

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

MEMPHIS CENTER FOR )  
INDEPENDENT LIVING, )  
 )  
Plaintiff, )

v. )  
 )

RICHARD AND MILTON GRANT CO., )  
J. RICHARD GRANT, MILTON GRANT, )  
JOHN R. GILLENLINE, HENRY HART, )  
HENRY HART ENGINEERING, P.C. and )  
PARKER, ESTES & ASSOCIATES, INC., )  
 )  
Defendants, and )

Case No.: 01-2069 D/Pha

UNITED STATES OF AMERICA, )  
 )  
Plaintiff-Intervenor, )

v. )  
 )

RICHARD AND MILTON GRANT CO., )  
J. RICHARD GRANT, MILTON GRANT, )  
RICHARD AND MILTON GRANT, LLC )  
WYNDHAM, LLC, CAMDEN GROVE, LLC, )  
CAMDEN GROVE 2, LLC )  
JOHN R. GILLENLINE, HENRY HART, )  
HENRY HART ENGINEERING, P.C. and )  
PARKER, ESTES & ASSOCIATES, INC., )  
 )  
Defendants. )

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**CONSENT ORDER AS TO PLAINTIFFS MEMPHIS CENTER FOR INDEPENDENT LIVING and UNITED STATES OF AMERICA and DEFENDANTS RICHARD AND MILTON GRANT CO., J. RICHARD GRANT, MILTON GRANT, RICHARD AND MILTON GRANT, LLC, WYNDHAM, LLC, CAMDEN GROVE, LLC, CAMDEN GROVE 2, LLC, JOHN R. GILLENLINE, HENRY HART, HENRY HART ENGINEERING, P.C. and PARKER, ESTES & ASSOCIATES, INC.**

## I. INTRODUCTION

1. This Consent Order is entered between Plaintiffs Memphis Center for Independent Living (“MCIL”) and the United States of America and Defendants Richard and Milton Grant Company, J. Richard Grant, Milton Grant, Richard and Milton Grant, LLC, Wyndham, LLC, Camden Grove, LLC, Camden Grove 2, LLC, John R. Gillentine, Henry Hart, Henry Hart Engineering, P.C. and Parker, Estes & Associates, Inc. (hereinafter collectively referred to as the “Defendants”).<sup>1</sup>
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 *et seq.* (the “ADA”). Specifically, the United States’ Complaint alleges that the Defendants engaged in a pattern or practice of discrimination against persons with disabilities by failing to design and construct covered multifamily dwellings at the Wyndham (“Wyndham”) at 3200 Germantown Road, Memphis, Tennessee, 38119, and Camden Grove (“Camden”) at 1571 Houston Levee, Cordova, Tennessee in accordance with the features of accessible and adaptable design and construction required by subsection 804(f)(3)(C) of the Fair Housing Act (“the Act”), 42 U.S.C. §3604(f)(3)(C), and the Americans with Disabilities Act, 42 U.S.C. §12183(a)(1). The Plaintiffs and Defendants agree that the complexes are subject to the accessible design and construction requirements of 42 U.S.C. §3604(f)(3)(C) and 42

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<sup>1</sup> This Consent Order does not address claims brought by MCIL and the United States against Defendants Makowsky Construction Company, Inc., Archeon, Inc., Reaves Sweeny Marcom, Inc., Penn Investors, Inc., Makowsky Ringel Greenberg, LLC, MRB-Stonebridge, LP, MRB-Windyke, Inc., Belz Investco, LP and Belz Investco, GP which bear the same docket number but were resolved by Consent Order entered March 21, 2005 (Dkt #568).

U.S.C. §12183(a)(1).

## II. DEFENDANTS

3. Defendants J. Richard Grant and Milton Grant are individuals with their principal place of business at 1655 International Drive, Memphis, Tennessee 38120. Defendants J. Richard Grant and Milton Grant designed built and owned the Wyndham and Camden.
4. Defendant Richard and Milton Grant Company was a partnership between Defendants J. Richard Grant and Milton Grant. It had its principal place of business at 1655 International Drive, Memphis, Tennessee 38120. Defendant Richard and Milton Grant Company designed built and owned the Wyndham and Camden.
5. Defendant Wyndham, LLC is a limited liability company under the laws of the state of Tennessee with its principal place of business at 1655 International Drive, Memphis, Tennessee 38120. It is owned by Defendants J. Richard Grant and Milton Grant. Sometime after its construction, ownership of Wyndham was transferred to Defendant Wyndham, LLC who is its current owner and is responsible for the management and rental of its apartments.
6. Defendant Camden, LLC is a limited liability company under the laws of the state of Tennessee with its principal place of business at 1655 International Drive, Memphis, Tennessee 38120. It is owned by Defendants J. Richard Grant and Milton Grant. After the construction of a portion of Camden, sometimes referred to as Phase 1, the ownership of Phase 1 was transferred to Defendant Camden Grove, LLC, who is its current owner and is responsible for the management and rental of its apartments.
7. Defendant Camden Grove 2, LLC is a limited liability company under the laws of the state of Tennessee with its principal place of business at 1655 International Drive,

Memphis, Tennessee 38120. During the construction of a portion of Camden sometimes referred to as Phase 2, the ownership of Phase 2 was transferred to Defendant Camden Grove 2, LLC. In such capacity, Defendant Camden Grove 2, LLC was responsible for the design and/or construction of these apartments.

8. Defendant Richard and Milton Grant, LLC has its principal place of business at 1655 International Drive, Memphis, Tennessee 38120. It is owned by Defendants J. Richard Grant and Milton Grant. Defendant Richard and Milton Grant, LLC is the general contractor for portions of Camden and was responsible for the design and/or construction of these apartments.
9. Defendant John R. Gillentine of 11965 Brockwell, Arlington, Tennessee 38002 was the architect for the Wyndham and Camden.
10. Defendant Henry Hart of 7960 Wolf River Boulevard, Suite 104, Germantown, Tennessee 38138 and Defendant Henry Hart Engineering Company, PC, a Tennessee professional corporation with its principal place of business at 2716 Juneway, Bartlett, Tennessee, 38134 was the engineer for the Wyndham.
11. Defendant Parker, Estes & Associates, Inc., a Tennessee corporation, also doing business as Parker, Estes & Associates, of 3460 Ridge Meadow Parkway, Memphis, Tennessee 38115-4000 was the engineer for Camden.

### **III. RELEVANT REQUIREMENTS OF THE FAIR HOUSING ACT AND THE AMERICANS WITH DISABILITIES ACT**

12. The Fair Housing Act provides that, for non-elevator residential buildings with four or more dwelling units, all ground-floor units that were designed and constructed for first occupancy after March 13, 1991 are “covered units” and must include certain basic

features of accessible and adaptable design to make such units accessible to or adaptable for use by a person who has or who develops a disability. 42 U.S.C. §§ 3604(f)(3)(C) and (f)(7)(B).

13. The accessible and adaptable design provisions of the Fair Housing Act require that for covered multifamily dwellings: (i) the public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability; (ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability using wheelchairs; and (iii) all premises within such dwellings contain the following features of adaptive design: (I) an accessible route into and through the dwelling; (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (III) reinforcements in bathroom walls to allow later installation of grab bars; and (IV) usable kitchens and bathrooms such that an individual using a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C). These features are referred to herein as the "Accessible Design Requirements."
14. The Americans with Disabilities Act of 1990 ("ADA"), and the "Standards of Accessible Design," 28 C.F.R. pt. 36, app. A, that have been issued by the U.S. Department of Justice to implement the design and construction requirements of Title III of the ADA, also require that all "public accommodations" designed and constructed for first occupancy after January 26, 1993, and the goods, services, facilities, privileges, advantages, or accommodations of those public accommodations, be readily accessible to and usable by persons with disabilities in accordance with certain accessibility standards

promulgated under that Act. 42 U.S.C. § 12183(a)(1); 42 U.S.C. § 12182(a). A rental office for an apartment complex is a “public accommodation” under the ADA. 42 U.S.C. § 12181(7)(E). The rental offices at the Wyndham and Camden were designed and constructed for first occupancy after January 26, 1993, and therefore the rental offices and the facilities and privileges provided at those offices such as public parking are required to be designed and constructed in accordance with the standards promulgated under the ADA.

**IV. DECISIONS OF THE DISTRICT COURT REGARDING VIOLATIONS  
OF 42 U.S.C. 3604(f)(3)(C) AT WYNDHAM**

15. Wyndham is comprised of fifty-one (51) multi-story, non-elevator apartment buildings each having four or more apartment dwellings. They were designed and constructed for first occupancy after March 13, 1991. There are 166 ground floor dwellings at Wyndham that are “covered multifamily dwellings” within the meaning of 42 U.S.C. §3604(f)(7)(B). The apartments and the common areas of Wyndham, including the clubhouse, are subject to the requirements of 42 U.S.C. §3604(f)(3)(C); and the clubhouse rental offices of Wyndham are public accommodations within the meaning of Section 301(7)(E) of the Americans with Disabilities Act, 42 U.S.C. §12181(7)(E).
16. The United States has inspected Wyndham, and has specifically identified failures to meet the Accessible Design Requirements and Standards of Accessible Design at this complex.
17. On April 26, 2004, this Court granted the United States partial summary judgement as to the Defendants liability for violations of 42 U.S.C. 3604(f)(3)(C) at Wyndham, with respect to: (1) the routes from all ground floor units to on site amenities and public

streets, (2) the clubhouse, (3) parking at complex amenities, (4) doorways, (5) thermostats, (6) reinforcements in bathroom walls for the installation of grab bars, (7) wheelchair accessibility in bathrooms and kitchens. On June 29, 2004, this Court granted the Grant Defendants partial summary judgment as to the United States' claims as to the lack of accessible resident parking. It stated further that genuine issues of fact remained as to all of the remaining claims of the United States.

**V. DECISIONS OF THE DISTRICT COURT REGARDING VIOLATIONS OF 42 U.S.C. 3604(f)(3)(C) AT CAMDEN**

18. Camden is comprised of approximately sixty-four (64) multi-story, non-elevator apartment buildings each having four or more apartment dwellings. They were designed and constructed for first occupancy after March 13, 1991. There are 276 ground floor dwellings at Camden that are "covered multifamily dwellings" within the meaning of 42 U.S.C. §3604(f)(7)(B). The apartments and the common areas of Camden, including the clubhouse, are subject to the requirements of 42 U.S.C. §3604(f)(3)(C); and the clubhouse rental offices of Camden are public accommodations within the meaning of Section 301(7)(E) of the Americans with Disabilities Act, 42 U.S.C. §12181(7)(E).
19. The United States has inspected Camden and has specifically identified failures to meet the Accessible Design Requirements and Standards of Accessible Design at this complex.
20. On April 26, 2004, this Court granted the United States partial summary judgement as to the Defendants liability for violations of 42 U.S.C. 3604(f)(3)(C) at Camden, with respect to: (1) the routes from all ground floor units to on site amenities and public streets, (2) the clubhouse, and (3) wheelchair accessibility in kitchens. On June 29, 2004, this Court granted the Grant Defendants summary judgment as to the United States' claims as to

lack of accessible resident parking; and it stated further that genuine issues of fact remained as to all of the remaining claims of the United States.

21. Defendants have agreed to bring Wyndham and Camden into compliance with the Fair Housing Act and, where applicable, the ADA, as set forth herein.

#### **VI. CONSENT OF THE PARTIES TO ENTRY OF THIS ORDER**

22. The Parties agree that this Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§1331 and 1345, and 42 U.S.C. §§3614(a) and 12188(b)(1)(B). The parties further agree that the controversy should be resolved without further proceedings and without a trial.

**It is hereby ADJUDGED, ORDERED and DECREED:**

#### **VII. GENERAL INJUNCTION**

23. Defendants, and each of their officers, employees, agents, successors and assigns, and all other persons in active concert or participation with them are enjoined from discriminating on the basis of disability, as prohibited by the Fair Housing Act, 42 U.S.C. §3604(f)(1)-(3), and the Americans with Disabilities Act, 42 U.S.C. §§12182(a) and 12183(a)(1).

#### **VIII. MODIFICATION OF WYNDHAM AND CAMDEN**

24. The Court has ruled that certain features of Wyndham and Camden do not meet the accessibility requirements of the Fair Housing Act. To address this ruling and the



remaining claims of Plaintiffs, Defendants shall complete the actions described in this section and Appendices A through D and other actions described in this Order.<sup>2</sup>

**Accessible and Usable Public and Common Use Areas at Camden and Wyndham**

25. Within one hundred eighty (180) days from the date of the entry of this Consent Order, Defendants shall finish the retrofits to the building entrances, accessible routes and the public and common use areas of Wyndham and Camden that are set forth herein and in Appendices A and C. The Defendants shall pay all expenses associated with these modifications and shall attempt, in good faith, to minimize any inconvenience to the residents of Wyndham and Camden.

**Interiors of Ground Floor Dwellings at Wyndham and Camden**

26. As soon as reasonably possible after entry of the Consent Order, but in any event not more than one (1) year from the date of the entry of this Consent Order, Defendants shall finish the retrofits to the interior of the ground floor dwellings at Wyndham that are set forth herein and in Appendix B and D, even if there has not been a vacancy in those units and even if the tenants have not requested any retrofits.
27. Within 30 days from the date of the entry of this Consent Order, Defendants Richard and Milton Grant Company, J. Richard Grant, Milton Grant, Richard and Milton Grant, LLC, Wyndham, LLC, Camden Grove, LLC, and Camden Grove 2, LLC, hereinafter the

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<sup>2</sup> HUD regulations provide that “[a] public or common use area that complies with the appropriate requirements of ANSI A117.1-1986 or a comparable standard is accessible.” See 24 C.F.R. 100.201 (2002). HUD interprets “comparable standard” to mean a “standard that affords handicapped persons access essentially equivalent to or greater than that required by ANSI A117.1.” See 54 Fed. Reg. 3243 (Jan 23, 1989). Should Defendants elect to follow a standard other than ANSI for making the public and common-use areas accessible, they will inform the United States in writing of the standard. Such standard must provide access that is “essentially equivalent” to or “greater” than ANSI A117.1 (1986).

“Grant Defendants,” shall provide notice to all residents of covered ground floor apartments by delivering a notice substantially in the form of Appendix E informing them of the retrofits and offering them the opportunity to request that such retrofits be completed in the unit. Upon such request, the retrofits shall be completed as promptly as practical, but in any event, not later than (15) days following the receipt of the written request.

28. The Defendants shall pay all expenses associated with these modifications and shall attempt, in good faith, to minimize any inconvenience to the residents of Wyndham. In the event a resident of a unit scheduled to undergo such modification as required herein incurs undue inconvenience or hardship (defined as a required dislocation from the unit for more than twenty-four (24) hours consecutively), the 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.

**Inspections**

29. Defendants shall enter into a contract with a neutral inspector approved by the United States (“Inspector”) to conduct on-site inspections of the retrofits that have been performed under this Order to determine if they have been completed in accord with the specifications in Appendices A, B, C and D. As a part of that contract, the neutral inspector will take digital photographs of the measurements that he/she has taken to

determine compliance with this Order and will make those photos available as part of his/her report.

30. The inspection shall take place within 30 days of the completion of all of the retrofits to units and common use areas, or as soon thereafter as practicable. Defendants shall give the United States at least three weeks notice of the inspection and shall give the United States an opportunity to have its representative present for the inspection.
31. The Inspector shall set out the results of each inspection, including deficits if any, in writing and shall send that report to Counsel for the United States<sup>3</sup> and Defendants. If the inspection indicates that not all of the required retrofits have been made as specified in Appendices A, B, C and D, 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 the deficiencies have been corrected. This process shall continue until the Inspector certifies that all of the necessary modifications have been made. Defendants shall pay all of the Inspector's costs associated with these inspections, and such payments shall be made without regard to the Inspector's findings. Upon reasonable notice to Defendants, representatives of the United States shall be permitted to inspect the modifications made by Defendants in accordance with this Consent Order or the third-party inspection reports provided for in this Order, to ensure compliance;

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<sup>3</sup> For purposes of this Order, counsel for the United States is Chief, Housing and Civil Enforcement Section, Civil Rights Division, United States Department of Justice, 950 Pennsylvania Avenue, NW Building – G St., Washington, D.C. 20530, Attn: DJ# 175-72-122, or as otherwise directed by the United States.

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

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

**IX. SALE OR TRANSFER OF AN OWNERSHIP INTEREST  
IN WYNDHAM AND/OR CAMDEN**

33. The sale or transfer of ownership, in whole or in part, of the Wyndham and/or Camden complexes shall not affect the Defendants' continuing obligations to retrofit the properties as specified in this Consent Order unless the Grant Defendants have obtained, in writing, as a condition of sale or transfer, the purchaser or transferee's commitment to be bound by the terms of the Consent Order to complete all required retrofits as specified in Appendices A-D. Should the Grant 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 Order, along with written notice that the subject property is covered by this Consent Order, including specifically Defendants' obligations to complete required retrofit work and to allow inspections, or to obtain the purchaser or transferee's commitment to be bound by this Order to do the same, in writing, and (b) provide to the United States, by facsimile and first class mail, written notice of its intent to sell or transfer ownership, along with a copy of the notice sent to each purchaser or transferee.

**X. NON-DISCRIMINATION IN FUTURE DESIGN AND CONSTRUCTION**

34. All future covered multifamily housing designed or constructed by the Defendants after

the date of this Consent Order shall comply with the accessibility requirements of the Fair Housing Act and the Americans with Disabilities Act.

35. For the duration of this Consent Order, the Defendants shall maintain, and provide to the United States upon request, the following information and statements regarding any covered multi-family dwellings that are intended to be developed, built, designed, and/or engineered in whole or in part, by any of them or by any entities in which they have a position of control as an officer, director, member, or have a ten-percent (10%) or larger ownership share:
- a. the name and address of the project;
  - b. a description of the project and the individual units;
  - c. the name, address, and telephone number of the civil engineer(s) involved with the project;
  - d. a statement, similar to Appendix F, from the civil engineer(s) involved with the project acknowledging and describing his/her knowledge of and training in the requirements of the Fair Housing Act in the field of accessible site design and certifying that he/she has reviewed the engineering documents for the project and that the design specifications therein fully comply with the requirements of the Fair Housing Act, the Fair Housing Accessibility Guidelines;
  - e. the name, address and telephone number of the architect(s) involved with the project;
  - f. a statement, similar to Appendix F, from the architect(s) or engineer(s) acknowledging and describing his/her knowledge of and training in the

requirements of the Fair Housing Act and in the field of accessible building and housing design and certifying that he/she has reviewed the architectural plans for the project and that design specifications therein fully comply with the requirements of the Fair Housing Act and the Fair Housing Accessibility Guidelines; and

- 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, Defendants shall obtain and maintain (and provide to the United States upon request) a statement from the site engineer or architect, as applicable, that all specifications in the revised engineering documents or architectural plans, as pertinent, comply with the requirements of the Fair Housing Act and the Fair Housing Accessibility Guidelines.

- 36. For the duration of this Consent Order, if Defendants John R. Gillentine Henry Hart and/or Parker, Estes & Associates, Inc. prepare any site plans, architectural plans, drawings or blueprints for covered multifamily housing, such Defendant shall include on such plans, drawing or blueprints a statement that they comply with the Fair Housing Act, and, where applicable, the ADA and the ADA Standards for Accessible Design. For the duration of this Consent Order, Defendants John R. Gillentine Henry Hart and/or Parker, Estes & Associates, Inc. shall, upon request, provide to the United States a list of all such multifamily housing that each has designed or is designing during the term of this Consent Order.

**XI. PAYMENTS TO THE MEMPHIS CENTER FOR INDEPENDENT LIVING**

37. Defendants shall pay the total sum of TEN THOUSAND DOLLARS (\$ 10,000.00) in monetary damages to Plaintiff Memphis Center for Independent Living ("MCIL") for its damages as a result of Defendants' failure to design and construct Wyndham and Camden in compliance with the Fair Housing Act, the Guidelines, the ADA and ADAAG. Defendants shall pay said money within thirty (30) days of the date of entry of this Order, by sending a check payable in that amount to Memphis Center for Independent Living, 163 Angelus Street, Memphis Tennessee 38104, provided that no amount shall be paid pursuant to this paragraph before MCIL has executed a written release of all claims (Appendix G), legal or equitable, that it might have against Defendants relating to the claims asserted in this lawsuit.<sup>4</sup>

**XII. ESTABLISHMENT OF COMMUNITY RETROFIT FUND**

38. Within thirty (30) days after the date of this Order, Defendants shall pay the total sum of THREE HUNDRED TWENTY THOUSAND DOLLARS (\$320,000.00) to the Memphis Center for Independent Living for the purpose of providing and administering a community retrofit fund. The Memphis Center for Independent Living shall develop procedures to be followed for administering this fund in a manner that is consistent with

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<sup>4</sup> Defendants shall fax photocopies of the transmittal letter and the check to counsel for the United States at 202-514-1116.

In addition, if any of the payments required under this Consent Order are made after the prescribed time, for whatever reason other than MCIL's failure to timely provide the release, such payments shall include interest calculated by the formula set forth in 28 U.S.C. § 1961. Payment of such interest shall be in addition to any other remedies available to the United States for delays in payment.

the provision of this Consent Order. Such procedures shall be submitted to the Defendants and to the United States for approval within 30 days after approval of this Consent Order by the Court.

39. This "retrofit fund" shall provide a means for individuals with disabilities within Shelby County Tennessee to make modifications to their residential dwellings so as to increase their accessibility to persons with disabilities.
40. This retrofit fund is to be utilized to increase the accessibility of dwelling units beyond the minimum requirements of the FHA or applicable state or local law or to provide accessibility in dwellings units that are not presently required to meet the accessibility requirements of the FHA or applicable state or local law.
41. The administration of the retrofit fund shall include the following: (1) advertising the availability of the money for retrofits; (2) taking applications for retrofits from or on behalf of persons with disabilities; (3) selecting from among the applicants for retrofits, based upon level of disability-related need for the requested retrofit and the applicant's financial need for assistance; (4) taking bids from contractors to complete the retrofits; (5) reviewing plans for the retrofits; (6) reviewing the completed retrofits; and (7) disbursing the retrofit funds for the completed work.
42. Administrative expenses shall not exceed 10% of the Community Retrofit Fund.
43. The retrofit fund may be used by any individual who owns or rents a dwelling unit, or is about to purchase or rent such a unit, within Shelby County Tennessee, to make retrofits to his or her dwelling unit to provide greater accessibility to individuals with disabilities subject to the following limitations:



- a. The dwelling must be located within Shelby County Tennessee;
  - b. The dwelling must be considered by the applicant as his or her primary personal residence;
  - c. No more than Ten Thousand Dollars (\$10,000) may be awarded to an applicant to make retrofits to his or her dwelling; and
  - d. No more than Ten Thousand Dollars (\$10,000) may be awarded to make retrofits at a single dwelling.
44. All costs associated with administering the Community Retrofit Fund shall come from the Community Retrofit Fund.
45. The Memphis Center for Independent Living shall submit annual reports to the United States, on the anniversary date of the entry of this Consent Order, detailing disbursement of monies in the fund.

### **XIII. CIVIL PENALTY**

46. As a civil penalty pursuant to 42 U.S.C. §3614(d)(1)(C) and 42 U.S.C. §12188(b)(2)(C)(I), the Grant Defendants and Defendant Parker, Estes & Associates, Inc. shall pay the total sum of ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000) to the United States. Said sum shall be paid within thirty (30) days of the date of entry of this Order by submitting a check made payable to the United States of America to counsel for the United States.

### **XIV. EDUCATIONAL PROGRAM**

47. Within thirty (30) days of the entry of this Order, Defendants shall provide a copy of this Order to all their agents and employees involved in the design, construction, rental, or

sale of covered multifamily dwellings and secure the signed statement from each agent or employee acknowledging that he or she has received and read the Order, and has had an opportunity to have questions about the Order answered. This statement shall be substantially in the form of Appendix H.

48. During the term of this Order, within thirty (30) days after the date he or she commences an agency or employment relationship with Defendants, each new agent or employee involved in the design, construction, rental, or sale of covered multifamily dwellings shall be given a copy of this Order and be required to sign the statement acknowledging that he or she has received and read the Order, and has had an opportunity to have questions about the Order answered. This statement shall be substantially similar to the form of Appendix H.
49. Defendants shall also ensure that they and any other 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, Fair Housing Act Design Manual, *A Manual to Assist Builders in Meeting the Accessibility Requirements of the Fair Housing Act*, (August 1996, Rev. April 1998). Defendants and all employees and agents whose duties, in whole or in part, involve the management, sale and/or rental of multifamily dwellings at issue in this case shall be informed of those portions of the Fair Housing Act that relate to accessibility requirements, reasonable accommodations and reasonable modifications.
50. Within ninety (90) days of the date of entry of this Consent Order, Defendants and all

employees and agents whose duties, in whole or in part, involved supervisory authority over the development, design and/or construction of the multifamily dwellings at issue in this case shall undergo training on the design and construction requirements of the Fair Housing Act and the ADA. The training shall be conducted by a qualified third-party, unconnected to Defendants or their employees, agents or counsel, and any expenses associated with this training shall be borne by Defendants. Defendants shall provide to the United States, within thirty (30) days after the training, the name(s), address(es) and telephone number(s) of the trainer(s); copies of the training outlines and any materials distributed by the trainers; and certifications executed by all Defendants and covered employees and agents confirming their attendance, in a form substantially equivalent to Appendix I.

**XV. NOTICE OF DEFENDANTS' NON-DISCRIMINATION POLICY**

51. Within 10 days of the date of entry of this Consent Order, the Grant Defendants shall post and prominently display in the sales or rental offices of all covered multifamily dwellings owned or operated by them, including Wyndham and Camden, a sign no smaller than 10 by 14 inches indicating that all dwellings are available for rental on a nondiscriminatory basis. A poster that comports with 24 C.F.R. Part 110 will satisfy this requirement.
52. For the duration of this Consent Order, in all future advertising in newspapers, and on pamphlets, brochures and other promotional literature regarding the existing complexes or any new complexes that any Grant Defendant may develop or construct, such Defendant shall place, in a conspicuous location, a statement that the dwelling units include features for persons with disabilities required by the federal Fair Housing Act.

**XVI. NOTIFICATION AND DOCUMENT RETENTION REQUIREMENTS**

53. One hundred (100) days after the date of entry of this Consent Order, Defendants shall submit to the United States an initial report regarding the signed statements of Defendants, employees and agents who have completed the training program specified in Section VIII of this Consent Order. Thereafter during the term of this Order, Defendants shall, on the anniversary of the entry of this Order, submit to the United States a report containing the signed statements of new employees and agents that, in accordance with Section VIII of this Consent Order, they have received and read the Order, and had an opportunity to have questions about the Order answered.
54. Defendants shall advise the United States in writing within fifteen (15) days of receipt of any written administrative or legal fair housing complaint against any property owned, managed, or against any employees or agents of Defendants working at or for any such property, regarding discrimination on the basis of disability in housing. Upon reasonable notice, Defendants shall also provide the United States all information it may request concerning any such complaint.
55. For the term of this Consent Order, Defendants are required to preserve all records related to this Consent Order, for Wyndham and Camden and all covered multifamily dwellings 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 records of Defendants or inspect any developments or residential units under Defendants' control bearing on compliance with this Consent Order at any and all reasonable times, provided, however, that the United States shall endeavor to minimize

any inconvenience to Defendants from such inspections.

**XVII. DURATION OF CONSENT ORDER AND  
TERMINATION OF LEGAL ACTION**

56. This Consent Order shall remain in effect for three (3) years after the date of its entry or until one year after all retrofits, all deposits, and all notices required by this Consent Order, whichever occurs last, have been completed. By consenting to entry of this Consent Order, the United States and the Defendants agree that in the event that Defendants engage in any future violation(s) of the Fair Housing Act, such violation(s) shall constitute a “subsequent violation” pursuant to 42 U.S.C. §3614(d)(1)(C)(ii).
57. The Court shall retain jurisdiction for the term of this Consent Order to enforce the terms of the Order, at which time the case shall be dismissed with prejudice. The United States may move the Court to extend the duration of this Consent Order in the interests of justice.
58. The United States and the Defendants shall endeavor, in good faith, to resolve informally any differences regarding interpretation of and compliance with this Consent 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 Consent Order or otherwise for Defendants to fail 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 attorney’s fees which may have been occasioned by the violation or failure to perform.

**XVIII. TIME FOR PERFORMANCE**

59. Any time limits for performance imposed by this Consent Order may be extended by the mutual written agreement of the United States and the relevant Defendants.

**XIX. COSTS OF LITIGATION**

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

SO ORDERED this, 15<sup>th</sup> day of February, 2007.

s/Bernice B. Donald  
UNITED STATES DISTRICT COURT JUDGE

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

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**APPENDIX A**

**ACCESSIBILITY RETROFITS TO PUBLIC AND COMMON-USE AREAS  
AT WYNDHAM**

Defendants Richard and Milton Grant Company, J. Richard Grant, Milton Grant, Wyndham, LLC, Richard and Milton Grant, LLC, John R. Gillentine, Henry Hart, and Henry Hart Engineering, P.C. shall be jointly and severally responsible for taking all corrective actions pertinent to the exterior areas at Wyndham, as follows:

<b>I. Accessible Building on an Accessible Route. Accessibility Guidelines Requirements 1 &amp; 2.</b>		
<b>A.</b>	<b>Accessible Pedestrian Approach Element: Unit Entrances</b>	
1.	<p>At the following locations, the entry door has knob hardware that requires grasping, pinching, or turning to operate:</p> <ul style="list-style-type: none"> <li>a. 3223 Legacy Dr. (Millen)</li> <li>b. 7566 Sebring Dr.</li> <li>c. 3213 Sebring Dr.</li> <li>d. 3212 Sebring Dr.</li> <li>e. 3217 Sebring Dr.</li> <li>f. 3218 Gratton Ln.</li> <li>g. 3214 Gratton Ln.</li> <li>h. 3209 Clarion Ln.</li> <li>i. 3220 Clarion Ln.</li> <li>j. 3216 Clarion Ln.</li> <li>k. 7624 Sparta Dr.</li> <li>l. 7632 Sparta Dr.</li> <li>m. 7640 Sparta Dr.</li> <li>n. 7672 Sparta Dr.</li> <li>o. 7680 Sparta Dr.</li> <li>p. 7696 Sparta Dr.</li> <li>q. 7620 Shuler Dr.</li> <li>r. 7624 Shuler Dr.</li> <li>s. 7632 Shuler Dr.</li> <li>t. 7643 Shuler Dr.</li> <li>u. 7659 Sparta Dr.</li> <li>v. 7668 Shuler Dr.</li> <li>w. 7664 Laser Ln.</li> <li>x. 7667 Laser Ln.</li> </ul>	<p>Install lever hardware that complies with ANSI A117.1 (1986) 4.13.9.</p>

	<p>y. 7664 Legacy Dr.  z. 7523 Laguna Dr.  aa. 7530 Kline Ln.  ab. 7568 Camry Dr.  ac. 3259 Landon Ln.  ad. 7589 Legacy Dr.  ae. 7580 Kental Dr.  af. 3261 Lemans Ln.  ag. 3260 Lemans Ln.  ah. 3257 Bridgewalk Ln.  ai. 3266 Bridgewalk Ln. (Wm. Hecker Rep't. (D.K. 636), Appendix B, Item 123)  aj. 3288 Lemans Ln.  ak. 3284 Lemans Ln.  al. 3291 Bridgewalk Ln.</p>	
<p>2.</p>	<p>At the following locations, the exterior primary entry door threshold is more than ½ inch below the finished floor level and/or has an abrupt level change greater than 1/4 inch, without the required bevel of 1:2:</p> <p>a. 7519 Sebring Ln.  b. 7526 Sebring Dr.  c. 7550 Sebring Dr.  d. 7558 Sebring Dr.  e. 3212 Sebring Dr.  f. 3217 Sebring Dr.  g. 3218 Gratton Ln.  h. 3214 Gratton Ln.  i. 3209 Clarion Ln.  j. 7624 Sparta Dr.  k. 3228 Gratton Ln.  l. 7668 Shuler Dr.  m. 7627 Laser Ln.  n. 7527 Laguna Ln.  o. 3252 Ascroft Dr.  p. 3260 Landon Ln.  q. 7585 Legacy Dr.  r. 7569 Camry Dr.  s. 7537 Kline Ln.</p>	<p>Provide an exterior landing surface that is not more than ½ inch below the finished floor level. Where the abrupt level change is greater than 1/4 inch but less than ½ inch, provide a 1:2 bevel</p>

	<p>t. 7594 Lexus Ln.                  u. 3279 Lemans Ln.                  v. 7629 Kental Dr.</p>	
3.	<p>At the following locations, the maneuvering space outside the primary entry door is not level.</p> <p>a. 7566 Sebring Dr.                  b. 3213 Sebring Dr.                  c. 7641 Laser Ln.                  d. 3259 Duron Ln.                  e. 7551 Lexus Ln.                  f. 7594 Lexus Ln.</p>	<p>Provide a finished surface outside the primary entry door that slopes no more than 2% away from the door.</p>
<b>B.</b>	<b>Accessible Pedestrian Approach Element: Approach Ramp/Walk to Unit</b>	
1.	<p>At the following locations, the approach walk/ramps to the porch has a running slope greater than 8.33%:</p> <p>a. 3227 Millen Dr.                  b. 7519 Sebring Dr.                  c. 3239 Clarion Ln.                  d. 7620 Shuler Dr.                  e. 7624 Shuler Dr.                  f. 7632 Shuler Dr.                  g. 7639 Sparta Dr.                  h. 7647 Shuler Dr.                  i. 7660 Laser Ln.                  j. 7636 Legacy Dr.                  k. 7632 Legacy Dr.                  l. 7641 Laser Ln.                  m. 7653 Laser Ln.                  n. 7664 Legacy Dr.                  o. 7518 Laguna Ln.                  p. 7523 Laguna Ln.                  q. 7518 Kline Ln.                  r. 7530 Kline Ln.                  s. 3255 Duron Ln.                  t. 3260 Landon Ln.                  u. 7569 Camry Dr.                  v. 3259 Tracer Ln.</p>	<p>Where the length of the approach ramp/walk, excluding the landing, is 7 feet long or less, reduce the run slope to 8.33% or less. Where the approach ramp/walk, excluding the landing, is more than 7 feet long, (i) reduce the running slope of the approach walk to 5% or less, or (ii) reduce the running slope of the approach walk to between 5% and 8.33% and provide the ramp features specified in ANSI A117.1 (1986) 4.8.</p>

	<p>w. 3261 Lemans Ln.  x. 3260 Lemans Ln.  y. 3266 Bridgewalk (Wm. Hecker Rep't. (D.K. 636), Appendix B, Item 123)  z. 7594 Lexus Ln.  aa. 3286 Tracer Ln.  ab. 3281 Bridgewalk Ln.  ac. 3291 Bridgewalk Ln.</p>	
<p>2.</p>	<p>At the following locations, the approach walk/ramp to the porch has a running slope greater than 5% but without ramp features:</p> <p>a. 3223 Legacy Dr. (Millen)  b. 7535 Sebring Dr.  c. 7550 Sebring Dr.  d. 3218 Gratton Ln.  e. 3214 Gratton Ln.  f. 3209 Clarion Ln.  g. 3220 Clarion Ln.  h. 3211 Hallett  i. 3224 Ascroft Dr.  j. 3222 Landon Ln.  k. 3228 Gratton Ln.  l. 7611 Sparta Dr.  m. 7631 Sparta Dr.  n. 7643 Sparta Dr.  o. 7657 Sparta Dr.  p. <i>Intentionally Blank</i>  q. 7679 Sparta Dr.  r. 7668 Shuler Dr.  s. 7673 Shuler Dr.  t. 7664 Laser La.  u. 7627 Laser La.  v. 7667 Laser La.  w. 7660 Legacy Dr.  x. 7527 Laguna Dr.  y. 3248 Millen Dr.  z. 3259 Duron Dr.  aa. 7589 Legacy  ab. 3250 Duron Dr.</p>	<p>Where the length of the approach ramp/walk, excluding the landing, is 7 feet long or more, (i) provide the ramp features specified in ANSI A117.1 (1986) 4.8 or (ii) reduce the run slope to 5% or less.</p>

	<p>ac. 3253 Ascroft Dr.  ad. 3257 Ascroft Dr.  ae. 3252 Ascroft Dr.  af. 3255 Landon Ln.  ag. 3259 Landon Ln.  ah. 7592 Camry Dr.  ai. 7585 Legacy Dr.  aj. 7576 Kental Dr.  ak. 7580 Kental Dr.  al. 7599 Camry Dr.  am. <i>Intentionally Blank</i>  an. 3266 Tracer Ln.  ao. 3262 Tracer Ln.  ap. 3257 Bridgewalk La.  aq. 3262 Bridgewalk La. (Wm. Hecker Rep't. (D.K. 636), Appendix B, Item 122)  ar. 7561 Kental Dr.  as. 7589 Kental Dr.  at. 7573 Kental Dr.  au. 3290 Tracer Ln.  av. 3279 Lemans Ln.  aw. 3288 Lemans Ln.  ax. 3284 Lemans Ln.  ay. 7620 Shuler Dr.</p>	
<p>3.</p>	<p>At the following locations, the approach walk/ramp to the porch has a cross slope(s) greater than 2%:</p> <p>a. 7518 Sebring Dr.  b. 7534 Sebring Dr.  c. 7542 Sebring Dr.  d. 7550 Sebring Dr.  e. 7558 Sebring Dr.  f. 7566 Sebring Dr.  g. 3213 Ascroft  h. 3210 Ascroft  i. 3212 Sebring Dr.  j. 3217 Sebring Dr.  k. 3210 Sparta Dr.  l. 7616 Sparta Dr.  m. 7624 Sparta Dr.</p>	<p>Provide a walk/ramp to the porch with a cross slope of 2% or less.</p>

	<p>n. 7632 Sparta Dr.  o. 7640 Sparta Dr.  p. 7648 Sparta Dr.  q. 7656 Sparta Dr.  r. 7664 Sparta Dr.  s. 7672 Sparta Dr.  t. 7680 Sparta Dr.  u. 7688 Sparta Dr.  v. 7696 Sparta Dr.  w. 7527 Laguna Ln.  x. 7568 Camry Ln.  y. 7530 Lexus Ln.  z. 7537 Lexus Ln.  aa. 3305 Millen Dr.  ab. 7543 Kental Dr.  ac. 3295 Ascroft Dr.  ad. 7567 Lexus Ln.  ae. 7577 Lexus Ln.  af. 7585 Lexus Ln.  ag. 7593 Lexus Ln.  ah. 7601 Lexus Ln.  ai. 3293 Tracer Ln.  aj. 3281 Bridgewalk Ln.  ak. 3284 Bridgewalk La.  al. 7629 Kental Dr.  am. 7645 Kental Dr.  an. 7661 Kental Dr.</p>	
<p>4.</p>	<p>At 3255 Duron Lane, the approach ramp has a vertical rise that is greater than 6 inches and requires handrails on both sides.</p>	<p>Reduce the vertical rise to less than 6 inches or install the ramp features required by ANSI A117.1 (1986) 4.8.5.</p>
<p>5.</p>	<p>The following ground floor units have an approach walk/ramp with a landing that slopes more than 2%:</p> <p>a. 7518 Laguna Dr.  b. 7523 Laguna Dr.  c. 7518 Kline Ln.  d. 3248 Millen Dr.  e. 3259 Duron Ln.  f. 3257 Ascroft Dr.  g. 3255 Landon Ln.</p>	<p>Provide a landing with a slope of 2% or less.</p>

	<ul style="list-style-type: none"> <li>h. 3259 Landon Ln.</li> <li>i. 7527 Laguna La.</li> <li>j. 7592 Camron Dr.</li> <li>k. 7576 Kental Dr.</li> <li>l. 7580 Kental Dr.</li> <li>m. 3259 Tracer Ln.</li> <li>n. 3266 Tracer Ln.</li> <li>o. 3261 Lemans La.</li> </ul>	
<b>C.</b>	<b>Accessible Pedestrian Approach Element: Driveway and Apron</b>	
1.	At 7558 Sebring Dr., the driveway serving as the pedestrian route to the adjoining street has a running slope greater than 8.33%.	Provide a new accessible route from the porch to the adjoining street that conforms to the requirements of ANSI A117.1 4.3
2.	<p>At the following locations the driveway serving as the pedestrian route to the adjoining street has a running slope greater than 5% and without ramp features:</p> <ul style="list-style-type: none"> <li>a. 7542 Sebring Dr.</li> <li>b. 3239 Clarion Ln.</li> <li>c. 7631 Sparta Dr.</li> <li>d. 7636 Legacy Dr.</li> <li>e. 7530 Kline Ln.</li> </ul>	Provide a handrail compliant with ANSI A117.1 (1986) 4.8.5 adjacent to the driveway on the same side of the driveway as the primary entry door of the unit served by that driveway. In the alternative, meet ANSI (1986) by reducing the running slope of the driveway to 5% or less.
3.	<p>The following units have a driveway with an abrupt level change greater than 1/4 inch at the bottom of driveway:</p> <ul style="list-style-type: none"> <li>a. 7519 Sebring Dr.</li> <li>b. 7526 Sebring Dr.</li> <li>c. 7534 Sebring Dr.</li> <li>d. 7542 Sebring Dr.</li> <li>e. 7558 Sebring Dr.</li> <li>f. 3210 Ascroft</li> <li>g. 3218 Gratton Ln.</li> <li>h. 3214 Gratton Ln.</li> <li>i. 3209 Clarion La.</li> <li>j. 3220 Clarion La.</li> <li>k. 3216 Clarion La.</li> <li>l. 3211 Hallett</li> </ul>	Modify the transition from the change in level of the driveway to the level of the street such that it conforms with ANSI A117.1 (1986) 4.5.2.

<p>m. 7616 Sparta Dr. n. 7624 Sparta Dr. o. 7640 Sparta Dr. p. 7672 Sparta Dr. q. 7688 Sparta Dr. r. 3224 Ascroft Dr. s. 3222 Landon Ln. t. 3228 Gratton Ln. u. 3239 Clarion Ln. v. 7620 Shuler Dr. w. 7624 Shuler Dr. x. 7611 Sparta Dr. y. 7631 Sparta Dr. z. 7632 Shuler Dr. aa. 7639 Sparta Dr. ab. 7643 Sparta Dr. ac. 7657 Sparta Dr. ad. 7659 Sparta Dr. ae. 7679 Sparta Dr. af. 7629 Shuler Dr. ag. 7664 Laser Ln. ah. 7636 Legacy Dr. ai. 7632 Legacy Dr. aj. 7653 Laser Ln. ak. 7667 Laser Ln. al. 7660 Legacy Dr. am. 7518 Laguna Ln. an. 7527 Laguna Ln. ao. 7523 Laguna Ln. ap. 7518 Kline Ln. aq. 7530 Kline Ln. ar. 3255 Duron Dr. as. 3259 Duron Dr. at. 3250 Duron Dr. aw. 3253 Ascroft Dr. ax. 3257 Ascroft Dr. ay. 3252 Ascroft Dr. az. 3255 Landon Ln. ba. 3259 Landon Ln. bb. 3260 Landon Ln. bc. 7589 Legacy Dr. bd. 7585 Legacy Dr. be. 7587 Camry Dr.</p>	
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	<p>bf. 7569 Camry Dr.                  bg. 7576 Kental Dr..                  bh. 7599 Camry Dr.                  bi. 7595 Camry Dr.                  bj. 3259 Tracer Ln.                  bk. 3266 Tracer Ln.                  bl. 3262 Tracer Ln.                  bm. 3261 Lemans Ln.                  bn. 3260 Lemans Ln.                  bo. 3264 Lemans Ln.                  bp. 3257 Bridgewalk Ln.                  bq. 3262 Bridgewalk Ln. (Wm. Hecker Rep't. (D.K. 636), Appendix B, Item 122)                  br. 3266 Bridgewalk Ln. (Wm. Hecker Rep't. (D.K. 636), Appendix B, Item 123).                  bs. 7537 Kline Ln.                  bt. 7530 Lexus Ln.                  bu. 3305 Millen Dr.                  bv. 7543 Kental Dr..                  bw. 7561 Kental Dr.                  bx. 3295 Ascroft Dr.                  by. 7594 Lexus Ln.                  bz. 7589 Kental Dr.                  ca. 7585 Kental Dr.                  cb. 7573 Kental Dr.                  cc. 7567 Lexus Ln.                  cd. 7593 Lexus Ln.                  ce. 3386 Tracer Ln.                  cf. 3290 Tracer Ln.                  cg. 3279 Lemans Ln.                  ch. 3288 Lemans Ln.                  ci. 3284 Lemans Ln.                  cj. 3281 Bridgeway Ln.                  ck. 3284 Bridgewalk Ln.</p>	
<p>4.</p>	<p>The following units have a driveway with an asphalt apron that projects into the traffic lanes with a running slope greater than 8.33%:</p> <p>a. 3210 Ascroft                  b. 3212 Sebring Dr.</p>	<p>Modify the transition from the change in level of the driveway to the level of the street such that it conforms with ANSI A117.1 (1986) 4.5.2.</p>

	<p>c. 3209 Clarion Ln.  d. 3220 Clarion Ln.  e. 7616 Sparta Dr.  f. 3228 Gratton Ln.  g. 3239 Clarion Ln.  h. 7632 Shuler Dr.  i. 7643 Sparta Dr.  j. 7657 Sparta Dr.  k. 7647 Shuler Dr.  l. 7632 Legacy Dr.  m. 7627 Laser Ln.  n. 7518 Laguna Ln.  o. 3248 Millen Dr.  p. 3255 Duron Dr.  q. 3259 Duron Dr.  r. 3255 Landon Ln.  s. 3259 Landon Ln.  t. 7576 Kental Dr.  u. 7580 Kental Dr.  v. 3266 Tracer Ln.  w. 3262 Tracer Ln.  x. 3262 Bridgewalk Ln.(Wm. Hecker Rep't. (D.K. 636), Appendix B, Item 122)  y. 3266 Bridgewalk Ln.(Wm. Hecker Rep't. (D.K. 636), Appendix B, Item 123)  z. 7530 Lexus Ln.  aa. 7543 Kental Dr.  ab. 7561 Kental Dr.  ac. 3295 Ascroft Dr.  ad. 7594 Lexus Ln.  ae. 7573 Kental Dr.  af. 7593 Lexus Ln.  ag. 3386 Tracer Ln.  ah. 3290 Tracer Ln.  ai. 3279 Lemans Ln.  aj. 3288 Lemans Ln.  ak. 3291 Bridgeway Ln.</p>	
<p>D.</p>	<p><b>One for One Exchange:</b> Upon written notice to the United States, the defendants may engage in a one-for-one exchange of any unit such that the end result will be that there are 102 units that provide an accessible pedestrian route from the unit entry to the adjoining street and 22 units that provide an accessible pedestrian route from the</p>	

	<p>front entry door to the vehicle arrival point. Units that are moved to the “Accessible approach ramp/walk” category shall track the retrofits of other units within that category. Units that are moved to the “Accessible driveway and apron category shall track the retrofits of other units within than category. The parties have agreed on the standard of compliance to be applied by the neutral inspector as to those features existing as of the date of this Consent Decree. Retrofits that are required to be made under the Consent Decree shall meet ANSI (1986) standards.</p>	
E	<p><b>Accessible Pedestrian Routes From the Adjoining Street in Front of the Units to the clubhouse, swimming pool, mailbox kiosks, tennis courts, refuse facilities and to the public streets and sidewalks</b></p> <p>The parties have agreed on the standard of compliance to be applied by the neutral inspector as to those features existing as of the date of this Consent Decree. Retrofits that are required to be made under the Consent Decree shall meet ANSI (1986) standards.</p>	
1.	<p>Existing sidewalks fail to comply with ANSI A117.1 (1986) 4.3 as follows:</p>	
a.	<p><i>Walks at the Clubhouse:</i></p>	
i.	<p>The curb ramp at the designated accessible parking space nearest the front door projects into the access aisle.</p>	<p>Provide an access aisle with a slope of 2% or less in accord with ANSI A117.1 (1986) 4.6.2 and 4.3.7.</p>
ii.	<p>The walkway in front of the clubhouse has a cross slope that exceeds 2.0%. (Wm Hecker Rep’t (D.K. 641), Appendix G, Item 16b, fig 295).</p>	<p>Provide a walkway with a cross slope of 2% or less.</p>
iii.	<p>The walk leading from the clubhouse down to Legacy Drive has a running slope greater than 8.33% and a curb without a curb ramp at the pedestrian crossing.</p>	<p>Provide a walkway with a running slope that is 5% or less or that has the ramp features required by ANSI A117.1 (1986) 4.8; and provide a curb ramp in accord with ANSI A117.1 (1986) 4.7.</p>
iv.	<p>The new ramp up to the community room entrance has a running slope greater than 5.0% without ramp features (i.e., handrails, level landings, edge protection, etc.) and a cross slope greater than 2%.</p>	<p>Provide (1) a ramp with a running slope that is 5% or less or that has the ramp features required by ANSI A117.1 (1986) 4.8 and the cross slope of 2% or less or (2) provide an alternative accessible route to the community room entrance that conforms with the requirements of ANSI A117 (1986) 4.</p>

b.	<i>Walks at the Gazebo and adjacent Mail Kiosk:</i>	
i.	The new approach from Kental Drive to the gazebo has a curb ramp at the road that is steeper than 8.3% and the ramp up to the Gazebo has a slope greater than 5% without handrails, and a cross slope steeper than 2%.	Provide a curb ramp that meets the requirements of ANSI A117.1 (1986) 4.7. Provide a ramp to the gazebo that meets the requirements of ANSI A117.1 (1986) 4.8.
ii.	The walk from Kline Lane to the mail kiosk has no curb ramp at the street and a cross slope steeper than 2%.	From Kline Lane to the mail kiosk either: (1) retrofit walk to provide a curb ramp that meets the requirements of ANSI A117.1 (1986) 4.7 and a a walkway with cross slopes of 2% or less or (2) provide an alternative walk from Kline Lane to the mail kiosk that conforms with ANSI A117 (1986) 4.3.
iii.	The walk between the mail kiosk and the gazebo has cross slopes steeper than 2.0%.	Provide a walkway with cross slopes of 2% or less.
c.	<i>Walk between Buildings 32 &amp; 33:</i>	
i.	The south end of the walk, that ends at Kental, has a curb and no curb ramp.	Provide a curb ramp that meets the requirements of ANSI A117.1 (1986) 4.7.
d.	<i>Walk between Buildings 19 &amp; 20:</i>	
i.	The south end of the walk, that ends at Shuler Dr., has a curb with no curb ramp.	Provide a curb ramp that meets the requirements of ANSI A117.1 (1986) 4.7.
ii.	The north end of the walk, that ends at Sparta Dr., has a curb with no curb ramp.	Provide a curb ramp that meets the requirements of ANSI A117.1 (1986) 4.7.
e.	<i>Walks around the Tennis Court:</i>	
i.	The walk up from the new designated accessible parking space has portions with cross slopes exceeding 2.0%.	Provide a walkway with cross slopes of 2% or less.

ii.	The passenger loading area at the trash compactor has a cross slope exceeding 2.0% and no designated access aisle.	Provide an access aisle in accord with ANSI A117.1 (1986) 4.6.3 and cross slope of 2% or less.
iii.	The passenger loading area at the mail kiosk has a cross slope exceeding 2.0% and no designated access aisle.	Provide an access aisle in accord with ANSI A117.1 (1986) 4.6.3. and cross slope of 2% or less.
f.	<i>Walk from Legacy to the driveway at Unit 3248 Millen:</i>	
i.	The 36" wide accessible route from this walk to the proposed new walk along Millen may be blocked by a vehicle parked in the driveway.	Provide an unobstructed 36" walkway in accord with ANSI A117.1 (1986) 4.3.3.
2.	Where sidewalks are not currently provided, pedestrian travel in the roadways of Wyndham does not comply with ANSI A117.1 (1986).	Provide such additional concrete sidewalks, ramps and curb cuts, within the boundary of the site, that comply with ANSI A117.1 (1986) 4.3, 4.4, 4.5, 4.7 and 4.8, as are necessary to complete the sidewalk plan that is set forth in Attachment A to Appendix A (orange and blue lines).

		<p>On those blocks where the plan that is set forth in Attachment A to Appendix A provides for pedestrian travel in the roads only, defendants will provide:</p> <p>(i) a delineated pedestrian walking area (36 inches wide) on one side of the road;* (ii) posted 15 miles per hour speed limits; (iii) stop signs at the intersection of Legacy at Duron, Legacy at Landon, Legacy at Camry, Legacy at Lemans, and Legacy at Bridgeway; and (iv) speed bumps (that stop 32 inches from the gutters) at specified crosswalks on the sidewalk plan.</p> <p>* The delineated pedestrian walkway shall not cross driveways with aprons which create a cross slope greater than 2% in the walkway. In these instances, the delineation shall stop at the edge of the drive and resume on the other side of the driveway as not to guide pedestrians into the line of vehicle traffic.</p>
<p><b>II. Visitor Parking at Ground Floor Units.</b> <i>Accessibility Guidelines Requirement 2.</i></p>		
<p>1.</p>	<p>There is no designated, accessible, visitor parking on an accessible route to the covered dwelling entrances that complies with ANSI A117.1 §4.6 for the ground floor dwelling units at Wyndham.</p>	<p>Provide designated accessible visitor parking at the Clubhouse that is connected to the accessible, pedestrian route system set forth in Section I above.</p>
<p><b>III. Accessible and Usable Public and Common-Use Areas.</b> <i>Accessibility Guidelines Requirement 2.</i></p>		
<p><b>A. Parking at Complex Amenities</b></p>		
<p>1.</p>	<p>There is no designated accessible parking space on an accessible pedestrian route to serve the following common-use areas in the complex: central refuse facility; two tenant mail kiosks; tennis/basketball courts; and central swimming pool complex.</p>	<p>Provide designated accessible parking space on an accessible pedestrian route to serve these common-use areas in accord with ANSI A117.1(1986) 4.6.1 and 4.3.</p>
<p><b>B. Clubhouse Exterior</b></p>		

1.	The curb ramp serving the designated accessible parking space in front of the building slopes more than 8.3% at the middle and bottom portions.	Provide a curb ramp that conforms to ANSI A117.1(1986) 4.7.2 and ADA Standards 4.7.2
2.	The approach walkway in front of the designated accessible parking space has a cross slope greater than 2.0%.	Repair or replace as to provide a walkway with cross slope of 2% or less. and ADA Standards 4.3.7.
3.	The designated accessible parking space has no access aisle and the space is not van accessible, and does not have a sign indicating it is van accessible.	Provide an access aisle that complies with ANSI A117.1(1986) 4.6.2 and a van accessible space that complies with ADA Standards 4.1.2(5)(b).
4.	The designated, accessible, parking space is not located on the shortest accessible route of travel to the building entrance.	Provide a designated, accessible, parking space that is located on the shortest accessible route of travel to the building entrance in conformity with ANSI A117.1(1986) 4.6.1 and ADA Standards 4.6.2.
5.	The maneuvering space on the push side of the exterior entrance door to the exercise room (pool side) is not level, and allows less than 12" latch side, push side maneuvering space for a door with a latch and closer.	Provide a level maneuvering space and at least 12" latch side, push side maneuvering space in accord with ANSI A117.1(1986) 4.13.6 and ADA Standards 4.13.6.
6.	The approach walkway just outside the exercise room exterior door (pool side) slopes more than 5.0% without the required ramp features.	Reduce slope to 5% or less or provide ramp features in accord with ANSI A117.1(1986) 4.3.7 and 4.8 and ADA Standards 4.3.7 and 4.8.

7.	The pedestrian approach walkway to the clubhouse from the south end of the site has an abrupt level change in the form of a curb without a curb ramp (maximum 1/4" abrupt vertical level change allowed) that creates a barrier for persons who use wheelchairs, and this walkway slopes more than 8.3%.	Provide an accessible route that meets the requirements of ANSI A117.1(1986) 4.5.2 and 4.8.2; ADA Standards 4.5.2 and 4.8.2
<b>C. Clubhouse Interior</b>		
1.	<b>Single user, unisex public restroom that serves the leasing office and clubhouse:</b>	
a.	The lavatory clear floor space provides less than 30" width and the required 48" minimum depth.	Provide the minimum clear floor space for a forward approach to the lavatory that is called for by ANSI A117.1(1986) 4.19.3 and ADA Standards 4.19.3.
b.	There is no insulation on the drain pipe, nor on the hot water supply pipe, at the lavatory.	Provide the pipe insulation required by ANSI A117.1 (1986) 4.19.4 and ADA Standards 4.19.4
c.	The lavatory faucet hardware is round knob style, that requires tight grasping and twisting of the wrist to operate.	Provide faucet hardware that comply with ANSI A117.1 (1986) 4.19.5 and 4.25.4; ADA Standards 4.19.5 and 4.27.4.
d.	The toilet is centered less than 18 inches to the adjacent side wall, its seat is lower than 17"-19" off the floor, and the side of the adjacent lavatory is positioned such that it does not allow the minimum 36" wide clear space between the lavatory and the side wall adjacent to the toilet.	Relocate the toilet to provide 18" from the adjacent side wall and provide a minimum 36" wide clear space between the lavatory and the side wall adjacent to the toilet in accord with ANSI A117.1 (1986) 4.16.2. Provide a toilet seat which is 17"-19" off the floor as provided by ANSI A117.1 (1986) 4.16.3.
e.	The tactile and Braille room identification sign for this restroom is not mounted at 60" above the floor, on the wall to the latch side of the door.	Provide a tactile and Braille room identification sign positioned in accord with ADA Standards 4.30.6.



f.	There is no grab bar behind the toilet.	Provide a grab bar positioned in accord with ANSI A117.1 (1986) 4.16.4; ADA Standards 4.13.6
2	<b>Other Clubhouse Interior:</b>	
a.	The accessible route into the kitchen area of the leasing office is not at least 36" wide.	Provide an accessible route into the kitchen area that meets the requirements of ANSI A117.1 (1986) 4.3.3; ADA Standards 4.3.3
b	The pull side, latch side maneuvering space at the door that separates the leasing lobby area from the hallway leading to the public restrooms is less than 18" wide.	Provide latch side, maneuvering space that satisfies ANSI A117.1 (1986) 4.13.6; ADA Standards 4.13.6.
<b>D. The mail kiosk near the tennis courts/basketball courts</b>		
The parties have agreed on the standard of compliance to be applied by the neutral inspector as to those features existing as of the date of this Consent Decree. Retrofits that are required to be made under the Consent Decree shall meet ANSI (1986) standards.		
1.	There is no accessible passenger loading zone.	Provide a passenger loading zone in accord with ANSI A117.1 (1986) 4.6.3.
2.	The area within the driveway just in front of the curb ramp (that is the area that would be used as part of an accessible passenger loading zone) has a cross slope greater than the 2.0%.	Provide a passenger loading zone that conforms with ANSI A117.1 (1986) 4.3.7.
3.	The curb ramp leading from the driveway to the kiosk slopes more than 8.3%.	Provide an accessible route with a curb ramp that conforms with ANSI A117.1 4.7.2.
4.	The pedestrian approach walkway from the north originates at Laser Lane with a barrier curb, presenting an abrupt vertical level change higher than the 1/4" maximum allowed on an accessible route.	Provide an accessible route without an abrupt vertical level change and that conforms with ANSI A117.1 (1986) 4.5.2.
5.	The top mailbox locks are positioned outside the 54" high maximum side reach range of persons who use wheelchairs.	Upon request, assign tenants with walking related disabilities a mail box that is within the reach range set forth in ANSI A117.1 (1986) 4.25.3.

6.	The brick arches used as entrance openings to the kiosk are constructed such that there is less than 80" head height over the outer portions of the circulation route, posing a hazard to persons who are blind or have low vision.	Repair or retrofit to provide the headroom specified in ANSI A117.1 (1986) 4.4.2.
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**E. The mail kiosk near the front of the complex by the gazebo:**

The parties have agreed on the standard of compliance to be applied by the neutral inspector as to those features existing as of the date of this Consent Decree. Retrofits that are required to be made under the Consent Decree shall meet ANSI (1986) standards.

1.	There is no accessible passenger loading zone.	Provide a passenger loading zone in accord with ANSI A117.1 (1986) 4.6.3
2.	The curb ramp leading from the driveway to the kiosk slopes more than 8.3%.	Provide an accessible route with a curb ramp that conforms with ANSI A117.1 (1986) 4.7.2.
3.	The pedestrian approach walkway from the north originates at the south end of Duron Lane with a barrier curb without a curb cut, presenting an abrupt vertical level change higher than the 1/4" .	Provide an accessible route with a curb ramp that conforms with ANSI A117.1 (1986) 4.7.2.
4.	The pedestrian approach from the gazebo has a cross slope greater than 2.0%.	Provide a pedestrian approach with cross slope of 2% or less.
5.	The top mailbox locks are positioned outside the 54" high side reach range of persons who use wheelchairs.	Upon request, assign tenants with walking related disabilities a mail box that is within the reach range set forth in ANSI A117.1 (1986) 4.25.3.
6.	The brick arches used as entrance openings to the kiosk are constructed such that there is less than 80" head height over the outer portions of the circulation route.	Repair or retrofit to provide the headroom specified in ANSI A117.1 (1986) 4.4.2.

**F. The gazebo facility at the south end of Duron Lane at Wyndham:**

The parties have agreed on the standard of compliance to be applied by the neutral inspector as to those features existing as of the date of this Consent Decree. Retrofits that are required to be made under the Consent Decree shall meet ANSI (1986) standards.

1.	The approach walkways leading to this facility have barrier curbs, presenting an abrupt vertical level change higher than the 1/4" .	Provide an accessible route without an abrupt vertical level change and that conforms with ANSI A117.1 (1986) 4.5.2.
2.	The step up to the covered floor of the gazebo presents an abrupt vertical level change higher than the 1/4".	Provide an accessible route to this gazebo in conformity with ANSI A117.1 (1986) 4.5.2.
3.	The walkway leading to the gazebo from the north slopes more than 5.0% without any ramp features (e.g., handrails, edge protection, landings, etc.).	Provide an accessible route to the gazebo with running slopes to 5% or less or with the ramp features required by ANSI A117.1 (1986) 4.3.7.
4.	The walkway leading to the gazebo from the south and the walkway leading from the east are narrower than the 36" width for accessible routes.	Provide an accessible route with the minimum width requirements of ANSI A117.1 (1986) 4.3.3.

**G. The tenant refuse facility:**

The parties have agreed on the standard of compliance to be applied by the neutral inspector as to those features existing as of the date of this Consent Decree. Retrofits that are required to be made under the Consent Decree shall meet ANSI (1986) standards.

1.	There is no accessible passenger loading zone on an accessible pedestrian route to the refuse facility.	Provide an accessible passenger loading zone in conformity with ANSI A117.1 (1986) 4.6.3 and 4.1 (Table 2)
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**H. The tennis/basketball courts:**

The parties have agreed on the standard of compliance to be applied by the neutral inspector as to those features existing as of the date of this Consent Decree. Retrofits that are required to be made under the Consent Decree shall meet ANSI (1986) standards.

1.	The approach walkways leading to the tennis court/basketball court from the south and north have barrier curbs, presenting abrupt vertical level changes that are higher than the 1/4".	Provide an accessible route without an abrupt vertical level change and that conforms with ANSI A117.1 (1986) 4.5.2.
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# GERMAN TOWN ROAD



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2.	The approach walkway leading to the tennis court/basketball court from the parking along Shuler Drive has a running slope greater than 5.0% without ramp features.	Provide an accessible route with a running slope to 5% or less or between 5% and 8.33% and with the ramp features required by ANSI A117.1 (1986) 4.3.7.
3.	The pedestrian approach leading to the tennis court/basketball court from the south on the west side of the tennis court/basketball courts has a running slope greater than 8.3% and a cross slope greater than 2.0%.	Provide an accessible route with a running and cross slopes that conform with ANSI A117.1 (1986) 4.8.2 and 4.3.7.
<b>I. The swimming pool complex near the leasing center</b>		
1.	The push side maneuvering space at the gate leading into the swimming pool area from the approach walkway is not level.	Provide the push side maneuvering space at the gate to the swimming pool required by ANSI A117.1 (1986) 4.13.6.

**APPENDIX B**

**ACCESSIBILITY MODIFICATIONS TO UNIT INTERIORS AT WYNDHAM**

Defendants Richard and Milton Grant Company, J. Richard Grant, Milton Grant, Wyndham, LLC, Richard and Milton Grant, LLC, and John R. Gillentine shall be jointly and severally responsible for taking all corrective actions pertinent to the interior of covered dwellings at Wyndham,<sup>1</sup> as follows:

<b>I.</b>	<b>Fair Housing Accessibility Guidelines Requirement 3. Usable Doors. Sufficiently Wide Dwelling Unit Doors:</b>	
1.	The following doors in ground floor, one-bedroom (both handicapped and non-handicapped) and two-bedroom, ground floor dwellings were constructed with a clear width of less than 32 inches nominal.	Widen all such doors to provide 32" clear opening, in accord with ANSI A117.1 (1986) 4.13.5, except that not more than one bathroom door must be widened in bathrooms having two, separate entry doors.
a.	swinging bathroom	
b.	bedroom	
c.	walk-in closet	
<b>II.</b>	<b>Fair Housing Accessibility Guidelines Requirement 4. Accessible route into and through the covered units.</b>	
1.	The kitchen in one bedroom, two-bedroom, and one-bedroom handicapped, ground floor dwellings have less than 36 inches between the end of the kitchen counter and the opposite wall.	Widen all passage ways providing 35 inches width or less to provide 36 inches between the end of the kitchen counter and the opposite wall, unless the length of the entryway is less than 24 inches, in which case the minimum width shall be 32 inches.

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<sup>1</sup> These requirement will not apply to the following: 7648 Legacy Drive, 7594 Kental Drive, 7610 Kental Drive, 7632 Kental Drive, 3210 Sebring Drive (Ascroft), 3215 Sebring Drive (Landon), 3221 Clarion Lane, 7530 Kental Drive, 7537 Kental Drive, 3292 Lexus Lane, 7559 Lexus Lane, 7637 Kental Drive, 7653 Kental Drive, 3223 Hallett, 3231 Landon Lane, 3240 Ascroft Drive, 3238 Landon Lane, 7650 Shuler Drive, 7672 Shuler Drive, 7636 Laser Lane, 7527 Legacy Drive, 3264 Duron Lane, 3276 Lemans Lane, 3275 Bridgewalk, 3271 Bridgewalk, 7660 Kental Drive, 3291 Lemans Lane, 3227 Landon Lane, 7646 Shuler Drive, 7523 Legacy Drive, 7578 Lexus Lane, 7582 Lexus Lane, 3231 Gratton Lane, 3235 Gratton Lane, 3246 Gratton Lane, 3235 Clarion Lane, 7642 Laser Lane, 3262 Millen Drive, 7554 Lexus Lane, 7550 Lexus Lane, 7532 Laguna Lane, and 7647 Laser Lane.

<b>III.</b>	<b>Fair Housing Accessibility Guidelines Requirement 5. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.</b>	
1.	The thermostat control in the one-bedroom and two-bedroom, non-handicapped, ground floor units were mounted such that the highest operable part of the control is more than 54" above the surface of the floor.	Lower thermostats to no higher than 48" above the floor in conformity with Requirement # 5, Guidelines.
<b>IV.</b>	<b>Fair Housing Accessibility Guidelines Requirement 6. Reinforced walls for grab bars.</b>	
1.	The bathroom walls in all ground floor units were not constructed with reinforcements in the walls to allow for the later of grab bars	Install reinforcements in bathroom walls to allow for later installation of grab bars in all ground floor units, per 42 U.S.C. § 3604(f)(3)(C)(iii)(III), or install grab bars upon request of tenant in all ground floor units.
<b>V.</b>	<b>Fair Housing Accessibility Guidelines Requirement 7. Usable Bathrooms.</b>	
1.	The center line of the toilets in some one-bedroom, ground floor units are positioned with less than 16 inches between the centerline of the toilet and the adjacent wall.	Relocate the toilet as to provide 18" clear floor space from the side wall to the centerline of the toilet.
2.	A parallel 30 inch by 48 inch clear floor space is not centered on the lavatory bowl in all two-bedroom, and handicapped, one-bedroom units because the lavatory center line in each is less than 24 inches from the side wall.	Provide a 30" by 48" clear floor space centered on the lavatory bowl in at least one of the bathrooms of the two-bedroom units and the bathroom of the one bedroom HC units per Requirement 7, Guideline (2)(a)(ii).

**APPENDIX C**

**ACCESSIBILITY MODIFICATIONS TO UNIT EXTERIORS  
AND TO PUBLIC COMMON USE AREAS AT CAMDEN**

Defendants Richard and Milton Grant Company, J. Richard Grant, Milton Grant, Richard and Milton Grant, LLC, Camden Grove, LLC, Camden Grove 2, LLC, John R. Gillentine, and Parker, Estes & Associates, Inc. shall be jointly and severally responsible for taking all corrective actions pertinent to the exterior areas at Camden, as follows:

Provide an ANSI-compliant accessible pedestrian route along Camron between its intersection with Archstone and rear entrance to site. If existing walks are used, modify the following elements:

<b>I. Accessible Building on an Accessible Route. Accessibility Guidelines Requirements 1 &amp; 2.</b>		
<b>A.</b>	<b>Accessible Pedestrian Approach Element: Unit Entrances</b>	
1.	At the following locations, the entry door has knob hardware that requires grasping, pinching, or turning to operate:  a. 9945 Sweet Rose b. 9935 Sweet Rose c. 1547 Canopy d. 1536 Canopy e. 9949 Sweet Rose f. 9928 Waterstone.	Install lever hardware that complies with ANSI A117.1 (1986) 4.13.9.
2.	At the following locations, the exterior primary entry door threshold is more than ½ inch below the finished floor level and/or has an abrupt level change greater than 1/4 inch, without the required bevel of 1:2:  a. 1467 Sanibelle b. 1519 Monarch c. 1531 Caper Tree d. 10019 Windstream e. 1602 Caper Tree f. 9997 Winrock. g. 10026 Esprit	Provide an exterior landing surface that is not more than ½ inch below the finished floor level. Where the abrupt level change is greater than 1/4 inch but less than ½ inch, provide a 1:2 bevel.



<p>h. 10006 Keaton i. 10024 Keaton j. 10029 Esprit k. 9987 Keaton l. 10001 Keaton m. 9996 Pewter n. 9990 Pewter o. 1452 Enclave p. 1463 Terra Wood q. 1449 Terra Wood r. 10012 Mikada s. 10026 Mikada t. 10015 Breezehill u. 10021 Breezehill. v. 10026 Solana. w. 10015 Mikada x. 1517 Ashley y. 1541 Sedona z. 1548 Sedona aa. 1557 Adobe ab. 1551 Adobe ac 9926 Waterstone ad. 9928 Waterstone ae. 9935 Canterwood af. 9950 Waterstone ag. 9944 Waterstone ah. 9955 Canterwood ai. 9972 Waterstone aj. 9968 Waterstone ak. 9977 Canterwood al. 9941 Waterstone am. 9934 Cerise an. 9938 Cerise ao. 9960 Cerise ap 9957 Waterstone aq. 9970 Cerise ar. 9975 Waterstone as. 9961 Cerise at. 9954 Alliance au. 9958 Alliance av. 9977 Cerise aw. 9995 Alliance ax. 1542 Lenoir</p>	
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	<p>ay. 9961 Alliance                  az. 9947 Alliance                  ba. 1549 Eddystone                  bb. 1534 Seahawk                  bc. 10013 Bale                  bd. 10019 Bale                  be. 10010 Carlsbad                  bf. 10024 Carlsbad                  bg. 10028 Windstream.</p>	
3.	At 9976 Monarch, the maneuvering space outside the primary entry door is not level.	Provide a finished surface outside the primary entry door that slopes no more than 2% away from the door.
<b>B</b>	<b>Accessible Pedestrian Approach Element: Approach Ramp/Walk to Unit</b>	
1.	<p>At the following locations, the approach walk/ramps to the porch has a running slope greater than 8.33%:</p> <p>a. 9941 Camron                  b. 10010 Carlsbad.                  c. 1468 Archstone.                  d. 9985 Pewter.                  e. 1547 Canopy                  f. 1564 Canopy                  g. 9959 Sweet Rose                  h. 1548 Sedona                  i. 9972 Waterstone                  j. 9977 Canterwood                  k. 9989 Canterwood                  l. 9951 Waterstone                  m. 9957 Waterstone                  n. 9970 Cerise                  o. 9994 Cerise                  p. 9985 Waterstone                  q. 9989 Waterstone                  r. 9997 Waterstone                  s. 9954 Alliance                  t. 9972 Alliance                  u. 9995 Alliance                  v. 9987 Alliance                  w. 10000 Lyric                  x. 1537 Lenoir                  y. 1542 Lenoir</p>	<p>Where the length of the approach ramp/walk, excluding the landing, is 7 feet long or less, reduce the run slope to 8.33% or less. Where it is more than 7 feet long, (i) reduce the running slope of the approach walk to 5% or less, or (ii) reduce the running slope of the approach walk to between 5% and 8.33% and provide the ramp features specified in ANSI A117.1 (1986) Section 4.8.</p>

	<p>x. 1534 Seahawk</p>	
<p>2.</p>	<p>At the following locations, the approach walk/ramps to the porch has a running slope greater than 5% but without ramp features:</p> <ul style="list-style-type: none"> <li>a. 10037 Windstream</li> <li>b. 10028 Lilac</li> <li>c. 10018 Monarch</li> <li>d. <i>Intentionally Blank</i></li> <li>e. 1508 Sail Cove</li> <li>f. <i>Intentionally Blank</i></li> <li>g. 10003 Winrock</li> <li>h. 10026 Esprit</li> <li>i. 10006 Keaton</li> <li>j. 10003 Esprit</li> <li>k. 9997 Esprit</li> <li>l. 10024 Keaton</li> <li>m. <i>Intentionally Blank</i></li> <li>n. 10029 Esprit</li> <li>o. 1459 Archstone.</li> <li>p. 1457 Sedona</li> <li>q. 9987 Keaton.</li> <li>r. 10001 Keaton</li> <li>s. 9988 Breezehill</li> <li>t. 9994 Breezehill.</li> <li>u. 9999 Pewter</li> <li>v. <i>Intentionally Blank</i></li> <li>w. 1465 Enclave</li> <li>x. 1451 Enclave</li> <li>y. 1460 Enclave</li> <li>z. 1437 Avalonway</li> <li>aa. 1440 Sanibelle</li> <li>ab. 1434 Archstone</li> <li>ac. 1429 Sedona</li> <li>ad. 1443 Sedona</li> <li>ae. <i>Intentionally Blank</i></li> <li>af. 9991 Breezehill</li> <li>ag. 9980 Mikada</li> <li>ah. 9994 Mikada</li> <li>ai. 10012 Mikada</li> <li>aj. 9999 Mikada</li> <li>ak. 9991 Mikada</li> <li>al. 9987 Mikada</li> </ul>	<p>Where the length of the approach ramp/walk, excluding the landing, is 7 feet long or more, (i) provide the ramp features specified in ANSI A117.1 (1986) 4.8 or (ii) reduce the run slope to 5% or less.</p>

am. 9996 Solana an. 10026 Solana ao. 10015 Mikada ap. 9945 Sweet Rose aq. 9935 Sweet Rose ar. 1512 Elkhorn as. 1520 Elkhorn at. 1525 Canopy au. 1509 Canopy av. <i>Intentionally Blank</i> aw. 1540 Elkhorn ax. 1544 Elkhorn ay. 1556 Elkhorn az. 1560 Elkhorn ba. 1565 Canopy bb. 1551 Canopy bc. 1512 Canopy bd. 1526 Canopy be. 1517 Ashley bf. 1521 Ashley bg. 1531 Ashley bh. 1545 Ashley bi. 1540 Canopy bj. 1536 Canopy bk. 1557 Ashley bl. 9949 Sweet Rose bm. 1526 Ashley bn. 1531 Sedona bo. 1541 Sedona bp. 1538 Ashley bq. 1536 Ashley br. 1562 Ashley bs. 1546 Ashley bt. 1557 Sedona bu. 1551 Sedona bv. 1551 Adobe bw. 9926 Waterstone bx. 9928 Waterstone by. 9935 Canterwood bz. 9950 Waterstone ca. 9944 Waterstone cb. 9955 Canterwood cc. 9968 Waterstone cd. 10001 Canterwood	
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<p>ce. 9985 Canterwood cf. 9992 Waterstone cg. 9996 Waterstone ch. 9941 Waterstone ci. 9934 Cerise cj. 9938 Cerise ck. 9960 Cerise cl. 9966 Cerise cm. 9975 Waterstone cn. 9990 Cerise co. 9930 Alliance cp. 9938 Alliance cq. 9941 Cerise cr. 9927 Cerise cs. 9961 Cerise ct. 9958 Alliance cu. 9966 Alliance cv. 9977 Cerise cw. 9999 Cerise cx. 9983 Cerise cy. 9986 Alliance da. 9994 Alliance db. 1533 Lenoir dc. 9927 Alliance dd. 9915 Alliance de. 1537 Eddystone df. 1531 Eddystone dg. 1528 Lenoir dh. 9961 Alliance di. 9947 Alliance dj. 1549 Eddystone dk. 1555 Eddystone dl. 9971 Monarch dm. 9969 Monarch dn. 9976 Monarch do. 1541 Vesta dp. 1555 Vesta dq. <i>Intentionally Blank</i> dr. 1483 Sedona ds. 1503 Sedona dt. 1519 Monarch du. 10004 Windstream dv. 9997 Cameron dw. 10019 Bale</p>	
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	<p>dx. 10024 Carlsbad                  dy. 10025 Carlsbad                  dz. 10021 Carlsbad                  ea. 10028 Windstream                  eb. 9993 Camron                  ec. 10013 Bale                  ed. 1561 Canopy</p>	
3.	<p>At the following locations, the approach walk/ramp to the porch has cross slopes greater than 2%:</p> <p>a. 1500 Sail Cove                  b. 10031 Winrock                  c. 10015 Esprit                  d. 9987 Keaton                  e. 1452 Enclave                  f. 1460 Enclave.                  g. 9972 Waterstone</p>	<p>Provide a walk/ramp to the porch with a cross slope of 2% or less.</p>
<b>C.</b>	<b>Accessible Pedestrian Approach Element: Driveway and Apron</b>	
1.	<p>At the following locations, the driveway serving as the pedestrian route to the adjoining street has a running slope greater than 8.33% and /or a cross slope greater than 2%:</p> <p>a. 9935 Canterwood                  b. 9990 Cerise                  c. 9977 Cerise                  d. 9947 Alliance                  e. 1477 Sanibelle                  f. 9991 Monarch                  g. 10005 Monarch.                  h. 1519 Monarch.                  i. 9994 Esprit Place                  j. 10015 Winrock                  k. 1456 Caper Tree                  l. 10010 Solana St.                  m. 9999 Pewter</p>	<p>Provide a new accessible route from the porch to the adjoining street that conforms to the requirements of ANSI A117.1 4.3</p>
2.	<p>At the following locations, the driveway serving as the pedestrian route to the</p>	<p>Provide a handrail compliant with ANSI A117.1 (1986) 4.8.5 adjacent to the</p>

<p>adjoining street had a running slope greater than 5% and without ramp features:</p> <ul style="list-style-type: none"> <li>a. 10015 Winrock</li> <li>b. 1547 Canopy</li> <li>c. 9928 Waterstone</li> <li>d. 9950 Waterstone</li> <li>e. 9944 Waterstone</li> <li>f. 9985 Waterstone</li> <li>g. 9961 Cerise</li> <li>h. 9972 Alliance</li> <li>i. 10000 Lyric</li> <li>j. 9961 Alliance</li> <li>k. 1481 Sanibelle</li> <li>l. 1480 Sanibelle</li> <li>m. 1477 Archstone</li> <li>n. 1496 Archstone</li> <li>o. 1504 Sedona</li> <li>p. 10025 Carlsbad.</li> <li>q. 10021 Carlsbad.</li> <li>r. 10019 Windstream</li> <li>s. 10014 Lilac</li> <li>t. 10027 Lilac</li> <li>u. 10032 Monarch.</li> <li>v. <i>Intentionally Blank</i></li> <li>w. 10003 Winrock</li> <li>x. 10026 Espirit.</li> <li>y. 10031 Winrock</li> <li>z. 10015 Espirit.</li> <li>aa. <i>Intentionally Blank</i></li> <li>ab. 1468 Archstone</li> <li>ac. 9988 Breezehill</li> <li>ad. 9994 Breezehill.</li> <li>ae. 9999 Pewter.</li> <li>af. 1462 Caper Tree</li> <li>ag. 1451 Enclave</li> <li>ah. 1460 Enclave</li> <li>ai. 1437 Avalonway</li> <li>aj. 1444 Sanibelle</li> <li>ak. 1440 Sanibelle</li> <li>al. 1428 Sanibelle.</li> <li>am. 1431 Archstone</li> <li>an. <i>Intentionally Blank</i></li> <li>ao. 9980 Mikada</li> </ul>	<p>driveway on the same side of the driveway as the primary entry door of the unit served by that driveway. In the alternative, meet ANSI (1986) by reducing the running slope of the driveway to 5% or less.</p>
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	<p>ap. 10021 Breezehill                  aq. 9999 Mikada                  ar. 9982 Solana                  as. 9996 Solana                  at. 10021 Mikada</p>	
3.	<p>The following units have driveways with abrupt level change greater than 1/4 inch at the bottom of driveway:</p> <ul style="list-style-type: none"> <li>a. 1545 Ashley</li> <li>b. 9950 Waterstone</li> <li>c. 9944 Waterstone</li> <li>d. 9960 Cerise</li> <li>e. 9975 Waterstone</li> <li>f. 9961 Cerise</li> <li>g. 9994 Alliance</li> <li>h. 10026 Espirit</li> <li>i. 9996 Pewter</li> <li>j. 9999 Pewter</li> <li>k. 1465 Enclave</li> </ul>	<p>Modify the transition from the change in level of the driveway to the level of the street such that it conforms with ANSI A117.1 (1986) 4.5.2.</p>
4.	<p>The following units have driveways with asphalt aprons that project into the traffic lanes with running slopes greater than 8.33%:</p> <ul style="list-style-type: none"> <li>a. 9950 Waterstone</li> <li>b. 9944 Waterstone</li> <li>c. 9985 Canterwood</li> <li>d. 9992 Waterstone</li> <li>e. 9996 Waterstone</li> <li>f. 9990 Cerise</li> <li>g. 9985 Waterstone</li> <li>h. 9989 Waterstone</li> <li>i. 9954 Alliance</li> <li>j. 9958 Alliance</li> <li>k. 9972 Alliance</li> <li>l. 9966 Alliance</li> <li>m. 9994 Alliance</li> <li>n. 9947 Alliance</li> <li>o. 1534 Seahawk</li> </ul>	<p>Modify the transition from the change in level of the driveway to the level of the street such that it conforms with ANSI A117.1 (1986) 4.5.2.</p>
D.	<p><b>One for One Exchange:</b> Upon written notice to the United States, the defendants may</p>	



engage in a one-for-one exchange of any unit, other than the 31 listed below, such that the end result will be that there are 175 units that provide an accessible pedestrian route from the unit entry to the adjoining street and 82 units that provide an accessible pedestrian route from the front entry door to the vehicle arrival point. Units that are moved to the "Accessible approach ramp/walk" category shall track the retrofits of other units within that category. Units that are moved to the "Accessible driveway and apron" category shall track the retrofits of other units within that category. The parties have agreed on the standard of compliance to be applied by the neutral inspector as to those features existing as of the date of this Consent Decree. Retrofits that are required to be made under the Consent Decree shall meet ANSI (1986) standards.

1. 1553 Ashley Creek Lane
2. 9952 Camron Drive
3. 1519 Sedona Drive
4. 1521 Sedona Drive
5. 1467 Sanibelle Lane
6. 1473 Archstone Drive
7. 1487 Archstone
8. 1484 Sanibelle Lane
9. 1479 Sedona Drive
10. 1509 Sedona Drive
11. 9994 Lapel Cove
12. 10025 Carlsbad
13. 10023 Lilac Place
14. 1511 Sail Cove
15. 10000 Winrock Road
16. 10005 Lapel Cove

	17. 9994 Winrock Road 18. 9997 Winrock Road 19. 10006 Esprit Place 20. 9994 Keaton Avenue 21. 10020 Keaton Avenue 22. 1456 Sanibelle Lane 23. 1459 Avalon Way 24. 1463 Archstone Drive 25. 1463 Sedona Drive 26. 1454 Archstone Drive 27. 1433 Avalon Way 28. 1436 Archstone Drive 29. 1442 Avalon Way 30. 1440 Archstone Drive 31. 9985 Breezehill Drive	
E.	<b>Accessible Pedestrian Routes From the Adjoining Street in Front of the Units to the Clubhouse, Swimming Pool, Mailbox Kiosks, Tennis Courts, Refuse Facilities and to the Public Streets and Sidewalks</b> The parties have agreed on the standard of compliance to be applied by the neutral inspector as to those features existing as of the date of this Consent Decree. Retrofits that are required to be made under the Consent Decree shall meet ANSI (1986) standards.	
1.	Existing sidewalks fail to comply with ANSI A117.1 (1986) 4.3 as follows:	
a.	<i>Provide an ANSI-compliant accessible pedestrian route along Camron from Main Entrance to Canberra. If existing walks are used, modify the following elements:</i>	
i.	The existing walk along the north side of Camron from Main Entrance to Canberra begins at the public sidewalk along Houston Levee and has a running slope at that juncture steeper than 5.0% without the ramp features set forth in ANSI A117.1 (1986) 4.8.	Provide an accessible route with: (i) a running slope 5% or less or (ii) with a running slope greater than 5% and less than 8.33% with the ramp features set forth in ANSI A117.1 (1986) 4.8.
ii.	There are portions of this site walkway with cross slopes steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
iii.	A portion of the walk has a running slope steeper than 5.0% without ramp features (i.e., handrails, level landings, edge protection, etc.).	Provide an accessible route with a running slope (i) 5% or less or (ii) greater than 5% and less than 8.33% and with the ramp features set forth in ANSI A117.1 (1986) 4.8.
b.	<i>Provide an ANSI-compliant accessible pedestrian route along Cameron between Sedona and Archstone. If existing walks are used, modify the following elements:</i>	

i.	The curb ramp at the Sedona end of the walk slopes greater than 8.3%	Provide an accessible route with: (i) a running slope 5% or less or (ii) with a running slope greater than 5% and less than 8.33% with the ramp features set forth in ANSI A117.1 (1986) 4.8.
ii.	There are portions of this walkway with cross slopes greater than 2%	Repair or replace as to provide walkway with cross slopes of 2% or less.
iii.	There are portion of this walkway with running slopes greater than 5% without the ramp features required by ANSI A117.1 (1986) 4.8	Provide an accessible route with: (i) a running slope 5% or less or (ii) with a running slope greater than 5% and less than 8.33% with the ramp features set forth in ANSI A117.1 (1986) 4.8.
iv.	The curb ramp at the Archstone end of the walk slopes at greater then 8.3%.	Provide a curb ramp with a running slope not greater than 8.33% in conformity with ANSI A117.1 (1986) 4.7.2
c.	<i>Provide an ANSI-compliant accessible pedestrian route along Camron between its intersection with Archstone and rear entrance to site. If existing walks are used, modify the following elements:</i>	
I	Two of the six driveways crossed by this walk create cross slopes steeper than 2.0%. (See Report of Wm. Hecker, (D.K. 641), Appendix G, Item 3b, fig. 17 and 18).	Repair or replace each driveway as to provide walkway with cross slope of 2% or less.
ii.	The four sections of walkway between the driveways have cross slopes steeper than 2.0%. (See Report of Wm. Hecker, (D.K. 641), Appendix G, Item 3c, fig. 20-23).	Repair or replace each section as to provide walkway with cross slope of 2% or less.
iii.	The maneuvering space at the “people gate” on the walk at the rear complex entrance is not level.	Provide a level maneuvering space in accord with ANSI A117.1 (1986) 4.13.6.
d.	<i>Provide an ANSI-compliant accessible pedestrian route along Camden Grove Clubhouse. If existing walks are used, modify the following elements:</i>	
i.	There are two sections of the walk in front of the clubhouse that have cross slopes greater than 2.0%. (See Report of Wm. Hecker, (D.K. 641), Appendix G, Item 4a, fig. 27-28).	Repair or replace as to provide walkway with cross slope of 2% or less.
ii.	The curb ramp at the designated accessible parking space nearest the exercise room was reconstructed with a running slope in excess of 8.33% and cross slope greater than 2.0%.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less.
iii.	The existing walk along the north side of	Repair or replace as to provide walkway

	the exercise room has a cross slope greater than 2.0%.	with cross slope of 2% or less.
iv.	The new ramp down to the pool entrance has running slope greater than 5% but no handrails.	Provide an accessible route with (i) a running slope 5% or less or (ii) with a running slope greater than 5% and less than 8.33% with the ramp features set forth in ANSI A117.1 (1986) 4.8.
v.	The existing walk leading to the parking along Alliance Place has running slopes greater than 8.33% and cross slope greater than the maximum allowable 2.0%.	Provide an accessible route with (i) a running slope 5% or less or (ii) with a running slope greater than 5% and less than 8.33% with the ramp features set forth in ANSI A117.1 (1986) 4.8. Provide a cross slope of 2% or less.
vi.	The walk in front of the clubhouse has no wheelstops to keep vehicles from overhanging and reducing the walk width to less than the minimum required 36”.	Provide an accessible route with the minimum width requirements of ANSI A117.1 (1986) 4.3.3.
e.	<i>Provide an ANSI-compliant accessible pedestrian route along Canberra between the Clubhouse and Waterstone Place. If existing walks are used, modify the following elements:</i>	
i.	The portion of the new walk between Alliance and Cerise has cross slopes greater than 2% and the connection with the driveway of 9977 Cerise has a running slope greater than 8.33%.	Repair or replace as to provide walkway with cross slopes of 2% or less. Provide an accessible route with (i) a running slope less than 5% or (ii) with a running slope greater than 5% and less than 8.33% with the ramp features set forth in ANSI A117.1 (1986) 4.8.
f.	<i>Provide an ANSI-compliant accessible pedestrian route along Alliance between Canberra and Monarch. If existing walks are used, modify the following elements:</i>	
i.	Each of the 3 driveways crossed by this walk create a cross slope steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
ii.	Each of the 2 sections of walkway adjoining these driveways have a cross slope steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
iii.	The portion of walkway proposed in front of 9962 Alliance is not constructed on that side of the road but is built on the Clubhouse side of the road. The walk on the Clubhouse side of Alliance has two curb ramps, each with running slopes steeper than 8.3% and cross slopes greater than 2%.	Repair or replace curb ramps as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and cross slope of 2% or less.
g.	<i>Provide an ANSI-compliant accessible pedestrian route along Monarch between</i>	

	<i>Cerise and Eddystone Road. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the corner of Cerise and Monarch has a cross slope greater than 2%.	Repair or replace as to provide curb ramp with cross slopes of 2% or less.
ii.	The walk between Cerise and Alliance has cross slopes greater than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
iii.	The curb ramp at the SW corner of Alliance and Monarch has a running slope greater than 8.33%, that is also a cross slope due to the ramp design.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and cross slope of 2% or less.
iv.	The walk between Alliance and Eddystone has cross slopes greater than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
v.	The curb ramp at the NW corner of Eddystone and Monarch has a running slope greater than 8.33%, that is also a cross slope due to the ramp design.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and cross slope of 2% or less.
h.	<i>Provide an ANSI-compliant accessible pedestrian route along Monarch between Eddystone and Camron Road. If existing walks are used, modify the following elements:</i>	
i.	One of the driveways crossed by this walk creates a cross slopes steeper than 2.0%. (See Report of Wm. Hecker (D.K. 641), Appendix G, Item 8a, fig. 59)	Repair or replace as to provide walkway with cross slope of 2% or less.
ii.	Each of the 3 sections of walkway adjoining these driveways has a cross slope steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
i.	<i>Provide an ANSI-compliant accessible pedestrian route along Eddystone between Monarch and Seahawk Cove. If existing walks are used, modify the following elements:</i>	
i.	Each of the 3 driveways at Bldg. 23 crossed by this walk creates a cross slopes steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
ii.	Each of the 2 sections of walkway adjoining these driveways has a cross slope steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
j.	<i>Provide an ANSI-compliant accessible pedestrian route along Eddystone between Seahawk Cove and Sedona (in front of Mail and Tennis). If existing walks are used, modify the following elements:</i>	
i	The curb ramp at the corner of Eddystone and Seahawk has a running slope steeper	Repair or replace curb ramp as to provide running slope in accord with

	than 8.3%, and a cross slope greater than 2.0%.	ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less.
ii.	The walk has portions with cross slopes steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
iii.	The walk at the tennis approach walk has a running slope steeper than 5.0% without ramp features (i.e., handrails, 8.3% max. slope, level landings, edge protection, etc.).	Provide an accessible route with (i) a running slope to 5% or less or (ii) with a running slope greater than 5% and less than 8.33% with the ramp features set forth in ANSI A117.1 (1986) 4.8.
iv.	The designated accessible parking space at the Mail Kiosk has no marked access aisle.	Provide an access aisle that complies with ANSI A117.1 A117.1(1986) 4.6.2.
v.	The curb ramp at the end of the walk at Sedona has a running slope steeper than 8.3%.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2.
k.	<i>Provide an ANSI-compliant accessible pedestrian route along Sweet Rose between Canopy and Ashley Creek. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the NW corner of Ashley Creek and Sweet Rose has a running slope steeper than 8.3% that is also a cross slope due to the ramp design. This curb ramp also has a lip higher than 1/4" without a bevel or ramp features.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less. Repair or remove lip to eliminate the abrupt level change greater than 1/4" without bevel or ramp features in accord with ANSI A117.1 (1986) 4.5.2.
ii.	The walk has portions with cross slopes steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
l.	<i>Provide an ANSI-compliant accessible pedestrian route along Sweet Rose between Ashley Creek and Driveway to Unit 1515 Sedona. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the north east corner of Ashley Creek and Sweet Rose has a running slope that is steeper than 8.3%. that is also a cross slope due to the ramp design.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less.
ii.	The walk has portions with cross slopes steeper than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less..
m.	<i>Provide an ANSI-compliant accessible pedestrian route between Ashley Creek and Canopy at Buildings 6 &amp; 7. If existing walks are used, modify the following elements:</i>	



i.	The curb ramps at both the west-end and east-end have running slopes steeper than 8.3%.	Repair or replace curb ramps as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2
n.	<i>Provide an ANSI-compliant accessible pedestrian route between Ashley Creek and Sedona at Buildings 10 &amp; 11: If existing walks are used, modify the following elements:</i>	
i.	The curb ramp has a running slope at east end that is steeper than 8.3%.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2
o.	<i>Provide an ANSI-compliant accessible pedestrian route along Cerise between Sedona and Adobe: If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the north east corner of Sedona and Cerise has a running slope steeper than 8.3% that is also a cross slope due to the ramp design.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less.
ii.	The walk has portions with cross slopes steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
iii.	The curb ramp at the NW corner of Adobe and Cerise has a running slope that is steeper than 8.3%, that is also a cross slope due to the ramp design.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and cross slope of 2% or less.
p.	<i>Provide an ANSI-compliant accessible pedestrian route between buildings 21 and 22 between Alliance and Cerise: If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at north end has a cross slope steeper than 2.0%.	Repair or replace curb ramp as to provide cross slope with cross slope of 2% or less.
ii.	The curb ramp at south end has a cross slope steeper than of 2.0%.	Repair or replace curb ramp as to provide cross slope of 2% or less.
iii.	The walk has portions with cross slopes steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
q.	<i>Provide an ANSI-compliant accessible pedestrian route between Buildings 27 &amp; 28 between Eddystone and Lenoir. (This walk was proposed to end at Alliance, but was changed and now ends at Eddystone Lane.) If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at north end has a running slope that is steeper than 8.3%.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2.
ii.	The curb ramp at south end has a running slope that is steeper than 8.3%.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2.

iii.	The walk has cross slopes steeper than 2.0%. (See Wm . Hecker Report (D.K. 641), Appendix G, item 18 fig. 99).	Repair or replace as to provide walkway with cross slope of 2% or less.
iv.	Portions of the walk have a running slopes steeper than 5.0% without ramp features (i.e., handrails, level landings, max. 8.3% slope, edge protection, etc.).	Provide an accessible route with a running slope 5% or less or between 5% and 8.33% with the ramp features required by ANSI A117.1 (1986) 4.3.7.
r.	<i>Provide an ANSI-compliant accessible pedestrian route along Caper Tree between Solna and Mikada. If existing walks are used, modify the following elements:</i>	
i.	The portion of the new walk at the connection with the driveway of 10010 Solona has a running slope greater than 8.33% and a cross slope greater than 2% and a lip greater than 1/4 inch without a bevel.	Repair or replace as to provide walkway with running slope 5% or less or between 5% and 8.33% running slope and with ramp features; and provide a cross slope that is 2% or less. The lip shall be beveled with a slope not greater than 1:2 in accord with ANSI A117.1 (1986) 4.5.2.
ii.	A portion of the walk has a cross slope greater than 2%. (See Report of Wm Hecker (D.K. 641), Appendix G, item, 19 fig. 106)	Repair or replace as to provide walkway with cross slopes of 2% or less.
s.	<i>Provide an ANSI-compliant accessible pedestrian route along Caper Tree between Mikada and Breezehill. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the northeast corner of Mikada and Caper Tree has a running slope steeper than 8.33%, that is also a cross slope due to the ramp design. The curb also has a lip greater than 1/4 inch at the bottom.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less. The lip shall have a vertical rise not greater than 1/4 inch and be beveled with a slope not greater than 1:2 in accord with ANSI A117.1 (1986) 4.5.2.
ii.	Each of the 4 driveways at Building 56 crossed by this walk has a cross slope greater than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
iii.	Each of the 3 sections of walkways adjoining these driveways has a cross slopes steeper than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
iv.	Each of the 3 sections of walkways adjoining these driveways has a running slope steeper than 8.33%.	Repair or replace as to provide walkway with running slope 5% or less or between 5% and 8.33% running slope and with ramp features.
v.	The curb ramp at the south east corner of Caper Tree and Keaton has a running slope steeper than 8.3%	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2.
t.	<i>Provide an ANSI-compliant accessible pedestrian route along Caper Tree between</i>	



	<i>Keaton and Esprit. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the northeast corner of Caper Tree and Keaton has a cross slope that is steeper than 2%	Repair or replace curb ramp as to provide cross slopes of 2% or less.
ii.	The walk has a portion with a cross slope steeper than 2%. (See Wm. Hecker Report (D.K. 641), Appendix G, item 21b, fig. 122).	Repair or replace walkway as to provide cross slope of 2% or less.
iii.	The curb ramp at the southeast corner of Esprit and Caper tree has a running slope that is steeper than 8.33% that is also a cross slope due to the ramp design.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less.
u.	<i>Provide an ANSI-compliant accessible pedestrian route along Caper Tree between Esprit and Winrock. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the northeast corner of Caper Tree and Esprit has a lip that is an abrupt level change that is higher than 1/4 inch without bevel or ramp features.	The lip shall have a vertical rise not greater than 1/4 inch and be beveled with a slope not greater than 1:2 in accord with ANSI A117.1 4.5.2.
ii.	The walkway has portions with cross slopes that are greater than 2%.	Repair or replace walkway as to provide cross slope of 2% or less.
iii.	The curb ramp at the southeast corner of Winrock and Caper Tree has a running slope that is greater than 8.33% that is also a cross slope due to the design of the curb ramp.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less.
v.	<i>Provide an ANSI-compliant accessible pedestrian route along Caper Tree between Winrock and Monarch. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the north east corner of Winrock and Caper Tree has a running slope that is steeper than 8.33% that is also a cross slope due to the ramp design.	Provide a walkway along the west side of Caper Tree between Winrock and Monarch that complies with ANSI A117.1 (1986) 4.3 and 4.5 and curb ramps that comply with ANSI A117.1 (1986) 4.7.
ii.	Each of the four driveways at Building 44 crossed by the walkway, creates a cross slope that is steeper than 2%.	
iii.	Two of the 4 sections of walkways adjoining these driveways have cross slopes steeper than 2%. (See Wm. Hecker Report (D.K. 641) Appendix G. item 23, fig 136 and 137).	
iv.	Each of the four sections of walkway adjoining these driveways has a running slope greater than 8.33%.	
v.	The curb ramp at the south east corner of Caper Tree and Monarch has a running slope that is steeper than 8.33%.	

w.	<i>Provide an ANSI-compliant accessible pedestrian route along Caper Tree between Monarch and Windstream. If existing walks are used, modify the following elements:</i>	
i.	One of the two driveways at Building 38 crossed by the walkway creates a cross slope steeper than 2%. (See Wm Hecker Report, (D.K. 641), Appendix G, item 24 fig. 147).	Repair or replace as to provide walkway with cross slopes of 2% or less.
ii.	Each of the three sections of the walkways adjoining the driveways has a cross slope steeper than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
iii.	Each of the three sections of walkway adjoining these driveways has a running slope steeper than 8,33%.	Repair or replace as to provide walkway with running slope 5% or less or between 5% and 8.33% running slope and with ramp features.
iv.	The bottom of the driveway to unit 1531 has a lip at the road with an abrupt level change that is greater than 1/4 inch.	The lip shall have a vertical rise not greater than 1/4 inch and be beveled with a slope not greater than 1:2 in accord with ANSI A117.1 (1986) 4.5.2.
v.	There is no curb ramp for the curb at the north end of the site where it meets Windstream.	Provide a curb ramp in accord with ANSI A117.1 (1986) 4.7
x.	<i>Provide an ANSI-compliant accessible pedestrian route along Caper Tree between Carlsbad and Camron. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp has a running slope steeper than 8.3% that is also a cross slope due to ramp design.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less.
y.	<i>Provide an ANSI-compliant accessible pedestrian route along Monarch between Caper Tree and Houston Levee. If existing walks are used, modify the following elements:</i>	
i.	The ramp leading down from the walk to Sail Cove has a slope greater than 5% without ramp features. In addition, the bottom landing created by the surface of the road is not level but slopes greater than 2%.	Provide a curb ramp in accord with ANSI A117.1 (1986) 4.7.
ii.	The walk that begins at the public sidewalk along Houston Levee has a running slope that is greater than 8.33%.	Repair or replace as to provide walkway with running slope 5% or less or between 5% and 8.33% and with ramp features.
z.	<i>Provide an ANSI-compliant accessible pedestrian route along Monarch between Caper Tree and Houston Levee. If existing walks are used, modify the following elements:</i>	
i.	The ramp leading down from this walkway to Sail Cove has slopes greater than 5% but	Provide an accessible route with a running slope 5% or less or with the ramp features required by ANSI A117.1

	has no handrails or edge protection. Additionally, the bottom landing created by the road surface of Sail Cove is not level.	(1986) 4.3.7 including a level landing.
ii.	The walk has cross slopes steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
iii.	This walk begins at the public sidewalk along Houston Levee and has a running slope at that juncture steeper than 8.3% and without the required ramp features (i.e., handrails, level landings, edge protection, max. 8.3% slope, etc.).	Provide an accessible route with a running slope 5% or less or between 5% and 8.33% and with the ramp features required by ANSI A117.1 (1986) 4.3.7.
aa.	<i>Provide an ANSI-compliant accessible pedestrian route to and behind the trash compactor. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the south end of this walk has a running slope that is steeper than 8.3%.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2.
ab.	<i>Provide an ANSI-compliant accessible pedestrian route between Buildings 36 &amp; 37 connecting McLaren and Sedona. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the north end of this walk has a running slope that is steeper than 8.3%.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2
ii.	The curb ramp at the south end of this walk has a cross slope steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
ac.	<i>Provide an ANSI-compliant accessible pedestrian route between Buildings 33 &amp; 52 connecting Avalon and Archstone. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the west end of this walk has a running slope that is steeper than 8.3% and has a cross slope steeper than 2.0%.	Repair or replace curb ramp as to provide a running slope in accord with ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less.
ad.	<i>Provide an ANSI-compliant accessible pedestrian route between Buildings 34 &amp; 53 connecting Archstone and Sedona. If existing walks are used, modify the following elements:</i>	
i.	The east end of this walk has a running slope that is steeper than 5.0% and without the required ramp features (i.e., handrails, level landings, edge protection, etc.).	Provide an accessible route with a running slope 5% or less or between 5% and 8.33% with the ramp features required by ANSI A117.1 (1986) 4.3.7.
ae.	<i>Provide an ANSI-compliant accessible pedestrian route along Breezehill between Avalon and Archstone. If existing walks are used, modify the following elements:</i>	

i.	The curb ramp at the east end of this walk has a running slope that is steeper than 8.3% and that is also a cross slope due to the ramp design, and it has a lip greater than 1/4" high.	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and with cross slope of 2% or less. Repair or remove lip to eliminate the abrupt level change greater than 1/4" without bevel or ramp features in accord with ANSI A117.1 (1986) 4.5.2.
af.	<i>Provide an ANSI-compliant accessible pedestrian route along Breezehill between Archstone and Sedona. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the west end of this cross slope steeper than 2.0% .	Repair or replace curb ramp as to provide cross slope of 2% or less.
ii.	The walk has a portion with cross slopes steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
iii.	The walk has a portion, at the top of a subterranean utility vault, with abrupt level changes greater than 1/4".	Repair or remove abrupt level changes to eliminate the abrupt level changes greater than 1/4" and without bevel or ramp features in accord with ANSI A117.1 (1986) 4.5.2.
iv.	The curb ramp at the east end of this walk has a cross slope greater than 2.0% due to the ramp design.	Repair or replace curb ramp as to provide cross slope of 2% or less.
ag.	<i>Provide an ANSI-compliant accessible pedestrian route along Breezehill between Sedona and Caper Tree. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the west end of this walk has a cross slope greater than 2.0% due to the ramp design.	Repair or replace curb ramp as to provide cross slope of 2% or less.
ii.	Each of the 4 driveways at Building 55 crossed by this walk has a cross slopes steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
iii.	Two of the 3 sections of walkway adjoining these driveways has a cross slope steeper than 2.0%. (See Wm Hecker Report, (D.K. 641), Appendix G, item 33, fig 191, 193).	Repair or replace as to provide walkway with cross slope of 2% or less.
iv.	Two of the 4 sections of walkway adjoining these driveways has a running slope steeper than 8.3%.	Provide an accessible route at these sections with a running slope 5% or less or between 5% and 8.33% with the ramp features required by ANSI A117.1 (1986) 4.3.7.
v.	The curb ramp at the east end of this walk has a running slope that is steeper than 8.3% that is also a cross slope due to the	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and with

	ramp design.	cross slope of 2% or less.
ah.	<i>Provide an ANSI-compliant accessible pedestrian route along Keaton between Sedona and Caper Tree. If existing walks are used, modify the following elements:</i>	
i.	The curb ramp at the west end of this walk has a running slope that is steeper than 8.3% that is also a cross slope due to the ramp design. There is also a lip at the bottom of the curb ramp that is higher than 1/4".	Repair or replace curb ramp as to provide running slope in accord with ANSI A117.1 (1986) 4.7.2 and cross slope 2% or less. Repair or remove lip to eliminate the abrupt level change greater than 1/4" without bevel or ramp features in accord with ANSI A117.1 (1986) 4.5.2.
ii.	Each of the 4 driveways at Building 54 crossed by this walk has a cross slope steeper than 2.0%.	Repair or replace as to provide cross slope of 2% or less.
iii.	Two of the 3 sections of walkway adjoining these driveways has a cross slope steeper than 2.0%. (Wm Hecker Report, (D.K. 641) Appendix G item 34, fig. 204 and 206).	Repair or replace as to provide walkway with cross slope of 2% or less.
iv.	Two of the 4 sections of walkway adjoining these driveways have a running slope steeper than 8.3%.	Provide an accessible route at each section with a running slope 5% or less or a slope between 5% and 8.33% with the ramp features required by ANSI A117.1 (1986) 4.3.7.
v.	The east end of this walk terminates short of Caper Tree at the driveway of unit 10001 that has a lip at the base of the drive that is greater than 1/4 inch.	Repair or remove lip to eliminate the abrupt level change greater than 1/4" without bevel or ramp features in accord with ANSI A117.1 (1986) 4.5.2.
ai.	<i>Provide an ANSI-compliant accessible pedestrian route along Sedona between Breezehill and Keaton. If existing walks are used, modify the following elements:</i>	
i.	The walk has portions with cross slopes steeper than 2.0%.	Repair or replace as to provide walkway with cross slope of 2% or less.
aj.	<i>Provide an ANSI-compliant accessible pedestrian route along Archstone in front of Building 52. If existing walks are used, modify the following elements:</i>	
i.	Each of the four driveways at Building 52 crossed by this walk creates a cross slope steeper than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
ii.	Each of the two sections of walkway between these driveways has a cross slope steeper than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
iii.	One of the two sections of walkway between these driveways has a run slope	Provide an accessible route with a running slope 5% or less or a slope

	greater than 8.33%. (Wm. Hecker Report, (D.K. 641), Appendix G, Item 36, fig. 220)	between 5% and 8.33% with the ramp features required by ANSI A117.1 (1986) 4.3.7.
ak.	<i>Provide an ANSI-compliant accessible pedestrian route along Archstone in front of Building 33. If existing walks are used, modify the following elements:</i>	
i.	Each of the 6 driveways at Building 33 crossed by this walk has a cross slope that is greater than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
ii.	Three of the four sections of walkway between the driveways has a cross slope steeper than 2%. (Wm Hecker Report, (D.K. 641), Appendix G, Item 37, fig. 227-229).	Repair or replace as to provide walkway with cross slopes of 2% or less.
iii.	One of the four sections of walkway between these driveways has a running slope steeper than 8.33%. (Wm Hecker Report, (D.K. 641), Appendix G, Item 37, fig. 230).	Provide an accessible route with a running slope 5% or less or a slope between 5% and 8.33% with the ramp features required by ANSI A117.1 (1986) 4.3.7.
al.	<i>Provide an ANSI-compliant accessible pedestrian route along Archstone in front of Building 35. If existing walks are used, modify the following elements:</i>	
i.	Each of the four driveways at Building 35 crossed by this walkway creates a cross slope that is steeper than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
ii.	Each of the two sections of walkway has a cross slope steeper than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
2.	Where sidewalks are not currently provided, pedestrian travel in the roadways of Camden does not comply with ANSI A117.1 (1986).	Provide such additional concrete sidewalks, ramps and curb cuts, within the boundary of the site, that comply with ANSI A117.1 (1986) 4.3, 4.4, 4.5, 4.7 and 4.8, as are necessary to complete the sidewalk plan that is set forth in Attachment A to Appendix C.



		<p>On those blocks where the plan that is set forth in Attachment A to Appendix C provides for pedestrian travel in the roads only, defendants will provide:</p> <p>(i) a delineated pedestrian walking area (36 inches wide) on one side of the road;* (ii) posted 15 miles per hour speed limits; (iii) stop signs at the intersection of Sedona at Nova Cove, Sedona at Cerise, Sedona at Canterwood, Caper Tree at Sedona, Caper Tree at Mikada, Caper Tree at Breezehill, Caper Tree at Keaton, Caper Tree at Esprit, Caper Tree at Nova Cove, Caper Tree at Lilac, Caper Tree at Windstream, and Caper Tree at Carlsbad; and (iv) speed bumps (that stop 32 inches from the gutters) at specified crosswalks on the sidewalk plan.</p> <p>* The delineated pedestrian walkway shall not cross driveways with aprons which create a cross slope greater than 2% in the walkway. In these instances, the delineation shall stop at the edge of the drive and resume on the other side of the driveway as not to guide pedestrians into the line of vehicle traffic.</p>
<p><b>II. Visitor Parking at Ground Floor Units.</b> <i>Accessibility Guidelines Requirement 2.</i></p>		
<p>1.</p>	<p>There is no designated accessible visitor parking on an accessible route to the covered dwelling entrances that complies with ANSI A117.1 (1986) 4.6 for any of the ground floor dwelling units at Camden.</p>	<p>Provide designated accessible visitor parking at the clubhouse that is connected to the accessible, pedestrian route system set forth in Section I above.</p>
<p><b>III. Accessible and Usable Public and Common-Use Areas.</b> <i>Accessibility Guidelines Requirement 2.</i></p>		
<p><b>A. Accessible Parking at Common Use Areas</b></p>		

1.	There are no designated accessible parking spaces or accessible passenger loading zones to serve the central tenant refuse facility (dumpster) or the mail kiosks in Phase I.	Provide designated accessible parking space on an accessible pedestrian route to serve these common-use areas in accord with ANSI A117.1(1986) 4.6.1 and 4.3.
2.	The accessible parking space at the leasing office and Clubhouse at Camden was constructed with the "accessible parking" sign mounted at the access aisle, not at the parking space so that the parking space is not properly reserved for use by persons with physical disabilities	Relocate the "accessible parking" sign in accord with ANSI A117.1 (1986) 4.6.2.
3.	No "van accessible" parking space was constructed at the Leasing Office/Clubhouse at Camden.	Provide a van accessible parking space that conforms to ADA Standards 4.6.4.
<b>B.</b>	<b>Clubhouse Exterior</b>	
1.	The walkway serving as the accessible route to the clubhouse building at Camden, in front of the parking spaces, can be blocked by legally parked vehicles where the overhang of the vehicles reduces the clear width of the walkway to less than 36 inches.	Provide for walkways with the unobstructed width required by ANSI A117.1 (1986) 4.3.3 and 4.6.2.
2.	The walkway serving as the accessible route to the swimming pool area at Camden in front of the parking spaces can be blocked by legally parked vehicles where the overhang of the vehicles reduces the clear width of the walkway to less than 36 inches.	
3.	The access walkway in front of the Leasing Office/Clubhouse has cross slopes in front of the main entry, to the right of the entry, and to the left of the entry that are greater than 2%.	Repair or replace as to provide walkways with cross slope of 2% or less.
4.	The access walkway in front of the clubhouse exercise facility has a cross slope greater than 2%.	



5.	The approach walkway from the south side of the clubhouse to the front entry around to the rear breezeway on the east, has cross slopes midway down the walkway, and at the end of the walkway greater than 2%.	Repair or replace as to provide walkway with cross slopes of 2% or less.
6.	The curb ramp at the designated accessible parking space closest to the swimming pool was constructed with a cross slope greater than the 2% maximum allowed for those wheelchair users trying to approach the pool from the front of the leasing office or party room.	
7.	None of the curb ramps within the complex have a detectable warning texture, nor are these warning textures provided at the flush transitions between walks and driveways at the tenant refuse facility or mail kiosks.	Provide the detectable warning texture set forth in ANSI A117.1 (1986) 4.7.7 and 4.27.5 on curb ramps constructed incident to this decree.
<b>C. Clubhouse Interior</b>		
1.	<b>Leasing Office:</b>	
a.	At the front porch, the entrance door into the clubhouse party room has a latch side maneuvering space on the pull side less than the required 18" latch side maneuvering space.	Provide 18" latch side, pull side maneuvering space in accord with ANSI A117.1(1986) 4.13.6.
b.	The front porch entrance door to the clubhouse party room has a threshold that is higher than ½" and has a vertical level change greater than 1/4" without the required 1:2 ratio beveled slope.	Provide a threshold that meets the requirements of ANSI A117.1 (1986) 4.5.2; 4.13.8 and ADA Standards 4.5.2 and 4.13.9 to the front porch entrance door to the clubhouse party room.
c.	<i>Intentionally Blank</i>	<i>Intentionally Blank</i>
d.	The lowered transaction counter protrudes more than 4" into the circulation area of the room and with a lower edge higher than 27" above the floor.	Provide a permanent cane detectable warning that meets requirements of ANSI A117.1 (1986) 4.4.1 or reduce the protruding counter to less than 4" into the circulation area.
2.	<b>Party Room/Coffee Bar:</b>	

a.	The sink in the coffee bar area is mounted higher than 34 inches above the finished floor, and it is set in a counter unit that does not have a removable base unit.	Provide a sink that meets the height and knee clearance requirements of ANSI A117.1 (1986) 4.19.2
b.	<i>Intentionally Blank</i>	<i>Intentionally Blank</i>
c.	<i>Intentionally Blank</i>	<i>Intentionally Blank</i>
d.	The eating-counter protrudes more than 4" into the circulation area of the room and with a lower edge higher than 27" above the floor.	Provide a permanent cane detectable warning that meets requirements of ANSI A117.1 (1986) 4.4.1 or reduce the protruding counter to less than 4" into the circulation area
3.	<b>Uni-sex Toilet in the Party Room:</b>	
a.	A 30" x 48" clear floor space is not provided outside the inward swing of the toilet door.	Provide the clear floor space required by ANSI A117.1 (1986) 4.2.4 and ADA Standards 4.2.4.
b.	The side grab bar is mounted too far from the rear wall, maximum allowable distance is 12", as is shown on the plans.	Relocate grab bar to conform with ANSI A117.1 (1986) 4.16.4.
c.	The height of the toilet is lower than 17" - 19" off the floor.	Provide a toilet seat that is 17"-19" off the floor as provided by ANSI A117.1 (1986) 4.16.3.
4.	<b>Entry into the theater:</b>	
a.	<i>Intentionally Blank</i>	<i>Intentionally Blank</i>
b.	The door to the rear porch has, at the exterior side, has a threshold higher than the ½ inch.	Provide a threshold that meets the requirements of ANSI A117.1 (1986) 4.5.2; 4.13.8 to the door to the rear porch.
5.	<b>Theater</b>	
a.	There is no audio-amplification system available for those with hearing impairments.	Provide an audio listening system in accord with ANSI A117.1 (1986) 4.31.1, 4.31.6 and 4.31.7.
6.	<b>Outside uni-sex Toilet:</b>	

a.	The door from the toilet to the rear porch has, at the exterior side, a threshold that is higher than the ½".	Provide a threshold that meets the requirements of ANSI A117.1 (1986) 4.13.8 from the toilet to the door to the rear porch.
b.	The height of the toilet is lower than 17" - 19" off the floor.	Provide a toilet seat that is 17"-19" off the floor as provided by ANSI A117.1 (1986) 4.16.3.
c.	The rear grab bar is centered too far away from the side wall, a maximum 6" allowed.	Relocate grab bar to conform with ANSI A117.1 (1986) 4.16.4.
7.	<b>Exercise Room:</b>	
a.	The rear covered porch entrance door to the exercise room has, at the exterior side, a threshold higher than 1/2" and has a vertical level change greater than 1/4" without the required 1:2 ratio beveled slope	Provide a threshold that meets the requirements of ANSI A117.1 (1986) 4.5.2; 4.13.8 at the rear covered porch door to the exercise room.
b.	The front porch side entrance door to the exercise room has at the exterior side a threshold higher than the maximum ½" allowed and has a vertical level change greater than 1/4" without the required 1:2 ratio beveled slope.	Provide a threshold that meets the requirements of ANSI A117.1 (1986) 4.5.2; 4.13.8 at the front porch side entrance door to the exercise room.
8.	<b>Uni-sex Toilet in the Exercise Room:</b>	
a.	The height of the toilet is lower than 17" - 19" off the floor.	Provide a toilet seat that is 17"-19" off the floor as provided by ANSI A117.1 (1986) 4.16.3.
D.	<b>Rear Porch Deck and Swimming Pool</b>	
1.	<b>Pool approach walkway routes from the accessible parking space at the front of the Clubhouse, and the parking spaces from the side street, Alliance Place,</b>	

a.	The curb ramp at the access aisle in front of the clubhouse has a cross slope greater than 2% and slope greater than 8.33% at the flare.	Repair or replace curb ramp to meet requirements of ANSI A117.1 (1986) 4.3.7
b.	The approach walkway from the side and front walkways to the pool area has a maneuvering space in front of the pool access gate that is not level, but has a slope greater than 2% toward the gate.	Provide a level maneuvering space in front of the pool access gate in accord with ANSI A117.1 (1986) 4.13.6.
c.	The access gate to the swimming pool is an inward swinging iron gate with the latch mounted on the pool side of the gate that is outside of the reach range of a person in a wheelchair. There is no latch on the approach side, making it outside the reach range of wheelchair users and difficult for a person in a forward approach to reach the operating mechanism of the latch.	Repair or reposition gate latch such that it is within the reach range of a person in a wheelchair in accord with ANSI A117.1 (1986) 4.25.4 and 4.13.9.
2.	<b>Swimming Pool:</b>	
a.	<i>Intentionally Blank</i>	<i>Intentionally Blank</i>
b.	<i>Intentionally Blank</i>	<i>Intentionally Blank</i>
c.	The south and west side of the ramp to the whirlpool has no edge protection and no railing.	Provide all of the ramp features required by ANSI A117.1 (1986) 4.8.5 and 4.8.7.
d.	The landing of the ramp to the whirlpool, where it changes direction, does not have a 60" x 60" minimum landing clear space at direction change.	Provide a 60" x 60" minimum landing clear space at direction change in accord with ANSI A117.1 (1986) 4.8.4 (3).
e.	The handrail at the ramp to the whirlpool does not have extensions of 12" beyond the top and bottom end of the ramp segment, parallel to the deck beneath.	Provide extensions of 12" beyond the top and bottom end of the ramp segment in accord with ANSI A117.1 (1986) 4.8.5 (2).
f.	The controls of the whirlpool do not meet the requirement of being operable without tight grasping, pinching, or twisting of the wrist.	Provide controls that meet ANSI A117.1 (1986) 4.25.4.
4.	<b>The Mail Kiosk at 1480 Eddystone Lane</b>	





a.	The approach walkway has a running slope that exceeds the allowable 5.0%.	Reduce the running slope to 5% or less or provide ramp features required by ANSI A117.1 (1986) 4.3.7 and 4.8
b.	There are no provisions for a 4'-0" x 20'-0" painted access aisle and post mounted sign designating an accessible passenger loading zone adjacent and parallel to the vehicle pull-up space.	Provide a passenger loading zone adjacent and parallel to the vehicle pull-up space that conforms with ANSI A117.1 (1986) 4.6.3.
5.	<b>The Tenant Refuse Facility Serving Phase 1.</b>	
a.	There are no provisions for a 4'-0" x 20'-0" painted access aisle and post mounted sign designating an accessible passenger loading zone adjacent and parallel to the vehicle pull-up space.	Provide a passenger loading zone adjacent and parallel to the vehicle pull-up space that conforms with ANSI A117.1 (1986) 4.6.3.

**APPENDIX D**

**ACCESSIBILITY RETROFITS TO ALL GROUND FLOOR UNITS AT CAMDEN**

Defendants Richard and Milton Grant Company, J. Richard Grant, Milton Grant, Richard and Milton Grant, LLC, Camden Grove, LLC, Camden Grove 2, LLC, and John R. Gillentine shall be jointly and severally responsible for taking all corrective actions pertinent to the interior of covered dwellings at Camden<sup>2</sup>, as follows:

<b>I.</b>	<b>Fair Housing Accessibility Guidelines Requirement 6. Reinforced walls for grab bars.</b>	
1.	The bathroom walls in all ground floor units were not constructed with reinforcements in the walls to allow for the later of grab bars or were not located in accord with Requirement 6 Fig. 4.	Install reinforcements in bathroom walls to allow for later installation of grab bars in all ground floor units, per 42 U.S.C. § 3604(f)(3)(C)(iii)(III), or install grab bars upon request of tenant in all ground floor units.

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<sup>2</sup> This requirement will not apply to the following: 1572 Elkhorn Lane; 562 Sedona Drive; 9923 Canterwood Drive; 9941 Canterwood Drive; 9963 Canterwood Drive; 9980 Waterstone; 9929 Waterstone Place; 9948 Cerise Avenue; 9965 Waterstone; 9980 Cerise Avenue; 9949 Cerise Avenue; 9947 Cerise Avenue; 9946 Alliance Place; 9963 Cerise Avenue; 9984 Lyric Lane; 1548 Seahawk Cove; 9964 Monarch Drive; 9990 Windstream Lane; 10014 Windstream Lane.

**APPENDIX E**

**TENANT NOTICE OF RETROFITS FOR \_\_\_\_\_ APARTMENTS**

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

This is to advise you that, as a result of a settlement in a case brought by the United States against the owners and the other builders and designers of this apartment complex, we have agreed to modify some of the apartments at \_\_\_\_\_ to provide greater accessibility for people with disabilities. Your units is one of those that does not meet the accessibility requirements of the Fair Housing Act. We want you to know that you may request to have your apartment modified now at no cost to you. The actual work will take no more than five days and, should you have to move out temporarily, we will pay reasonable relocation and housing expenses while the modifications are being made.

Depending on the particular features of your unit, the modifications may include:

**[ITEMIZE]**

While you do not have to request the modifications now, you should be aware that this work must be completed within one year, regardless of your intention to stay in the apartment for a longer time. A representative will be contacting you soon to review these modifications and to discuss a time frame within which these modifications will be made.

If you have any questions, please contact us at \_\_\_\_\_.



**APPENDIX F**

**ARCHITECT'S/ENGINEER'S CERTIFICATE**

I hereby certify that I have read and am familiar with the accessibility requirements and provisions of the Fair Housing Act, 42 U.S.C. § 3604 (f) (1)-(3), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601-3619 (the "Act"), the Fair Housing Accessibility Guidelines, 24 CFR Chapter I, Subchapter A, Appendix II and III, ANSI A117.1-(1986), and Sections 302 and 303 of the Americans with Disabilities Act, 42 U.S.C. §§ 12182 and 12183 ("ADA"), implemented by 28 C.F.R. pt. 36, including the ADA Standards, 28 C.F.R. pt. 36, Appendix A, and that the plans that I am submitting are, to the best of my knowledge and belief, consistent with these requirements and provisions.

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[Principal Engineer/Architect's Signature]

**APPENDIX G**  
**RELEASE FORM**

In consideration of and contingent upon the payment of the sum of ten thousand dollars and no cents (\$10,000.00), pursuant to the Consent Order entered in Memphis Center for Independent Living and United States v. Richard and Milton Grant Co., et al., Case No.: 01-2069 D/Pha, (W.D Tenn.), the Memphis Center for Independent Living (hereinafter "MCIL"), a plaintiff in this matter, hereby releases and forever discharges the Defendants named in this action from any and all liability for any claims, legal or equitable, MCIL may have against them arising out of the issues alleged in this action as of the date of the entry of that Consent Order. MCIL fully acknowledges and agrees that this release of the Defendants shall be binding on its representatives, successors, administrators, and assigns.

I, Deborah Cunningham, Director of the Memphis Center for Independent Living hereby acknowledge that I have read and understand this release and have executed it voluntarily and with full knowledge of its legal consequences on behalf of Plaintiff Memphis Center for Independent Living.

\_\_\_\_\_  
Deborah Cunningham, Director  
Memphis Center for Independent Living  
1633 Madison Avenue  
Memphis, TN 38104

\_\_\_\_\_, 2007

**APPENDIX H**

**ACKNOWLEDGMENT OF RECEIPT OF CONSENT ORDER**

I \_\_\_\_\_, am an employee of [Name of Defendant] \_\_\_\_\_ at [Where duties are performed] \_\_\_\_\_ and my duties include [supervisory employee, sales or rental agent, and site manager involved in the design, construction, sale or rental of covered dwellings] \_\_\_\_\_.

I have received and read a copy of the Consent Decree in *Memphis Center for Independent Living and United States v. J. Richard Grant, et al.*, C.A. No. 01-2069 (W.D. Tenn.), and have been given instruction on (1) the terms of this Consent Decree, (2) the requirements of the Fair Housing Act, particularly related to the Act's design and construction requirements, (3) the requirements of the Americans with Disabilities Act (ADA) particular related to the ADA's design and construction requirements; and (4) my responsibilities and obligations under the Consent Decree, the Fair Housing Act, and the ADA.

[DATE]

\_\_\_\_\_  
Employee Signature

**APPENDIX I**

**CERTIFICATION OF FAIR HOUSING TRAINING**

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Date