

37.

HUD Floodplain/Wetland Regulatory Changes



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

DEC 17 2013

MEMORANDUM FOR:

Regional Environmental Officers
Field Environmental Officers

FROM:

Danielle Schopp
Danielle Schopp, Director, Office of Environment and Energy, DGE

SUBJECT:

Floodplain Management and Protection of Wetlands Rulemaking

I. Background

HUD recently finalized a rule that changes HUD regulations of floodplains and wetlands at 24 CFR part 55. Federal departments and agencies are charged by executive orders with incorporating floodplain management and wetland protection considerations in their respective planning, regulatory, and decision making processes. This document offers guidance and explanations for the changes to HUD policy and regulations.

II. Executive Orders

The floodplain regulations are derived from Executive Order 11988 (E.O. 11988) entitled "Floodplain Management," dated May 24, 1977 (42 FR 26951). HUD implements E.O. 11988 through regulations at 24 CFR part 55. The final rule that was published in the Federal Register on November 15, 2013 updated the floodplain regulations and added a process for wetlands. The rule is available at: (<https://federalregister.gov/a/2013-27427>).

E.O. 11988 requires each federal agency to identify and evaluate practicable alternatives to locating in the floodplain. If it is not practicable to avoid the floodplain, then each federal agency must identify and evaluate the potential effects of any actions it may take in or affecting a floodplain. The goals of E.O. 11988 are: to avoid adversely impacting the natural functions of floodplains wherever possible; to ensure that the agency's planning programs and budget requests reflect consideration of flood hazards and floodplain management, including the restoration and

preservation of such land areas as natural undeveloped floodplains; and to prescribe procedures to implement the policies and procedures of this Executive Order.

A second executive order, Executive Order 11990 (E.O. 11990), entitled "Protection of Wetlands," dated May 24, 1977, (42 FR 26961) directs each agency to provide leadership and take action to minimize the destruction, loss, or degradation of wetlands. E.O. 11990 also directs each agency to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for: (1) acquiring, managing, and disposing of federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction or improvements; and (3) conducting federal activities and programs affecting land use.

Although HUD had regulations on floodplain management at 24 CFR part 55, these regulations did not codify procedures for implementing E.O. 11990. Consistent with the intent of the executive orders HUD had relied on existing procedures established for floodplain management under 24 CFR part 55 to guide wetland protection considerations in planning, regulatory, and decision - making processes. This rule codifies in 24 CFR part 55 the procedures applicable to wetlands and authorized by E.O. 11990.

III. Regulatory Changes

A. Prohibition on Construction of New Structures and Facilities in Coastal High Hazard Areas (V Zones) (55.1(c))

The rule prohibits HUD funding or FHA mortgage insurance for the construction of new development in Coastal High Hazard Areas. This change would not affect existing structures. Existing structures would be eligible to receive funding, and disaster assistance would continue to be available for reconstruction of structures destroyed by a disaster. FHA mortgage insurance would continue to be available as long as the mortgage insurance does not finance new construction.

In V Zones, HUD now prohibits new construction of structures and infrastructure. Structures are defined by FEMA regulations at 44 CFR 9.4 to mean walled or roofed buildings, including mobile homes and gas or liquid storage tanks. Infrastructure is development that is not structures. Infrastructure includes roads, bridges, and utility lines. This change will prevent new development in Coastal High Hazard Areas, which will result in less development in areas of higher risk to lives and property. However, HUD receives few requests to fund new construction or provide FHA mortgage insurance for new construction in Coastal High Hazard Areas. The change will also further align HUD's development standards with those of FEMA grant programs.

Section 55.11(c) is also revised to make a corresponding change to a table describing the type of proposed actions allowed in various locations.

B. Use of Preliminary Flood Maps and Advisory Base Flood Elevations (55.2(b)(1))

The rule updates a provision in HUD's regulations to require the use of FEMA preliminary flood maps and advisory base flood elevations, where available. Prior to this rulemaking, HUD's regulations at 24 CFR 55.2(b)(1) indicated that effective Flood Insurance Rate Maps (FIRMs) are the only source of data for compliance with the 8 Step Process. In the wake of Hurricane Katrina and Hurricane Sandy, FEMA determined that the existing FIRMs may not reflect actual flood risk and issued Advisory Base Flood Elevations and Preliminary FIRMs. This change in map usage requirements will bring HUD's regulations into alignment with the intent of E.O. 11988 that agencies are to use the "best available information." In addition, this change will provide greater consistency with floodplain management activities across HUD and FEMA programs.

The rule clarifies that, when available, the latest interim FEMA information, such as an Advisory Base Flood Elevation or preliminary map or study, is the best available information for

the designation of flood hazard areas or equivalents. Unless the latest information has a lower Base Flood Elevation (BFE) than the effective FIRM, the latest FEMA information is then used for Part 55 purposes and throughout the decision making process. In instances where the latest information has a lower BFE than the effective FIRM, the higher BFE must be used to comply with the regulation and the National Flood Insurance Program requirements. If FEMA information is unavailable or insufficiently detailed, other Federal, state, or local data may be used as “best available information.”

C. Broadened use of the 5 Step Process for selected actions (55.12(a))

The rule broadens the use of the 5 Step Process for repairs, rehabilitations, and improvements. The 5 Step Process is an abbreviated 8 Step Process that omits Steps 2, 3, and 7. Steps 2, 3, and 7 require the publication of two notices and the consideration of alternatives to locating the project in the floodplain. The 5 Step Process was used for a variety of activities specified in 24 CFR 55.12(a), such as disposition of HUD-owned properties and mortgage insurance for the purchase, refinancing, or rehabilitation of existing multifamily structures subject to certain additional conditions.

An 8 Step Process was required for financial assistance, other than mortgage insurance, for rehabilitation of nonresidential or residential structures with more than four housing units located in floodplains. Rehabilitations now subject to the 5 Step Process are any repair, weatherization, reconstruction, modernization, or improvement of a structure that is not a substantial improvement, does not significantly increase the footprint in a floodplain or wetland, does not result in a 20 percent increase in the number of dwelling units or in the average peak number of customers and employees, and does not convert a nonresidential to a residential land use.

The rule allows rehabilitations of residential properties and nonresidential properties,

including weatherization, to forego Steps 2, 3, and 7 of the 8 Step Process. As outlined above, Steps 2, 3, and 7 are the consideration of alternatives at Step 3 and the publication of the preliminary and final notice at Steps 2 and 7, respectively. This change will streamline project approvals and allow more resources to be devoted toward the analyses of projects with greater potential impacts on floodplains and wetlands.

D. Activities excepted from the 8 Step Process (55.12(c))

The rule exempts certain activities from the 8 Step Process for floodplain management compliance. Exempted activities include leasing structures insured with the National Flood Insurance Program (NFIP) and not located in a floodway or Coastal High Hazard Area. The exemption for leased structures also requires that: (1) the leased structure is an existing structure; and (2) the structure is insured for its total value or up to the NFIP maximum as of the commencement of the lease term. Critical actions (e.g., hospitals, nursing homes, and emergency services) in a 100- or 500-year floodplain are not covered by this exemption.

Other exempt activities include special projects to increase access for those with special needs, activities involving ships or water-borne vessels, and activities that restore and preserve natural and beneficial functions of floodplains and wetlands. The exception for access for those with special needs includes wheelchair ramps, lifts, and elevators designed for access. While the 8 Step process is not required for these activities to enhance access for those with special needs, the requirement to obtain flood insurance for the project cost applies to the activity.

Activities that are designed for floodplain restoration must: clear all structures and improvements from the site; dedicate the site's use to flood control, wetland protection, park land or open space; and place a permanent covenant or comparable restriction on the site to preserve the floodplain or wetland from future development. These changes will reduce unnecessary delays.

E. Codification of Wetland Policy and Expanded Floodplain Guidance (24 CFR 55.20)

1. *Codification of Wetlands Policy*

This rule codifies procedures authorized by E.O. 11990. Through this rule, HUD adopts in regulation the procedures of E.O. 11990. These procedures will aid in the consistent application of policy and increase compliance by making the policy readily available.

The wetlands definition from E.O. 11990 has been added at 24 CFR 55.2(b)(11). In addition to incorporating the E.O. 11990 definition, the 24 CFR part 55 definition clarifies that the term includes constructed or man-made wetlands and wetlands that have been separated from a natural water supply by construction actions. The definition also explicitly states that wetlands subject to Section 404 of the Clean Water Act (CWA), as well as those wetlands that are not subject to Section 404 of the CWA, are subject to E.O. 11990 and 24 CFR part 55.

The definition also outlines a process for evaluating wetlands resources and the use of Fish and Wildlife Service- National Wetlands Inventory (NWI) staff. The rule states that NWI maps are the primary source of data, but NWI staff, if available, should be consulted for delineations of the wetland or if the maps are thought to be inaccurate. If NWI staff is unavailable, a wetland professional may be consulted. HUD also encourages the use of secondary sources such as Natural Resource Conservation Service's National Soil Surveys and any state and local information concerning wetlands that may be impacted by site activities.

If wetlands are found to be subject to E.O. 11990, the rule requires the completion of an eight-step process, referred to below as the "8 Step Process." The 8 Step Process is administered by HUD or responsible entities under 24 CFR part 58. Step 1 requires a determination of whether or ~~not the proposed project to be developed with HUD financial assistance will be in a wetland.~~ If so, Step 2 requires that a public notice be issued to inform interested parties that a proposal to consider

an action in a wetland has been made. Following this notice, Step 3 requires the identification and evaluation of practicable alternatives to avoid locating the project in a wetland. Such an evaluation of alternatives shall include, for example, alternative locations outside the wetland, feasible technological alternatives, and social values such as aesthetics, historic and cultural values, and land use patterns. Step 4 requires the identification and evaluation of the potential direct and indirect impacts associated with the occupancy or modification of wetlands. Step 4 also requires the identification of the potential direct and indirect support of wetlands development that could result from the proposed action. Relevant factors include the proposal's effect on the survival and quality of the wetland and other factors listed in the regulation. Direct support consists of projects located in the wetland such as housing, public service structures, or office buildings that require additional investment such as food service or parking. Indirect support for wetland development can be caused by infrastructure that can induce further development due to proximity to the wetland. Examples of indirect support include water and waste water systems, power supplies, roads, airports, and mass transit systems. Step 5 requires an analysis of practicable modifications and changes to the proposal to minimize adverse impacts to the wetlands and to the project as a result of its proposed location in wetlands. Under Step 6, the alternatives and the proposed wetland site are then reevaluated. If it is determined that there is no practicable alternative to the proposed wetland development, Step 7 requires a second notice to be issued to the public stating that the decision has been made and providing details associated with the decision. After this second notice, Step 8 implements the action, including any mitigating measures that were established during the decision making process. This evaluation process requires the same eight steps as E.O. 11988, Floodplain

Management.

The rule recommends appropriate and practicable compensatory mitigation for adverse

impacts to more than one acre of wetlands. Compensatory mitigation resulting from other federal, state, or local governmental requirements can be used to fulfill this requirement. Compensatory mitigation approaches include permittee-responsible mitigation, mitigation banking, in-lieu fee mitigation, the use of preservation easements or protective covenants, and any form promoted and approved by the authority of the state governments or the Federal government. In certain situations, compensatory mitigation may not be practicable or appropriate due to the cost of compensatory mitigation in a state or watershed, a lack of funds within the project, or other reasons that make compensatory mitigation impossible. One example would be an Alaska Native village that is mainly in a wetland and is surrounded by federal and state land. The cost in this situation could make compensatory mitigation inappropriate or impracticable.

2: *Expanded Floodplain Guidance*

The rule expands upon guidance in the existing floodplain regulation. The new guidance results in additional factors that should be considered when identifying site and project alternatives at Step 3, evaluating impacts at Step 4, minimizing impacts at Step 5, and reevaluating alternatives at Step 6. These additions include concepts from various resources and better inform reviewers on what factors to consider when conducting these steps.

F. Adoption of executive order reviews performed by HUD or another responsible entity (55.26)

The rule amends 24 CFR 55.26 to make clear that under the executive orders, HUD or a responsible entity may adopt previous review processes that were performed by another responsible entity or HUD. This change will prevent duplicative processing in cases where a project may have multiple recipients contributing funding or has funding that may not allow the responsible entity to perform the review. Nothing in the rule or part is binding or applicable to the USACE or USACE

processes. USACE has its own regulations, policies, and procedures, which are not impacted by this part.

G. Use of Individual 404 Permits for Wetlands (24 CFR 55.28)

This rule allows HUD and HUD's recipients of assistance to use individual permits issued under section 404 of the Clean Water Act (33 U.S.C. 1344) (Section 404) in lieu of performing the first five steps of the 8 Step Process. This streamlined option will reduce costs and the processing time for complying with parts of the 8 Step Process for which the adhering to the standard process affords minimal substantive benefit. The Clean Water Act establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating water quality standards for surface waters. Section 404 of the Clean Water Act requires a applicant to obtain a permit from the U.S. Army Corps of Engineers (USACE) prior to beginning any nonexempt activity involving the placement of dredged or fill material in waters of the United States, including wetlands.

If the applicant has obtained an individual USACE Section 404 permit and submits the individual permit with its application for a HUD program, then HUD or the responsible entity will be required to complete only the last three steps of the 8 Step Process, and thus will be able to avoid § 55.20(a) through (e). The last three steps include the publication of a single public notice and thereby avoid the requirement under the usual 8 Step Process for the publication of two notices. If HUD or the responsible entity determines that a reevaluation or repeat of any of the steps is necessary to comply with E.O. 11990, HUD or the responsible entity will reevaluate and complete the necessary steps of the 8 Step Process. None of the 8 steps or any provisions of this rule should be interpreted as being requirements of the USACE's regulatory program. USACE has its own regulations, policies, and procedures, none of which are impacted by this rulemaking.

The issuance of an individual Section 404 permit may not substitute for processing under the 8 Step Process and compliance with E.O. 11988 where the property is also located in a floodplain. Section 404 of the Clean Water Act also allows states to administer an individual and general permit program in lieu of the USACE permit program. Individual Section 404 permits issued by state agencies may be used in lieu of the first five steps of the E.O. 11990 process under this regulation. General or Nationwide permits issued under Section 404 may not be used under this provision, and new construction in the wetland subject to these permits must undergo full processing under 24 CFR 55.20 unless excepted under 55.12.

All wetlands subject to Section 404 of the Clean Water Act are wetlands for the purposes of E.O. 11990. However, the combined process in this rule will not apply in all instances, because wetlands not considered waters of the United States under Section 404 of the Clean Water Act are typically wetlands for the purposes of E.O. 11990. Isolated or non-jurisdictional wetlands not subject to Section 404 of the Clean Water Act must be processed under the 8 Step Process.

H. Modifying the Categorical Exclusion for Minor Rehabilitations of Single Family Homes

(58.35)

Finally, the rule amends 24 CFR 58.35(a)(3)(i) by modifying the categorical exclusion from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) for minor rehabilitation of one- to four-unit residential properties, by removing the qualification that the footprint of the structure may not be increased in a floodplain or wetland. Prior to this rulemaking, four units could be constructed in a floodplain or wetland as an individual action under the categorical exclusion in § 58.35(a)(4)(i), but rehabilitated structures with an increased footprint in a floodplain or wetland required a full environmental assessment. It is logically inconsistent to require a greater review for minor rehabilitations than for new construction. The rule resolves this

inconsistency but will still require part 55 processing for construction in floodplains and wetlands unless excluded under § 55.12(b) or (c). HUD believes that this change will eliminate needless assessments without contributing to environmental degradation. HUD is basing its conclusion on a recent survey of its environmental experts.

IV. Contact Information

For further information, contact Jerimiah Sanders, Environmental Review Division, Office of Environment and Energy, Office of Community Planning and Development, at 202-402-4571 or via email at Jerimiah.J.Sanders@hud.gov.

38.

HUD Floodplain
Management Checklist

Floodplain Management

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Avoid the adverse impacts associated with the occupancy and modification of floodplains. Avoid floodplain development whenever there are practicable alternatives.	Executive Order 11988, May 24 1977	24 CFR Part 55

1. Is the Project located in a floodway or a 100 or 500-year flood plain?

For projects in areas mapped by FEMA, maintain the FEMA map panel that includes your project site. Make sure to include the map panel number and date. If FEMA information is unavailable or insufficiently detailed, other Federal, state, tribal or local data may be used as 'best available information.' However, a base flood elevation from an interim or preliminary or non-FEMA source cannot be used if it is lower than the current FIRM and FIS. Include documentation, including a discussion of why this is the best available information for the site.

- No: STOP here. The Floodplain Management regulations do not apply. Record your determination that the project is not in a floodplain or floodway.
- Yes—Floodway. **STOP. The National Flood Insurance Program prohibits federal financial assistance for use in a floodway.** The only exception is for functionally dependent uses, such as a marina, a port facility, a waterfront park, a bridge or a dam. If your project is a functionally dependent use in a floodway, proceed to #3
- Yes—500-year flood plain (Zone B or X on FEMA maps or best information). **PROCEED to #2**
- Yes—100 Year flood plain (Zone A or V on FEMA maps or best information). **PROCEED to #3**
- Yes—Flood prone area. **PROCEED to #3**

2. For projects in the 500-year flood plain: Does your project involve a critical action, defined as an activity for which even a slight chance of flooding would be too great because it might result in loss of life, injury or property damage? Specific examples include:

- Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials.
- Structures or facilities that provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas).
- Structures or facilities that are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g. persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers. Housing for independent living for the elderly is not considered a critical action.

- No: STOP here. The project can proceed without further analysis. Record your determination and attach flood plain map and documentation that project does not involve a critical action.
- Yes: **PROCEED to #3**

3. Does your project meet one of the categories of proposed action for which Part 55 does not apply? (Below are several common exemptions—please see 24 CFR 55.12(c) for additional categories of proposed action)

- The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands but only other certain further conditions (see 24 CFR 55(c)(3)).

- A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain.
- Approval of a project site, an incidental portion of which is situated in an adjacent floodplain, but only with certain further conditions (see 24 CFR 55.12(c)(6)).
- A project on any site in a floodplain for which FEMA has issued a final Letter of Map Amendment or Letter of Map Revision that removed the property from a FEMA-designated floodplain location.
- A project on any site in a floodplain for which FEMA has issued a conditional LOMA or LOMR if the approval is subject to the requirements and conditions of the conditional LOMA or LOMR.
- Special Projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Yes: Stop here. Record your determination that the project is exempt from floodplain management regulations per 24 CFR 55.12(c). Maintain copies of all of the documents you have used to make your determination. Please note that you may still have to maintain flood insurance on the project per the Flood Disaster Protection Act.

No: Proceed to #4.

4. Does your project meet one of the categories of proposed action for which the 8-step decision making process does not apply? (Below are several common exemptions—please see 24 CFR 55.12(b) for additional categories of proposed action)

- Financial assistance for the purchasing, mortgaging or refinancing of existing one-to-four family properties under certain conditions (24 CFR 55(b)(1))
- Financial assistance for minor repairs or improvements on one-to-four-family properties that do not meet the thresholds for ‘substantial improvement’¹
- Disposition of individual HUD-acquired one-to-four-family properties.
- HUD guarantees under the Loan Guarantee Recovery Fund Program under certain conditions (see 24 CFR 55.12(b)(4)).
- Leasing an existing structure in the floodplain but only under certain conditions (see 24 CFR 55.12(b)(5))

Yes: Stop here. Record your determination that the project is exempt from the 8-step process as per 24 CFR 55.12(b). Maintain copies of all of the documents you have used to make your determination. Please note that you may still have to maintain flood insurance on the project per the Flood Disaster Protection Act. Please also note that notification of floodplain hazard requirements at 24 CFR 55.21 may apply.

No: Proceed to #5.

5. Does your project meet one of the categories of proposed action for which a limited 8-step process applies? (please see 24 CFR 55.12(a) for more details)

- Disposition of acquired multifamily housing projects or acquired one-to-four family properties where communities are in good standing in the NFIP program.
- HUD’s actions under the National Housing Act for purchase or refinance of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.
- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities and one-to-four family properties in communities in the Regular Program of the NFIP and in good standing, units are not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for ‘substantial improvement’¹ and the footprint of the structure and paved areas is not significantly increased.
- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures in communities in the Regular Program of the NFIP and in good standing, the action does not meet the thresholds for ‘substantial improvement’¹ and the footprint of the structure is not significantly increased.

Yes: Complete the 5-step decision-making process for floodplains. You do not have to publish the notices in steps 2 or 7 or do an analysis of alternatives in Step 3. Analyze potential direct and indirect impacts (step 4); design or modify to minimize potential impacts (step 5); reevaluate the proposed action to determine if action is still practicable (step 6).

- If still practicable, document your analysis in the file and move forward.
- If not still practicable, either reject or modify project.

No: Proceed to #6.

6. Are there practicable alternatives to locating your project in the floodplain?

HUD strongly discourages use of funds for projects that do not meet an exemption in Part 55.12. Reject the Project Site or Request a Letter of Map Amendment or Revision (LOMA/R) from FEMA. If you decide to consider the project you must determine if there are alternatives by completing the 8-step decision-making process described in 24 CFR Section 55.20. Please note that requesting a LOMA/R or completing the 8 step process take time and resources. The 8-step decision-making process requires two public notice and comment periods.

You must also maintain flood insurance on the project per the Flood Disaster Protection Act.

Yes: Reject or modify project.

No: Document your analysis, including floodplain notices, in your Environmental Review Record. You must notify any private party participating in a financial transaction for the property of the hazards of the floodplain location before the execution of documents completing the transaction. (24 CFR Section 55.21)

DISCLAIMER: This document is intended as a tool to help HUD Region X grantees and HUD staff complete environmental requirements. This document is subject to change. This is not a policy statement, and the Floodplain Executive Order and Regulations take precedence over any information found in this document.

¹ Substantial Improvement means any repair, reconstruction, modernization or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair started or if the structure has been damaged before the damage occurred OR any repair reconstruction etc. that results in an increase of more than 20% of dwelling units or peak number of customers and employees (24 CFR 55.2(b)(8))

39.

Section 504

DCA Meeting Checklist

DCA Meeting Checklist

This checklist is comprised of questions designed to review the meeting preparation/arrangement organized by program offices in order to evaluate accessibility to individuals with disabilities.

What kind of meetings are initiated, convened and/or sponsored (with the exception of grants) by your program? Please choose all that apply

- In-house business meetings with staff and/or with members of the general public
- Panel (in-house) Access issues are discussed with policy and/or service groups
- Panel (outside the program location)
- Council/board (in-house)
- Council/board (outside the program location)
- Symposia/Seminars
- Workshops/Classes
- Conferences
- None
- Other (please specify)

Does your program ask meeting participants in advance about any needed physical or programmatic accommodations?

- Yes
- No
- I don't know
- Any additional comments:

Does your program offer to meet panelists/visitors with disabilities at the building's entrance and show them the location of the meeting room, rest room or other areas?

- Yes
- No
- I don't know
- Any additional comments

Does your program ensure that meetings are held in offices or other meeting spaces that are accessible to people with mobility impairments? (See Appendix A)

- Yes
- No
- I don't know
- Any additional comments

When requested, is your program able to provide any of the following communication techniques to make your written and visual materials (e.g. agenda, reports, panel books, power points or meeting proceedings) accessible to people with visual impairments? Please choose all that apply:

Materials in large print

Braille materials

Recorded materials

Qualified readers

Material on discs

Computer bulletin boards

Audio descriptions of visual presentations

Support materials provided to participants for review prior to meeting

None

I don't know

We have never had this request but if requested we are able to provide the following:

When requested, is your program able to provide any of the following communication techniques to make your meetings accessible to individuals who are deaf or hard-of-hearing? Please choose all that apply:

Qualified sign language interpreters

Assistive listening systems

Captioned audio-visual material

Sign language and/or orally interpreted audiovisual material

Communication Access Real time Translation or CART (where everything that is said is "captioned" live)

None

I don't know

Other (please specify) or additional comments:

While learning and mental disabilities are very distinct from one another, many accommodations for these two disability types overlap. When requested is your program able to provide any of the following communication techniques to make your meetings accessible to people with learning or mental disabilities? Please choose all that apply:

Short, direct and clear presentations

Pictures that supplement written materials when possible

Recording of meeting for review following the meeting

Support materials (e.g. agenda, outline of presentation) prior to meeting

None

We have never had this request but if requested we are able to provide the following:

When planning meetings outside of the agency or when making hotel accommodations, does your program seek spaces that are accessible to persons with the following disabilities? Please choose all that apply:

- Mobility Impairments
- Visual Impairments
- Hearing Impairments
- Speech Impairments
- None
- I don't know
- Other type of impairments or additional comments:

When planning meetings outside of your location, do you offer communication techniques to ensure that the meetings are accessible to participants with the following disabilities? Please choose all that apply:

- Mental or Learning Disabilities
- Visual Impairments
- Hearing Impairments
- Speech Impairments
- None
- I don't know
- Other disability type(s) (please specify) or additional comments:

When planning meetings outside of your location, do you assure that any local organizers make necessary accessibility arrangements and offer communication techniques to ensure that the meeting are accessible to participants with the following disabilities? Please choose all that apply:

- Mobility Impairments
- Visual impairments
- Hearing Impairments
- Speech Impairments
- Mental or Learning Disabilities
- None
- I don't know
- Other disability type(s) (please specify) or additional comments:

How does your office notify the general public that accommodations for people with disabilities are available upon request at public meetings? Please choose all that apply:

- Notice provided to websites that are utilized by people with disabilities
- Notice published in meeting announcements, brochures, press releases or other publications
- Notice provided to organizations and agencies of and for individuals with disabilities

_____ On our website

(_____ Posted in our office location(s)

_____ We don't notify the general public about accommodations

_____ I don't know

_____ Other notice format(s) (please specify) or any additional comments:

Appendix A
Accessible Meeting Facilities Checklist

Name of Facility (hotel, restaurant, state, city or county facility):		
Address:		City:
Phone #:	Email:	Zip Code:
Surveyor's Name:		Survey Date:
Phone #:	Email:	Office/Agency:

Building Exterior

Off-Street Parking/Passenger Loading Zone

- _____ Number of accessible parking spaces, (see Appendix A) # Required
_____ Spaces _____
- _____ At least one van space, 96"space with 96"access aisle/132"space with 60", 114"vertical
_____ clearance)
- _____ Sign at parking space, International Access Symbol, white on blue, "Van Accessible" for
_____ van space
- _____ Built-up curb ramps do not project into access and parking spaces.
- _____ Level Slope < 1:48, firm, and non-slip surface. Slope < 1:48
- _____ Curb-cut, ramp or level area to walkway
- _____ If surface unpaved, then size of gravel < 0.3 inches
- _____ Closest parking space to accessible entrance. Crosses vehicular
_____ traffic lane? Y _____ N _____
- _____ Directional signage to accessible entrance, at non-accessible entrance
- _____ Passenger drop off or loading zone with accessible route or travel to building

Proximity to Public Transportation

- _____ Bus stop within 1-2 blocks. Approximate _____ Bus
_____ Distance _____ available
_____ evenings Y _____ N _____
- _____ Level, firm, non-slip surface from bus stop to primary accessible building entrance,
_____ maximum slope of 1:12
- _____ Curb cut, ramp, or level area to walkway (see *Walkways*). Note: handrails required if
_____ slope > 1:20 and the rise is >6"

Walkways

- _____ 44" minimum exterior width
- _____ Max. slope of 1:12 (Up to 1:8 permissible for rises < 3" Up to 1:10 for rises < 6")
_____ preferably 1" to 20" (can carry a latte in your lap and go down ramp without spilling)
- _____ Level (slope >1:20) or ramped from parking to primary accessible entrance
- _____ Level, firm, non-slip surface with no drop-offs, grass or soil meet sidewalk
- _____ Walkways free of obstructions that protrude > 4" (higher than 27"or < 80")
- _____ Walkways free of grating openings larger than 1/2", openings perpendicular to path of
_____ travel.
- _____ Threshold 1/4" maximum, or 1/2" if beveled

Building Exterior (Cont'd)

Ramps (exterior)

- _____ Maximum slope of 1':12' (no more than 30' between landings); slope 1':20' (40' between landings)
- _____ Landings at top and bottom of run, Landings shall be level and be 60" in direction of travel
- _____ Graspable handrails provided, 34"- 38" high (Slope 1:20, or rise < 6" no handrails required.)
- _____ Handrails 1-1/2" diameter and 1-1/2" from wall
- _____ Firm, non-slip surface
- _____ 44" minimum exterior width

Stairways

- _____ Graspable handrails provided on both sides, 34" - 38" high, properly secured
- _____ Handrails 1-1/2" diameter and 1-1/2" from wall
- _____ Uniform riser height and tread width
- _____ 5' x 5' level landings on top and bottom
- _____ Contrast on stairs and landings
- _____ Adequate lighting on stairs
- _____ No open risers (steps). No hanging stairwells, unless cane detectable barriers are provided underneath.

Entrances (exterior)

- _____ At least one **primary** entrance accessible, door 32" clear opening
- _____ Threshold height 1/4" maximum, 1/2" if beveled. If not, actual height is _____
- _____ An 18" clear maneuvering space at the pull side of the door
- _____ Level and unobstructed area 5' x 5' both sides of door
- _____ Lever or loop-type door handles
- _____ Door opening pressure 8.5 lbs. maximum, or Automatic door openers
- _____ Alternate accessible entrance for a revolving door
- _____ Sign indicating accessible entrance
- _____ Directional signage at inaccessible entrances designating the accessible entrance

ilding Interior

Interior Doors and Corridors

- _____ Firm, non-slip surface (no loose or deep pile carpet, maximum pile thickness < 1/2")
- _____ Doors have a minimum clear opening width of 32"
- _____ An 18" clear maneuvering space at the pull side of the door
- _____ Lever or loop-type handles, path to meeting room
- _____ Door pressure 5 lbs. Maximum, or Automatic door
- _____ Corridors have a clear width of 36"
- _____ Wall-mounted objects protruding 4" or greater (located within 27" - 80" from the floor) have barriers detectable by individuals using a white cane. Wall mounted objects protruding less than 4" or higher than 80" from the floor, no detectable barrier required
- _____ Adequate lighting in corridors, provide uniform illumination

Ramps (interior)

- _____ Maximum slope of 1':12' (no more than 30' of rise between level landings)
- _____ 5' x 5' level landings on top and bottom
- _____ Graspable handrails provided, 34" - 38" high
- _____ Handrails 1-1/2" diameter and 1-1/2" from wall
- _____ Firm, non-slip surface
- _____ 36" minimum interior width

Elevators

- _____ Door has 36" minimum clear opening
- _____ Size of elevator floor at least 54" x 68"
- _____ Serves all floors and public meeting areas
- _____ Highest control buttons 48" maximum (54" built before 2002), emergency controls 35"
- _____ Audible and visible signals, hallway and elevator interior
- _____ Controls have raised Arabic numerals and Braille identification
- _____ Exterior call buttons 35" max
- _____ Floor levels indicated on door jambs by raised numerals placed no more than 60" high
- _____ Elevator doors remain fully open for 5 seconds minimum
- _____ Visible and audible signal provided at each entrance to indicate which car is answering a call

Building Interior (Cont'd)

Water Fountains (where provided)

- _____ At least one fountain on accessible route of travel
- _____ Maximum spout no higher than 36" from floor
- _____ Spout located at front of unit with water projecting parallel
- _____ Hand operated control (push or lever) within 5" of the front of the fountain
- _____ 27" clear knee space
- _____ If no knee space, then at least 30" x 48" clear floor space provided for parallel approach

Public Restrooms

Women Men (One restroom may be accessible while another is not, check both)

- | | | |
|-------|-------|---|
| _____ | _____ | On accessible route of travel from or to meeting room |
| _____ | _____ | At least one accessible stall in each restroom. Or unisex restroom available |
| _____ | _____ | Ambulatory accessible toilet stalls (required when six or more water closets are available in a restroom) |
| _____ | _____ | High contrast, non-glare sign, raised and Braille between 48" - 60" from floor, located on latch side of door |
| _____ | _____ | Signs at inaccessible restrooms giving directions to accessible restrooms |
| _____ | _____ | Entry 32" minimum clear width |
| _____ | _____ | Accessible stall doors 32" minimum clear width |
| _____ | _____ | Door pressure 5 lbs. maximum |
| _____ | _____ | Stall width 60" wide x 56" wall mounted, 60" x 59" floor mounted toilet |
| _____ | _____ | Minimum 48" width next to toilet on one side |
| _____ | _____ | Grab bars side and back, 33" - 36" above and parallel to floor |
| _____ | _____ | Grab bars 1-1/2" diameter and 1-1/2" from wall |
| _____ | _____ | Toilet seat 17" - 19" high |
| _____ | _____ | 5' x 5' diameter clear floor space to turn around (by mirrors or sink area) |
| _____ | _____ | Bottom of mirror, top of shelf, towel and all other types of dispensers at 40" maximum from floor |
| _____ | _____ | Soap and towel dispensers and hand dryer adjacent to the sink |
| _____ | _____ | 27" clear knee space under basin |
| _____ | _____ | Insulation of exposed pipes under sinks |
| _____ | _____ | Lever-type faucets (or automatic) |
| _____ | _____ | Lever-type door hardware, entry door and on accessible stall and urinal |

Meeting Rooms and Common Use Areas

Meeting Rooms – Room # / Name of room: _____

(please complete for each meeting room to be used)

- _____ Capacity
- _____ High contrast signage with non-glare finish, Raised and Braille at 48" - 60", latch side of door
- _____ Ramps for raised platforms, speaking areas
- _____ Top of table 28" - 34" from floor
- _____ Clear knee space for tables (minimum 27" high x 30" wide x 19" deep)
- _____ Public Address System with Assistive Listening equipment
- _____ Assistive Listening Equipment (identified by signage)
- _____ Low noise level (inside and outside)
- _____ Meeting and other functions provided in nonsmoking areas
- _____ Firm, non-slip surface (no loose or deep pile carpet)
- _____ If Audible, then visible alarm system

Event Set-up

- _____ If a stage or raised dais is used, it is accessible via ramp or lift.

Fixed Seating Only (auditorium)

- _____ For auditoriums, integrated wheelchair seating, a minimum of one, for 4-25 seats
- _____ Number of wheelchair spaces required _____
(See Appendix A Wheelchair Spaces Required in Assembly Areas)
- _____ Minimum space 33" x 48" for rear or forward access, 33" x 60" for side access
- _____ Unobstructed viewing position from wheelchair seating
- _____ Aisles at least 36" having seating on one side of aisle, 42" with seating on both sides
- _____ Integrated seating, people using wheelchairs can sit next others, accessible seating dispersed through out auditorium.

Meeting Rooms and Common Use Areas (Cont'd)

Common Use Areas

Restaurant /coffee shops, gift shops, ATM, lobby, vending machines, copy machines and other common use areas accessible to persons with disabilities. (entrance, seating, counter height, reach range, 48")

Problem
Areas:

Audible alarm system

Visible alarm system

Maintenance/remodeling at time of meeting