

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MEMPHIS CENTER FOR)	
INDEPENDENT LIVING,)	
)	
Plaintiff, and)	
)	
UNITED STATES OF AMERICA,)	Case No.: 01-2069 D/Pha
)	Judge Bernice Donald
Plaintiff-Intervenor,)	
)	
v.)	
)	
MAKOWSKY CONSTRUCTION COMPANY,)	
INC., ARCHEON, IN.C, REAVES SWEENEY)	
MARCOM, INC., W. H. PORTER & CO., INC.,)	
PENN INVESTORS, INC., JAN REALTY, INC.,)	
BELZ/SOUTH BLUFFS, INC., MRB-WINDYKE, L.P.,)	
MRB-STONEBRIDGE, L.P., and)	
MAKOWSKY RINGEL GREENBERG, LLC,)	
)	
Defendants.)	
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Accessibility Retrofits to Magnolia Hills Apartments at Hernando

Defendants JAN Realty, Inc., Penn Investors, Inc., and Belz/South Bluffs, Inc. shall be responsible for taking corrective actions to correct the following at Magnolia Hills Apartments.

Magnolias Hills Apartments

I. Regarding FHA Design Requirement #1- Accessible building entrance on an accessible route.

1		Incomplete accessible route to and between primary entrances of ground floor units and public and common use areas	Provide accessible route that complies with ANSI 4.3, as indicated in attached site plan.
2	A.	Accessible pedestrian access from McIngvale Road.	Install accessible pedestrian route that complies with ANSI 4.3 between ground floor units and public streets or sidewalks. The route will be substantially as depicted in the attached site plan.
3	B.	There are no accommodations for accessible resident or visitor parking provided from which accessible building entrances may be approached located on the shortest possible accessible circulation route, at the following locations [ANSI 4.6.1]:	
4	1.	Building 6 southwest entry has no accessible parking provided.	Provide accessible parking on accessible route for this building in compliance with ANSI 4.3 and 4.6, as indicated on attached site plan.
5	2.	Building 9 has no accessible parking provided.	Provide accessible parking on accessible route for this building in compliance with ANSI 4.3 and 4.6, as indicated on attached site plan.
6	3.	Building 11 east entry has no accessible parking provided.	Provide accessible parking on accessible route for this building in compliance with ANSI 4.3 and 4.6, as indicated on attached site plan.
7	4.	Building 12 southeast entry has no accessible parking provided.	Provide accessible parking on accessible route for this building in compliance with ANSI 4.3 and 4.6, as indicated on attached site plan.
8	5.	Building 14 has no accessible parking provided.	Provide accessible parking on accessible route for this building in compliance with ANSI 4.3 and 4.6, as indicated on attached site plan.
9	6.	Building 15 east entry has no accessible parking provided.	Provide accessible parking on accessible route for this building in compliance with ANSI 4.3 and 4.6, as indicated on attached site plan.
10	C.	The access aisles serving the accessible parking spaces are not level (or the location of where an access aisle is required [ANSI 4.3.7].	
11	4.	Accessible parking space at southwest entry of Building 8	
12	a.	The front of the accessible parking space (at the location of the missing access aisle) has a "running" slope of 4.0%.	Provide accessible parking on accessible route for this building in compliance with ANSI 4.3 and 4.6, as indicated on attached site plan.

13	F.	The routes from the parking space to the building entrances have running slopes exceeding 5% without the required ramp features such as slopes not to exceed 8.33%, handrails and level landings or cross slopes exceeding the allowed 2% [ANSI 4.3.7 and 4.8]	Provide accessible route in compliance with ANSI 4.3, as indicated on attached site plan.
14	3.	Building 4 southeast entry	
15	a.	The running slope of the walk is 11.3%	Install new walkway in the rear of building to an accessible parking in compliance with ANSI 4.3 and 4.6, as indicated on attached site plan.
16	7.	Building 6 northeast entry	
17	b.	The running slope of the walk is 8.7%.	Replace walk and modify running slope to no more than 5%.
18	9.	Building 9 southwest entry	
19	a.	The running slope of the walk is 9.7%	Replace walk at southeast breezeway or front of building entrance and modify slope to no more than 5%.
20	12.	Building 10 west entry	
21	a.	The running slope of the walk is 11.2%	Replace walk and modify slope to no more than 5%.
22	13.	Building 11 west entry	
23	a.	The running slope of the walk is 7.5%	Replace walk and modify slope to no more than 5%.
24	14.	Building 11 east entry	
25	a.	The running slope of the walk is 6.3%	Replace walk and modify slope to no more than 5%.
26	15.	Building 12 southeast entry	
27	a.	The running slope of the walk is 10.3%	Replace walk and modify slope to no more than 5%.
28	16.	Building 13 west entry	
29	a.	The running slope of the walk is 6.8%	Replace walk and modify slope to no more than 5%.
30	b.	The stairs encroach approximately 18" on the	Add concrete to existing level area to create ANSI compliant maneuvering space at landing.

		required level area at the top of the ramp at the landing.	
31	G.	The accessible routes from the parking areas to the building entrances have abrupt level changes, greater than 1/4", without bevel or ramp features [ANSI 4.3.8].	Provide accessible route in compliance with ANSI 4.3, as indicated on attached site plan.
32	2.	Building 3 southeast breezeway	
33	a.	There is a change in level and a gap of 3" at the plumbing clean out in the breezeway, which exceeds the allowable 1/4" vertical change in level without bevel or ramp features at this location [ANSI 4.3.8].	Modify and repair concrete surrounding plumbing clean out to reduce level change to no more than 1/4".
34	3.	Building 4 northeast breezeway	
35	a.	There is a change in level of 1 1/2" at the plumbing clean out in the breezeway, which exceeds the allowable 1/4" vertical change in level without bevel or ramp features at this location [ANSI 4.3.8].	Modify plumbing clean out to reduce level change to no more than 1/4".
36	5.	Building 9 northeast breezeway	
37	a.	There is a change in level of 1" at the plumbing clean out in the breezeway, which exceeds the allowable 1/4" vertical change in level without bevel or ramp features at this location [ANSI 4.3.8].	Modify plumbing clean out to reduce level change to no more than 1/4".
38	J.	The designated accessible spaces do not have the required 60" wide access aisle, or the accessible space is not 96" wide as required [ANSI 4.6.2]	
39	2.	Building 3 northwest accessible parking space	
40	a.	The accessible parking space is 13'-0" wide, with no designated access aisle.	Install 5' access aisle in existing 13' space.
41	4.	Building 6 northeast accessible parking space	

42	a.	The accessible parking space is 9'-0" wide, with no designated access aisle.	Install 5' wide access aisle outside ramp and adjacent to designated accessible parking space.
43	5.	Building 8 southeast accessible parking space	
44	a.	The accessible parking space and access aisle are 13'-0" wide, however, the designated access aisle is only 4'-0" wide.	Widen existing access aisle to 5'.
45	6.	Building 8 southwest accessible parking space	
46	a.	The accessible parking space is 12'-5 1/4" wide, with no designated access aisle.	Add 6 3/4" to space and create a 5' access aisle from existing parking space.
47	8.	Building 11 west accessible parking space	
48	a.	The accessible parking space is 9'-0" wide, with no designated access aisle.	Install 5' access aisle adjacent to space and outside ramp.
49	9.	Building 12 northwest accessible parking space	
50	a.	The accessible parking space is 9'-11 1/2" wide, with no designated access aisle.	Install 5' access aisle adjacent to space and outside ramp.
51	10.	Building 13 west accessible parking space	
52	a.	The accessible parking space is 9'-2" wide, with no designated access aisle.	Install 5' access aisle adjacent to space and outside ramp.

II Regarding FHA Design Requirement #2- Accessible and Usable Public and Common Use Areas

53	A.	The dumpster is a common use element and is not accessible for the following reasons:	
54	2.	Curb Ramp at passenger loading zone serving dumpster has the following violations:	Repair and replace curb ramp, sidewalks and modify handrail issues cited in order to make dumpster area accessible.
55	a.	The curb ramp has a running slope of 9.4% {ANSI 4.7.2}	

56	b.	The curb ramp has a cross slope of 3.7% [ANSI 4.3.7]	
57	4.	The ramp serving dumpster is not compliant for the following reasons:	
58		<p>b. The handrail is mounted too high to the gripping surface at 43" above the ramp [ANSI 4.8.5(2)].</p> <p>c. There are no handrail extensions at the bottom of the ramp [ANSI 4.8.5(2)].</p> <p>d. The gap between the handrail and the wall exceeds the allowable 1 1/2" at 2 1/2" [ANSI 4.8.5(3)].</p>	
59	5.	The stairs serving the dumpster is not compliant for the following reasons (this is required since the stair is adjoining an accessible route):	
60	a.	There is no handrail at one side of the stair serving the dumpster (this is required since the stair is adjoining an accessible route [ANSI 4.9.4]	Install additional handrail at stairs.
61	b.	There is no handrail extension at the bottom of the handrail [ANSI 4.9.4(2)].	Install handrail extensions on both rail ends (see a. above).
62	6.	There is no accessible route connecting the dumpster to the covered units on the site (the user must wheel or walk into the vehicular traffic lane or access the dumpster unit by means of a vehicle) [Req't. #2].	Provide trash removal services for residents of ground floor units in building 6 upon request.
63	B.	The Car Wash is a common use element and is not accessible for the following reasons:	
64	1.	The coin slot at the vacuum cleaner is too high at 54" above the grade [ANSI 4.25.3].	This was leased from third party vendor at Stonebridge and defendants will request substitution of compliant coin operated machine from vendor. If not independent

			vendor then modify.
65	2.	The coin slot at the car wash device is too high at 50" above the grade [ANSI 4.25.3].	See II-B-1 above.
66	3.	The "wand" at the car wash device requires tight grasping and pinching to operate [ANSI 4.25.4].	See II-B-1 above.
67	D.	The Laundry/Mail Facility is a common use element and is not accessible for the following reasons:	
68	3.	The required clear floor space at the mailboxes is not level and has a slope of 9.0% [ANSI 4.3.7].	Provide mail delivery service to entrance of ground floor units on request.
69	4.	The upper row of mailboxes are outside the allowable unobstructed side reach range at 76" to the key [ANSI 4.25.3]	See II-D-3 above.
70	5.	The entry door at the Laundry Facility has round hardware, not lever type [ANSI 4.13.9].	Install lever hardware at this location.
71	7.	There is no accessible route connecting the Laundry/Mail Facility to the covered units on the site (the user must wheel or walk into the vehicular traffic lane or access the dumpster unit by means of a vehicle) [Req't. #2].	Create new designated accessible space with access aisle and walk entrance to laundry and mailbox from east side of building. See attached site plan for accessible routes from covered units. Remove old accessible parking.
72	E.	The Leasing Office/Clubhouse is a common use element and is not accessible for the following reasons:	
73	4.	The top of the brochure outlet is higher than the allowable 54" for an unobstructed side reach range at 61 1/2" to the top of the box [ANSI 4.2.6].	Lower brochure holder to no more than 48" from the ground.
74	5.	The gate to the pool area has only 2" provided at the pull side forward approach maneuvering clearance where 18" is required and is not level with a slope of 4.1% [ANSI 4.13.6].	Install and modify slope of additional concrete at pull side forward approach for 18" x 48" maneuvering space. (Ensure that both slope and need for additional maneuvering space are addressed in fix.)

75	6.	There is no connecting route between the sidewalk connecting the covered units to the pool area and Fitness Center to the sidewalk leading from the accessible parking to the Leasing Office [Req't.#2].	Install accessible connecting route in compliance with ANSI 4.3, as provided on attached site plan.
76	8.	The following comments are specific to the at the restroom serving both the Leasing Office and the Multi-Purpose Room:	
77	a.	The tissue dispenser is located on the far side of the toilet space, not the side wall adjacent to the toilet as required [ANSI 4.16.6].	Relocate dispenser to side wall.
78	b.	The rear grab bar is only 24" long, not 36" as required [ANSI 4.16.4].	Install 36" grab bar.
79	c.	The side grab bar extends only 51 1/2" from the rear wall to the furthest point from the rear wall-not 54" as required [ANSI 4.16.4].	Relocate side grab bar to 54" from rear wall.
80	9.	The doors that enclose the common use kitchenette in the Multi-Purpose room have round hardware that requires tight grasping and twisting of the wrist to operate [ANSI 4.13.9].	Install lever hardware at this location.
81	10.	The counter at the common use kitchenette in the Multi-Purpose Room is too high at 36 1/4" a.f.f., not 34" as required and the required knee clearance is not provided [ANSI 4.19.2.2].	Provide additional table space at 34" a.f.f. with knee space in the multi purpose room.
82	11.	The television supports at the Fitness Center are protruding objects, the supports are only 58" a.f.f. at the point where the bracket extends 4" from the wall surface, not 80" as required [ANSI 4.4.1].	Install permanent cane detection below televisions.

83	12.	The thermostat in the Fitness Center is too high to the topmost control at 58" a.f.f., not 54" a.f.f. max for an unobstructed side approach [ANSI 4.2.6].	Install lock box around thermostat.
84	13.	The following comments are specific to the at the restroom serving Fitness Center:	
85	a.	The signage is located on the door [ANSI 4.28.7].	Move or add signage to wall at side of door.
86	b.	The door requires 8.0 lbf to operate, not 5.0 max. as required [ANSI 4.13.11(b)].	Reduce force of door to 5.0 max.
87	c.	The door hardware at the entry door into the Restroom is round and requires tight grasping and twisting of the wrist to operate [ANSI 4.13.9].	Install lever hardware at this location.
88	d.	The rear grab bar is only 24" long, not 36" as required and does not extend 12" to either side of the centerline of the toilet [ANSI 4.16.4].	Install 36" grab bar at rear wall.
89	14.	There is no accessible route connecting the Leasing Office/Clubhouse to the covered units on the site (the user must wheel or walk into the vehicular traffic lane or access the dumpster unit by means of a vehicle).	Install accessible route from leasing office to covered units in compliance with ANSI 4.3, as indicated on attached site plan. Stripe walkways where accessible route crosses vehicular way.
90	F.	The required accessible route connecting the covered residential units to the common use elements of the leasing office, laundry/mailbox facility and dumpster is accomplished by means of a sidewalk which encircles the facility connecting all buildings (except as noted). The following violations were found at these sidewalks.	
91	G.	Curb Ramps at All Buildings	
92	1.	None of the curb ramps along the required accessible routes have a detectable warning texture, [ANSI 4.7.7]	Score the surface of concrete on all newly installed or constructed curb ramps.
93	a.	Photograph shows that there are	Stripe access aisle at base of curb cut.

		walkways in front of parking spaces which when legally occupied block or reduce the clear width of the accessible route to less than 36" See p. 46 of Magnolia's report	
94	H.	The sidewalks at these locations have running slopes exceeding 5% without the required ramp features such as slopes not to exceed 8.33%, handrails and level landings [ANSI 4.8]	
95	1.	Section of sidewalk between and connecting buildings 1-3- The running slope at this location is 8.0%	Replace walk and modify slope to no more than 5%.
96	3.	Section of sidewalk between and connecting buildings 5 and 10- The running slope at this location is 7.0%	Replace walk and modify slope to no more than 5%.
97	J.	The cross slope of the sidewalk exceeds the allowable 2% [ANSI 4.3.7]:	
98	1.	Section of sidewalk between and connecting buildings 1-3- The cross slope of the sidewalk exceeds the allowable 2% for most of the route [ANSI 4.3.7]:	
99	a.	The cross slope at this location is 4.2%	Modify cross slope to no more than 2%.
100	3.	Section of sidewalk between and connecting buildings 1-3- The cross slope of the sidewalk exceeds the allowable 2% for most of the route [ANSI 4.3.7]:	
101	a.	The cross slope at this location is 3.5%	Modify cross slope to no more than 2%.
102	b.	The cross slope at this location is 3.6%	Modify cross slope to no more than 2%.
103	4.	Section of sidewalk between and connecting buildings 1-3- The cross slope of the sidewalk exceeds the allowable 2% for most of the route [ANSI 4.3.7]:	

104		<p>a. The cross slope at this location is 3.2%</p> <p>b. The cross slope at this location is 4.9%</p> <p>c. The cross slope at this location is 3.0%</p>	Install accessible route system in compliance with ANSI 4.3, as shown on attached site plan.
105	7.	Section of sidewalk between and connecting buildings 5 and 10- The cross slope of the sidewalk exceeds the allowable 2% for most of the route [ANSI 4.3.7]:	
106	c.	The cross slope at this location is 3.3%	Modify cross slope to no more than 2%.
107	9.	Section of sidewalk between and connecting buildings 5 and 10- The cross slope of the sidewalk exceeds the allowable 2% for most of the route [ANSI 4.3.7]:	
108	a.	The cross slope at this location is 3.6 %	Modify cross slope to no more than 2%.
109	K.	Change in level along accessible route connecting the covered units to the common use elements.	
110	1.	Section of sidewalk between and connecting buildings 1-3 – there is a vertical change in level at the steps provided without a ramp, or the required handrails at the steps	Provide accessible route in compliance with ANSI 4.3, as indicated on attached site plan.
111	2.	Section of sidewalk between and connecting buildings 1-3 to the clubhouse- There is a change in level and a gap in the pavement at the transition between the walk and the drive lane, which exceeds the allowable ¼” vertical change in level without bevel or ramp features at this location [ANSI 4.3.8].	Repair gap in pavement transition to reduce level change to no more than ¼”.

1 BR Apartment Unit “1A1” – (Apartment 405 reviewed as typical for this unit type

112	III.	Regarding FHA Design Requirement #3- Useable Doors	
113	1.	The entry door at the unit has a closer and latch. Therefore, a maneuvering	Defendants will provide copy of local government’s fire code that requires the closer. If

		clearance is required at the push or exterior side. The required 12" is not provided for a forward approach, and the maneuvering clearance has a change in level adjacent to the door of 1 1/2", which does not allow for a hinge side push approach.	no requirement, will remove spring closer on request.
114	2.	The closets in the Bedroom are 28" deep, requiring user passage. The closet door provides only 27 1/2" clear, not 32" as required.	Widen doors to both closets to 32," upon request.
115	IV.	Regarding FHA Design Requirement #4- Accessible route into and through the covered units.	
116	1.	The sliding patio doors have at the interior side a vertical threshold of 3/4" without the required ramp elements	As turned, install 1/4" Masonite board under floor covering to reduce level change at interior threshold.
117	2.	The door at the Storage Closet off the exterior patio has a vertical threshold of 1" without the required ramp elements	On request, ramp over the level drop on the exterior side of storage closet and bevel the abrupt level change in the interior side of the closet.
118	V.	Regarding FHA Design Requirement #5- Light Switches, electrical outlets, thermostats, and other environmental controls in accessible locations	
119	1.	The electrical wall outlets throughout the unit were mounted below the allowable height (15" to the lowest outlet per Fair Housing Act Accessibility Guidelines) at 13" a.f.f.	On request, provide and install as many extenders for outlets as needed.
120	2.	The thermostat controls were mounted above the maximum side reach of a wheelchair user (48" maximum per Fair Housing Accessibility Guidelines) at 58 1/4" a.f.f.	As turned, lower thermostat operable controls to no more than 48" a.f.f.

121	3.	The electrical wall outlets and switch for the disposal unit above the kitchen counter were mounted above the allowable height (46" side approach, 44" forward approach per Fair Housing Act Accessibility Guidelines) at 47" a.f.f. for a side approach.	On request, provide and install as many extenders for outlets as needed and lower disposal switch.
122	VI.	Regarding FHA Design Requirement #6- Reinforced walls for grab bars	
123	1.	There is no way to confirm the presence of reinforcing in the walls of units surveyed in the project.	On request, install grab bars surrounding the bathing and toilet areas in accordance with ANSI 4.21.4.
124	VII.	Regarding FHA Design Requirement #7- Usable Kitchens and Bathrooms	
125	1.	The following Fair Housing Act violations were present in the Kitchens of the surveyed units:	
126		VII-1 The required 30" x 48" clear floor space is not provided for a centered parallel approach as follows- the refrigerator is situated flush against the side wall and the clear floor space is not centered, nor is the 48" deep forward approach provided since there is only 35 1/2" provided between the face of the refrigerator and the opposite wall.	On request, rotate the refrigerator 90 degrees to provide a forward approach.
127	2.	The following Fair Housing Act violations were present in the Bathrooms of the surveyed units:	
128		Unit 1A1- In the Bathroom, where the toilet is located adjacent to walls or bathtubs, the centerline of the toilet is required to be a minimum of 18" from the wall or bathtub. The toilet in the Bathroom is only 17" to the centerline from the grab bar wall.	Survey units as turned and modify toilet where there is less than 16" from wall or bathtub to centerline of toilet.
129		Unit 1A1- In the Bathroom, where the toilet is mounted in an alcove less than 48" wide, the cabinet or wall on the open side should be no more than 24" deep. The wing wall in this unit is 26 1/2" long.	As turned, trim wing wall.

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2 BR Apartment Unit "2A1" – (Apartment 205 reviewed as typical for this unit type)

130	III.	Regarding FHA Design Requirement #3- Useable Doors	
131	1.	The entry door at the unit has a closer and latch. Therefore, a maneuvering clearance is required at the push or exterior side. The required 12" is not provided for a forward approach, and the maneuvering clearance is has a change in level adjacent to the door of 1 1/2", which does not allow for a hinge side push approach.	Defendants will provide copy of local government's fire code that requires the closer. If no requirement, will remove spring closer on request.
132	IV.	Regarding FHA Design Requirement #4- Accessible route into and through the covered units.	
133	1.	The sliding patio doors have at the interior side a vertical threshold of 3/4" without the required ramp elements	As turned, install 1/4" Masonite board under floor covering to reduce vertical level change of interior threshold.
134	2.	The door at the Storage Closet off the exterior patio has a vertical threshold of 1" without the required ramp elements.	On request, ramp over the level drop on the exterior side of storage closet and bevel the abrupt level change in the interior side of the closet.
135	V.	Regarding FHA Design Requirement #5- Light Switches, electrical outlets, thermostats, and other environmental controls in accessible locations	
136	1.	The electrical wall outlets throughout the unit were mounted below the allowable height (15" to the lowest outlet per Fair Housing Act Accessibility Guidelines) at 14" a.f.f.	On request, provide and install as many extenders for outlets as needed.
137	2.	The thermostat controls were mounted above the maximum side reach of a wheelchair user (48" maximum per Fair Housing Accessibility Guidelines) at 58 1/2" a.f.f.	As turned, lower thermostat operable controls to no higher than 48" aff.
138	3.	The electrical wall outlets and switch for the disposal unit above the kitchen counter were mounted above the	On request, provide and install as many extenders for outlets as needed and lower disposal switch.

		allowable height (46" side approach, 44" forward approach per Fair Housing Act Accessibility Guidelines) at 47" a.f.f. for a side approach.	
139	4.	The electrical wall outlet above the bathroom counter was mounted above the allowable height (46" side approach, 44" forward approach per Fair Housing Act Accessibility Guidelines) at 51" a.f.f. for a forward approach.	On request, provide and install as many extenders for outlets as needed.
140	VI.	Regarding FHA Design Requirement #6- Reinforced walls for grab bars	
141	1.	There is no way to confirm the presence of reinforcing in the walls of units surveyed in the project.	On request, install grab bars surrounding the bathing and toilet areas in accordance with ANSI 4.21.4.
142	VII.	Regarding FHA Design Requirement #7- Usable Kitchens and Bathrooms	
143		The following Fair Housing Act violations were present in the Kitchens of the surveyed units:	
144	1.	The required 30" x 48" clear floor space is not provided for a centered parallel approach as follows- the refrigerator is situated flush against the side wall and the clear floor space is not centered, nor is the 48" deep forward approach provided since there is only 39" provided between the face of the refrigerator and the dishwasher opposite.	On request, remove door to adjacent laundry room to provide additional maneuvering space.
145		The following Fair Housing Act violations were present in the Bathrooms of the surveyed units:	
146		Unit 2A1- In Bath 2, the toilet does not have the required 48"	In Bath 2, on request, remove base cabinet, finish floor and protect pipes under sink to provide knee
147	3.		

148	4.	<p>wide clear floor space at the bathtub/shower unit for a side approach- only 46" is provided.</p> <p>Unit 2A1- In Bath 2, since there is no knee clearance under the lavatory or removable cabinets, a 48" wide parallel clear floor is required to be centered on the fixture. The toilet encroaches on this required clearance.</p>	<p>space for a forward approach, and sufficient width at the toilet and provide alternative storage for loss of storage in cabinets.</p>
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3 BR Apartment Unit "3A1" – (Apartment 913 reviewed as typical for this unit type)

149	III.	Regarding FHA Design Requirement #3- Useable Doors	
150	1.	<p>The entry door at the unit has a closer and latch. Therefore, a maneuvering clearance is required at the push or exterior side. The required 12" is not provided for a forward approach, and the maneuvering clearance is has a change in level adjacent to the door of 1 1/2", which does not allow for a hinge side push approach.</p>	<p>Defendants will provide copy of local government's fire code that requires the closer. If no requirement, will remove spring closer on request.</p>
151	IV.	Regarding FHA Design Requirement #4- Accessible route into and through the covered units.	
152	1.	<p>The sliding patio doors have at the interior side a vertical threshold of 3/4" without the required ramp elements</p>	<p>As turned, install 1/4" Masonite board under floor covering to bevel threshold.</p>
153	2.	<p>The door at the Storage Closet off the exterior patio has a vertical threshold of 1" without the required ramp elements</p>	<p>On request, ramp over the level drop on the exterior side of storage closet and bevel the abrupt level change in the interior side of the closet.</p>
154	V.	Regarding FHA Design Requirement #5- Light Switches, electrical outlets, thermostats, and other environmental controls in accessible locations	
155	1.	<p>The electrical wall outlets throughout the unit were mounted below the allowable height (15" to the lowest outlet per Fair Housing Act Accessibility Guidelines) at 13" a.f.f.</p>	<p>On request, provide and install as many extenders for outlets as needed.</p>

156	2.	The thermostat controls were mounted above the maximum side reach of a wheelchair user (48" maximum per Fair Housing Accessibility Guidelines) at 63 1/2" a.f.f.	As turned, lower thermostat so operable controls are no higher than 48".
157	3.	The electrical wall outlets and switch for the disposal unit above the kitchen counter were mounted above the allowable height (46" side approach, 44" forward approach per Fair Housing Act Accessibility Guidelines) at 47" a.f.f. for a side approach.	On request, provide and install as many extenders for outlets as needed and lower disposal switch.
158	4.	The electrical wall outlet above the bathroom counter was mounted above the allowable height (46" side approach, 44" forward approach per Fair Housing Act Accessibility Guidelines) at 47" a.f.f. for a forward approach.	On request, provide and install as many extenders for outlets as needed.
159	VI.	Regarding FHA Design Requirement #6- Reinforced walls for grab bars	
160	1.	There is no way to confirm the presence of reinforcing in the walls of units surveyed in the project.	On request, install grab bars surrounding the bathing and toilet areas in accordance with ANSI 4.21.4.
161	VII.	Regarding FHA Design Requirement #7- Usable Kitchens and Bathrooms	
162		The following Fair Housing Act violations were present in the Kitchens of the surveyed units:	
163	1.	The required 30" x 48" clear floor space is not provided for a centered parallel approach as follows- the refrigerator is situated flush against the side wall and the clear floor space is not centered, nor is the 48" deep forward approach provided since there is only 39" provided between the face of the refrigerator and the dishwasher opposite.	On request, remove door to laundry room to provide additional maneuvering space.
164		The following Fair Housing Act violations were present in the Bathrooms of the surveyed units:	

165	2.	<p>In Bath 1, the bathroom is not designed with any clearances to provide access. There is no clearance to enter the bathroom clear of the door swing and the clearance is not provided at the toilet. Therefore, Bath 2 is being reviewed for the provisions of Specification "B" Bathrooms.</p>	<p>As turned, remove privacy wall at toilet and relocate door to location opposite lavatory to allow for clear floor space in Bath #1 to create specification A bathroom.</p>
166	3.	<p>In Bath 2, the toilet encroaches on the required 30" x 60" clear floor space adjacent to a tub/shower unit in a Specification "B" Bathroom.</p>	<p>On request, remove base cabinet, finish floor, and install pipe protection at lavatory to allow sufficient maneuvering space at toilet</p>
167	4.	<p>In Bath 2, since there is no knee clearance under the lavatory or removable cabinets, a 48" wide parallel clear floor is required to be centered on the fixture. The toilet encroaches on this required clearance. [Req't. #7, 2(b)iv Fig. 7c].</p>	<p>See VII-3, above.</p>

ADAAG Issues

168		<p>ADAAG Portion of the Leasing Office/Clubhouse is a Public Accommodation and is not accessible for the following reasons:</p>	
169	2.	<p>There is no designation of the "Van Accessible" parking space [ADAAG 4.64]</p>	<p>Install "van accessible" designation sign at this location.</p>
170	6.	<p>The following comments are specific to the restroom serving both the Leasing Office and the Multi Purpose Room:</p>	
171	a.	<p>The signage is located on the door [ADAAG 4.28.7].</p>	<p>Relocate signage to wall adjacent to door.</p>

