



## **Accessible Parking: *What Every Montgomery County Property Manager, Condominium, and Homeowner's Association Needs to Know – FAQ's***

*This document contains information to Montgomery County property managers, condominium and homeowner associations and their residents about their responsibilities under the Fair Housing Act, the American with Disabilities Act and the Maryland Accessibility Code as they relate to the provision of accessible disability parking spaces. We will address the most frequently asked questions related to buildings and accessibility. Information in this article is being provided to you by the Montgomery County Department of Permitting Services, Office of Human Rights, Department of Health and Human Services, Commission on People with Disabilities, Maryland Codes Administration, and the County's Interagency Fair Housing Coordinating Group.*

### **What can I do if I suspect that the person issued a disability parking plate or placard does not need it?**

For persons who use mobility assistive devices such as wheelchairs or scooters, the property manager can readily appreciate the need for designated disability parking. The needs of persons with hidden disabilities (such as a serious heart condition) for reserved parking are not readily apparent but must be accommodated when they have the requisite Motor Vehicle Administration (MVA) permit. Drivers who regularly transport persons with disabilities are issued MVA permits or stickers that entitle them to reserved parking only when they are transporting a person with a disability that has been certified as needing a plate/placard. If property managers suspect a permit is not justified, they may report it to the MVA which issued the plate/placard as that office will follow up. A property manager may not ask for proof of disability. Only a police officer or an official designee in some jurisdictions is authorized to request to see the medical certification of having been issued a plate/placard. An individual must always have the copy of the medical certification in his/her possession whenever using the placard or plates. This certification must be presented to law enforcement upon request. Anyone committing fraud or misrepresenting themselves when applying for or using a parking placard for people with disabilities is subject to a fine of up to \$500. If disability conditions are not met, the plate/placards may be revoked.

### **What is proper signage and who tickets cars that are illegally parked in designated accessible parking spaces?**

The police will only enforce the accessible parking restrictions by issuing citations if the sign reserving the space complies with the requirement of the Maryland Accessibility Code.. Wheelchair symbols painted on the space are not official. Multi-family residential parking lots and commercial parking lots must conform to specific legal standards for providing and erecting signs for disability parking spaces.

- There must be a visible sign to identify each accessible space
- Free-standing signs must be mounted at least seven feet above the ground with the wheelchair symbol of accessibility, and include the supplemental signs indicating, "Maximum Fine \$250" and "Reserved parking"
- A sign mounted flush to a building or wall must be at least six feet but no more than ten feet above the ground
- Van accessible spaces at least 96" wide are to be identified with a supplemental "Van Accessible" sign and are accompanied with a supplemental 8 feet access aisle that has a "No parking in Access Aisle" sign

Anyone can call the Montgomery County Police Department non-emergency line at 301-279-8000 to come and ticket an illegally parked vehicle where the official sign is displayed. On private property the owner may also contract with a towing company to patrol and tow on its own motion. From a police perspective that enforcement for parking violations on private property is restricted to properly erected signage only for disabled parking and fire lanes. Please keep in mind that if a vehicle is left in a disabled parking space for an extended period, over 48hrs, then the Montgomery County Police Impound Lot Manager Vehicle Recovery Section can be contacted by a property representative to have the vehicle towed. Police would have the property representative fill out a consent form for removal of the vehicle.

Usually, the property owner incurs the cost of the tow, normally \$75-100. However, if the vehicle is in a properly marked parking space designated for a disabled person, then that fee can be waived. For more information about the removal of abandoned vehicles please call 240-773-6411 Office.

### **What is the responsibility of property managers and owners to provide reserved accessible parking spaces?**

It is the responsibility of the property owner or association, when requested to do so, to provide a reserved parking space for a person who possesses a disabled person's registration plate or placard issued by the MVA. The only reason this could be exempted if there is undue hardship or expense or it is architecturally infeasible to do so. Property owners and associations must provide reasonable accommodation and could be challenged in court on this issue. If there are assigned or deeded parking spaces, a visitor space or other owner space may have to be converted to a reserved accessible parking space.

### **What does a person do to request a reasonable accommodation for a designated disability parking space in a Condominium Association?**

The first step is for the resident to put a request in writing to the Condominium Association or property manager for a reasonable accommodation for a designated disability parking space, and they should explain where they think that space should be located so that they can effectively and safely utilize their unit. The resident should also explain that they have been certified by MVA that they need a disability parking space and ask for a response within a reasonable amount of time such as 30 days. If the Condominium Association or property manager fails to respond on or before that day, it would be assumed that it is a denial or a delay, then the resident can contact the Office of Human Rights to file a fair housing complaint at 240-777-8450. OHR has investigators and enforcement authority. Similarly, a condominium may have a shortage of parking spaces and a waiting list. If a disabled person needs a parking space in order to utilize a unit, that person must be moved to the head of the waiting list. If the disabled person must park next to the building exit and that space is already occupied by an existing owner who does not need an accessible parking space, a reasonable accommodation might be to give the non-disabled person a parking space further from the exit and the disabled person the more accessible spot. A lower federal court in New Jersey has ruled that a condominium association must accommodate a disabled person's request for a reserved parking space near the entrance of the apartment even though the master deed provided that parking spaces were common elements and required that decisions regarding commonly owned property be made by a vote of all the unit owners.

### **How many accessible parking spaces must be provided on each residential building site?**

When parking is provided at the site, for residents or visitors, the following must be included:

- accessible parking on a route accessible to wheelchairs for at least 2% of the covered dwelling units;
- on the same terms and with the full range of choices; e.g., surface parking or garage, that are provided for other residents of the project
- designated accessible parking as close as possible to the dwelling units upon request of residents who have MVA disability placards/plates
- accessible visitors parking which is sufficient to provide access to grade-level entrances of covered multifamily dwellings; and
- accessible parking at common use facilities (e.g. swimming pools, community centers) that serve accessible buildings.

For visitor parking and parking at facilities such as swimming pools the Guidelines do not require a specific number or percentage of spaces. Such parking should be provided in accordance with the local code, or at a minimum, provide at least one space for visitors and one space at each common use facility.

### **A person with a disability lives in a townhouse, and would like a reserved parking space and an accessible parking sign installed. How can they get one?**

First the individual should make a written request for a reasonable accommodation to the association or management company requesting a response on or before a certain date such as 30 days. If they do

not respond within the reasonable time requested such as 30 days, contact the Office of Human Rights Complaint Intake Line at 240-777-8450.

**How does a person request a disabled street parking space in public residential area?** If you or someone living in your home has a disability, you may be able to reserve a parking space near your home. (Private property such as roads controlled by HOA are issued by HOA or property manager in malls or private roads.) The steps for you to follow in requesting the action are described below:

You should request an Application for Personal Residential Permit for Reserved Parking Space from the MVA. You may obtain the form [downloading a copy](#) from the MVA's website or:

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- ByCall MVA's Fax on Demand System at **410-424-3050**
- Call MVA's Customer Service Center at **410-768-7000**
- Call MVA's Customer Service Center from out-of-state at **1-301-729-4550**
- TTY for the hearing impaired at **1-800-492-4575**
- Visit any [MVA branch office](#) (excluding Oakland)

Note: If you are requesting a space on behalf of a private business or an apartment or condominium complex, you must contact your local county government, rather than the MVA.

**When** you receive the application, complete and return it. The MVA Investigation and Security Services (ISS) division will review the application to see whether any of the following conditions exist that may disqualify your request:

- Your doctor certifies your disability is not permanent;
- Your residence is located in a private community or is located on a private roadway;
- Off-street parking is already available (e.g., garage, driveway, parking pad);
- No member of your household has a Maryland registered vehicle; OR,
- Your residence is on a street where parking is prohibited.

**If** your application is accepted, the MVA Investigation and Security Services (ISS) division will mail a medical certification form to your doctor to verify your disability.

The MVA Investigation and Security Services unit **will** conduct a site visit.

**If** everything is acceptable, you will receive a letter and stickers for up to 2 different vehicles. In Baltimore County, the county traffic division makes the final decision on reserving a space and will notify you.

**Reserved Accessible** parking signs will be installed within 30 days after the letter of approval is sent.

**If** your request is denied, you will receive a letter with information about how to appeal the decision.

There is no fee charged to reserve the parking space.

To request a new residential street sign please contact the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, Traffic Engineering Studies Section at [mcdot.TrafficOps@montgomerycountymd.gov](mailto:mcdot.TrafficOps@montgomerycountymd.gov) and provide a street name and preferably the residential address these signs are adjacent too. This way our technicians can quickly find the location and process a work order to have new signs installed.

**I am designing a parking lot. What are the dimensions for accessible parking spaces?**

There are different dimension for cars, vans and access aisles. Most vans are equipped with a lift or ramp at a side door so they need the extra wide access aisle (8 feet wide not 5 feet wide) for the lift to

come down, and for the person using the wheelchair or scooter to have sufficient space to roll on or off the lift. In Maryland, the ratio for a van accessible space to accessible parking spaces is 1:4. If your lot only requires one accessible parking space then that one must be van accessible. Generally, in addition to an 8 feet wide parking space, cars need a 5 foot access aisle and vans need an 8 feet access aisle. Check to be sure that there is a nearby curb cut onto the sidewalk. Also, please try to make the parking spaces as level as possible with no more than a 2% grade of slope. Contact Permitting Services Zoning Line by calling 311 for complete information.

<http://permittingservices.montgomerycountymd.gov/DPS/pdf/MarylandAccessibleParkingSpaces.pdf>

### **How many reserved accessible parking spaces are required?**

It depends on whether the project is commercial or residential. Contact Permitting's Plan Review Section by calling 311.

### **What does an official reserved accessible parking sign look like?**

Contact Permitting at 311 or go to the MD Accessibility Code. Sign needs to meet height requirements and Fine needs to be posted. Police cannot write a ticket for signs painted on pavement.

<http://mdcodes2.umbc.edu/files/parking.pdf>

### **I am a tenant in a strip shopping center built in 1980. Does my retail space need to be accessible?**

Yes, all lots shall conform with the requirements of the Maryland Accessibility Code after October 1, 2010. Especially those do something to their lot.

### **I am being told that if the parking lot was established prior to the ADA that they do not have to comply. Is this true?**

A. Not true.

### **Can I obtain a waiver from the Maryland Accessibility Code?**

You must first file a written formal request with the Maryland Department of Housing and Community Development 301-429-7400 or go to the web at <http://mdcodes2.umbc.edu/files/waiver.pdf>

### **I intend to obtain a building permit. Do my plans have to conform to the Maryland Accessibility Code? Do my plans also have to comply with ADA?**

Yes, in both cases. The Maryland Accessibility Code exceeds the ADA in that it requires one van accessible parking space in every four accessible spaces, but not less than one. The Code also requires that each van accessible parking space aisle have a "No Parking in Access Aisle" sign to prevent illegal parking.

### **I do not understand a provision of the ADA related to building accessibility. To whom can I speak?**

Contact the U. S. Architectural and Transportation Barriers Compliance Board 1-800-872-2253 or the ADA Information Center for the Mid-Atlantic Region at 301-217-0124. You can also contact Permitting's Plan Review Section by calling 311 and that will give you a technical opinion, but not an official interpretation of the ADAAG.

### **I have a complaint about the lack of accessibility at a local shopping Strip. Whom can I contact?**

Contact Montgomery County: 311

U. S. Department of Justice: 1-800-514-0301 (V), 1-800-514-0383 (TTY)

Montgomery County Office of Human Rights: 240-777-8450 (V), 240-777-8460 (TTY)

Maryland Disability Law Center: 301-925-9871 or 1-800-870-6362

Maryland Commission on Human Relations: 410-767-8600

## **GENERAL INFORMATION**

Permitting's Plan Review Section enforces the Maryland Accessibility Code for any building issued a construction permit after May 15, 1975. The Plan Review Section also enforces the Fair Housing Amendments Act of 1989 for all multi-family buildings. The Plan Review Section reviews all commercial plans for conformance to ADAAG, but lacks enforcement authority. Design consultation with the Plan Review Section is available by appointment by calling 311. A licensed architect must attend the consultation. The Plan Review Section does not enforce accessibility standards for the City of Rockville nor Town of Gaithersburg. Contact these respective municipalities for assistance.

