

Performance Audit

**DEPARTMENT of CITY PLANNING  
AMERICANS WITH DISABILITIES ACT  
COMPLIANCE PROGRAM**

Report by the  
Office of City Controller

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February 2011

February 24, 2011

To the Honorables: Mayor Luke Ravenstahl and  
Members of Pittsburgh City Council:

The Office of City Controller is pleased to present this Performance Audit of the *City's Americans with Disabilities Act Compliance Program* conducted pursuant to the Controller's powers under Section 404(c) of the Pittsburgh Home Rule Charter. This audit assesses the City's compliance with ADA requirements for local governments and the effectiveness of the City ADA Program in resolving accessibility complaints and promoting accessibility.

## EXECUTIVE SUMMARY

On July 26, 1990 the United States Congress enacted the Americans with Disabilities Act (ADA). The Act guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications. Disability is defined by the ADA as "a physical or mental impairment that substantially limits a major life activity". Persons determined to be protected by the ADA are 'qualified individuals'.

Under Title II of the Act, state and local governments with 50 or more employees have notice, grievance procedure and program coordinator designation requirements.

## Findings and Recommendations

### City Government ADA Compliance

**Finding:** City government is in compliance with the ADA notice, grievance procedure and coordinator designation requirements for local governments with 50 or more employees.

**Finding:** The City's ADA notice is easily accessible from the front page of the City Internet site.

**Finding:** The City has established a grievance procedure for any person who feels discriminated against on the basis of disability in City employment, practices and policies, programs, activities, or services. The City's ADA Grievance Policy is readily accessible from the City internet site.

**Finding:** The City has had a designated ADA Coordinator since 2008.

## Grievance Procedure Timeline Compliance

**Finding:** The city of Pittsburgh has established a grievance procedure in accordance with the requirement of the Americans with Disabilities Act.

**Finding:** The City ADA Coordinator stated that the number of complaints regarding City procedures and services was minimal. These complaints were not resolved through the posted City grievance procedure but were referred to the City Law Department by the ADA Coordinator.

**Recommendation:** Instead of referring complaints about City policies and services to the City Law Department, the ADA Coordinator should follow the grievance procedure that is posted on the City ADA website. The grievance procedure is a federal ADA administrative requirement that must be followed as well as posted.

## City Facilities and ADA Accessibility Compliance

**Finding:** City facility ADA compliance is an on-going project for the ADA Coordinator. As of November 9, 2010, 10 City senior citizens centers and 9 community recreation centers have been evaluated and assessed for compliance with ADA accessibility requirements

## Senior Center ADA Accessibility Survey

**Finding:** Application of ADA accessibility testing criteria at City Senior Centers was inconsistent. Not all items were rated at all centers. For example, men's restroom sink height was not measured at 3 centers, doorway width was measured at only 2 centers and accessible parking (or lack thereof) was rated at only 4 of the 10 centers.

**Finding:** Some items were rated as ADA compliant or not compliant while other items were measured without a corresponding compliance rating.

**Finding:** The federal government has developed a checklist for existing facilities to help identify accessibility problems. The checklist is easily obtained on line at [www.ada.gov](http://www.ada.gov).

**Recommendation:** The Americans with Disabilities Act Accessibility Guidelines (ADAAG) checklist for Buildings and Facilities could be used to ensure consistency in future City building accessibility assessments.

**Recommendation:** In the alternative, an ADA compliance template should be developed to ensure consistency when reviewing and rating ADA compliance in City facilities. At a minimum, the same survey should be used for all similar facilities, e.g., senior centers.

**Recommendation:** Each compliance survey should be filled out in its entirety. All items should be assessed compliant or not compliant. When an item on the list does not exist in a facility, the item should be marked as not applicable (NA).

#### Strategic Planning Team Attendance

**Finding:** The auditors reviewed ADA's strategic planning team minutes for March and June 2009 and 2010. Department and Authority Member representation at these meetings was less than optimal (less than 50%). For example, representatives from Emergency Operation Centre, Magistrate Courts and Sports and Exhibition Authority did not attend any of the scheduled meetings.

**Recommendation:** The ADA Coordinator should ask the Mayor's Office to encourage representatives of all City departments to attend Strategic Planning Team meetings.

#### City Facility Analysis and Management Plan

The Facilities Analysis Management Plan (FAMP) was created to evaluate the cost/benefit of maintaining, mothballing or disposing City facilities. FAMP is under the auspices of the Department of Public Works (DPW).

**Finding:** ADA accessibility assessment is not included in any facility analysis contract entered into by the Department of Public Works.

**Finding:** Schedule permitting, City ADA staff accompanies the contractor and conducts an accessibility survey while the contractor performs the facility assessment.

**Recommendation:** The cost of making each City facility accessible should be part of every facility assessment.

**Recommendation:** The Department of City Planning should ask the Department of Public Works to consider amending an existing architectural engineering contract to provide ADA accessibility assessment. Checklists are available at [www.ada.gov](http://www.ada.gov). Having one contractor use a prepared checklist would help assure consistency in facility accessibility assessment.

#### Department of Public Works Curb Ramps Policy

**Finding:** Missing curb ramps are routinely installed when streets are repaved.

**Finding:** Because of funding limitations, the Department of Public Works must prioritize curb ramps requests from the public.

## Mayor 311 Response Line ADA Complaints

**Finding:** The majority of ADA related complaints to the Mayor's 311 response line were resolved in less than one month.

**Finding:** Seven (13%) of the complaints were resolved the same day as they were reported. It took 12 months or longer to resolve eight (15%) of the reported complaints.

**Finding:** The majority of public complaints concerned handicapped curb ramp cut requests.

**Finding:** A review of the 311 request records indicates that the ADA Coordinator makes an extra effort to communicate the City's response to the complainant. The auditors noted personal letters sent and personal phone calls made by the Coordinator to explain what the City could or could not do concerning a particular concern or request.

## City-County Task Force on Disabilities

**Finding:** A review of the posted agendas and minutes shows that the task force is involved with a variety of subjects from snow removal from sidewalks to building accessibility and an Exposition for people with disabilities.

## City Visitability Tax Credits

Since 2004, the City has offered tax credits to encourage visitability features in the renovation of existing residential structures and in new residential construction.

**Finding:** According to the ADA Coordinator, no one has applied for the City Visitability Tax credits so he has not produced any annual visitable housing reports.

**Recommendation:** The ADA Coordinator should comply with his own activity summary that includes producing an annual report on the status of Visitability Tax Credits.

**Finding:** Given the City's hilly terrain with many houses located at the top of multiple steps, installing the six accessibility features required by City Visitability Ordinance would be impossible or cost prohibitive in many existing structures. Residences in flatter sections of the City such as South Side flats would be better candidates for the credit.

**Recommendation:** The ADA Coordinator should consider using pamphlets and other means to increase Visitability Tax Credit awareness. The Bureau of Building Inspection Permit Office can be a good source to promote the Visitability tax credit.

We are pleased that the ADA Coordinator has already implemented many of our recommendations for improvement.

Sincerely,

Michael E. Lamb  
City Controller

## INTRODUCTION

This performance audit of the City's Americans with Disabilities Act Compliance Program was conducted pursuant to Section 404 (c) of the Pittsburgh Home Rule Charter. This is the Controllers first audit of the program.

## OVERVIEW

On July 26, 1990 the United States Congress enacted the Americans with Disabilities Act (ADA). Congress intended that the Act "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities". The Act guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

Disability is defined by the ADA as "a physical or mental impairment that substantially limits a major life activity". A major life activity is an activity that an average person can perform with little or no difficulty such as walking, seeing, hearing, speaking, learning, performing manual tasks, caring for oneself and working. Whether a person is protected by the ADA is determined by how much the impairment limits a major life activity. The determination is made on a case by case basis. Persons determined to be protected by the ADA are 'qualified individuals'.

The ADA consists of five separate parts or titles: Title I relates to employment; Title II concerns public services; Title III pertains to public accommodations and commercial facilities; Title IV refers to telecommunications; and Title V covers miscellaneous other items.

Title I of the ADA prohibits discrimination in employment against qualified individuals with disabilities.

Title II of the ADA prohibits discrimination in programs, services, or activities of public entities (state and local governments), including public transportation operated by public entities.

Title III of the ADA requires that private businesses that are places of "public accommodation"—such as restaurants, health clubs, department stores, convenience stores and specialty shops, and hotels and motels—allow individuals with disabilities to participate equally in the goods and services that they offer. This title also requires that all future construction of commercial facilities—including office buildings, factories, and warehouses—and places of public accommodation be constructed so that the building is accessible to individuals with disabilities.

Title III also mandates modifications in policies, practices, and procedures. Commercial businesses and places of public accommodation are required to provide auxiliary aids and services, and to make accessible transportation available when transportation services are offered. In addition, companies are required to remove architectural and communications

barriers and to comply with ADA in any ongoing or new construction. The Act stipulates that all fixed-route or on-demand transportation services—such as hotel-to-airport and other shuttle services—be accessible to persons in wheelchairs and other disabled individuals.

Title IV of the ADA requires telephone companies to make relay services available for persons with hearing and speech impairments.

Title V ties the ADA to the Civil Rights Act of 1974 and its amendments. It includes a variety of miscellaneous legal and technical provisions, including one that stipulates that the ADA does not override or limit the remedies rights, or procedures of any federal, state, or local law which provides greater or equal protection for the rights of individuals with disabilities.

### Reasonable Accommodations and Readily Achievable

Title I of the ADA requires an employer with 15 or more employees to provide reasonable accommodation for individuals with disabilities, unless it would cause undue hardship on the operation of the employer's business. Reasonable accommodation is any change or modification in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities. No modifications or changes must be undertaken until a qualified individual has been hired.

Undue hardship is defined as an "action requiring significant difficulty or expense" when considered in light of a number of factors. These factors include the nature of and cost of the accommodation in relation to the employers' resources and size. Undue hardship is determined on a case-by-case basis.

The terminology "readily achievable" refers to business obligations to clients or guests and applies to actions that can be accomplished without much difficulty or expense or an undue burden to the business. An undue burden might involve, for example, putting in an elevator in a small two-story shop. "Readily achievable" modifications must be made in anticipation of a disabled guest's or client's needs.

### Enforcement by Agency

The ADA is enforced by the federal Department of Justice (DOJ) and Equal Employment Opportunity Commission (EEOC). The DOJ enforces the ADA's requirements in three areas: Title I: Employment practices by units of State and local government; Title II: Programs, services, and activities of State and local government and Title III: Public accommodations and commercial facilities. Enforcement methods include formal and informal settlement agreements and lawsuits. The DOJ cannot sue a party unless negotiations to settle the dispute have failed. The EEOC can bring civil lawsuits against employers for Title I violations. Judicial remedies include injunctive relief, compensatory damages, back pay and civil penalties.

## Private Enforcement

The ADA allows private plaintiffs to receive only injunctive relief (a court order requiring the public accommodation to remedy violations of the accessibility regulations) and attorneys' fees, and does not provide monetary rewards to private plaintiffs who sue non-compliant businesses.

## State and Local Government ADA Requirements

Under Title II of the Act, state and local governments with 50 or more employees are required to:

1. Adopt and distribute a public notice about the relevant provisions of the ADA.
2. Develop and publish grievance procedures to provide fair and prompt resolution of complaints under Title II of the ADA at the local level.
3. Designate at least one employee responsible for coordinating compliance with the ADA and investigating ADA complaints.

State and local governments with less than 50 employees must only comply with the public notice requirement.

This audit assesses the City's compliance with ADA requirements for local governments and the effectiveness of the City ADA Program.

## **METHODOLOGY**

The auditors met with the ADA Compliance Officer, Director of City Planning and Assistant Director of Development and Design to discuss the City's compliance with the Americans with Disabilities Act and the role of the ADA Coordinator. Internet research was conducted for local government requirements under the ADA. The auditors reviewed ADA information posted on the City internet site and other information provided by the ADA Coordinator.

The ADA Coordinator provided City-County ADA Task Force guidelines and a Rundown on Current Activities for the ADA Coordinator. Other information provided by the ADA Coordinator included 311 complaints, City facility ADA compliance reviews and City ADA Taskforce minutes.

The auditors selected the following areas for testing: 311 complaint resolution, Senior Citizen Center ADA compliance, ADA Strategic Planning team and City ADA complaint process.

Mayor 311 complaints regarding ADA issues were analyzed for complaint type and timeliness of resolution. The auditors gathered information from surveys conducted by the office of the ADA Coordinator during January-June 2010 to perform ADA facility compliance testing. The auditors also reviewed ADA's Strategic Planning team minutes to assess representation of all City Departments in Quarterly scheduled meetings. The ADA Coordinator was asked to provide City ADA complaint process documentation.

## **OBJECTIVES**

1. To assess City compliance with ADA requirements for local government.
2. To assess City effectiveness in resolving accessibility complaints and in promoting accessibility.
3. To make recommendations for improvement.

## **SCOPE**

Audit scope is 2008 to June 2010. Audit scope for 311 complaint resolution is 2006 through March 2010.

## FINDINGS AND RECOMMENDATIONS

### City Government ADA Compliance

**Finding:** City government is in compliance with the ADA notice, grievance procedure and coordinator designation requirements for local governments with 50 or more employees.

The first page of the City internet site has a link for ADA Resource Information. Users are directed to the Department of City Planning/ADA Coordinator web page. A click on the City ADA Policies link leads to links for Public Meeting Statement, Reasonable Accommodation Policy and Grievance Policy.

### ADA Notice Requirement

The ADA requires the City to adopt and distribute a public notice about the relevant provisions of the ADA to all persons who may be interested in City programs, activities and services. The notice is required to include relevant information regarding Title II of the ADA, and how it applies to the programs, services, and activities of the public entity.

The notice can be published in a variety of formats, such as job applications, program hand books, and activities schedules on the government entity's web site.

**Finding:** The City's ADA notice is easily accessible from the front page of the City Internet site.

The City ADA Notice states that all public events and meetings held by the City are accessible to people with disabilities. Persons needing assistance due to disability as defined under ADA who wish to participate in these meetings or events are advised to call the ADA Coordinator office at least 3 business days prior to the event to request an accommodation.

### Grievance Procedure Requirement

The City must develop and publish grievance procedures to provide fair and prompt resolution of complaints under Title II of the ADA at the local level.

**Finding:** The City has established a grievance procedure for any person who feels discriminated against on the basis of disability in City employment, practices and policies, programs, activities, or services. The City's ADA Grievance Policy is readily accessible from the City internet site.

The grievance procedure establishes timelines for complaint submission, for the ADA coordinator to meet with the complainant and offer written options for resolution of the complaint. The grievance procedure also establishes timelines for appeal if the complainant disagrees with the Coordinator's recommendations.

### ADA Coordinator Designation Requirement

Federal law requires any public entity with 50 or more employees to designate at least one person as an ADA Coordinator.

**Finding:** The City has had a designated ADA Coordinator since 2008.

Prior to 2008 the City used the service of an ADA Compliance Officer in place of ADA Coordinator. In 2007 the ADA coordinator title was created and in 2008 the Compliance Officer was promoted to ADA Coordinator.

According to the Department of City Planning website, the ADA Compliance Officer is responsible for ensuring that all programs, services, and activities provided by the City of Pittsburgh are accessible to people with disabilities. The ADA Compliance Officer also assists architects, developers, business owners, landlords and others in designing or redesigning their facilities so that they are usable by all persons, including those with disabilities.

### Grievance Timeline Compliance Test

**Finding:** The city of Pittsburgh has established a grievance procedure in accordance with the requirement of the Americans with Disabilities Act.

According to the ADA website, the grievance procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, or benefits by the City of Pittsburgh.

The complaint should be submitted in writing to ADA Coordinator as soon as possible but no later than 60 calendar days of alleged violation. Complaint should include information such as name, address, phone number of complainant and date, location and description of the problem. Alternative means of filling complaints such as personal interviews, or tape recording can be used.

### Grievance Resolution Timeline

The ADA Coordinator will meet with the complainant to discuss the problem within 15 calendar days after receipt of complaint. Within 15 calendar days of this meeting the ADA Coordinator will respond in writing and explain the position of the City in regard to the problem and offers options for resolution of the complaint. The response where appropriate will be in accessible form such as large print, braille, or audio tape. If the complainant disagrees with the outcome of the meeting, he/she can appeal the decision of the ADA Coordinator to the Director of the City Planning within 15 calendar days after receipt of the response. The Director of City Planning will meet with the appropriate City Department and Personnel to review and address the appeal. The Director of City Planning meets the complainant within 15 calendar days after

receipt of the appeal to discuss the problem and offer solution. The Director of City Planning will offer a final decision in writing within 15 calendar days of this meeting.

Written complaints, appeals and decisions made by the ADA Coordinator and the Director of City Planning are kept for at least three years.

To test compliance with the above timeline, the auditors requested the following grievance procedure data from 2008 to June 2010: complaint type, date complaint received, date coordinator met with complainant, date coordinator responded in writing and City's proposed resolution. If applicable, date of appeal to Director of City Planning, date when Director met with appropriate City department, date when Director met with complainant, date when Director offers final solution.

**Finding:** The City ADA Coordinator stated that the number of complaints regarding City procedures and services was minimal. These complaints were not resolved through the posted City grievance procedure but were referred to the City Law Department by the ADA Coordinator.

### **RECOMMENDATION No. 1:**

Instead of referring complaints about City policies and services to the City Law Department, the ADA Coordinator should follow the grievance procedure that is posted on the City ADA website. The grievance procedure is a federal ADA administrative requirement that must be followed as well as posted.

### City Facilities and ADA Accessibility Compliance

**Finding:** City facility ADA compliance is an on-going project for the ADA Coordinator. As of November 9, 2010, 10 City senior citizens centers and 9 community recreation centers have been evaluated and assessed for compliance with ADA accessibility requirements.

### Senior Center ADA Accessibility Survey

From January to June 2010, a City Planning intern conducted ADA accessibility surveys of ten (10) City Senior Centers. The auditors grouped the results into 6 categories and listed any item found in any survey under that category.

**Finding:** Application of ADA accessibility testing criteria at City Senior Centers was inconsistent. Not all items were rated at all centers. For example, men's restroom sink height was not measured at 3 centers, doorway width was measured at only 2 centers and accessible parking (or lack thereof) was rated at only 4 of the 10 centers.

**Finding:** Some items were rated as ADA compliant or not compliant while other items were measured without a corresponding compliance rating.

**Finding:** The federal government has developed a checklist for existing facilities to help identify accessibility problems. The checklist is easily obtained on line at [www.ada.gov](http://www.ada.gov).

**RECOMMENDATION No. 2:**

The Americans with Disabilities Act Accessibility Guidelines (ADAAG) checklist for Buildings and Facilities could be use to ensure consistency in future City building accessibility assessments.

**RECOMMENDATION No. 3:**

In the alternative, an ADA compliance template should be developed to ensure consistency when reviewing and rating ADA compliance in City facilities. At a minimum, the same survey should be used for all similar facilities, e.g., senior centers.

**RECOMMENDATION No. 4:**

Each compliance survey should be filled out in its entirety. All items should be assessed compliant or not compliant. When an item on the list does not exist in a facility, the item should be marked as not applicable (NA).

The auditors organized the Senior Center testing sheets into 6 areas of accessibility: Accessible Parking, Doorways Accessibility (e.g. width, entrance step, etc.), Restroom Signs (e.g. handicapped sign displayed, readability, etc.), Men's and Women's Restroom, (e.g. sink/toilet/faucet height, handicapped accessible etc.), and Activity Room, (e.g. table height, water fountain, etc.) Sixty eight items were evaluated under these headings.

**Finding:** The auditors should have found 680 entries (68 items x 10 senior centers). Only 171 entries were found in the 10 senior center compliance surveys. Seventy one (71) of the entries were rated compliant, 84 items were rated non-compliant and 16 items were noted or measured but not specified as complaint or not.

Table 1 shows the Senior Center survey results by accessibility classification category. The auditors used 4 types of classifications to explain the survey results: Compliant or non-compliant with ADA accessibility regulations, not classified as either compliant or non-compliant and missing from a particular center survey.

**TABLE 1  
SENIOR CENTER  
ADA ACCESSIBILITY SURVEYS**

	NUMBER ITEMS IN COMPLIANCE		NUMBER ITEMS NOT IN COMPLIANCE		NUMBER ITEMS NOT CLASSIFIED		NUMBER ITEMS MISSING*		TOTAL
Accessible Parking	3	30%	1	10%	0	0%	6	60%	10
Doorway Accessibility	7	8%	10	11%	1	1%	72	80%	90
Restroom Signs	1	1%	10	13%	1	1%	68	85%	80
Men's Restroom	25	13%	28	15%	6	3%	131	69%	190
Women's Restroom	26	14%	20	11%	3	2%	131	72%	180
Activity Room	9	8%	15	11%	4	3%	102	78%	130

\*It is not known if these items existed in all Centers.

#### ADA Strategic Planning Team

According to the ADA website, the ADA Strategic Planning Team is a group of employees from all city departments and authorities that meet quarterly to identify problems and barriers to accessing city services, programs, activities, and buildings and works collaboratively to remove those barriers.

#### Strategic Planning Team Attendance

**Finding:** The auditors reviewed ADA's strategic planning team minutes for March and June 2009 and 2010. Department and Authority Member representation at these meetings was less than optimal (less than 50%). For example, representatives from Emergency Operation Centre, Magistrate Courts and Sports and Exhibition Authority did not attend any of the scheduled meetings.

#### **RECOMMENDATION No. 5:**

The ADA Coordinator should ask the Mayor's Office to encourage representatives of all City departments to attend Strategic Planning Team meetings.

## City Facility Analysis and Management Plan

The Facilities Analysis Management Plan (FAMP) was created to evaluate the cost/benefit of maintaining, mothballing or disposing City facilities. FAMP is under the auspices of the Department of Public Works (DPW).

### FAMP Contracts

DPW has contracted with multiple consulting firms for “on call” architectural and engineering services. One firm is contracted to provide comprehensive reviews of city facilities. Included in the comprehensive review are assessments of building mechanical and electric systems and building code compliance.

**Finding:** ADA accessibility assessment is not included in any facility analysis contract entered into by the Department of Public Works.

**Finding:** Schedule permitting, City ADA staff accompanies the contractor and conducts an accessibility survey while the contractor performs the facility assessment.

According to the ADA Coordinator, the ADA report completed by City ADA staff is included in the contractor’s final assessment report.

### **RECOMMENDATION No. 6:**

The cost of making each City facility accessible should be part of every facility assessment.

### **RECOMMENDATION No. 7:**

The Department of City Planning should ask the Department of Public Works to consider amending an existing architectural engineering contract to provide ADA accessibility assessment. Checklists are available at [www.ada.gov](http://www.ada.gov). Having one contractor used a prepared checklist would help assure consistency in facility accessibility assessment.

## Department of Public Works and Curb Ramps

Curb ramps are critical for providing access between the sidewalk and the street for people who use wheelchairs. Curb ramps are most commonly found at intersections, but may also be used at other locations such as bus stops and midblock crossings.

**Finding:** Missing curb ramps are routinely installed when streets are repaved.

As part of its paving program, the Department of Public Works installs missing curb ramps. Missing curb ramps are installed where physical conditions allow it and where there is an ADA-accessible path such as a sidewalk.

While ramps are installed where they are currently absent, Public Works does not automatically update opposing ramps that do not currently comply with ADA requirements. This is done to preserve limited funds for additional missing ramps. The department budgets \$200,000-\$300,000 per year for curb ramp installation.

**Finding:** Because of funding limitations, the Department of Public Works must prioritize curb ramps requests from the public.

DPW also responds to complaints about missing ramps or ramps that do not comply with current ADA standards. Ramps are installed if someone requests them at an intersection that currently has no ramps and the ramp is feasible and connected to an ADA accessible path.

According to DPW Curb Ramp Policy, if there are major physical barriers such as catch basins or steep slopes, the most compliant ramp possible is installed. Due to limited funding, ramp requests are prioritized. Higher traffic areas have priority. The budget for requested ramps is \$1000-\$2000/year.

#### Mayor 311 Response Line ADA Complaints

The City's 311 Response Line received 65 ADA related complaints from January 2006 to July 2010. Most of the complaints were referred to the ADA Coordinator for resolution. A few complaints were referred to other City departments such as DPW. As of September 1, 2010, 54 of the 65 complaints were classified resolved and 11 were pending. The table below shows complaint status by year received and resolved status.

**TABLE 2**  
**311 ADA COMPLAINTS STATUS:**  
**RESOLVED AND PENDING**

<b>YEAR</b>	<b>NUMBER of COMPLAINTS RECEIVED</b>	<b>NUMBER of COMPLAINTS RESOLVED</b>	<b>NUMBER of COMPLAINTS PENDING</b>
2006	4	3	1
2007	27	24	3
2008	17	16	1
2009	7	3	4
2010*	10	8	2
<b>TOTAL</b>	<b>65</b>	<b>54</b>	<b>11</b>

\* Jan- July 2010

#### Complaint Resolved Date

The auditors analyzed the ADA complaints to evaluate the time between the date the complaint was received and the resolved date. **The resolved date is the date the department responds about what it can or cannot do about the complaint or request. Resolved date does not necessarily mean that the complaint was ‘solved’ on that date.**

**TABLE 3**  
**311 ADA COMPLAINT RESOLVE TIME**

<b>RESOLVE TIME</b>	<b>NUMBER OF COMPLAINTS</b>	<b>PERCENT</b>	<b>CUMULATIVE PERCENT</b>
Same day	7	13	13
Less than a week	13	24	37
Less than a month	9	17	54
Less than 3 months	7	13	67
Less than 6 months	5	9	76
Less than or Equal to 9 months	1	2	78
Less than or equal to 12 months	4	7	85
Greater than or equal to 12 months	8	15	100
<b>TOTAL</b>	<b>54</b>	<b>100</b>	

Table 3 illustrates the complete breakdown of complaint resolution timeline.

**Finding:** The majority of ADA related complaints to the Mayor’s 311 response line were resolved in less than one month.

**Finding:** Seven (13%) of the complaints were resolved the same day as they were reported. It took 12 months or longer to resolve eight (15%) of the reported complaints.

## Complaint Type

The auditors categorized the ADA related complaints into Public and Private complaints based on the subject of the complaint. For example, requests for curb cuts and ramps that could be resolved by a public entity such as DPW were classified as public. Complaints requiring resolution by a private entity such as a broken elevator in an apartment building owner were classified as private. Some complaints were classified as both public and private. An example is a complaint about lack of handicapped parking spaces in private and public (Parking Authority) downtown parking facilities.

Out of 54 resolved complaints, 32 (58%) were classified as public and 19 (36%) were classified as private complaints. Three complaints (6%) were classified as both public and private.

Table 4 shows public, private and public/private complaint's breakdown and the time that it took to resolve a complaint.

**Finding:** The majority of public complaints concerned handicapped curb ramp cut requests.

**TABLE 4  
ADA COMPLAINT TYPE AND RESOLVE TIME**

RESOLVE TIME	COMPLAINT TYPE								
	Public			Private			Public/Private		
	#	%	C%*	#	%	C%*	#	%	C%*
Same day	3	5	5	2	4	4	2	4	4
Less than a week	8	14	19	5	9	13	0	0	0
Less than a month	6	11	30	2	4	17	1	2	6
Less than 3 months	2	4	34	5	9	26	0	0	6
Less than 6 months	4	7	41	1	2	28	0	0	6
Less than or Equal to 9 months	1	2	43	0	0	0	0	0	6
Less than or equal to 12 months	2	4	47	2	4	32	0	0	6
Greater than or equal to 12 months	6	11	58	2	4	36	0	0	6
<b>TOTAL</b>	<b>32</b>	<b>58</b>		<b>19</b>	<b>36</b>		<b>3</b>	<b>6</b>	

\* C% = Cumulative percent

**Finding:** A review of the 311 request records indicates that the ADA Coordinator makes an extra effort to communicate the City's response to the complainant. The auditors noted personal letters sent and personal phone calls made by the Coordinator to explain what the City could or could not do concerning a particular concern or request.

## City-County Task Force on Disabilities

A City-County Task Force on Disabilities was established on July 26, 1994. This task force consists of 13 members who serve four year terms. Six members are appointed by the Mayor, six by the County Chief Executive and one is selected by the 12 appointed members. Four year term of each member corresponds with four year term service of the Mayor and County Chief Executive respectively. Membership is strictly voluntarily and members do not receive any financial reimbursement for their services.

The purpose of the task force is to advise the Mayor, Chief Executive and other government officials on the issues related to people with disabilities.

Members are required to meet at least four times each year including the annual meeting in June when officers are elected and budget is approved. The City's ADA Coordinator serves as staff to the task force. The Task Force minutes are posted on the City ADA website.

**Finding:** A review of the posted agendas and minutes shows that the task force is involved with a variety of subjects from snow removal from sidewalks to building accessibility and an Exposition for people with disabilities.

## Visitability

Visitability is the use of architectural design features that allow basic access and use of a residential dwelling by people with significant mobility impairments.

## City Visitability Tax Credits

Since 2004, the City has offered tax credits to encourage visitability features in the renovation of existing residential structures and in new residential construction. City Code Article IX Chapter 265.04.1, Tax Credit for Visitable Design, lists the six design requirements for tax credit eligibility: at least one no step entrance; minimum open width of 32 inches for all interior doorways on the visitable floor; minimum 36 inch wide circulation paths into and throughout the visitable floor; at least one powder room on the visitable floor that can support the installation of grab bars; light switch placement not higher than 48 inches from the floor; and acceptable slope for the grade of the path to the no step entrance.

## Visitability Tax Credit Application Process

When applying for a building permit, the homeowner must indicate intent to install the visitability features, notify the zoning officer and submit drawings and specifications of the visitability design. After the improvements have been completed, the homeowner must notify the Bureau of Building Inspection in order to get certification of completion. At that time the

owner can apply for tax credits of up to \$2,500 with the City Treasurer. City residents qualify for a tax credit for both the City and the County.

According to information supplied by the Coordinator, one of his ongoing activities is to promote visitable housing. The Coordinator is to conduct marketing committee meetings and produce an annual visitable housing report.

**Finding:** According to the ADA Coordinator, no one has applied for the City Visitability Tax credits so he has not produced any annual visitable housing reports.

**RECOMMENDATION No. 8:**

The ADA Coordinator should comply with his own activity summary that includes producing an annual report on the status of Visitability Tax Credits.

**Finding:** Given the City's hilly terrain with many houses located at the top of multiple steps, installing the six accessibility features required by City Visitability Ordinance would be impossible or cost prohibitive in many existing structures. Residences in flatter sections of the City such as South Side flats would be better candidates for the credit.

**RECOMMENDATION No. 9:**

The ADA Coordinator should consider using pamphlets and other means to increase Visitability Tax Credit awareness. The Bureau of Building Inspection Permit Office can be a good source to promote the Visitability tax credit.