 4.5.1. The following retrofits shall be made:

A) An accessible sidewalk shall be added from the leasing office to the public access road. This is necessary because the pedestrian approach is either on the inaccessible grass surface or unsafe along the internal roadway (Abrams Run Boulevard) in traffic lanes.

B) An accessible sidewalk shall be added from the leasing office to the covered dwelling units. Non-compliant sidewalks and curb ramps shall be replaced. This is necessary because the current pedestrian approach requires the use of sidewalks that are too steeply sloped and inaccessible curb ramps. For example, the current route includes: cross slopes by Building 100 that exceed (at 2.6% and at 4%) the 2% maximum; a curb ramp at Building 100 with cross slopes of 3.9%; near Building 500, a sidewalk with a slope of 7.3%, which exceeds the maximum of 5% for a walk and requires compliant handrails each side, ANSI

4.8; near Building 900, a portion of the sidewalk at the sidewalk intersection that needs to be replaced; a failure to connect Buildings 1000 and 1200; no crosswalks from Building 900 to Building 1000 and from Building 1000 to Building 1200; and various other items described elsewhere in this appendix. In addition, the sidewalk does not connect the fitness center, basketball court and tennis court to the units. Moreover, there are no passing spaces provided at reasonable intervals not to exceed 200 feet along this extended portion of the accessible route. ANSI 4.3.4.

4. Stairs. Handrails shall be replaced with handrails consistent with ANSI 4.9.4.

Stairs throughout the complex have inaccessible handrails in that they are not continuous on both sides of the stairs; they do not extend at least 12" beyond the top riser and at least 12" plus the width of one tread beyond the bottom riser; the gripping surfaces are not continuous but rather are interrupted by newel posts or other obstructions; the diameter of the gripping surfaces are not 1 1/4" to 1 1/2". See ANSI 4.9.4.

5. Accessible Parking Throughout Complex. Signs denoting accessible parking shall be provided at the accessible parking spaces throughout Abram's Run in accordance with ANSI. The bottom edge of each sign shall be at least 60" above the ground surface.

This is necessary because most of the accessible parking spaces lack signage that can be observed when a vehicle is parked in the space. ANSI 4.6.2.

6. Mail Box Shelter: The mail box shelter shall be retrofitted as follows:

A) An accessible parking space and/or passenger loading zone shall be added adjacent to and/or across the street from the shelter. If the parking and/or drop off is added across the street, a walkway shall be painted from that area across the street to the shelter. This is necessary because there is neither a vehicle drop off with an access aisle nor an accessible parking space serving the mail box shelter. See Guidelines Req. 1-2; ANSI 4.6.

B) The sidewalk shall be extended from the covered units to the mailbox shelter, and accessible curb cuts shall be provided in front of the shelter and across the street from the shelter. This is because there is no accessible pedestrian route or sidewalk that extends to the shelter, which is located on the opposite side of the street from the covered dwellings. See Guidelines Req. 1-2; ANSI 4.6. There is no curb cut across from the shelter and the one in front of the shelter is too steep.

C) Mailboxes shall be reassigned upon request³ to persons with disabilities living in

³Notice of the availability of this "upon request" retrofit shall be provided to current residents in accordance with this Order and to prospective residents at the time they inquire about renting an apartment. The notice shall provide that the alterations may be requested at any time during the tenancy. Such alterations may be requested after all other retrofits required by this

covered dwellings who request a box with a height of less than 54". This is because some of the mailboxes serving the covered dwellings are too high to be reached by persons using wheelchairs because their locks are more than 54" above the ground. ANSI 4.25.3.

7. Accessible Route to Fitness Center. An accessible pedestrian route, including accessible sidewalks, curb cuts and/or ramps, and an access aisle at the accessible parking space in front of the fitness center, shall be provided from all covered dwellings to the fitness center, consistent with Guidelines Req. 1, 2; ANSI 4.6.

There is no accessible pedestrian route connecting the dwelling units to the fitness center. The accessible parking space that serves the fitness center lacks an access aisle.

8. Accessible Route to Trash Dumpster Enclosures. An accessible pedestrian route, including accessible sidewalks, curb cuts and/or ramps, and a 36" wide entry to the enclosure, shall be provided connecting all covered dwellings to one or more of the trash dumpster enclosures, consistent with ANSI 4.1, 4.3.7, 4.5.2, 4.6, 4.13.6.

All of the trash dumpster enclosures are inaccessible. Use of any of the dumpsters requires wheelchair users to take an "unsafe" route in the driveways/roadways traveling parallel to oncoming traffic. None of the trash dumpster enclosures may be accessed from the dwelling units via an accessible pedestrian route. Such a route must be provided. The enclosures either lack curb ramps or have inaccessible curb ramps. In addition, there is inadequate maneuvering space between the enclosures and the curb for a person using a wheelchair to approach the enclosures, enter them and use the dumpsters. Some of the openings into the enclosures are less than 36" wide.

9. Accessible Route to Basketball and Tennis Courts. An accessible pedestrian route shall be added connecting the covered units to the tennis and basketball courts. In addition, the sidewalk directly approaching the entry gates to the courts shall be widened to 36" or more and regraded to 5% or less. Req. #1 & #2, p. 2.23; ANSI 4.6, 4.8. The gate hardware shall also be lowered to no higher than 48".

There is no accessible pedestrian route connecting the covered dwellings to these recreational areas. The walkway at the two gates is less than 36" wide and has a slope of greater than 8.33%. The gate latches are situated above the requisite reach range of 48" set by ANSI and the Guidelines.

Order have been made to an apartment. If the Gambone Defendants receive a request to perform this "upon request" retrofit, they shall complete the retrofit within 10 days from the date of the request.

APPENDIX B

ACCESSIBILITY RETROFITS TO LEASING OFFICE/MODEL UNIT AT ABRAM'S RUN APARTMENTS

In lieu of making the specified retrofits to the leasing office/model unit, the Gambone Defendants may create and/or build a new rental office in the clubhouse. Such new rental office must be consistent with the design and construction requirements of the Fair Housing Act and Americans with Disabilities Act, and the unit that had been the model unit must meet all requirements of the Fair Housing Act.

1. Primary Entrance Door. The threshold and hardware for the primary entrance door to the leasing office/model unit must be retrofitted consistent with the ADA Standards.

The threshold is inaccessible at 1 1/8" in height. See ANSI 4.13.8; ADA Standards § 4.13.8. The threshold shall be replaced, or a Pemko (or equal) extruded aluminum retrofit threshold ramp extension may be added to the existing threshold

The door has inaccessible knob hardware. See ANSI 4.13.9; ADA Standards 4.13.9. The doorknob on both sides of the door shall be replaced with lever or other hardware consistent with ADA Standard § 4.1.3(2).

2. ADA Signage. Permanent signs, including braille characters, must be mounted on the exterior of the office/model unit door and adjacent wall at a height of 60" from the ground to the centerline of the sign consistent with ADA Standards 4.1.2(7), 4.1.3(16)a), 4.30.1, 4.30.4-.6. The ADA-required signage is not present.

3. Mailbox. The mailbox slot in the entry door must be lowered to 48" above the ground consistent with ADA Standard 4.2.

At 56" above the ground, the mailbox slot is too high to be reached by persons using wheelchairs.

4. Door hardware. The round doorknob hardware on all the interior doors, including bedroom, bathroom, and closet doors, shall be replaced with accessible hardware consistent with ADA Standard 4.13.9

5. Accessible Route. A transitional edging strip with a bevel no greater than 1:2 shall be added between the vinyl flooring and the carpet, to correct the unbeveled change in level between 1/4" and 1/2" there. See ANSI 4.5 & 4.10.10; ADA Standards 4.5.2, 4.5.3.

6. Doorways. All interior doorways shall be widened so that the clear width opening for each is at least 32". In lieu of widening the walk-in closet doors, a rod and shelf may be added no further than 24" into the closet to enable access as a reach-in closet.

Alternatively, the leasing office/model unit may be moved from this unit to a Type 2C unit, which would not require widening any doors except the walk-in closet.

The clear width openings at all interior doors are narrower than the minimum of 32" required by ADA Standards 4.1.3(1), 4.13.4. The doors to both bedrooms have only a 27" clear width opening. The doors to both bathrooms have only a 26" clear width opening. The walk-in closet doors in the living room and bedroom provide only a 25 ½" and 26", respectively, clear width opening. The bi-fold doors at the washer and dryer room provide only a 25 ½" clear width per "leaf."

7. Patio Door. The sliding glass door to the patio shall be retrofitted as follows. The threshold and door hardware shall be replaced, and the rubber bumper shall be removed.

The sliding glass door from the leasing office/model unit is inaccessible in several respects. Its threshold is 2 1/4" in height. See ANSI 4.13.8; ADA Standards § 4.13.8.. The threshold must be replaced with one consistent with the ADA Standards. In addition, the door hardware shall be replaced with hardware consistent with ADA Standard 4.13.9. The door opening is too narrow at 31 5/8", but removal of the rubber door stop will permit a clear width opening of 32". ADA Standards §§ 4.3.3, 4.13.5.

8. Kitchen. The kitchen shall be reconfigured so that there is 30" x 48" of clear floor space centered on the sink and range, making them accessible to persons using wheelchairs. In addition, the cabinet hardware shall be replaced with accessible hardware.

The sink is inaccessible because it is situated in a corner and is less than 16" wide, so there is no clear floor space measuring 30" x 48" adjacent to and centered on the sink, as required by Guidelines Req. 7. The range is also inaccessible because there is not 30" x 48" of adjacent clear floor space parallel to and centered on it, as required by Guidelines Req. 7. Rather, the spacing is off center by 5". The kitchen must be reconfigured to provide for sufficient space at the sink and range, consistent with Guidelines Req. 7; ADA Standards 4.2.4, 4.2.5, 4.27.2, Fig. 5(b). The 30" x 48" centered space at the sink shall allow for a front approach with knee room underneath the sink.

The cabinet hardware (knob type) in the kitchen is not operable with one hand without tight grasping, pinching or wrist twisting and shall be replaced with hardware consistent with ADA Standard 4.27.4.

9. Bathrooms. Both bathrooms in the office/model unit must be retrofitted to include all features required by the ADA Standards, including a five-foot clear space turning radius, accessible sinks, accessible faucets, cabinet hardware, towel bars, and grab bars. If the leasing office/model unit is moved from this unit to a Type 2C unit, the required retrofits would be less extensive since bathroom 2 in the 2C unit has sufficient space to meet the ADA requirements, i.e., the five-foot turning radius.

The bathrooms in the leasing office/model unit fail to meet the ADA requirements in several respects. The faucets at the sinks in both bathrooms are not usable with one hand without

tight grasping, pinching and wrist twisting. The faucets shall be replaced with accessible hardware consistent with ADA Standard 4.19.5.

The cabinet hardware (knob type) in both bathrooms is not operable with one hand without tight grasping, pinching or wrist twisting and shall be replaced with accessible hardware consistent with ADA Standard 4.27.4.

The towel bars in both bathrooms are installed higher (at 60") than the maximum 48" required for a person using a wheelchair to make a parallel approach. They shall be lowered consistent with ADA Standards 4.2.5, 4.2.6.

No side or rear grab bars are provided in the bathrooms, as required by the ADA Standard. Grab bars consistent with ADA Standard § 4.16.4, Fig. 29, shall be added.

Both bathrooms lack the required 5'-0" radius (unobstructed turning space) required by ADA Standards 4.22.3, 4.2.3 and must be retrofitted so that they have this clear space.

In bathroom 1, the width of the space at the water closet is less (at 34") than the minimum 48" required, and the room is configured so that the door swings into the clear floor space required for the lavatory. The cabinets must be reconfigured to provide the clear space specified by ADA Standard 4.22.2, Fig. 28.

The maneuvering space on the pull side of the doors in both bathrooms (at 5 ½") is less than the 18" minimum required by the ADA Standard. In Bathroom 1, the pull side is hampered by the counter. The bathrooms shall be reconfigured to provide at least 18" minimum clear space on the pull side of the doors, consistent with ADA Standard 4.13.6, Fig. 25.

The lavatory cabinet configurations (flush front) in both bathrooms do not provide the clearance under the lavatory for knee space required for a wheelchair user of at least 29 inches to the bottom of the apron or the maximum depth of 19 inches. The cabinets shall be replaced with accessible sinks consistent with ADA Standards 4.2.4.1, 4.19.2, 4.19.3, Figure 31, 32.

10. Bedroom. The doors at Bedroom 1 shall be reconfigured to provide at least 18" minimum clear space on the pull side of the doors, consistent with ADA Standard 4.13.6, Fig. 25. Alternatively, the leasing office/model unit may be moved from this unit to a Type 2C unit, which would not require reconfiguring the doors.

The maneuvering space on the pull side of the doors for Bedroom 1 is less (at 5") than the 18" minimum required. ADA Standards 4.13.6, Fig. 25.

11. Environmental Controls. The leasing office/model unit shall be retrofitted so that the following light switches, electrical outlets, thermostats, and other environmental controls are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II).

A) Light Switches. The light switch at the entry is mounted at 52", and there is insufficient space for a parallel approach to the switch. The switch shall be moved so that it is no higher than 48" above the floor.

B) Kitchen Light Switches and Outlets. The switches and outlets over the kitchen counters are mounted at 49" - 51 ½". They shall be moved so that they are no higher than 46"

above the floor, consistent with Guidelines Req. 5.

C) **Thermostats.** The thermostat controls are mounted at 59" to 60", above the maximum reach of a wheelchair user. They shall be moved so that they are no higher than 48" above the floor. Guidelines Req. 5.

APPENDIX C

ACCESSIBILITY RETROFITS TO FITNESS CENTER/CLUBHOUSE AT ABRAM'S RUN APARTMENTS

1. **Powder Room.** The powder room in the fitness center may be retained with the following retrofits:

A) **Signs directing residents to the other accessible bathroom will be added to the fitness center/clubhouse.**

B) **The powder room doorway shall be widened so that it provides at least 32" clear width space, consistent with ANSI 4.13.** It provides only 28 ½" clear width space.

C) **The faucet shall be replaced with an accessible faucet, consistent with ANSI 4.19.5, 4.25.4, e.g., lever-operated, push-type, and automatic mechanisms.** The faucet is not accessible because it requires tight grasping, pinching and wrist twisting.

D) **Grab bars and towel racks meeting ANSI shall be provided.**

2. **Toilet Room.** The toilet room in the fitness center shall be retrofitted as follows:

A) **The rear grab bar in the toilet room shall be replaced with a 36" grab bar.** The rear grab bar provided is inaccessible because it is shorter (at 24") than the 36" minimum required by ANSI 4.16, 4.17.6, Fig 29 (a).

B) **The side grab bar in the toilet room shall be moved,** because it is closer to the rear wall (at 49") than the 54" minimum required. See ANSI 4.16, 4.17.6, Fig 29 (b).

C) **The mirror shall be lowered** so that the bottom of the reflecting surface is no higher than 40" above the floor. It is mounted at 45", which is above the maximum height set by ANSI 4.19.6.

3. **Accessible Route.** Because the fire extinguisher protrudes 5" into the walkway, more than the maximum 4" specified by ANSI 4.4, it shall be moved so that it can be reached but is not a protruding object. Alternatively, it may be replaced with a smaller extinguisher.

APPENDIX D

ACCESSIBILITY RETROFITS TO COVERED DWELLING UNITS AT ABRAM'S RUN APARTMENTS

Corrective actions need not be taken respecting units 715, 716, 915, 916, 1115, 1116, 1211, and 1212 as they meet the impracticality exception described in HUD's Guidelines.

1. Primary Entry Doors. The inaccessible round door knobs on the exterior of each ground-floor unit's primary entry door shall be replaced with lever or other accessible hardware consistent with ANSI 4.13.9.

Round door knobs violate 42 U.S.C. § 3604(f)(3)(C)(i) and (iii)(I) as they create an inaccessible public and common use area and fail to provide an accessible route into the units. See also Guidelines Req. 1 and 4.

2. Unit Doors. The following doorways shall be retrofitted so that the clear width opening between opposing sides of each doorway is at least 31 5/8" wide. For walk-in closets in the living room, a rod and shelf may be added within 24" of the doorway to enable access from outside the closet.

The doorways, which are designed to allow passage into and within the ground floor dwellings, are inaccessible in that they are not sufficiently wide to allow passage by persons with disabilities using wheelchairs. 42 U.S.C. § 3604(f)(3)(C)(ii); Guideline Req. 3. Each provides a clear width opening of less than 31 5/8":

A) Unit type 1A – bedroom door (27 ½" clear width), walk-in closet door in bedroom (26 ½" clear width), bathroom door (28" clear width).

B) Unit type 1B – walk-in closet door at foyer (26" clear width); bedroom and bathroom doors (28").

C) Unit type 2A – walk-in closet in living room (27 ¾" clear width); both bedroom doors (28" clear width), walk-in closet door in bedroom 1 (25 ½" clear width), both bathroom doors (28" clear width).

D) Unit type 2B – walk-in closet in living room (25 ½" clear width); both bedroom doors (27" clear width), walk-in closet door in bedroom 1 (26" clear width), both bathroom doors (26" clear width).

E) Unit type 2C – walk-in closet door in living room (25 ½" clear width).

F) Unit type 2D – walk-in closet door in living room (25 ½" clear width).

3. Accessible Routes Into and Through the Units. The thresholds at the front doors

and sliding glass doors shall be retrofitted so that there is an accessible route into and through the dwelling, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(I), Guidelines Req. 4. The front door thresholds shall be replaced with thresholds that are no higher than ½" and beveled consistent with ANSI A117.1. The sliding glass door thresholds shall be replaced on request⁴ with thresholds that are no higher than ¾" and beveled consistent with ANSI A117.1.

A) The thresholds at the front entry doors are inaccessible in that they are 1 1/8" or 1 1/4" in height. A Pemko (or equal) extruded aluminum retrofit threshold ramp extension may be added to the existing thresholds.

B) The thresholds of the sliding glass doors in all the covered dwellings are inaccessible because they are 2 1/4" in height.

C) In some units, the threshold in the foyer from the tile to the carpet is higher (at ¾") than the maximum ½". Transitional edging shall be added.

4. Environmental Controls. All ground floor units shall be retrofitted so that the following light switches, electrical outlets, thermostats, and other environmental controls are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II).

A) **Light Switches.** The light switch at the entry to each unit is mounted at 52", and there is insufficient space for a parallel approach to the switch. The switches shall be moved so that they are no higher than 48" above the floor.

B) **Kitchen Light Switches and Outlets.** The switches and outlets over the kitchen counters are mounted at 49" - 51 ½". Additional switches and outlets shall be added that are no higher than 46" above the floor, consistent with Guidelines Req. 5.

C) **Thermostats.** The thermostat controls are mounted at heights varying from 59" to 60", above the maximum reach of a wheelchair user. They shall be moved so that they are no higher than 48" above the floor. Guidelines Req. 5.

5. Grab bar reinforcements. All ground floor units shall be retrofitted to contain reinforcements in bathroom walls to allow later installation of grab bars, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(III); Guidelines Req. 6.

This retrofitting is required because the requisite reinforcements are not present in the apartments. In lieu of adding reinforcements, Defendants may purchase and make available 225 "wing-it" bolts for use in installing grab bars upon a future tenant's request.⁵

⁴See footnote 1 in Appendix A.

⁵See footnote 1 in Appendix A.

6. **Kitchens.** The kitchens in Unit Types 2A, 2B and 2D shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7. The counters and/or appliances shall be reconfigured as follows:

A) In Unit Types 2A and 2D, ranges with front controls shall be provided on request⁶ in place of the ranges with rear controls. In Unit Types 2A and 2D, the range is inaccessible because there is not 30" x 48" of adjacent clear floor space parallel to and centered on it. The spacing is off center by 5 ½" in Unit Type 2A and 4" in Unit Type 2D.

B) In Unit Types 2B and 2D, the sink counters and adjacent counters shall be replaced with removable cabinets allowing a wheelchair to make a forward approach to the sink. The piping shall be provided with protective insulation. In Unit Types 2B and 2D, the kitchen sink, which is located in a corner, is inaccessible because there is not sufficient space at the sink for a person using a wheelchair to make either a parallel or forward approach to the sink. The sink counter is only 16" wide, so there is not 30" x 48" of clear floor space at the sink.

7. **Bathrooms:** The bathrooms in Unit Types 1B and 2A shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7.

A) In some Type 1B units, the bathroom is inaccessible because there is insufficient space at the toilet to permit a person using a wheelchair to access and use it. The bathroom shall be reconfigured by reducing the size of the lavatory cabinet to provide space consistent with Guidelines Req. 7. In addition, the bathroom door shall be changed so that it swings out in those one-bedroom units in which it currently swings in.

B) In Unit Type 2A, in the hall bathroom, the toilet is located in a space that is too narrow to permit wheelchair access, as it is only 31" wide. The sink vanity shall be replaced with a smaller vanity, so that the space in which the toilet is located is at least 33" wide.

⁶See footnote 1 in Appendix A.

APPENDIX E

ACCESSIBILITY RETROFITS TO PUBLIC AND COMMON USE AREAS AT FOX RIDGE

1. Accessible Route from Fox Ridge's Covered Dwelling Units to Parking. There is no accessible route to any of the covered dwelling units. An accessible pedestrian route shall be provided connecting all ground-floor units to parking. ANSI 4.3. The following retrofits shall be made:

A) The steps at the entry to each ground-floor unit, ranging from 4" to 6", shall be removed. A level pad measuring 48" by 48" shall be installed at each entry with accessible ramps from the pads to the entry walks.

B) Route From Parking to Building 200. The steps in the walkway to Units 207 (two 6" steps) and 209 (three 6" steps) shall be eliminated, and an accessible sidewalk shall be added. The steps may remain so long as an alternate accessible route is added. The curb ramps on the west walkway from the center and south shall be retrofitted so that the 1" offset between the walkway and the curb ramp is eliminated. Handrails consistent with ANSI shall be added to the east side approach walk to Unit 201 (which has a running slope of 5.7%).

C) Route From Parking to Building 300. The steps in the walkway to Units 301 and 315 (six 4" steps) shall be eliminated, and an accessible sidewalk shall be added. The steps may remain so long as an alternate accessible route is added. The south entry walk to Apt. 307 shall be retrofitted so that the 1" offset at the porch/walk intersection is eliminated. The north side walkway (which has a running slope of 10.2%) shall be replaced with a sidewalk meeting all ANSI requirements.

D) Route From Parking to Building 400. Handrails consistent with ANSI shall be added to the north side walkway (which has a running slope of 6.2%) and the east side approach walkway to the atrium (which has a running slope of 8.5%).

E) Route From Parking to Building 500. The steps in the walkway to Units 501 (two 8" steps), 507 (one 7" step), 509 (one 8 ½" step), and 515 (three 7 ½" steps) shall be eliminated, and an accessible sidewalk shall be added. The steps may remain so long as an alternate accessible route is added. The south walkway near Apt. 501 shall be retrofitted so that the 1 ¼" offset is eliminated. The west walkway south of the approach walk to the atrium shall be retrofitted so that the 2" offset between the walkway and the curb ramp is eliminated. In addition, handrails consistent with ANSI shall be added to the west side approach walkway to the atrium (which has a running slope of 6.8%).

F) Route From Parking to Units 609 and 615. The steps in the walkway to Units 609 (one 6" step) and 615 (one 4 ½" step) shall be eliminated, and an accessible sidewalk shall

be added. The steps may remain so long as an alternate accessible route is added.

G) Cross Slopes in Pedestrian Routes. There are numerous areas in which the sidewalks have cross slopes exceeding 2%. The following portions of the sidewalks shall be replaced with walkways having cross slopes no greater than 2%:

At Building 200:

- the west walkway north of approach walk to Unit 209 (5.4%);
- the west walkway south of approach walk to upper units (3.3%);
- the west walkway at approach walk to Unit 207 (6.1%);
- the south walkway left of atrium approach walk (3.6%);
- the south walkway right of atrium approach walk (3.5%);
- the east walkway south at corner (3.1%);
- the east walkway at approach walk to Unit 215 (3.4%).

At Building 300:

- the north walkway at approach walk to Unit 301 (6.4%);
- the east walkway north of the atrium approach walk (3.4% & 3.7%).

At Building 400:

- the north walkway at approach walk to Unit 415 (3.2%);
- the north walkway at approach walk to Apt. 401 (3.4%).

At Building 500:

- the west walkway south of atrium approach walk (4.2%);
- the west walkway north of atrium approach walk (7.0% & 3.9%);
- the north walkway west of approach walk to Apt. 507 (6.4%);
- the north walkway to mail box station at the south end (6.3%), at the center (3.1%), and at the north end (3.8%).

At Building 600:

- the west walkway at the approach to Unit 607 (4.1%).

H) All Existing Curb Ramps Shall Be Replaced with Accessible Curb Ramps or Cuts Meeting All ANSI Requirements. All curb ramps throughout Fox Ridge are problematic. They typically have left and right flares with excessive running slopes (ranging between 21% and 40%), center sections with excessive cross slopes (ranging between 14% and 19%).

I) Hatched markings denoting an accessible way shall be painted from the access aisle across the roadway to the curb ramp at buildings 300 and 400. This is necessary because the designated accessible parking space is across the road.

2. Accessible Route from Covered Dwelling Units to the Public Access Road, Gazebo Clubhouse/Fitness Center and Leasing Office. An accessible pedestrian route shall be provided connecting all ground-floor units to the public access road, gazebo,

clubhouse/fitness center and leasing office. ANSI 3.5, 4.3, 4.5.1. The following retrofits shall be made:

A) An accessible sidewalk shall be added from the Fox Ridge units to the public access road, i.e., Kugler Road. This is necessary because the pedestrian approach is either on the inaccessible grass surface or unsafe along the internal roadway in traffic lanes.

B) An accessible sidewalk and an accessible ramp shall be added from the Fox Ridge units to the gazebo. This is necessary because the pedestrian approach is on the inaccessible grass surface and the gazebo has a 4" step at its entry.

C) An accessible sidewalk shall be added on Lakeside Drive connecting the Fox Ridge units to the Fox Ridge Lakeside units, the clubhouse/fitness center, and the leasing office. This is necessary because there is no sidewalk connecting the two portions of the complex, and the clubhouse/fitness center and leasing office are in the Fox Ridge Lakeside portion of the complex.

3. Accessible Parking Throughout Complex. Signs denoting accessible parking shall be provided at the accessible parking spaces throughout the complex in accordance with ANSI. The bottom edge of each sign shall be at least 60" above the ground surface. In addition, in Fox Ridge, accessible parking spaces shall be added at buildings 200, 500 and 600.

This is necessary because most of the accessible parking spaces lack signage that can be observed when a vehicle is parked in the space. ANSI 4.6.2. In addition, accessible parking is required for 2% of the covered units, and thus must be added at buildings 200, 500 and 600 of Fox Ridge, along with access aisles, curb ramps and signage required by ANSI. See ¶ 4 at 56 Fed. Reg. 9505.

4. Fox Ridge Mail Boxes: The mail boxes shall be retrofitted as follows:

A) Accessible sidewalks, consistent with ANSI, shall be added from Building 200 to the mailboxes at Building 200's east end, from Building 500 to the mailboxes at Building 500's north end, and from Building 600 to the mailboxes at Building 600's east end. Additionally, accessible curb cuts shall be provided in front of the mailboxes. This is because there is no accessible pedestrian route or sidewalk that extends to these mailboxes. See Guidelines Req. 1-2; ANSI 4.6. There are also no curb cuts at the mailboxes.

B) Mailboxes shall be reassigned upon request⁷ to persons with disabilities living in covered dwellings who request a box with a height of less than 54". This is because some of the mailboxes serving the covered dwellings are too high to be reached by persons using wheelchairs because their locks are more than 54" above the ground. ANSI 4.25.3.

⁷See footnote 1 in Appendix A.

C) The maneuvering space in front of the mailboxes near Building 200 is 3.2% and must be replaced with one having a cross slope no greater than 2%.

5. Accessible Route to Trash Dumpster Enclosures. An accessible pedestrian route, including accessible sidewalks, curb cuts and/or ramps, shall be provided connecting all covered dwellings to one or more of the trash dumpster enclosures, consistent with ANSI 4.1, 4.3.7, 4.5.2, 4.6, 4.13.6.

The trash dumpster enclosures at Fox Ridge are inaccessible. Use of any of the dumpsters requires wheelchair users to take an "unsafe" route in the driveways/roadways traveling parallel to oncoming traffic and to traverse an 8" curb. The trash dumpster enclosures cannot be accessed from the dwelling units via an accessible pedestrian route. Such a route must be provided.

APPENDIX F

ACCESSIBILITY RETROFITS TO PUBLIC AND COMMON USE AREAS AT FOX RIDGE LAKESIDE

1. **Accessible Route from Parking to Leasing Office/Model Unit.** An accessible route shall be provided from accessible parking spaces to the leasing office/model unit, including a curb ramp. ANSI 4.3. A minimum of one accessible parking space and one accessible van parking space, both with appropriate signage, shall be provided on the shortest accessible route from parking to the leasing office/model unit, consistent with ANSI 4.6.4 and the ADA Standards §§ 4.1.3(2) and (5)(b).

This retrofit is required because no accessible parking spaces are provided for the leasing office/model unit. There is no accessible parking space with adjacent access aisle, no curb ramp associated with the access aisle, and no sign showing the symbol of accessibility, on the shortest possible route to the Leasing Office. In addition to adding the two accessible spaces, including a van space, and access aisles, an accessible walkway and curb ramp must be added from the spaces to the entrance to the office/model unit. All retrofits shall be consistent with ADA Standards 4.1.2(5), 4.1.3(2) & 5(b), 4.6, 4.30.7(1).

2. **Accessible Route from Fox Ridge Lakeside's Covered Dwelling Units to Parking.** There is not an accessible route to many of the covered dwelling units. An accessible pedestrian route shall be provided connecting all ground-floor units to parking. ANSI 4.3. The following retrofits shall be made:

A) **Steeply Sloped Sidewalks.** The following walkways shall be retrofitted consistent with ANSI. They are either sloped greater than 5% and lack the handrails required by ANSI or sloped greater than 8.33%.

At Building 700, the south approach walkway to the atrium has a 5.8% running slope. Handrails shall be added.

At Building 800, the east approach walkway to the atrium has a 5.6% running slope. Handrails shall be added.

At Building 900, the east side walkway to Apt. 901 has an 8.9% running slope and to Apt. 915 has a 9% running slope. The walkways shall be replaced. In addition, the north side walkway to the carports has a 6.8% running slope. Handrails shall be added.

At Building 1100, the west side approach walkway to the atrium has an 8.9% running slope. The walkway shall be replaced, and handrails added where necessary.

B) **Excessive Cross Slopes on Sidewalks.** The following portions of the sidewalks shall be replaced with walkways having cross slopes no greater than 2%, because they have

cross slopes exceeding 2%:

At Building 800:

- the east walkway at atrium approach (3.9%);
- the south walkway at approach to upper units (4.3%);

At Building 900:

- the south walkway center at all three angled approaches (3.4%, 6.3%, 5.8%);
- the east walkway at Apt. 901 (4%);
- the east walkway center at the approach to the upper units (5.6%);

At Building 1000:

- the east walkway center at the approach to the upper units (3.1%);
- the walkway at Apt. 1009 (4.7%);

At Building 1100

- the north walkway center (3.0%);
- the southwest corner walkway (3.6%);

At Building 1200

- the east walkway at approach to upper units (3.7%);
- the east walkway at Apt. 1209 (3.1%);

On Lakeside Drive

- walkway at north side of Lakeside Drive between Buildings 900 and 1100 (4.5%);
- walkway at north side of Lakeside Drive opposite west face of Building 1100 (4.2%).

C) Curb Ramps. The curb ramps at Buildings 700, 900, 1000, 1100, and 1200 shall be replaced with accessible curb ramps or cuts meeting all ANSI requirements. The curb ramps have center sections with excessive cross slopes (ranging between 14% and 19%). They are located as follows:

- Building 700 south side, right curb ramp;
- Building 900 south side, left curb ramp;
- Building 1000 north side, right curb ramp;
- Building 1100 west side, center curb ramp;
- Building 1200 north side, center curb ramp.

D) The drain pipe projecting into the walkway at Building 900 shall be retrofitted so that it is flush to the sidewalk or projects no greater than 1/4" into the walkway. This is because it is an abrupt change in level of 3/4".

E) The maneuvering space at the front entrance to several apartments is excessively cross sloped and shall be replaced with a surface having a cross slope of no more than 2%, consistent with ANSI and Guidelines Req. 2. The units are: 801 (3.4%), 907 (3.5%), 915 (3.4%),

1107 (3.8%), and 1109 (3.4%).

3. Accessible Route from Covered Dwelling Units to the Public Access Road, Clubhouse/Fitness Center and Leasing Office. An accessible pedestrian route shall be provided connecting all ground-floor units to the public access road, clubhouse/fitness center and leasing office. ANSI 3.5, 4.3, 4.5.1. The following retrofits shall be made:

A) An accessible route shall be added from the Fox Ridge Lakeside units to the Clubhouse/Fitness Center and the Leasing Office. An accessible route shall be added along Lakeside Drive, with accessible sidewalk, curb cuts, marked crossings where the route crosses the street, and other features required by ANSI. Inaccessible curb ramps on Lakeside Drive within the boundaries of the complex must be retrofitted so that they comply with all ANSI requirements. Accessible curb ramps must be added connecting to accessible parking in front of the Fitness Center and Leasing Office. In addition, accessible routes from each apartment building shall be added to connect those buildings to the route on Lakeside Drive. An accessible sidewalk shall also be added connecting the walkway at Building 800 to the walkway at the Fitness Center and mail box shelter. All new accessible routes shall be outside the projecting eave of the carport roofs. This is necessary because there is no sidewalk connecting the units to the leasing office. Rather, one must travel on the inaccessible grass surface or the internal roadway in traffic lanes. In addition, one must travel over the curb and/or inaccessible curb ramps on Lakeside Drive.

B) An accessible sidewalk shall be added from the Fox Ridge Lakeside leasing office to the public access road, i.e., Ridge Pike. This is necessary because there is no sidewalk connecting the leasing office to the public right of way; rather, one must travel on the inaccessible grass surface or the internal roadway in traffic lanes.

C) The sidewalks at the Fitness Center shall be retrofitted consistent with ANSI. Handrails shall be added to the north approach walkway and the west exit walkway, as they have running slopes of 5.4% and 8.3%, respectively. In addition, the maneuvering space at the exterior of the front door, which has a cross slope of 4%, shall be replaced with one having a cross slope of no greater than 2%.

4. Accessible Parking Throughout Complex.

A) Signage. Signs denoting accessible parking shall be raised at buildings 900, 1000, 1200 and the Fitness Center, so that the bottom edge of each sign is at least 60" above the ground surface. This is necessary because the signs are too low (ranging from 39" to 50" above the ground) to be observed when a vehicle is parked in the space. ANSI 4.6.2.

B) Access Aisle. The access aisle adjacent to the designated accessible space at building 700 has an excessive cross slope, i.e., 3.3%, and shall be retrofitted so that the cross slope does not exceed 2%.

C) Covered Parking. At least one accessible carport parking space shall be

provided. This is necessary because while covered parking is provided at the complex, there are no covered parking spaces that are accessible. Where covered parking is provided, accessible covered parking also must be provided in accordance with paragraph 4 at 56 Fed. Reg. 9505.

5. Accessible Route to Fox Ridge Lakeside's Mail Box Shelter: The mail boxes shall be retrofitted as follows:

A) The north approach walkway, which has a running slope of 11.6%, shall be replaced with an accessible sidewalk, consistent with ANSI. This is because there is no accessible pedestrian route or sidewalk to the mailboxes. See Guidelines Req. 1-2; ANSI 4.6.

B) Mailboxes shall be reassigned upon request⁸ to persons with disabilities living in covered dwellings who request a box with a height of less than 54". This is because some of the mailboxes serving the covered dwellings are too high to be reached by persons using wheelchairs because their locks are more than 54" above the ground. ANSI 4.25.3.

⁸See footnote 1 in Appendix A.

APPENDIX G

ACCESSIBILITY RETROFITS TO LEASING OFFICE/MODEL UNIT AT FOX RIDGE AND FOX RIDGE LAKESIDE

In lieu of making the specified retrofits to the leasing office/model unit, the Gambone Defendants may create and/or build a new rental office in the clubhouse. Such new rental office must be consistent with the design and construction requirements of the Fair Housing Act and Americans with Disabilities Act, and the unit that had been the model unit must meet all requirements of the Fair Housing Act.

1. **ADA Signage.** Permanent signs, including braille characters, must be mounted on the exterior of the office/model unit door and adjacent wall and at the bathrooms at a height of 60" from the ground to the centerline of the sign consistent with ADA Standards 4.1.2(7), 4.1.3(16)a), 4.30.1, 4.30.4-6. The ADA-required signage is not present.

2. **Doorways.** The walk-in closet door in the living room shall be widened so that the clear width opening is at least 32". In lieu of widening the door, a rod and shelf may be added no further than 24" into the closet to enable access as a reach-in closet.

The clear width opening is 26", narrower than the minimum of 32" required by ADA Standards 4.1.3(1), 4.13.4.

3. **Patio Door.** The sliding glass door to the patio shall be retrofitted as follows. The threshold and door hardware shall be replaced.

The sliding glass door from the leasing office/model unit is inaccessible in several respects. Its threshold is 1" high. See ANSI 4.13.8; ADA Standards § 4.13.8. The threshold must be replaced with one consistent with the ADA Standards. In addition, the door hardware shall be replaced with hardware consistent with ADA Standard 4.13.9.

4. **Kitchen.** The kitchen shall be reconfigured so that there is 30" x 48" of clear floor space centered on the sink, making it accessible to persons using wheelchairs. The range shall be replaced with one having front controls. In addition, the cabinet hardware shall be replaced with accessible hardware.

The sink is inaccessible because there is no clear floor space measuring 30" x 48" adjacent to and centered on the sink, as required by Guidelines Req. 7. The kitchen must be reconfigured to provide for sufficient space at the sink, consistent with Guidelines Req. 7; ADA Standards 4.2.4, 4.2.5, 4.27.2, Fig. 5(b). The 30" x 48" centered space at the sink shall allow for a front approach with knee room underneath the sink and shall include insulated piping and a finished floor. The faucets shall be replaced with lever or push-type mechanisms. ADA Standard 4.19.5.

The range is inaccessible because there is not 30" x 48" of adjacent clear floor space

parallel to and centered on it. The spacing is off center by 7". It shall be replaced with one having front controls.

The cabinet hardware (knob type) in the kitchen is not operable with one hand without tight grasping, pinching or wrist twisting and shall be replaced with hardware consistent with ADA Standard 4.27.4.

5. Bathrooms. Both bathrooms in the office/model unit must be retrofitted to include all features required by the ADA Standards, including a five-foot clear space turning radius, accessible sinks, accessible faucets, accessible tubs, cabinet hardware, and grab bars. In the alternative, one bathroom could be retrofitted and the other could be closed off to the public.

The bathrooms in the leasing office/model unit fail to meet the ADA requirements in several respects. The faucets at the sinks and tubs in both bathrooms are not usable with one hand without tight grasping, pinching and wrist twisting. The faucets shall be replaced with accessible hardware consistent with ADA Standard 4.19.5.

The cabinet hardware (knob type) in both bathrooms is not operable with one hand without tight grasping, pinching or wrist twisting and shall be replaced with accessible hardware consistent with ADA Standard 4.27.4.

The towel bars in both bathrooms are installed higher (at 60") than the maximum 48" required for a person using a wheelchair to make a parallel approach. They shall be lowered consistent with ADA Standards 4.2.5, 4.2.6.

No side or rear grab bars are provided in the bathrooms, as required by the ADA Standard. Grab bars consistent with ADA Standard § 4.16.4, Fig. 29, shall be added.

Both bathrooms lack the required 5'-0" radius (unobstructed turning space) required by ADA Standards 4.22.3, 4.2.3 and must be retrofitted so that they have this clear space.

Both bathrooms have shower doors that are only 26" wide and shall be removed.

In both bathrooms, the water closet sits in a space that is narrower (at 34 ½") than the minimum 36" required. The vanity shall be replaced with a shorter one, allowing the minimum 36" space. See ADA Standard 4.22.2, Fig. 28.

The maneuvering space on the pull side of the doors in both bathrooms (at 7") is less than the 18" minimum required by the ADA Standard. In Bathroom 1, the pull side is hampered by the counter. The bathrooms shall be reconfigured to provide at least 18" minimum clear space on the pull side of the doors, consistent with ADA Standard 4.13.6, Fig. 25.

The lavatory cabinet configurations (flush front) in both bathrooms do not provide the clearance under the lavatory for knee space required for a wheelchair user of at least 29 inches to the bottom of the apron or the maximum depth of 19 inches. The cabinets shall be replaced with accessible sinks consistent with ADA Standards 4.2.4.1, 4.19.2, 4.19.3, Figure 31, 32.

The toilets are too high and must be between 17" and 19" above the floor. ADA Standard 4.16.3. In addition, the flush valve in the hall bathroom is mounted on the narrow side of the toilet and shall be moved to the wide side. ADA Standard 4.16.5.

The bathtubs lack seats and handheld shower spray units and have faucets and controls in inaccessible locations, as required by ADA Standards 4.20.3, 4.20.5, 4.20.6.

6. Office Rooms/Bedrooms. The doors and/or furnishings at both bedrooms shall be reconfigured to provide at least 18" minimum clear space on the pull side of the doors, consistent with ADA Standard 4.13.6, Fig. 25.

The maneuvering space on the pull side of the door for the hall bedroom (at 11") and master bedroom (at 7") are less than the 18" minimum required. ADA Standards 4.13.6, Fig. 25.

The shelf/rod in the hall bedroom closet, which is 66" above the floor, shall be lowered so that it is no higher than 48" above the floor, consistent with ADA Standard 4.2.5.

7. Environmental Controls. The leasing office/model unit shall be retrofitted so that the following thermostats and electrical outlets are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II).

A) **Thermostat.** The thermostat controls are mounted at 57". The thermostat shall be moved so that its controls are no higher than 48" above the floor. Guidelines Req. 5, ADA Standard 4.2.5.

B) **Kitchen Counter Outlets.** The outlets over the kitchen counters are mounted at 48". Additional outlets shall be added that they are no higher than 46" above the floor, consistent with Guidelines Req. 5, ADA Standard 4.2.5 & 4.2.6.

8. Accessible Route. The maneuvering space at the interior side of the front door is less than the 18" minimum required by the ADA Standard. The furniture adjacent to the door shall be moved to provide at least 18" minimum clear space on the pull side of the door, consistent with ADA Standard 4.13.6, Fig. 25.

The level change between the flooring and the carpet is higher (at 3/4") than the maximum 1/2" in many places. The carpet to flooring transitions shall be retrofitted so that they are no higher than 1/2" and beveled consistent with ANSI A117.1. Transitional edging or a substrate shall be provided where the carpet meets the flooring throughout the units.

APPENDIX H

ACCESSIBILITY RETROFITS TO FITNESS CENTER/CLUBHOUSE AT FOX RIDGE AND FOX RIDGE LAKESIDE

Bathrooms. Both bathrooms shall be retrofitted as follows:

A) **The mirrors shall be lowered so that the bottom of the reflecting surface is no higher than 40" above the floor.** The mirrors are mounted higher (at 42") than the maximum height of 40" from the floor to the bottom of the reflecting surface. See ANSI 4.19.6.

B) **The paper towel dispensers shall be no higher than 46" above the floor to be accessed via a side reach over the sink.** They are 52" above the floor.

C) **The soap dispensers shall be no higher than 44" above the floor to be reached via a forward approach over the sink.** They are 45" above the floor.

APPENDIX I

ACCESSIBILITY RETROFITS TO COVERED DWELLING UNITS AT FOX RIDGE

1. **Primary Entry Doors.** The inaccessible round door knobs on the exterior of each ground-floor unit's primary entry door shall be replaced with lever or other accessible hardware consistent with ANSI 4.13.9.

Round door knobs violate 42 U.S.C. § 3604(f)(3)(C)(i) and (iii)(I) as they create an inaccessible public and common use area and fail to provide an accessible route into the units. See also Guidelines Req. 1 and 4.

2. **Unit Doors.** The following doorways shall be retrofitted so that the clear width opening between opposing sides of each doorway is at least 31 5/8" wide. For walk-in closets in the living room, a rod and shelf may be added within 24" of the doorway to enable access from outside the closet. For patio doors, replace the sliding glass doors with swing doors and a side light panel.

The doorways, which are designed to allow passage into and within the ground floor dwellings, are inaccessible in that they are not sufficiently wide to allow passage by persons with disabilities using wheelchairs. 42 U.S.C. § 3604(f)(3)(C)(ii); Guideline Req. 3. Each provides a clear width opening of less than 31 5/8":

A) One bedroom model – bedroom door (27 ½" clear width), walk-in closet door (27 ½" clear width), bathroom door (27 ½" clear width), sliding glass door (26").

B) Two bedroom interior model – walk-in closet in living room (26" clear width); both bedroom doors (27 ½" clear width), both bathroom doors (27 ½" clear width), sliding glass door (26").

C) Two bedroom exterior model – walk-in closet in living room (26" clear width); both bedroom doors (27 ½" clear width), both bathroom doors (27 ½" clear width), sliding glass door (26").

3. **Accessible Routes Into and Through the Units.** The step at the front door of each unit shall be replaced with a level surface. The thresholds at the front doors and sliding glass doors shall be retrofitted so that there is an accessible route into and through the dwelling, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(I), Guidelines Req. 4. The front door thresholds shall be retrofitted so that the threshold is no higher than ½" and beveled consistent with ANSI A117.1. The sliding glass door thresholds shall be replaced as part of the widening of the doorway with thresholds that are no higher than 3/4" and beveled consistent with ANSI A117.1. The carpet to flooring transitions shall be retrofitted so that they are no higher than ½" and beveled consistent with ANSI A117.1.

A) There is a step of at the front entrance to each covered dwelling.

B) The thresholds at the interiors of the front entry doors are inaccessible in that they range from 1 to 1 ½" in height. A substrate with a slope no greater than 1:2 shall be provided up to the top of the interior side of each existing threshold.

C) The thresholds of the sliding glass doors in all the covered dwellings are inaccessible because they are ¾" in height without the required beveling. A substrate with a slope no greater than 1:2 shall be provided up to the top of the interior side of each existing threshold.

D) The level change between the flooring and the carpet is higher (at ¾") than the maximum ½". Transitional edging or a substrate shall be provided where the carpet meets the flooring throughout the units.

4. Environmental Controls. All ground floor units shall be retrofitted so that the following light switches, electrical outlets, thermostats, and other environmental controls are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II).

A) **Light Switches.** The light switch at the entry to each unit is mounted at 51", and there is insufficient space for a parallel approach to the switch. The switches shall be moved so that they are no higher than 48" above the floor.

B) **Kitchen Outlets.** The outlets over the kitchen counters are mounted at 47 ½" - 48". Additional outlets shall be added that are no higher than 46" above the floor, consistent with Guidelines Req. 5.

C) **Thermostats.** The thermostat controls are mounted at 58", above the maximum reach of a wheelchair user. They shall be moved so that they are no higher than 48" above the floor. Guidelines Req. 5.

5. Grab bar reinforcements. All ground floor units shall be retrofitted to contain reinforcements in bathroom walls to allow later installation of grab bars, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(III); Guidelines Req. 6.

This retrofitting is required because the requisite reinforcements are not present in the apartments. There are no grab bars provided in the plans. In lieu of adding reinforcements, Defendants may purchase and make available 94 "wing-it" bolts for use in installing grab bars upon a future tenant's request.⁹

6. Kitchens. The kitchens in the two bedroom exterior units shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7. The

⁹See footnote 1 in Appendix A.

counters and/or appliances shall be reconfigured so that there is at least 30" x 48" of adjacent clear floor space parallel to and centered on the sinks.

In the two bedroom exterior model, the sink counters and adjacent counters shall be replaced with removable cabinets allowing a wheelchair to make a forward approach to the sink. The piping shall be provided with protective insulation. The kitchen sink, which is located in a corner, is inaccessible because there is not sufficient space at the sink for a person using a wheelchair to make either a parallel or forward approach to the sink. The sink counter is only 14" wide, so there is not 30" x 48" of clear floor space at the sink.

7. Bathrooms: The bathrooms in the two bedroom units shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7.

A) In the two bedroom interior and exterior models, the hall bathroom is inaccessible. The toilet is located in a space that is too narrow to permit wheelchair access, as it is only 31" wide, and the toilet is too close to the tub. The sink cabinets shall be reconfigured so that the space in which the toilet is located is at least 33" wide and the centerline of the toilet is 18" from the tub.

B) In the two bedroom exterior model, the hall bathroom is inaccessible. There is insufficient space at the sink for a wheelchair user because the centerline of the sink is at 21". The sink shall be moved. Completing the retrofit specified in the preceding paragraph will correct this deficiency.

APPENDIX J

ACCESSIBILITY RETROFITS TO COVERED DWELLING UNITS AT FOX RIDGE LAKESIDE

1. Unit Doors

A) **Walk-in Closet Doors.** The walk-in closet door in the living room of the two bedroom exterior model shall be retrofitted so that the clear width opening between opposing sides of each doorway is at least 31 5/8" wide. In the alternative, a rod and shelf shall be added within 24" of the doorway to enable access from outside the closet.

The walk-in closet doorways, which are designed to allow passage into and within the ground floor dwellings, are inaccessible at 26" clear width in that they are not sufficiently wide to allow passage by persons with disabilities using wheelchairs. 42 U.S.C. § 3604(f)(3)(C)(ii); Guideline Req. 3.

B) **Sliding Glass Doors.** The bumpers in the sliding glass doors shall be shortened and/or removed to provide 31 5/8" clearance for those doors that currently have only 31" clear space.

2. Accessible Routes Into and Through the Units. The thresholds at the sliding glass doors (which range from 3/4" to 1 1/4" and are not beveled) shall be replaced upon request¹⁰ so that there is an accessible route into and through the dwelling, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(I), Guidelines Req. 4. A substrate with a slope no greater than 1:2 shall be provided up to the top of the interior side of each existing threshold, or the thresholds shall be replaced with thresholds that are no higher than 3/4" and beveled consistent with ANSI A117.1.

In addition, the carpet to flooring transitions shall be retrofitted so that they are no higher than 1/2" and beveled consistent with ANSI A117.1. Transitional edging or a substrate shall be provided where the carpet meets the flooring throughout the units. The level change between the flooring and the carpet is higher (at 3/4") than the maximum 1/2".

3. Environmental Controls. All ground floor units shall be retrofitted so that the following electrical outlets and thermostats are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II).

A) **Kitchen Counter Outlets.** The outlets over the kitchen counters are mounted at 48". Additional outlets shall be added that are no higher than 46" above the floor, consistent with Guidelines Req. 5.

¹⁰See footnote 1 in Appendix A.

B) **Thermostats.** The thermostat controls are mounted at heights varying from 56" to 59", above the maximum reach of a wheelchair user. They shall be moved so that they are no higher than 48" above the floor. Guidelines Req. 5.

4. **Grab bar reinforcements.** All ground floor units shall be retrofitted to contain reinforcements in bathroom walls to allow later installation of grab bars, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(III); Guidelines Req. 6.

In lieu of adding reinforcements, Defendants may purchase and make available 110 "wing-it" bolts for use in installing grab bars upon a future tenant's request.¹¹

5. **Kitchens.** The kitchens in the two bedroom units (interior and exterior) shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7. The counters and/or appliances shall be reconfigured so that there is at least 30" x 48" of adjacent clear floor space parallel to and centered on the ranges and sinks.

A) In the two bedroom interior model, ranges with front controls shall be provided on request¹² in replace of the ranges with rear controls. The range is inaccessible because there is not 30" x 48" of adjacent clear floor space parallel to and centered on it. The spacing is off center by 4" - 7".

B) In the two bedroom exterior model, the sink counters and adjacent counters shall be replaced with removable cabinets allowing a wheelchair to make a forward approach to the sink. The piping shall be provided with protective insulation. The kitchen sink is inaccessible because there is not 30" x 48" of adjacent clear floor space parallel to and centered on it. The spacing is off center by 7". Nor is there space for a forward approach because the cabinets are not removable.

¹¹See footnote 1 in Appendix A.

¹²See footnote 1 in Appendix A.

APPENDIX K

ACCESSIBILITY RETROFITS TO PUBLIC AND COMMON USE AREAS AT LAKEVIEW

1. **Accessible Route from Parking to Leasing Office/Model Unit.** An accessible route shall be provided from accessible parking spaces to the leasing office/model unit, including a curb ramp. ANSI 4.3. A minimum of one accessible parking space and one accessible van parking space, both with appropriate signage, shall be provided on the shortest accessible route from parking to the leasing office/model unit, consistent with ANSI 4.6.4 and the ADA Standards §§ 4.1.3(2) and (5)(b).

There is no accessible route to the leasing office. Accessing the office requires the use of either sidewalks that are too steeply sloped at 7.4%, 9% and 11%, or steps. A new accessible walkway and curb ramp must be added from accessible parking to the office/model unit, with handrails where necessary. There are no accessible parking spaces for a van and a car with adjacent access aisle, no curb ramp associated with the access aisle, and no sign showing the symbol of accessibility, on the shortest possible route to the Leasing Office. All retrofits shall be consistent with ADA Standards 4.1.2(5), 4.1.3(2) & 5(b), 4.6, 4.30.7(1).

2. **Accessible Route from Lakeview's Covered Dwelling Units to Parking.** There is not an accessible route to many of the covered dwelling units. An accessible pedestrian route shall be provided connecting all ground-floor units to parking. ANSI 4.3. The following retrofits shall be made:

A) Accessible routes shall be provided to Building 400. An accessible walkway, including curb ramps, shall be added: i) from the front center of the building to Units 401 and 415, which can be accessed only by walking down 4 steps; and ii) from the walkway north of Building 400 to the stepped carports located to the north of Building 400, which can be accessed only via 4 steps and travel in the vehicular route.

B) Steeply Sloped Sidewalks. The following walkways shall be retrofitted consistent with ANSI. They are either sloped greater than 5% and lack the handrails required by ANSI or sloped greater than 8.33%.

At Building 100, the north walkway at the atrium approach has a 6.2% running slope, and the east walkway outside Apt. 109 has a 7.4% running slope. Handrails shall be added at both locations. In addition, the north walkway and the east walkway to Building 100, which also lead to the Leasing Office, have a running slope of 9% and 11%, respectively. One walkway shall be replaced consistent with ANSI, with signs directing persons to the accessible route.

At Building 300, the east walkway outside Apt. 307 and the east walkway at the south end have running slopes of 11.2% and 8.9%, respectively, and shall be replaced.

At Building 500, the north walkway outside Apt. 507 has a 7.8% running slope. Handrails shall be added.

C) Excessive Cross Slopes on Sidewalks. The following portions of the sidewalks shall be replaced with walkways having cross slopes no greater than 2%, because they have cross slopes exceeding 2%:

At Building 100:

- the north walkway between the carport and Apt. 101 (3.0%);
- the north walkway at the approach to the Leasing Office (4.5%);

At Building 200:

- the east walkway at the left accessible parking sign (4.8%);
- the east walkway south of the atrium approach (5.9%);

At Building 300:

- the west walkway approaching Apt. 315 (3.3%);
- the west walkway at the approach to the upper apartments (3.4%);
- the east walkway at the approach to the upper apartments (6.2%);

At Building 400

- the north walkway between the carport and Apt. 407 (4.4%);
- the west walkway south of the atrium approach (7%);
- the west walkway outside Apt. 401 (4.1%);

At Building 500

- the north walkway at the approach to the upper apartments (3.6%);
- the west walkway outside Apt. 507 (3.1%);
- the west walkway at the atrium approach (3.8%);
- the west walkway south of the atrium approach (8.3%);
- the west walkway outside Apt. 501 (5.4%);
- the south walkway at the approach to the upper apartments (3.3%).

D) Curb Ramps. Curb ramps shall be added and/or modified as follows:

- At Buildings 100, 200 and 500, curb ramps shall be added and the designated accessible parking spaces moved to be adjacent to the new curb ramps, in accordance with all ANSI requirements. This is because there is no ramp at the access aisles to the designated accessible parking spaces, which are at a distance from the apartments. Persons must travel in the road to the current ramps.

- The curb ramps at Buildings 100, 200 and 300 shall be replaced with accessible curb ramps or cuts meeting all ANSI requirements.

- The center section of the right curb ramp on the north side of Building 100 has a 5% cross slope;
- The center section of the left curb ramp on the east side of Building 200 has an 8.6% running slope;
- The center curb ramp at the north side of Building 300 has a 4.4% cross slope at its center and a 9.6% running slope at its right flare.

E) The eaves of the carport roofs south of Building 200 and north of Building 300 shall be retrofitted so that they do not protrude over the adjacent walkway. This is necessary because the eaves are unsafe as they protrude onto the walkway at a height of less than 80". A cane detectable device shall be added below the overhang at a minimum height of 27" above the walkway, consistent with ANSI, Req. 2.

F) The maneuvering space at the front entrance to unit 307 is excessively cross sloped (4%) and shall be replaced with a surface having a cross slope of no more than 2%, consistent with ANSI and Guidelines Req. 2.

3. Accessible Route from Covered Dwelling Units to the Public Access Road, Clubhouse/Fitness Center and Leasing Office. An accessible pedestrian route shall be provided connecting all ground-floor units to the public access road, clubhouse/fitness center and leasing office. ANSI 3.5, 4.3, 4.5.1. The following retrofits shall be made:

A) An accessible route shall be added from the Lakeview units to the Leasing Office and the public access road, i.e., Tenth Ave. Bypass. An accessible route pedestrian shall be added, with accessible sidewalk, curb cuts, marked crossings where the route crosses the street, and other features required by ANSI, connecting all units to the Leasing Office and to the public road. The route may go through the mail box island.

B) An accessible sidewalk shall be added from Lakeview's leasing office to the public access road, i.e., Tenth Avenue Bypass Rd. This is necessary because there is no sidewalk connecting the leasing office to the public right of way; rather, one must travel on the inaccessible grass surface or the internal roadway in traffic lanes.

C) An accessible route shall be added to the Fitness Center, consistent with ANSI. The curb ramp at the Fitness Center is inaccessible as its left flare has a 27.1% running slope, its right flare has a 17.8% running slope, and its center section has an 8.3% cross slope. The curb ramp shall be replaced with one meeting all ANSI requirements.

The west walkway south of the approach to the front entry, with a cross slope of 4.3%, must be replaced.

The access aisle adjacent to the accessible parking space has a slope of 3.4% and must be retrofitted so that it is no greater than 2%.

4. Accessible Parking Throughout Lakeview.

A) Signage. Signs denoting accessible parking shall be raised and or added at Buildings 100, 200, 300, 500 and the Fitness Center, so that the bottom edge of each sign is at least 60" above the ground surface. This is necessary because the signs are too low (ranging from 54" to 58" above the ground) at these apartment buildings to be observed when a vehicle is parked in the space. ANSI 4.6.2. In addition, the Fitness Center space has no sign.

B) Covered Parking. At least one accessible carport parking space shall be provided. This is necessary because while covered parking is provided at the complex, there are no covered parking spaces that are accessible. Where covered parking is provided, accessible covered parking also must be provided in accordance with paragraph 4 at 56 Fed. Reg. 9505.

5. Accessible Route to Lakeview's Mail Box Shelter: The mail boxes shall be retrofitted as follows:

A) The curb ramps at the mail box island shall be replaced. Each curb ramp has an excessive running (e.g., 9.5%, 10%) or cross slope (e.g., 4.5%, 7.3%, 8.5%). In light of the inaccessible curb ramps, there is no accessible route to the mailboxes. See Guidelines Req. 1-2; ANSI. Marked crossings shall be painted in the roadway connecting the mailbox island curb cuts to the units across the driveway.

B) Mailboxes shall be reassigned upon request¹³ to persons with disabilities living in covered dwellings who request a box with a height of less than 54". This is because some of the mailboxes serving the covered dwellings are too high to be reached by persons using wheelchairs because their locks are more than 54" above the ground. ANSI 4.25.3.

6. Accessible Route to Tennis Court. An accessible pedestrian route shall be added connecting the covered units to the tennis court. Req. #1 & #2, ANSI.

There is no accessible pedestrian route connecting the covered dwellings to the tennis court, as it can be accessed only by walking down 12 steps or up a curb at the roadway. A walkway connecting the tennis court to the sidewalk at the east side of Building 300 shall be provided, meeting all requirements of ANSI and the Guidelines, including 36" width, cross slopes of no greater than 2%, running slopes under 5%, and appropriate maneuvering clearance. An accessible parking space shall be added as well.

¹³See footnote 1 in Appendix A.

APPENDIX L

ACCESSIBILITY RETROFITS TO LEASING OFFICE/MODEL UNIT AT LAKEVIEW

In lieu of making the specified retrofits to the leasing office/model unit, the Gambone Defendants may create and/or build a new rental office in the clubhouse. Such new rental office must be consistent with the design and construction requirements of the Fair Housing Act and Americans with Disabilities Act, and the unit that had been the model unit must meet all requirements of the Fair Housing Act.

1. **ADA Signage.** Permanent signs, including braille characters, must be mounted on the exterior of the office/model unit door and adjacent wall and at the bathrooms at a height of 60" from the ground to the centerline of the sign consistent with ADA Standards 4.1.2(7), 4.1.3(16)a), 4.30.1, 4.30.4-6. The ADA-required signage is not present.

2. **Patio Door.** The sliding glass door to the patio shall be retrofitted as follows. The threshold and door hardware shall be replaced.

The sliding glass door from the leasing office/model unit is inaccessible in several respects. Its interior threshold is 1 1/8" in height. See ANSI 4.13.8; ADA Standards § 4.13.8.. The threshold must be replaced with one consistent with the ADA Standards. In addition, the door hardware shall be replaced with hardware consistent with ADA Standard 4.13.9.

3. **Kitchen.** The kitchen shall be reconfigured so that there is 30" x 48" of clear floor space centered on the sink, making it accessible to persons using wheelchairs. In addition, the cabinet hardware shall be replaced with accessible hardware.

The sink is inaccessible because there is no clear floor space measuring 30" x 48" adjacent to and centered on the sink, as required by Guidelines Req. 7. The kitchen must be reconfigured to provide for sufficient space at the sink, consistent with Guidelines Req. 7; ADA Standards 4.2.4, 4.2.5, 4.27.2, Fig. 5(b). The 30" x 48" centered space at the sink may be either parallel to the sink or as a front approach with knee room underneath the sink.

The cabinet hardware (knob type) in the kitchen is not operable with one hand without tight grasping, pinching or wrist twisting and shall be replaced with hardware consistent with ADA Standard 4.27.4.

4. **Bathrooms.** Both bathrooms in the office/model unit must be retrofitted to include all features required by the ADA Standards, including a five-foot clear space turning radius, accessible sinks, accessible faucets, accessible tubs, cabinet hardware, and grab bars. In the alternative, the master bathroom could be retrofitted and the second bathroom could be closed off to the public.

The bathrooms in the leasing office/model unit fail to meet the ADA requirements in several respects. The faucets at the sinks and tubs in both bathrooms are not usable with one hand without tight grasping, pinching and wrist twisting. The faucets shall be replaced with

accessible hardware consistent with ADA Standard 4.19.5.

The cabinet hardware (knob type) in both bathrooms is not operable with one hand without tight grasping, pinching or wrist twisting and shall be replaced with accessible hardware consistent with ADA Standard 4.27.4.

The towel dispensers in both bathrooms are installed higher (at 55") than the maximum 44" required for a forward reach over the sink. They shall be lowered consistent with ADA Standards 4.2.5, 4.2.6.

No side or rear grab bars are provided in the bathrooms, as required by the ADA Standard. Grab bars consistent with ADA Standard § 4.16.4, Fig. 29, shall be added.

Both bathrooms lack the required 5'-0" radius (unobstructed turning space) required by ADA Standards 4.22.3, 4.2.3 and must be retrofitted so that they have this clear space.

The shower doors are only 26" wide and shall be removed.

In bathroom 2, the width of the space in which the toilet sits is less (at 33") than the minimum 36" required. The adjacent vanity shall be replaced with a smaller vanity to provide the clear space specified by ADA Standard 4.22.2, Fig. 28.

The maneuvering space on the pull side of the doors in both bathrooms (at 7") is less than the 18" minimum required by the ADA Standard. In the hall bathroom, the pull side is hampered by the counter, and in the master bathroom, it is hampered by the closet. The bathrooms shall be reconfigured to provide at least 18" minimum clear space on the pull side of the doors, consistent with ADA Standard 4.13.6, Fig. 25.

The lavatory cabinet configurations (flush front) in both bathrooms do not provide the clearance under the lavatory for knee space required for a wheelchair user of at least 29 inches to the bottom of the apron or the maximum depth of 19 inches. The cabinets shall be replaced with accessible sinks consistent with ADA Standards 4.2.4.1, 4.19.2, 4.19.3, Figure 31, 32.

The toilets are too low (16", 16 ½") and must be between 17" and 19" above the floor. ADA Standard 4.16.3. In addition, the flush valve in the hall bathroom is mounted on the narrow side of the toilet and shall be moved to the wide side. ADA Standard 4.16.5.

The bathtubs lack seats and handheld shower spray units and have faucets and controls in inaccessible locations, as required by ADA Standards 4.20.3, 4.20.5, 4.20.6.

5. Office Rooms/Bedrooms. The door and/or counter unit at the master bedroom shall be reconfigured to provide at least 18" minimum clear space on the pull side of the door, consistent with ADA Standard 4.13.6, Fig. 25.

The maneuvering space on the pull side of the door for the master bedroom (at 8") is less than the 18" minimum required. ADA Standards 4.13.6, Fig. 25.

The shelf/rod in the hall bedroom closet, which is 66" above the floor, shall be lowered so that it is no higher than 48" above the floor, consistent with ADA Standard 4.2.5.

6. Environmental Controls. The electrical outlets over the kitchen counter shall be

retrofitted so that they are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II). The outlets over the kitchen counters are mounted at 49". Additional outlets shall be added that are no higher than 46" above the floor, consistent with Guidelines Req. 5.

7. **Accessible Route.** The carpet to flooring transitions shall be retrofitted so that they are no higher than ½" and beveled consistent with ANSI A117.1. The level change between the flooring and the carpet is higher (at ¾") than the maximum ½" in many places. Transitional edging or a substrate shall be provided where the carpet meets the flooring throughout the units.

APPENDIX M

**ACCESSIBILITY RETROFITS TO FITNESS CENTER/CLUBHOUSE
AT LAKEVIEW**

1. **Bathrooms**. The bathrooms shall be retrofitted as follows:

A) **The mirrors shall be lowered so that the bottom of the reflecting surface is no higher than 40" above the floor.** The mirrors are mounted higher (at 48" and 48 ½") than the maximum height of 40" from the floor to the bottom of the reflecting surface. See ANSI 4.19.6.

B) **The paper towel dispensers in the bathrooms shall be lowered to 55" from 54".**

2. **Environmental Controls**. The electrical outlets over the kitchen counter shall be retrofitted so that they are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II). The outlets over the kitchen counters are mounted at 48". Additional outlets shall be added that are no higher than 46" above the floor, consistent with Guidelines Req. 5.

APPENDIX N

ACCESSIBILITY RETROFITS TO COVERED DWELLING UNITS AT LAKEVIEW

1. **Sliding Glass Doors.** The bumpers in the sliding glass doors shall be shortened and/or removed to provide 31 5/8" clearance for those doors that currently have less than that. The doorways, which are designed to allow passage into and within the ground floor dwellings, are inaccessible at 31 1/2" to 31 1/4" clear width in that they are not sufficiently wide to allow passage by persons with disabilities using wheelchairs. 42 U.S.C. § 3604(f)(3)(C)(ii); Guideline Req. 3.

2. **Accessible Routes Into and Through the Units.** The interior thresholds at the front doors and sliding glass doors shall be replaced so that there is an accessible route into and through the dwelling, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(I), Guidelines Req. 4. The front door thresholds shall be replaced with thresholds that are no higher than 1/2" and beveled consistent with ANSI A117.1. The sliding glass door thresholds shall be replaced upon request¹⁴ with thresholds that are no higher than 3/4" and beveled consistent with ANSI A117.1. In addition, the carpet to flooring transitions shall be retrofitted so that they are no higher than 1/2" and beveled consistent with ANSI A117.1. Transitional edging or a substrate shall be provided where the carpet meets the flooring throughout the units.

A) The thresholds at the front entry doors of some units are inaccessible in that they are an abrupt unbeveled level change of 1/2" up to 1 1/4" in height. A substrate with a slope no greater than 1:2 may be provided up to the top of the interior side of each existing threshold in lieu of replacing the thresholds.

B) The thresholds of the sliding glass doors in many of the covered dwellings are inaccessible because they are 1" to 1 1/8" in height. A substrate with a slope no greater than 1:2 may be provided up to the top of the interior side of each existing threshold in lieu of replacing the thresholds.

C) The level change between the flooring and the carpet is higher (at 3/4") than the maximum 1/2" in many places. The carpet to flooring transitions shall be retrofitted so that they are no higher than 1/2" and beveled consistent with ANSI A117.1. Transitional edging or a substrate shall be provided where the carpet meets the flooring throughout the units.

3. **Environmental Controls.** All ground floor units shall be retrofitted so that the electrical outlets over the kitchen counters are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II). The outlets over the kitchen counters are mounted at 49". Additional outlets shall be added that are no higher than 46" above the floor, consistent with Guidelines

¹⁴See footnote 1 in Appendix A.

Req. 5.

4. **Grab bar reinforcements.** All ground floor units shall be retrofitted to contain reinforcements in bathroom walls to allow later installation of grab bars, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(III); Guidelines Req. 6.

In lieu of adding reinforcements, Defendants may purchase and make available 94 “wing-it” bolts for use in installing grab bars upon a future tenant’s request.¹⁵

5. **Kitchens.** The kitchens in the two bedroom units (interior and exterior) shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7. The counters and/or appliances shall be reconfigured so that there is at least 30" x 48" of adjacent clear floor space parallel to and centered on the ranges and sinks.

A) In the two bedroom interior model, ranges with front controls shall be provided on request¹⁶ in replace of the ranges with rear controls. The range is inaccessible because there is not 30" x 48" of adjacent clear floor space parallel to and centered on it. The spacing is off center by 7".

B) In the two bedroom exterior model, the sink cabinets and adjacent cabinets shall be replaced with removable cabinets allowing a wheelchair to make a forward approach to the sink. The piping shall be provided with protective insulation. The kitchen sink is inaccessible because there is not 30" x 48" of adjacent clear floor space parallel to and centered on it. The spacing is off center by 7" or 7 ½". Nor is there space for a forward approach because the cabinets are not removable.

6. **Bathrooms.** The bathrooms shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7.

Some bathrooms are inaccessible because there is insufficient space at the toilet to permit a person using a wheelchair to access and use it. The centerline of the toilet is less than 18" from the adjacent tub or sidewall (ranging from 14" to 16"). The toilet shall be moved through the use of offset flanges so that the centerline is not less than 18" from the tub or sidewall.

¹⁵See footnote 1 in Appendix A.

¹⁶See footnote 1 in Appendix A.

APPENDIX O

ACCESSIBILITY RETROFITS TO PUBLIC AND COMMON USE AREAS AT HENDERSON SQUARE I AND II

1. **Accessible Route from Parking to Leasing Office/Model Unit.** An accessible route shall be provided from accessible parking spaces to the leasing office/model unit, including a curb ramp. ANSI 4.3. A minimum of one accessible parking space and one accessible van parking space, both with appropriate signage, shall be provided on the shortest accessible route from parking to the leasing office/model unit, consistent with ANSI 4.6.4 and the ADA Standards §§ 4.1.3(2) and (5)(b). The current sidewalk to the leasing office must be replaced with one having a running slope no greater than 5% and meeting all other ANSI requirements.

This retrofit is required because the leasing office is inaccessible to persons with disabilities. There is no accessible route from parking or the dwelling units to the leasing office, because the east walkway at the approach to the office has a 9.8% running slope. In addition, no accessible parking spaces are provided for the leasing office/model unit. There are no accessible van or car parking spaces with adjacent access aisle, no curb ramp associated with the access aisle, and no sign showing the symbol of accessibility, on the shortest possible route to the Leasing Office. In addition to adding the two accessible spaces and access aisle(s), an accessible walkway and curb ramp must be added from the spaces to the entrance to the office/model unit. All retrofits shall be consistent with ADA Standards 4.1.2(5), 4.1.3(2) & 5(b), 4.6, 4.30.7(1).

2. **Accessible Route from Henderson Square's Covered Dwelling Units to Parking.** There is not an accessible route to many of the covered dwelling units. An accessible pedestrian route shall be provided connecting all ground-floor units to parking. ANSI 4.3. The following retrofits shall be made:

A) **Steeply Sloped Sidewalks.** The following walkways shall be retrofitted consistent with ANSI. They are either sloped greater than 5% and lack the handrails required by ANSI or sloped greater than 8.33%.

At Building 600, the east walkway at approach to access aisle has a 9.8% running slope. The north walkway at the atrium approach has an 8.4% running slope. The walkways shall be replaced.

In addition, at Building 600, the east walkway lacks handrails at the approaches to Apt. 601 and to Apt. 602 (6.8% and 6.1% running slopes, respectively). Handrails shall be provided.

At Building 700, the south walkway near the atrium has a 9.4% running slope. The walkway shall be replaced.

In addition, at Building 700, the south walkway at Apt. 701 has a 6% running slope.

Handrails shall be provided.

At Building 800, the south walkway at the parking has a 5.3% running slope. Handrails shall be added.

B) Excessive Cross Slopes on Sidewalks. The following portions of the sidewalks shall be replaced with walkways having cross slopes no greater than 2%, because they have cross slopes exceeding 2%:

At Building 100:

- the south walkway center at the approach to the upper apartments (4%);
- the east walkway at Apt. 101 (4.1%);
- the east walkway where it is angled (3.8%)

At Building 300:

- the east walkway center at approach to upper units (3.1%);
- the east walkway at Apt. 302 (3.3%);

At Building 400:

- the south walkway to left and to the right of atrium approach (3.6%, 3.3%);
- the east walkway at the approach to the upper apartments (3.2%);

At Building 500:

- the south walkway to left and to the right of atrium approach (4.4%, 3%);
- the east walkway at the approach to the upper apartments (4.7%);

At Building 600:

- the west walkway at the approach to the upper apartments (3.1%);
- the northeast angled walkway at center (4.6%);
- the east walkway at Apt. 601 (4.5%);
- the east walkway at the approach to the upper apartments (4.2%);
- the east walkway at the approach to the access aisle of accessible parking space (3%);

At Building 700:

- the west walkway at the approach to the upper apartments (3%);
- the west walkway at Apt. 701 (4.4%);
- the south walkway to left of atrium approach (3.1%);
- the east walkway at the approach to the upper apartments (3.3%);

At Building 800:

- the east walkway at the far left near driveway intersection (6.6%);
- the east walkway at Apt. 801 (3%);
- the east walkway to left and to right of atrium approach (3.5%, 3.5%);

At Building 900:

- the north walkway at approach to dumpster (6.5%)
- the west walkway at Apt. 906 (3.6%);

C) Curb Ramps. Accessible curb ramps are lacking and shall be added at Buildings 100, 200, 300, 500, 800, 900, and 1000, meeting all ANSI requirements. This is necessary because there are no curb ramps at the designated accessible spaces, thus requiring unsafe travel in the road.

D) Accessible Parking Spaces. Accessible parking spaces with accessible curb ramps, access aisles and signage, shall be added at Buildings 400 and 800, meeting all ANSI requirements. These items are lacking at these buildings.

E) The 1 ½" off set at the north walkway approach to Apt. 805 shall be retrofitted, so that the walkway is flush with the concrete slab at the entry.

F) The maneuvering space at the front entrance to several apartments is excessively cross sloped and shall be replaced with a surface having a cross slope of no more than 2%, consistent with ANSI and Guidelines Req. 2. The units are: 202 (3.3%), 301 (3.2%), 505 (3.6%), 506 (4.4%), 801 (3.8%), 805 (3.4%), and 902 (3.9%).

G) The eaves of the carport roofs east of Buildings 900 and 1000 shall be retrofitted so that they do not protrude over the adjacent walkway. The eaves are unsafe as they protrude onto the walkway at a height of less than 80". A cane detectable device shall be added below the overhang at a minimum height of 27" above the walkway, consistent with ANSI, Req. 2.

3. Accessible Route from Covered Dwelling Units to the Public Access Road, Clubhouse/Fitness Center and Leasing Office. An accessible pedestrian route shall be provided connecting all ground-floor units to the public access road, clubhouse/fitness center and leasing office. ANSI 3.5, 4.3, 4.5.1. The following retrofits shall be made:

A) An accessible route shall be added from Henderson Square's units to the Clubhouse/Fitness Center. A curb ramp, meeting all ANSI requirements, is lacking and shall be added at the Fitness Center. The only route is through the road.

In addition, the sidewalks at the Fitness Center shall be retrofitted consistent with ANSI. The north approach walkway, which has a running slope of 8.4% and the south walkway, with a 10.1% running slope, shall be replaced with accessible sidewalks, consistent with ANSI. This is because there is no accessible pedestrian route or sidewalk to the fitness center. See Guidelines Req. 1-2; ANSI 4.6.

The maneuvering space at the exterior of the front door, which has a cross slope of 3.4%, shall be replaced with one having a cross slope of no greater than 2%.

The east walkway at the front center shall be replaced with a walkway having a

cross slope no greater than 2%, because it is 4.7%.

B) Curb Ramps. Accessible curb ramps are lacking in the pedestrian route and shall be added at Buildings 100, 700, 800, 900, and 1000, meeting all ANSI requirements. This is necessary because the existing curb ramps fail to meet ANSI's requirements, e.g., they are too steeply sloped (ranging from 8.4% to 10.5%).

C) Marked crossings shall be added connecting curb ramps where pedestrians must travel through the vehicular way at the following locations:

- Between Building 100 and the Fitness Center and mail box station;
- Between the mail box station and Building 400;
- Between Building 200 and Building 300;
- Between Building 500 and Building 600;
- Between the curb ramp at Buildings 400 and 700 and the opposite curb ramp at Monroe Drive;
- Between the curb ramp at Building 800 and the opposite curb ramp at Monroe Drive;
- Between the curb ramp at Buildings 900 and 1000 to the opposite curb ramp at Monroe Drive.

D) Excessive Running Slopes. Across from Building 1000, the west walkway has a 7.2% and an 11.5% running slope as it approaches Monroe Dr. The walkway shall be replaced and handrails added where necessary.

4. Accessible Parking Throughout Complex.

A) Signage. Signs denoting accessible parking shall be provided at Buildings 100, 200, 500, and 600. The signs provided at Buildings 200, 900 and 1000 shall be raised, so that the bottom edge of each sign is at least 60" above the ground surface. Certain accessible parking spaces have no signs while others have signs that are too low (at 55" - 56" above the ground) to be observed when a vehicle is parked in the space. ANSI 4.6.2.

B) Covered Parking. At least two accessible carport parking spaces shall be provided. This is necessary because while covered parking is provided at the complex, there are no covered parking spaces that are accessible. Where covered parking is provided, accessible covered parking also must be provided in accordance with paragraph 4 at 56 Fed. Reg. 9505.

5. Accessible Route to Henderson Square's Mail Box Shelter: The mail boxes shall be retrofitted as follows:

A) Handrails shall be added to the east walkway, which has a running slope of 8.2%, consistent with ANSI. This is because there is no accessible pedestrian route or sidewalk to the mailboxes. See Guidelines Req. 1-2; ANSI 4.6.

B) Mailboxes shall be reassigned upon request¹⁷ to persons with disabilities living in covered dwellings who request a box with a height of less than 54". This is because some of the mailboxes serving the covered dwellings are too high (up to 65" above the ground) to be reached by persons using wheelchairs because their locks are more than 54" above the ground. ANSI 4.25.3.

6. Accessible Route to Gazebo: An accessible pedestrian route meeting all ANSI requirements and including an accessible ramp shall be added from the ground-floor units to the gazebo. The gazebo is accessible only by traveling across the grass and climbing up a 6" step.

7. Accessible Route to Tennis Court:

A) Accessible Parking. An accessible parking space meeting all ANSI requirements, including curb ramp, access aisle and signage, shall be added at the Tennis Court.

B) The eave of the carport roof south of the tennis court shall be retrofitted so that it does not protrude over the adjacent walkway. This is necessary because the eave is unsafe as it protrudes onto the walkway at a height of less than 80". A cane detectable device shall be added below the overhang at a minimum height of 27" above the walkway, consistent with ANSI, Req. 2.

C) An accessible route shall be provided to the tennis court. There is no sidewalk connecting to the tennis court gate and no accessible maneuvering space at the gate. A walkway shall be added connecting the tennis court to the existing pedestrian walkway at the east side of Building 200. Such walkway shall meet all ANSI requirements. Req. #2; ANSI 1986, Section 4.3.1 thru Section 4.3.8.

¹⁷See footnote 1 in Appendix A.

APPENDIX P

ACCESSIBILITY RETROFITS TO LEASING OFFICE/MODEL UNIT AT HENDERSON SQUARE I and II

In lieu of making the specified retrofits to the leasing office/model unit, the Gambone Defendants may create and/or build a new rental office in the clubhouse. Such new rental office must be consistent with the design and construction requirements of the Fair Housing Act and Americans with Disabilities Act, and the unit that had been the model unit must meet all requirements of the Fair Housing Act.

1. **ADA Signage.** Permanent signs, including braille characters, must be mounted on the exterior of the office/model unit door and adjacent wall at a height of 60" from the ground to the centerline of the sign consistent with ADA Standards 4.1.2(7), 4.1.3(16)a), 4.30.1, 4.30.4-.6. The ADA-required signage is not present.

2. **Mailbox.** The mailbox slot in the entry door must be lowered to 48" above the ground consistent with ADA Standard 4.2.

At 57" above the ground, the mailbox slot is too high to be reached by persons using wheelchairs.

3. **Walk-in Closet Doorway.** The walk-in closet door in the living room shall be widened so that the clear width opening is at least 32". In lieu of widening the door, a rod and shelf may be added no further than 24" into the closet to enable access as a reach-in closet.

The clear width opening is 26", narrower than the minimum of 32" required by ADA Standards 4.1.3(1), 4.13.4.

4. **Patio Door.** The sliding glass door to the patio shall be retrofitted as follows. The threshold and door hardware shall be replaced.

The sliding glass door from the leasing office/model unit is inaccessible in several respects. Its interior threshold is 1" in height. See ANSI 4.13.8; ADA Standards § 4.13.8. The threshold must be replaced with one consistent with the ADA Standards, i.e., no greater than a beveled 3/4". In addition, the door hardware shall be replaced with hardware consistent with ADA Standard 4.13.9.

5. **Kitchen.** The kitchen shall be reconfigured so that there is 30" x 48" of clear floor space centered on the sink, making it accessible to persons using wheelchairs. In addition, the cabinet hardware shall be replaced with accessible hardware.

The sink is inaccessible because there is no clear floor space measuring 30" x 48" adjacent to and centered on the sink, as required by Guidelines Req. 7. The kitchen must be

reconfigured to provide for sufficient space at the sink, consistent with Guidelines Req. 7; ADA Standards 4.2.4, 4.2.5, 4.27.2, Fig. 5(b). The cabinet shall be replaced with a removable cabinet allowing a wheelchair to make a forward approach to the sink. The piping shall be provided with protective insulation.

The cabinet hardware (knob type) in the kitchen is not operable with one hand without tight grasping, pinching or wrist twisting and shall be replaced with hardware consistent with ADA Standard 4.27.4.

The microwave must be moved to an accessible location, no higher than 44" above the floor.

6. Bathrooms. Both bathrooms in the office/model unit must be retrofitted to include all features required by the ADA Standards, including a five-foot clear space turning radius, accessible sinks, accessible faucets, accessible tubs, cabinet hardware, and grab bars. In the alternative, the master bathroom could be retrofitted and the second bathroom could be closed off to the public.

The bathrooms in the leasing office/model unit fail to meet the ADA requirements in several respects. The faucets at the sinks and tubs in both bathrooms are not usable with one hand without tight grasping, pinching and wrist twisting. The faucets shall be replaced with accessible hardware consistent with ADA Standard 4.19.5.

The cabinet hardware and closet hardware (knob type) in both bathrooms is not operable with one hand without tight grasping, pinching or wrist twisting and shall be replaced with accessible hardware consistent with ADA Standard 4.27.4.

No side or rear grab bars are provided in the bathrooms, as required by the ADA Standard. Grab bars consistent with ADA Standard § 4.16.4, Fig. 29, 4.20.4, shall be added.

Both bathrooms lack the required 5'-0" radius (unobstructed turning space) required by ADA Standards 4.22.3, 4.2.3, and must be retrofitted so that they have this clear space.

The shower doors are only 26" wide and shall be removed.

The lavatory cabinet configurations (flush front) in both bathrooms do not provide the clearance under the lavatory for knee space required for a wheelchair user of at least 29 inches to the bottom of the apron or the maximum depth of 19 inches. The cabinets shall be replaced with accessible sinks consistent with ADA Standards 4.2.4.1, 4.19.2, 4.19.3, Figure 31, 32.

The maneuvering space on the pull side of the doors in both bathrooms (at 7" and 9", respectively) is less than the 18" minimum required by the ADA Standard. In Bathroom 1, the pull side is hampered by the counter, and in Bathroom 2, it is hampered by the closet. The bathrooms shall be reconfigured to provide at least 18" minimum clear space on the pull side of the doors, consistent with ADA Standard 4.13.6, Fig. 25.

The toilets are too near the adjacent bathtub, and there shall be 18" or more from the tub to the centerline of the toilet. In Bathroom 1, the centerline of the toilet is 17" from the tub, and in Bathroom 2, the centerline of the toilet is 14" from the tub. The former toilet may be retrofitted through the use of an offset flange. The latter shall be moved.

The toilets are too low (16", 16 ½") and must be between 17" and 19" above the floor. ADA Standard 4.16.3. In addition, the flush valve in bathroom 1 is mounted on the narrow side of the toilet and shall be moved to the wide side. ADA Standard 4.16.5.

The bathtubs lack seats and handheld shower spray units and have faucets and controls in inaccessible locations, as required by ADA Standards 4.20.3, 4.20.5, 4.20.6.

Permanent signs, identifying the accessible bathrooms, including braille characters, must be mounted on the wall adjacent to the latch side of the restroom doors at a height of 60" above the floor. ADA Standard 4.30.

7. Office Rooms/Bedrooms. The door and/or counter unit at the master bedroom shall be reconfigured to provide at least 18" minimum clear space on the pull side of the door, consistent with ADA Standard 4.13.6, Fig. 25. The maneuvering space on the pull side of the door for the master bedroom (at 8") is less than the 18" minimum required. ADA Standards 4.13.6, Fig. 25.

The shelf/rod in the hall bedroom closet, which is 67" above the floor, shall be lowered so that it is no higher than 48" above the floor, consistent with ADA Standard 4.2.5.

8. Environmental Controls. The leasing office/model unit shall be retrofitted so that the following thermostats, electrical outlets, and other environmental controls are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II).

A) **Kitchen Counter Outlets.** The outlets over the kitchen counters are mounted at 48". Additional outlets shall be added that are no higher than 44" above the floor for a forward approach or 46" for a side approach.

B) **Thermostat.** The thermostat controls are mounted at 60", above the maximum reach of a wheelchair user. They shall be moved so that they are no higher than 48" above the floor.

9. Accessible Route. The carpet to flooring transitions shall be retrofitted so that they are no higher than ½" and beveled consistent with ANSI A117.1, ADA Standard 4.5.2. The level change between the flooring and the carpet is higher (at ¾") than the maximum ½" in many places. Transitional edging or a substrate shall be provided where the carpet meets the flooring throughout the units.

APPENDIX Q

ACCESSIBILITY RETROFITS TO FITNESS CENTER/CLUBHOUSE AT HENDERSON SQUARE I AND II

1. **Bathrooms.** The bathrooms shall be retrofitted as follows:

A) **The mirrors shall be lowered so that the bottom of the reflecting surface is no higher than 40" above the floor.** The mirrors are mounted higher (at 49") than the maximum height of 40" from the floor to the bottom of the reflecting surface. See ANSI 4.19.6.

B) **The paper towel dispensers shall be lowered so that the paper slot is no higher than 48" above the floor.** The dispensers are mounted higher (at 62") than the maximum height of 48" from the floor to the slots for a forward approach over the sink.

C) **Grab bars are not provided behind the toilets and shall be added consistent with ANSI.**

D) **Permanent signs, identifying accessible bathrooms, including braille characters, must be mounted on the wall adjacent to the latch side of the restroom doors at a height of 60" above the floor.**

E) **The toilet in the front bathroom is too high at 20" and must be between 17" and 19" above the floor.**

2. **Kitchen.** The electrical outlets over the kitchen counter shall be retrofitted to be in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II). The outlets over the kitchen counters are mounted at 48". Additional outlets shall be added that are no higher than 44" above the floor for a forward approach or 46" for a side approach.

APPENDIX R

ACCESSIBILITY RETROFITS TO COVERED DWELLING UNITS AT HENDERSON SQUARE I

1. **Unit Doors.** The walk-in closet doors in the living room of the one bedroom model and the two bedroom exterior model, as well as the sliding glass doors in many of the units, shall be retrofitted so that the clear width opening between opposing sides of each doorway is at least 31 5/8" wide. For the closets, instead of widening the doorway, a rod and shelf shall be added within 24" of the doorway to enable access from outside the closets. For the sliding glass doors, the rubber bumper shall be removed or modified to widen the doorway.

The closet doorways, which are designed to allow passage into and within the ground floor dwellings, are inaccessible, ranging from 22" to 26" clear width, in that they are not sufficiently wide to allow passage by persons with disabilities using wheelchairs. 42 U.S.C. § 3604(f)(3)(C)(ii); Guideline Req. 3.

Many of the sliding glass door openings are too narrow at 31 - 31 1/2". Removal and/or reduction of the rubber door stop will permit a clear width opening of 31 5/8". 42 U.S.C. § 3604(f)(3)(C)(ii); Guideline Req. 3.

2. **Accessible Routes Into and Through the Units.** The thresholds at the sliding glass doors and the transitions from the flooring to the carpet shall be retrofitted so that there is an accessible route into and through the dwelling, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(I), Guidelines Req. 4. The sliding glass door thresholds shall be retrofitted on request¹⁸ to have interior thresholds that are no higher than 3/4" and beveled consistent with ANSI A117.1. The carpet transitions shall be no higher than 1/2" and beveled consistent with ANSI A117.1.

A) The thresholds of the sliding glass doors in many of the covered dwellings are inaccessible because they are an unbeveled 1" in height. A substrate with a slope no greater than 1:2 shall be added.

B) The thresholds from the tile to the carpet throughout the apartments is higher (at 3/4") than the maximum beveled 1/2". A substrate or transitional edging shall be added.

3. **Environmental Controls.** All ground floor units shall be retrofitted so that the following electrical outlets, thermostats, and other environmental controls are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II).

A) **Kitchen Counter Outlets.** The outlets over the kitchen counters are mounted at 48". Additional outlets shall be added that are no higher than 44" above the floor for a forward approach and 46" for a side approach, consistent with Guidelines Req. 5.

B) **Thermostats.** The thermostat controls are mounted at heights varying from 56" to 60", above the maximum reach of a wheelchair user. They shall be moved so that they are no higher than 48" above the floor. Guidelines Req. 5.

¹⁸See footnote 1 in Appendix A.

4. Grab bar reinforcements. All ground floor units shall be retrofitted to contain reinforcements in bathroom walls to allow later installation of grab bars, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(III); Guidelines Req. 6.

This retrofitting is required because the requisite reinforcements are not present in the apartments. In lieu of adding reinforcements, Defendants may purchase and make available 150 "wing-it" bolts for use in installing grab bars upon a future tenant's request.¹⁹

5. Kitchens. The kitchens in the two bedroom units (interior and exterior) shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7.

A) In the two bedroom interior model, ranges with front controls shall be provided on request²⁰ in replace of the ranges with rear controls. The range is inaccessible because there is not 30" x 48" of adjacent clear floor space parallel to and centered on it. The spacing is off center by 7".

B) In the two bedroom exterior model, the sink counters and adjacent counters shall be replaced with removable cabinets allowing a wheelchair to make a forward approach to the sink. The piping shall be provided with protective insulation. The kitchen sink is inaccessible because there is not 30" x 48" of adjacent clear floor space parallel to and centered on it. The spacing is off center by 7". Nor is there space for a forward approach because the cabinets are not removable.

6. Bathrooms. The bathrooms shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7.

Some bathrooms are inaccessible because there is insufficient space at the toilet to permit a person using a wheelchair to access and use it. The centerline of the toilet is less than 18" from the adjacent tub or sidewall (ranging from 14" to 16"). The toilet shall be moved through the use of offset flanges so that the centerline is not less than 18" from the tub or sidewall.

¹⁹See footnote 1 in Appendix A.

²⁰See footnote 1 in Appendix A.

APPENDIX S

ACCESSIBILITY RETROFITS TO COVERED DWELLING UNITS AT HENDERSON SQUARE II

1. **Accessible Routes Into and Through the Units.** The thresholds at the front doors and patio doors and the transitions from the flooring to the carpet shall be retrofitted so that there is an accessible route into and through the dwelling, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(I), Guidelines Req. 4. The front door thresholds and the carpet transitions shall be no higher than ½" and beveled consistent with ANSI A117.1. The patio door thresholds shall be retrofitted on request²¹ to have interior thresholds that are no higher than ¾" and beveled consistent with ANSI A117.1.

A) The thresholds at the front entry doors are inaccessible in that they are an unbeveled ½" in height. A retrofit threshold ramp extension or substrate may be added to the existing thresholds.

B) The interior thresholds of the patio doors are inaccessible because they are an unbeveled 1" in height. A substrate with a slope no greater than 1:2 shall be added.

C) The transitions from the flooring to the carpet throughout the apartments are higher (at ¾") than the maximum beveled ½". A substrate or transitional edging shall be added.

2. **Environmental Controls.** All ground floor units shall be retrofitted so that the electrical outlets over the kitchen counters are in "accessible locations." 42 U.S.C. § 3604(f)(3)(C)(iii)(II). The outlets over the kitchen counters are mounted at 48". Additional outlets shall be added that are no higher than 44" above the floor for a forward approach and 46" for a side approach, consistent with Guidelines Req. 5.

3. **Grab bar reinforcements.** All ground floor units shall be retrofitted to contain reinforcements in bathroom walls to allow later installation of grab bars, as required by 42 U.S.C. § 3604(f)(3)(C)(iii)(III); Guidelines Req. 6.

This retrofitting is required because the requisite reinforcements are not present in the apartments. In lieu of adding reinforcements, Defendants may purchase and make available 36 "wing-it" bolts for use in installing grab bars upon a future tenant's request.²²

4. **Kitchens.** The kitchens in the two bedroom units (interior and exterior) shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7.

A) In the two bedroom interior model, ranges with front controls shall be provided on request²³ in replace of the ranges with rear controls. The range is inaccessible because there is not 30" x 48" of adjacent clear floor space parallel to and centered on it. The spacing is

²¹See footnote 1 in Appendix A.

²²See footnote 1 in Appendix A.

²³See footnote 1 in Appendix A.

off center by 7".

B) In the two bedroom exterior model, the sink counters and adjacent counters shall be replaced with removable cabinets allowing a wheelchair to make a forward approach to the sink. The piping shall be provided with protective insulation. The kitchen sink is inaccessible because there is not 30" x 48" of adjacent clear floor space parallel to and centered on it. The spacing is off center by 7". Nor is there space for a forward approach because the cabinets are not removable.

5. Bathrooms. The bathrooms shall be retrofitted to be usable by persons with mobility impairments such that an individual in a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C)(iii)(IV); Guidelines Req. 7.

Some bathrooms are inaccessible because there is insufficient space at the toilet to permit a person using a wheelchair to access and use it. The centerline of the toilet is less than 18" from the adjacent tub or sidewall (ranging from 14" to 16"). The toilet shall be moved through the use of offset flanges so that the centerline is not less than 18" from the tub or sidewall.

APPENDIX T

NOTICE OF RETROFITS TO PUBLIC AND COMMON USE AREAS
AT _____

_____ is dedicated to the principle of equal housing opportunity. The federal Fair Housing Act requires that the public and common use areas at complexes such as _____ have certain features of physical accessibility for persons with disabilities.

Inaccessible aspects of the public and common areas of the complex have been brought to our attention. We welcome persons with disabilities as residents and guests at _____. We are writing this notice to let you know that beginning on _____, 2007, contractors will be coming onto the property to begin the process of modifying certain aspects of the public and common use areas. We expect the process to last approximately _____ weeks.

Generally, the contractors will modify or "retrofit" certain sidewalks, install ramps or modify existing ones, eliminate some of the steps along pathways to certain ground-floor units, and install lever hardware on the outside doors to dwelling units. They will also be making some modifications to the leasing office, mailboxes, and fitness center to make them more accessible to persons with disabilities. We apologize for any inconvenience you may experience as a result of this work.

If you have any questions regarding these modifications, please contact us at:

_____.

APPENDIX U

NOTICE OF RETROFITS TO INTERIOR GROUND-FLOOR UNITS
AT _____

_____ is dedicated to the principle of equal housing opportunity. The federal Fair Housing Act requires that ground floor units in newer communities have certain features of physical accessibility for people with disabilities.

Due to litigation brought by the United States Department of Justice, accessibility barriers in individual ground floor units have been brought to the owners' attention. The owners are currently in the process of correcting those barriers.

Your unit has been identified as one that is covered by the Fair Housing Act's accessibility requirements and that does not meet the accessible and adaptive design requirements of the Act. The owners of the complex will retrofit certain features of the covered dwellings to make them more accessible.

People with disabilities are welcomed as residents and guests at _____. Therefore, the owners have agreed to make certain modifications available to all of the ground-floor units covered by the Fair Housing Act's accessibility requirements so that they will be more accessible to persons with disabilities.

The owners will complete the retrofits to all the interiors of the ground-floor units within thirty months from the date of the settlement (_____, 2007). The owners are giving you notice that as a renter, you may request that the retrofits be made to your unit immediately. Should the modifications require your temporary relocation, the owners will pay reasonable relocation and housing expenses, as per the Federal per diem rate, while the modifications are being made. The scheduling of the retrofits will take into account your preferences and convenience, and relocation costs, if any, will be provided in advance. Details of securing your personal belongings will be discussed if the need arises for your relocation.

Depending on the particular features of your unit, the alterations may require retrofits such as providing more clear floor space in front of and/or adjacent to kitchen and bathroom fixtures. The retrofits include:

[ITEMIZE]

In addition, other accessibility features will be provided at the request of a tenant. These options include:

[ITEMIZE]

It is not necessary that you or any member of your household have a disability in order to request these retrofits. If you would like to request these retrofits or have any questions, please contact us at _____.

APPENDIX V

ACKNOWLEDGMENT OF RECEIPT OF CONSENT DECREE

On _____, I received a copy of and have read the Consent Decree entered by the federal district court in United States of America v. Gambone Bros. Dev. Co., et al., Civ. No. 2:06-cv-01386-JP (E.D. Pa.). All of my questions concerning the Consent Decree, the Fair Housing Act, and the Americans with Disabilities Act have been answered to my satisfaction.

(Signature)

(Print name)

(Position)

(Date)

APPENDIX W

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 X

NOTICE TO POTENTIAL VICTIMS OF HOUSING DISCRIMINATION

On _____, 2007, the United States District Court for the Eastern District of Pennsylvania entered a consent decree resolving litigation brought by the United States Department of Justice involving the following apartment complexes:

**Abram's Run Apartments in King of Prussia
Fox Ridge Apartments and Fox Ridge Lakeside Apartments in Limerick
Lakeview Apartments in Royerstown
Henderson Square Apartments I and II in King of Prussia.**

The litigation alleged that the complexes, as designed and constructed, failed to include certain features of accessible design required by the Fair Housing Act and the Americans with Disabilities Act in both exterior and interior common areas and in ground floor apartments.

Under this consent decree, you may be entitled to receive monetary relief if you:

- **WERE DISCOURAGED FROM LIVING AT ONE OF THE COMPLEXES BECAUSE OF THE LACK OF ACCESSIBILITY FEATURES;**
- **HAVE BEEN INJURED OR DAMAGED IN ANY WAY BY THE LACK OF PHYSICAL ACCESSIBILITY FEATURES AT ANY OF THESE APARTMENT COMPLEXES; OR**
- **PAID TO HAVE YOUR APARTMENT AT ANY OF THESE APARTMENT COMPLEXES MADE MORE PHYSICALLY ACCESSIBLE.**

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 ext. 7**. You may also write to: United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section – NWB, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530, Attn: DJ 175-62-351.

NOTE: You must call or write no later than _____, 2007.

APPENDIX Y

RELEASE OF ALL CLAIMS

In consideration of and contingent upon the payment of the sum of _____ dollars (\$ _____), pursuant to the Consent Order entered in United States v. Gambone Bros. Dev. Co., et al., Civ. No 2:06-cv-01386-JP (E.D. Pa.), I hereby release and forever discharge the Defendants named in this action from any and all liability for any claims, legal or equitable, I may have against them arising out of the issues alleged in this action as of the date of the entry of that Consent Decree. I fully acknowledge and agree that this release of the 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: _____