

## Commission for Accessibility

### Meeting Agenda

**Monday, May 9, 2022 5:00PM**

**Via Zoom** (access information below). Should someone need a special accommodation in order to participate in this meeting please contact Tony Phillips at 203 807-4524.

**Policy: Commission for Accessibility meetings will be conducted under Roberts Rules of Order and all participants are expected to conduct themselves with dignity and treat all those present with respect, empathy and civility.**

Anthony Phillips is inviting you to a scheduled Zoom meeting.

Topic: Ridgefield Commission for Accessibility

Time: This is a recurring meeting Meet anytime

Join Zoom Meeting

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Meeting ID: 898 4974 6946

Passcode: 924263

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5:00 PM. Call to Order

Public Comment

Review Minutes from 4/11/2022

Review of Town Accessibility Issues.

Town Handicapped Parking: A discussion of ways to resolve handicapped parking issues and remedies to be suggested to the Board of Selectman.

**Ridgefield Commission for Accessibility Study on ADA Handicapped  
Parking Regulations and Enforcement.**

Compiled by Don Ciota. Chairman

April 6, 2022

## ***Volunteer Enforcement of Handicapped Parking Laws***

SB 409 (2010 regular session) would have required the commissioner, together with police departments in three municipalities, to conduct a pilot program to use civilian volunteers to enforce handicapped parking laws. The police department of each municipality selected to take part in the program would invite its residents to participate, and the police chief would select volunteers with the approval of the town's legislative body. DMV would report on the program and its results. SB 409 was favorably reported by the transportation, planning and development, and public safety committees, but died in the Senate.

## **DMV STUDY**

PA 09-187, § 38, required the commissioner, in consultation with municipal police departments, to review and evaluate alternative methods of enforcing handicapped parking laws in areas that police officers usually do not patrol. The study, issued January 15, 2010, is available on-line at <http://www.ct.gov/dmv/lib/dmv/handicapparking.pdf>.

DMV stated in the report that it surveyed members of the police chiefs association and reviewed procedures in other states. The survey suggested several possible ways to improve enforcement. These include:

### ***Enforcement Sweeps***

Noting that most towns issue fewer than 100 tickets a year for violations of the handicapped parking laws, several police chiefs suggested conducting three or four enforcement sweeps a year for violations of these laws. These sweeps also would serve to raise public awareness of the issue.

### ***Media Campaign***

Several chiefs suggested a public relations campaign, similar to the "Ticket or Click It" seat belt campaign, to raise public awareness of the problem. Such a campaign could occur at the same time as the enforcement sweeps. The chiefs proposed eliciting suggestions for the campaign from state residents and disability activists and organizations.

### ***Enforcement by Citizen Volunteers***

Some towns, such as Huntington, New York, use volunteers to issue affidavits to violators. In that program, which is non-confrontational, volunteers in cars photograph possible violations. They later send a card with the photo, date,

and location of the offense, and a sworn statement that the vehicle was violating the law, to the program coordinator. The coordinator files and processes the affidavits in the courts.

Although some respondents to the survey said they used non-police officers to enforce parking laws, others expressed concern about citizens' authority to issue citations, or to access the Department of Public Safety's (DPS) COLLECT (Connecticut On-Line Law Enforcement Communications Teleprocessing) system to verify parking permit information. (As noted above, legislation to create a civilian volunteer program was proposed, but failed, in 2010.)

### ***DPS "COLLECT" System***

Several chiefs said there should be an easier way to verify handicapped parking permit information in DPS's COLLECT system. The report said DPS and DMV would have to work together to identify ways to verify the information.

### ***Window Stickers***

Another suggestion was to issue window stickers, rather than placards. This would help in those cases where a police officer issues a citation, only to discard it when the officer learns that the individual had a valid placard that he or she failed to display properly. But the DMV study notes that stickers could be a problem for residents driving out of state, because other states use placards.

### ***Increased Fines***

Although PA 09-197 increased fines for violations of state handicapped parking laws, the DMV study noted that more than half the tickets issued for these violations are issued under municipal parking ordinances. The study recommended increasing the penalties under these ordinances.

PF:df

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## **Illegal Use of Handicapped Parking Space - CT Law Updated**

POSTED ON: JUNE 11, 2014 - 8:02AM

[Illegal Use of Handicapped Parking Space - CT Law Updated](#)

The Simsbury Board of Selectmen has declared June 2014 Handicapped Parking Awareness Month. The Simsbury Aging and Disability Commission continue promoting the rules for properly using handicapped parking spaces to individuals and companies. Persons with disabilities continue to voice their concerns to the Aging and Disability Commission about difficulties in parking their vehicles in designated handicapped spaces around our town.

State of Connecticut Senate Bill No. 1040 Rev A and corresponding new law Public Act 13-282 enacted October 1, 2013 addressed the illegal use of handicapped parking spaces as follows:

**Any municipal police officer who observes a motor vehicle parked in violation of this subsection shall issue a written warning or a summons for such violation.**

Mike Jennings, a person with disabilities and member of the Simsbury Aging and Disability Commission was a driving force in support of the change in PA 13-282.

New signs posted and parking spaces painted to clearly mark the handicapped parking space have been updated around town. A handicapped parking space is for people with disabilities. The handicapped parking placard is issued to an Individual who must be in the vehicle when the placard is used in order to park in this 'reserved' space. Commission members observe cars even with a handicapped license plate or a placard not following proper parking rules.

An **access aisle** is the striped area next to the parking space and is strictly off limits for parking to anyone, regardless of whether or not they have a handicapped license plate or placard. The access aisle must be in place in order to ensure that people who use wheelchairs have room to transfer in and out of their vehicles. Only the handicapped parking space itself is reserved for those individuals who have proper identification on their vehicles (i.e. placards, tag, or plate) indicating that they are authorized to park in these designated areas. The access aisle next to the parking space is NOT a parking area.

**Parking in a handicapped parking space ...is 60 seconds too long, if you are not a person with disabilities!**

Citizens may report violations of handicapped parking space to the Simsbury Police Department by calling the routine number (860) 658-3100. The Simsbury Police Department supports the efforts of Simsbury Aging and Disability Commission in educating the public. Fines can be imposed in the range of \$50 to \$150 for violation of handicapped parking regulations as well as cars being towed.

If you own a parking lot, you're probably aware the Americans with Disabilities Act (ADA) has requirements to ensure that persons with disabilities have the same rights to access private and public spaces as anyone else. Title III

(public accommodations and commercial facilities) and Title II (state and local governments) of the ADA specifically cover rules and guidelines for accessible parking spaces.

## WHO ENFORCES ADA PARKING?

ADA compliance is enforced by the U.S. Department of Justice (DOJ). In addition to the DOJ, states and local governments may have their requirements for accessible parking, and local authorities may be responsible for inspection of construction and vehicle code offenses. Federal law allows fines of up to \$75,000 for the first violation and \$150,000 for additional ADA violations.

States may impose additional penalties for ADA violations. In California, a violation of the ADA is considered a civil rights violation and comes with a minimum penalty of \$4,000 plus attorney fees.

The California Department of Fair Employment and Housing (DFEH) enforces state disability laws.

There is another enforcer to worry about when it comes to ADA parking lot violations. Although an "unofficial" enforcer, this entity may be more problematic for a business owner than the State and Federal agencies.

The public.

## CA AWARDS DAMAGES IN ADA LAWSUITS

While Federal law prohibits plaintiffs from profiting in an ADA discrimination lawsuit, CA does allow for the payout of damages to plaintiffs. And that can lead to "serial plaintiffs" who repeatedly file for damages.

This serial plaintiff is turning CA ADA lawsuits into a profitable business, suing businesses on both sides of the bay.

California law calls for businesses to pay at least \$4,000 for each violation encountered by a potential patron, plus attorneys fees, but the amounts of settlements vary.

One Sacramento business owner paid over \$200,000 to deal with an ADA lawsuit, even though he believed the plaintiff never even entered his building. For a CA business owner with a parking lot, failing to adhere to ADA parking compliance can risk much more than just the Federal and State penalties for not complying. It may mean risking costly litigation, whether it be from would-be patrons who truly feel discriminated against because of a lack of fair access to a building, retailer, or public space, or from serial plaintiffs who make a living from bringing lawsuits against businesses they may never have even entered.

What if accessible parking spaces are in disrepair or not maintained properly (i.e. snow is dumped into the spaces)?

Accessible parking spaces, like other accessible features, must be maintained in good working order so they can be used by individuals with disabilities. Access to parking spaces includes the access aisles, and routes serving these parking spaces must be maintained in good repair and kept clear of snow, ice, and fallen leaves.