



Accessible Parking Enforcement Audit Follow-Up Presentation

CITY COUNCIL
DECEMBER 5, 2018

Original 2016 Audit

- ▶ Purpose: To determine whether the **City ensures** that disability/accessible parking is **properly maintained** and **effectively enforced** and **whether the Denver Revised Municipal Code needs to be updated** to fully support disability/accessible parking.
- ▶ Clarification: Nov 2016 - DAPP was relocated from HRCP to PW-ROWE for coordination of parking enforcement duties.

AUDIT REPORT

Agency for Human Rights and Community Partnerships
Disability Parking Enforcement Program
August 2016

Office of the Auditor
Audit Services Division
City and County of Denver



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2016 Audit Report Recommendations & 2018 Follow-Up

- ▶ 1.1: Identify which City agency is best suited to identify and remediate accessible parking spaces.
(Not implemented)
- ▶ 1.2: Codify the responsible agency into a City ordinance to ensure accessible parking spaces are maintained in accordance with the ADA.
(Not implemented)
- ▶ 1.3: Inventory Accessible Parking Spaces and locations to ensure that the City maintains compliance with the ADA.
(Partially implemented)
- ▶ 1.4.: Hold program volunteers accountable for full compliance with all program policies, procedures, and expectations.
(Implemented)
- ▶ 1.5: Expand the disability parking enforcement program with paid staff who will cover enforcement gaps within the volunteer program.
(Implemented)

Recommendation 1.1

(Not implemented)

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*“Determine which City agency would be best suited to **identify and remediate accessible parking spaces** that aren’t being maintained in accordance with the ADA.”*

Prior to developments being built

- ▶ **CPD:** Coordinates with various agencies (including HRCP) to review Site Development Plans (SDPs) for various specialty areas.
- ▶ **HRCP/DODR: Evaluates compliance** with accessibility standards for during the SDP process.
- ▶ **CPD: Completes inspections** associated with approved Site Development Plans (SDPs).

After developments are built

- ▶ **CPD:** Inspectors **respond to complaints** driven by unauthorized changes to previously approved privately-owned/commercial parking lots out of compliance with the DRMC.
 - ❑ 311 or PocketGov → initiates workflow for inspection and enforcement to bring previously approved developments back into compliance with Denver Zoning Code.

City Agencies Affiliated with Accessible Parking

Type of "Enforcement" Issue	Action Taken	PW-ROWE	HRCP	CPD
Vehicle Parking	Parking tickets issued to individual vehicles illegally parked in accessible spaces	✓		
New Parking	Review new SDP for compliance with accessibility standards for parking (i.e. signage, stripping, size, etc.)		✓	✓
Existing Parking	Respond to complaints re: modifications to previously approved developments			✓
	Initiate inspections of all existing private parking lots

ADA & Enforcement Authority

2018 Audit follow-up report states: “The ADA **obliges governments to provide** the required number and type of accessible parking spaces in parking lots. The instances we observed of noncompliant accessible parking spaces observed were **primarily due to the City’s failure to prioritize monitoring lawful maintenance and use** of these spaces after ADA compliance was initially demonstrated.”

Clarification:

Title of the ADA	Discrimination prohibited on the basis of disability by...	Responsible for providing & maintaining compliant parking spaces	Authority given by the ADA to enforce where non-compliance is noted at existing facilities
Title II	State and local government	City & County of Denver	U.S. Dept. of Justice
Title III	Private businesses open to the public and commercial facilities	Individual businesses	U.S. Dept. of Justice

Recommendation 1.1 (conclusion)

(Not implemented)

*“Determine which City agency would be best suited to **identify and remediate accessible parking spaces** that aren’t being maintained in accordance with the ADA.”*

- ▶ The U.S. Department of Justice is the best entity to enforce remediation of accessible parking spaces in accordance with the ADA. They have explicitly indicated enforcement of non-compliance of privately-owned/commercial businesses in accordance with the ADA falls within their jurisdiction, not local government.
- ▶ CPD/ZNIS Inspectors have the authority to respond to complaints via 311 or PocketGov relative to the Denver Revised Municipal Code for approved Site Development Plans (SDPs).

Recommendation 1.2

(Not implemented)

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“Codify in the Denver Revised Municipal Code the agency responsible and the method for ensuring that accessible parking spaces are maintained in accordance with the requirements of the ADA.”

- ▶ The responsibility of enforcing Title III of the ADA, does not stop at exterior parking lots. It also includes multiple interior features such as checkout aisle widths, fire alarm systems, play areas, lodging rooms, and restroom features.
- ▶ It is not appropriate to modify the Denver Revised Municipal Code to expand local authority to conflict with Title III, an area that the federal government maintains local governments do not have the authority to enforce.
- ▶ By dedicating several million dollars in resources, the City has made it a priority to strengthen its focus on Title II, an area that the federal government requires us to address – accessible City-owned programs, services, and facilities.

Recommendation 1.3

(Partially implemented)

“Assemble an inventory of accessible parking spaces and locations to aid in ensuring that the City maintains compliance with requirements for accessible parking established in the ADA.”

- ▶ In addition to standard duties of enforcing illegal parking of vehicles, DAPP agents were asked to identify parking lots open to the public on their daily rounds for 6 months.
- ▶ A working list was then created by DAPP agents to complete vehicle enforcement in the field.

Recommendation 1.3 (conclusion)

(Partially implemented)

“Assemble an inventory of accessible parking spaces and locations to aid in ensuring that the City maintains compliance with requirements for accessible parking established in the ADA.”

The plan moving forward...

- ▶ CPD & PW-ROWE are working together to better define parking-related issues that the DAPP agents should report to the appropriate channels for remediation.
- ▶ Reminder: Any individual has the authority to use the channels available to them to report concerns of accessibility to the U.S. Department of Justice.
- ▶ HRCP/DODR will continue to address its responsibility of ensuring all elements (to include parking lots) of City-owned facilities are in compliance with Title II of the ADA.

Recommendations 1.4 and 1.5

(Implemented)

1.4: *“Hold program volunteers accountable for full compliance with program policies, procedures and expectations.”*

1.5: *“Expand program staff with paid employees to cover enforcement gaps in the volunteer program.”*

- ▶ May 2016 - HRCP submitted expansion request.
- ▶ Oct. 2016 – HRCP was granted 3 FTEs and 3 vehicles, beginning Jan. 2017.
- ▶ Nov 2016 - DAPP was relocated to PW-ROWE for coordination of parking enforcement duties.



Questions?