

## ACCESSIBLE FACILITIES AND BUILT ENVIRONMENTS POLICY

### 1. Goal and Shared Values

The City of Seattle will ensure all people's access to facilities, programs and services. The Accessible Facilities and Built Environments Policy provides a citywide framework for implementing Executive Order No. 01-2012, *Compliance with Accessibility Standards*, as a public entity defined under Title II of the federal Americans with Disabilities Act (ADA), such that City Departments and Offices manage, design, construct, alter, maintain, and lease City facilities and properties to comply with federal, state, and local accessibility requirements.

This Accessible Facilities and Built Environments Policy:

1. establishes an internal system for reviews of applicable City projects;
2. provides direction to City Departments and Offices on the priority and interpretation of accessibility requirements within the context of the overall project, and
3. articulates a sustainable plan for maintaining and improving access of City facilities and built environments.

This Policy addresses City's facilities and built environments as one component of the City's overall governance strategy to provide access to services, programs and activities for people with disabilities.

City Departments and Offices commit to:

- **Shared accountability:** recognize that achieving ADA compliance is a shared responsibility and proactively understand and carry out requirements of program accessibility
- **Collaboration:** share information and knowledge so the City continually improves accessibility of its programs and services
- **Clarity, efficiency, transparency, consistency:** establish a compliance review process that sets clear expectations for City Departments, can be incorporated efficiently into Departments' workflows, and is transparent and consistent in decision-making
- **Coordination:** create a compliance review process that is well-integrated with the larger regulatory context, such as building permits or street improvement permits approval processes
- **Realistic funding expectations:** while accessibility considerations are expected to be in the budget for new construction and renovation projects, the City should also place an emphasis on developing and allocating adequate sources of funding to carry out accessibility improvement projects on existing facilities.

### 2. Organizations Affected

City Departments and Offices that manage, design, construct, alter, maintain, and lease City facilities and properties shall meet the requirements of this Policy.

As guidelines for pedestrian facilities in the public right-of-way are being finalized at the federal level, the Seattle Department of Transportation (SDOT) shall determine its own internal policy and

system of review to ensure compliance with accessibility requirements in the right-of-way. SDOT is strongly encouraged to coordinate with this Policy.

The Seattle Office for Civil Rights (SOCR) is the designated citywide ADA Coordinator of the City's overall compliance with ADA such that each City service, program or activity, when viewed in its entirety, is readily accessible to and useable by individuals with disabilities. The framework from this Policy ensures ADA compliance of City's facilities and built environments, which contributes to the City's responsibility to provide equal access for people with disabilities to services, programs and activities.

**3. ADA Compliance Team (ACT)**

Approved in the 2013 Budget, the ADA Compliance Team (ACT) is responsible for centralized quality assurance and quality control over ADA compliance of all City facilities projects. ACT is the City's subject matter expert on technical issues in applying accessibility requirements, provides training and technical assistance to City Departments and Offices, and reviews City projects to ensure ADA compliance throughout project planning, design, permitting, construction and closeout. ACT performs oversight through the Compliance Review process detailed under Sections 5, 6 and 7 of this Policy, and reports directly to the City Purchasing and Contracting Services (CPCS) Director within the Department of Finance and Administrative Services (FAS).

**4. ADA Compliance Interdepartmental Team (IDT)**

The ADA Compliance Interdepartmental Team includes representatives from the City's capital Departments: Department of Finance and Administrative Services (FAS), Department of Parks and Recreation (DPR), Department of Transportation (SDOT), Seattle Center (Center), Seattle City Light (SCL), Seattle Public Library (SPL), and Seattle Public Utilities (SPU), and representatives from the Law Department, Department of Planning and Development (DPD), and the Seattle Office for Civil Rights (SOCR). The ADA Compliance IDT is responsible for:

- proposing, evaluating, and adopting any change to this Accessible Facilities and Built Environments Policy and ADA compliance review procedures established;
- communicating the latest accessibility compliance requirements with Department leadership to implement any necessary adjustments;
- discussing and vetting complex ADA compliance implementation issues, and
- providing oversight to the City's Self Evaluation and Transition Plan processes and any decisions around prioritization of funds for ADA improvement projects.

The ADA Compliance IDT shall meet quarterly or monthly, to carry out its duties. ACT staffs the ADA Compliance IDT.

**5. ADA Compliance Review for City Construction Projects (Excluding SDOT Projects)**

Achieving ADA compliance requires early engagement in projects to ensure all elements impacted by accessibility requirements are addressed from the beginning. The following procedures outline

the accessibility compliance review process for a typical non-SDOT City construction project; actual frequency of submittals and ACT responses will vary depending on the complexity of the accessible elements in the project. At several stages of a construction project, ADA compliance review entails some or all of the following:

5.1 Planning and Scoping Review

At the start of a project, City Departments shall meet with ACT to establish whether an ADA scope exists in the proposed project. ACT shall document the ADA scope determination for the project record. If ACT determines the project contains ADA scope, the project will continue to the subsequent review phases. If ACT determines the project includes no ADA scope, that decision will be documented and no further action will be required. If the project scope changes in the future, the accountable City Department notifies ACT for further ADA review.

Departments shall complete an ADA scope determination with ACT for City construction projects, including but not limited to Public Works projects, construction projects carried out by vendors or suppliers, and projects completed directly by City staff.

5.2 Preliminary Review

At the end of schematic design or equivalent project phase, a project representative shall submit the schematic design package to ACT for review and comment. Compliance review at this stage ensures that all required accessibility issues are addressed in the initial design documents. ACT shall provide written responses to document the project's ADA compliance status for the record. The department project representative shall respond to ACT comments documenting resolution of any compliance items at the next review step.

Departments shall complete a preliminary review with ACT for projects where schematic design drawings are developed.

5.3 Building Permit Documents Review

For City projects that require building permits from the City of Seattle, ACT shall complete the accessibility portion of compliance review for DPD. The protocols for ACT's accessibility reviews of City projects during building permit application were jointly established by DPD and ACT. ACT's accessibility review will be for compliance with the most stringent accessibility requirements as mandated by federal, state, and local laws and codes. These accessibility reviews will be conducted as an integrated part of DPD's building permit process, and will adhere to the typical review schedule expected for permit applications. DPD shall require ACT to waive or approve a project before building permits can be issued for the project.

For City projects that require permits from jurisdictions outside of the City of Seattle, responsible City Departments shall obtain the necessary permits from the appropriate

jurisdiction and work with ACT to ensure that the project complies with ADA requirements. Because ACT will be providing feedback and correction requests outside of the permitting process for these projects, close cooperation and early planning with the executing City department are especially encouraged.

All projects that require building permits shall complete a permit documents review with ACT.

5.4 Integrated Reviews with City Purchasing and Contracting Services (CPCS) Reviews  
Per City laws and regulations governing construction projects, when projects undergo review by CPCS, ACT shall conduct integrated reviews of the plans and specifications for compliance with accessibility requirements. Any accessibility deficiencies must be corrected before CPCS will authorize advertisement for bidding.

5.5 Accessibility Requirements Conformance Reviews  
Conformance reviews are conducted to ensure the project complies with applicable accessibility requirements as specified in the contract documents. On-site reviews are encouraged at appropriate points during project construction and at close-out. Accessibility requirements conformance reviews may be carried out by appropriate staff in the responsible Department, by ACT as available, or by a third-party entity appointed by the responsible Department. Conformance review reports shall be submitted to ACT and become part of the project record.

5.6 Compliance Review Procedures  
ACT has produced guidance documents and forms that detail procedures for each stage of ADA Compliance Review. Documents and forms are at:  
<http://www.seattle.gov/contracting/ada.htm>

## **6. ADA Compliance of Routine Maintenance Projects**

Recognizing many elements of accessible facilities and built environments are routinely managed by maintenance or facilities staff, City Departments and Offices are encouraged to conduct regular trainings to raise awareness of accessibility requirements and compliance issues in facilities maintenance. City Departments and Offices shall work with ACT to prepare training materials, and to schedule and conduct training sessions to keep current with the latest accessibility requirements, applicable standards, and product trends.

Departments and Offices responsible for bulk equipment purchases that are permanently installed (such as drinking water fountains) shall review product specifications and installation instructions with ACT to ensure the purchase conforms to the appropriate accessibility requirements. ACT shall work with the Compliance IDT and City Purchasing to establish threshold criteria and review procedures.

## 7. ADA Compliance Review for Other Projects

Other City-sponsored and/or City-operated projects that alter the physical environment may be subject to ACT review. The categories of projects that require ADA Compliance Review include, but are not limited to:

### 7.1 Funding Programs

The City operates programs that distribute funding for built projects open to the public that may be owned by the City or are on City-owned or -leased property. Departments and Offices that operate such funding programs shall work with ACT to determine appropriate review procedures, and are especially encouraged to work with ACT during initial funding evaluation and planning stages to determine ADA scope and feasibility. Examples of projects subject to review include built projects funded by the Department of Neighborhoods' Neighborhood Matching Fund and the Office of Arts and Culture's funding programs. Departments and Offices with funding programs are asked to limit ACT review initiation requests by City of Seattle program staff.

When built projects are funded by the City but will be owned and operated by others and constructed on land or within facilities owned by others, ACT will not review those projects for ADA compliance. It will be the responsibility of the Owner to ensure ADA compliance.

### 7.2 Leased Facilities

City Departments and Offices that own property leased by external organizations, or lease property from external organizations to operate a public program, are encouraged to review lease terms with the Law Department with consideration of the City's obligations under Title II of the ADA and other accessibility requirements. In cases concerning leased property, the Law Department or appropriate staff in the executing Department shall advise on Title II obligations as distinguished from Title III obligations, such that ACT may focus review on the City's obligations under Title II. Areas of focus include, but are not limited to, rights and responsibilities regarding tenant improvements, parking, and facilities maintenance.

### 7.3 Planning Documents

Early planning to address accessibility concerns is cost-effective and has maximum positive impact on the City's commitment to provide access to facilities, programs, and services to people with disabilities. City Departments and Offices developing planning documents that guide City actions in the built environment, such as Neighborhood Plans or Master Redevelopment Plans, are encouraged to seek input on accessibility issues. ACT is encouraged to conduct trainings with planning staff in such Departments to raise awareness of the City's obligations to provide facilities access under Title II of the ADA and other accessibility laws and codes.

## **8. Hardship Exemptions and Appealing Compliance Review Decisions**

### **8.1 Hardship Exemptions**

Under the ADA's Title II regulations, certain project conditions may present bona fide obstacles to achieving full ADA compliance. In such circumstances, Departments may request that ACT approve a hardship exemption. ACT determines if a project qualifies for a hardship exemption as enumerated in federal regulations. Depending on the type of hardship exemption being sought, Departments should describe the qualifying hardship per federal regulations such as: existing topography, existing grading plans, existing floor plans, existing structural drawings, documentation of historic character, cost estimates, and any documentation that describes alternative methods for providing access for people with disabilities.

### **8.2 Appealing ADA Compliance Review Decisions**

In rare circumstances, a department may choose to appeal an ACT determination for hardship exemptions. The affected Department Director or similar agency executive shall review and submit the appeal to the Director of City Purchasing and Contracting Services (CPCS) for a final determination.

Such an appeal should contain information on each element recommended by ACT from which the Department seeks exemption, with an explanation detailing the reason and documentation of the Department's alternate means of providing access vetted with the Law Department and citywide ADA Coordinator. The signed appeal shall become part of the project file. The Department shall submit the appeal request to the Director of City Purchasing and Contracting Services (CPCS) for a final determination. The CPCS Director may grant the appeal, or stand by and affirm the original ACT decision, or remand for further review. That determination shall stand and no further appeal to any additional administrative level shall be available to the Department.

City Departments understand the Department Director appeal request should only be used after consultation with the Law Department, which would advise on the legal defensibility of the Department's proposed course of actions to comply with accessibility requirements to the extent possible. ACT shall regularly provide copies of ADA compliance waivers signed by Department Directors to the City's ADA Coordinator within the Seattle Office for Civil Rights.

## **9. Design and Technical Standards**

With input from the ADA Compliance IDT, ACT shall develop technical advisory bulletins on design standards and specifications that further support the City's compliance with accessibility requirements. ACT is also encouraged to work with the ADA Compliance IDT to develop other tools that aid in creating consistency in complying with accessibility requirements across City Departments and Offices, such as standard contract language or Maximum Extent Feasible

standards on renovations. ACT shall review and update such guidance materials from time to time.

Departments are advised to seek input from ACT on relevant accessibility compliance issues when revising or updating department-specific design or technical standards.

#### **10. Self-Evaluation and Transition Plan**

As recommended by the Department of Justice through technical assistance materials, the City of Seattle intends to establish procedures to assess and improve accessibility of programs, services and facilities on an ongoing basis. With direction from the City Budget Office and the ADA Coordinator, and with input from the ADA Compliance IDT, ACT is encouraged to lead the City's efforts to conduct assessments of physical barriers in appropriate facilities as prioritized by City Departments. The facility access assessment shall identify elements of non-compliance, recommend prioritization strategies and funding plans to remove the physical barriers, and provide a timeline for completion, and may include Department-specific strategies on addressing the non-complying elements. ACT shall seek input from the ADA Compliance IDT on the preferred methodology to complete the assessment. The facilities access assessment may be part of a larger Self Evaluation and Transition Plan process to assess and improve the accessibility of the city's programs and services overall.