

**April 18-19, 2023**

**Lansing Center**

# **CAP CON 2023**



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**Using Barrier Free Design to Address Equity Issues**





# **KELLY L PELONG, BS; LBSW; CHRS**

**Executive Director**

**Disability Network of Mid-Michigan**

Kelly PeLong is a person with a disability (wheelchair user) who strives to represent other people with disabilities in a way that portrays competence and a positive work ethic. PeLong is currently the Executive Director of Disability Network Mid-Michigan (DNMM) and has been an employee of this agency for over 28 years. PeLong received a Bachelor of Psychology from Central Michigan University, is a Licensed Social Worker, Certified Human Resources Specialist and has been working with people with disabilities for her entire professional career. During this time she has held roles in leadership that included Empowerment Trainer & Peer Support Coordinator, Independent Living Services Program Manager, Support Coordination Services Supervisor, and Quality Assurance Advisor. In 2018 she was named Associate Director and was appointed Executive Director in January 2019. In 2022 Pelong was appointed by Governor Whitmer to the Barrier Free Design board to represent wheelchair users for a term commencing December 1, 2022, and expiring October 31, 2024. She lives in Midland with her husband. She is a master gardener, and her home has been featured during the Midland Reece Endeavor's Community Garden Walk in 2017 and the 2022 Michigan Nursery & Landscapers Association tour as an example of barrier free garden landscapes.



# **RON CAMPBELL, AIA**

**Principal Planner / Preservation Architect**

**Oakland County Planning / Economic Development**

**Architect for Main Street Oakland County, providing design and technical assistance for 26 downtowns and preservation assistance over 400 sites and 63 communities county wide. He holds a Masters Degree from the University of Michigan, is a registered architect and 36CRF Federal Qualifications as a Historic Architect. He is a guest lecture author and recent recipient of Michigan Historic Preservation Network Lifetime Achievement Award.**

**He currently serves as Vice-Chair of the Michigan Barrier Free Design Board; Board member of Michigan Construction Code Commission and as a Board member of his local Downtown Development Authority.**

# How is universal design a benefit to all Michigan residents?



70%



# How is universal design a benefit to all Michigan residents?



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**How is universal design a benefit to all Michigan residents?**

**1 in 3  
families**



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**How is universal design a benefit to all Michigan residents?"**

# 4 seasons of tourism





# How is universal design a benefit to all Michigan residents?



“Well, if you *don't have time* to do it right, what makes you think you'll have time to *do it over*?”

**Why is universal design important for municipal services, parks and recreation, public safety, and public transit?**

# ACCESS FOR ALL



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**Why is universal design important for municipal services, parks and recreation, public safety, and public transit?**

## **AGING IN PLACE**

**The ability to continue to live in one's home & community safely, independently, and comfortably regardless of age, income, or ability level.**

# Why is universal design important for municipal services, parks and recreation, public safety, and public transit?

## EQUITABILITY

- Useful for all abilities





# Why is universal design important for municipal services, parks and recreation, public safety, and public transit?"

## FLEXIBILITY

- Wide range of abilities & preferences



# Why is universal design important for municipal services, parks and recreation, public safety, and public transit?

## INTUITIVE

- Easy to understand





# Why is universal design important for municipal services, parks and recreation, public safety, and public transit?

## PERCEPTIBLE

- Communicates information effectively



**Why is universal design important for municipal services, parks and recreation, public safety, and public transit?**

## **TOLERANCE FOR ERROR**

- **Minimize Hazards**



# Why is universal design important for municipal services, parks and recreation, public safety, and public transit?

## LOW EFFORT

- Minimum of fatigue





**Why is universal design important for municipal services, parks and recreation, public safety, and public transit?**

## **SIZE & SPACE FOR APPROACH**

- **Regardless of  
body size,  
posture, mobility**



# Building Codes & ADA

Michigan Barrier Free Building Code	ADA
<ul style="list-style-type: none"><li>● Is a public Act administered via the Building Code.</li><li>● It is required in all new commercial construction projects or buildings that are changing their use. Existing buildings not undergoing any of the above are considered in compliance and not required to do anything additional.</li></ul>	<ul style="list-style-type: none"><li>● Is a Civil Rights law that prohibits discrimination.</li><li>● ADA compliance is required of all buildings regardless of when they were built or undergoing renovation. Except private clubs, religious buildings and private residence. Barrier Free improvements made under the 1991 Design Standards still valid. known as “Safe Harbor”.</li></ul>

# Building Codes & ADA

Michigan Barrier Free Building Code	ADA
<ul style="list-style-type: none"><li>● The process begins with the Local Building Officials reviewing plans to determine if the plans are in compliance or not in compliance.</li><li>● The Local Building Official finds the design and construction in compliance or not in compliance.</li></ul>	<ul style="list-style-type: none"><li>● The process begins when a private individual or organization files a complaint of discrimination with the DOJ.</li><li>● It is enforced by the U.S. Department of Justice (DOJ) to determine if there is a possible violation and not State or Local Building officials.</li></ul>



# Building Codes & ADA

Michigan Barrier Free Building Code	ADA
<ul style="list-style-type: none"><li>● In Michigan only the Michigan Barrier Free Design Board, and if necessary, the Circuit Court, can grant exceptions to the law.</li><li>● Receiving approvals and CO does not mean that ADA is met, and the owner is clear of violating ADA.</li></ul>	<ul style="list-style-type: none"><li>● The DOJ and if necessary, the Federal Court, makes final decision.</li><li>● The DOJ determines if a person's civil rights have been violated and if sufficient evidence is found may bring lawsuits to end the discrimination.</li></ul>

# Survey Results

## Common Violations of ADA

1. **RAMPS:**  
Lack of or incorrect design.
2. **RESTROOM FACILITIES**  
Inaccessible, location in building and/or equipment.
3. **PARKING**  
Lack of designated parking spaces..
4. **SIGNAGE:**  
Lack of or incorrect design.
5. **UNINFORMED STAFF:**  
Uniform or misinformed of policies, protocols and/or procedures.

## Oakland County Survey of Businesses

1. **RAMPS: 35.2%**  
Lack of or incorrect design.
2. **RESTROOM FACILITIES: 24.4%**  
Inaccessible , location in building and/or equipment.
3. **PARKING : 13.4%**  
Lack of designated parking spaces.
4. **SIGNAGE: 6.3%**  
Lack of or incorrect design.
5. **UNINFORMED STAFF: 0%**  
Uniform or misinformed of policies, protocols and/or procedures.

# Reasons for not making Accessibility Improvements

- Already believe the building is barrier free accessible: 49.4%
- Only lease the space: 28.5%
- Costs: 8.5%
- Unaware of what is needed: 3.6%
- Building or site limitations: 1.9%
- Other: 8.2% (Home business, e-commerce, recently purchased, HISTORIC BUILDING)



# Obstacles & Opportunities



It might be open  
– but only to some



# Obstacles & Opportunities



Make your Streetscape projects more than planters, light poles, and street furniture



# Thoughtful Solutions

Streetscape projects can achieve greater success when address accessibility and Universal Design.





# Obstacles & Opportunities

Some older buildings in downtowns present challenges more difficult than the property owner can address without help from the municipality.



# Obstacles & Opportunities

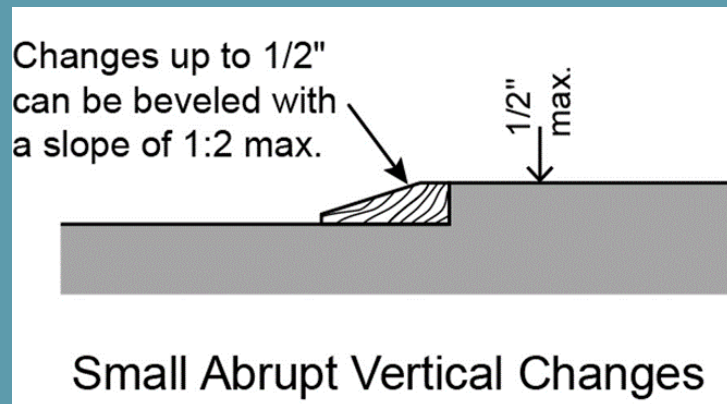
Cooperation between municipality and property owners may yield the only feasible solution.





# Obstacles & Opportunities

Small changes in elevation present risks that can be avoided and work towards universal design.



# Obstacles & Opportunities

Older building facades present difficulties with deep recess entries and lack of latch side clearance. Physical alterations involve structural changes and total reworking of the storefront. Think technology.





# Thoughtful Solutions

Clues can be found in the existing architecture.



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# Thoughtful Solutions

Maximize the investment to its fullest.  
Know the building and what can be  
accomplished. Look for  
Opportunities in the architecture.





# Thoughtful Solutions

Look beyond the obvious and use all the opportunities presented.



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# Thoughtful Solutions

While older buildings, including historic structures are subject to meeting ADA and accessibility requirements of the Building Code, they are only required to the extent that it is reasonably achievable.

Small, simple, historically significant buildings may be extremely difficult to find solutions





# Thoughtful Solutions

Or when all of the facades are significant and visible.



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# Thoughtful Solutions

Simple and significant architecture.



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# Thoughtful Solutions

Or when all of the facades are significant and visible.





# Thoughtful Solutions

A solution was found by looking down.



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# **Accessibility is more than buildings: Website Communications before arrival**

## **Directions:**

**Location, parking, accessible entrance, Path, difficulty of navigating, etc.**

## **What to expect:**

**Accessible restrooms & location, Access limitations, etc.**

## **Accommodations:**

**Special provisions based on disability, service animals, available equipment, etc.**

<https://www.nps.gov/liho/planyourvisit/accessibility.htm>

# Help



**Accessibility**  
INITIATIVE



**FEDERAL TAX INCENTIVES FOR BUSINESSES\***  
**Expand Your Market by Including Customers with Disabilities**

More than 50 million Americans with disabilities make up a huge, nearly untapped market for businesses of all types and sizes. To help businesses welcome customers with disabilities, the Internal Revenue Service (IRS) offers federal tax incentives to remove access barriers:

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# Help

## 1. TAX CREDIT

Small businesses with 30 or fewer employees or total revenues of \$1 million or less can use the Disabled Access Credit (Internal Revenue Code, Section 44). Eligible small businesses may take a credit of up to \$5,000 (half of eligible expenses up to \$10,250, with no credit for the first \$250) to offset their costs for access, including:

- Barrier Removal from their Facilities (e.g., widening a doorway, installing a ramp)
- Provision of Accessibility Services (e.g., sign language interpreters)
- Provision of Printed Material in Alternate Formats (e.g., large-print, audio, Braille)
- Provision or Modification of Equipment

## 2. TAX DEDUCTION

Businesses of all sizes may take advantage of this tax deduction. Under Internal Revenue Code, Section 190, businesses can take a business expense deduction of up to \$15,000 per year for costs of removing barriers in facilities or vehicles.

*\*Business Owners: Always consult your CPA, accountant or tax preparer for guidance on how to utilize these tax incentives.*

## 3. TAX INCENTIVES IN COMBINATION

These two incentives can be used together by eligible businesses if the expenditures qualify under both Sections 44 and 190. If a small business' expenses exceed \$10,250 for the maximum \$5,000 tax credit, then the deduction equals the difference between the total spent and the amount of the credit claimed.

## 4. TAX INCENTIVES AVAILABLE EVERY YEAR

A business that annually incurs eligible expenses to bring itself into compliance with the ADA may use these tax incentives every year. The incentives may be applied to a variety of expenditures; however, they may not be applied to the costs of new construction. All barrier removal must comply with applicable Federal accessibility standards.

### TAX INCENTIVES FORMS AND PUBLICATIONS (NOVEMBER 2005)

For Order Form 8826 (Disabled Access Credit) and Publication 535 "Business Expenses" (Tax Deduction):

800-829-3676 (voice) | 800-829-4059 (TTY)  
[irs.gov](https://www.irs.gov)

# Who can Michigan municipal leaders ask for feedback on public projects and services?"



<https://dnmichigan.org/cils/>

