RESOLUTION ON REQUIRING COMPLIANCE WITH ACCESSIBILITY DESIGN STANDARDS

Resolution Adopted by

City of Morgantown Human Rights Commission

August 20, 2015

RESOLUTION ON REQUIRING COMPLIANCE WITH ACCESSIBILITY DESIGN STANDARDS

Whereas, all buildings utilized by the public need to be designed to accommodate people of all ages and abilities.

Whereas, the construction or renovation standards for private or public structures utilized by the public or qualifying multi-family residences is directed by the federal and state standards to protect inclusive accessibility in the design of public structures utilizing standards which include:

Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act
Americans with Disabilities Act of 1990 with Amendments (2008)
Fair Housing Amendments Act of 1988 (Effective March 13, 1991)
WV Human Rights Act: Chapter 5, Article 11 – Public Accommodations
WV Fair Housing Act: Chapter 5, Article 11A with the WV Human Rights Commission (Enforced by State Fire Commission – Chapter 29, Article 3)
WV State Building Code – IBC 2003, 2006, 2009 (in compliance w/ ANSI A117.1 and the Fair Housing Design Manual); and

Whereas, in addition, any federally subsidized construction must meet the accessibility requirements of the 2010 ADA Standards for Accessible Design; and

Whereas, the burden of compliance with federal and state directives rest with the persons who design, construct and authorize development of a public facility and/or multifamily dwelling covered by a federal or state law and that failure to design and construct covered facilities to include certain features of accessible design will be regarded as unlawful discrimination; and

Whereas, an individual who thinks he or she may have been discriminated against may file a complaint against a building owner, the architect, the contractor or any other persons or government involved in the design, construction, and approval of a covered building; and

Whereas, enforcement of accessibility requirements violations is provided by the federal Department of Justice and non-compliance can create significant costs for builders and property managers as well as financial liability for government officials and code enforcement offices:

Be It Therefore Resolved, that City Council of Morgantown be called upon to enact a policy requiring all plans for public or private structures document compliance with applicable federal or state legal accessibility standards, connectivity with transportation, and directional signage by an ADA/504 compliance officer, or other qualified person authorized by the Morgantown City Manager or his or her designate.

Adopted by the Morgantown Human Rights Commission (and separately by Community Living Initiatives) this 20th day of August, 2015.

Jan Derry
Chairperson

Marlene Robinson-Savino
Vice Chairperson

Don Spencer
Secretary

Fran Whiteman
Commission Member

Billie Murray
Commission Member

Kristen Cooper
Commission Member

Matthew Blair
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