Parking for Persons with Disabilities

What a provider of multiunit housing in Iowa needs to know to be compliant with state and federal laws governing parking for persons with disabilities

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Both federal and state laws have an effect on parking for persons with disabilities in off-street residential lots. First, the Americans with Disabilities Act controls parking in public accommodations or commercial spaces. 42 U.S.C. § 12101 (1990). Second, the federal and state fair housing laws govern reasonable accommodations for off-street parking at residential units. 42 U.S.C. §§ 3600-3620 (1988). Finally, state parking law speaks to specific regulations for accessible parking spaces. IOWA CODE § 321L (2009); 661 IOWA ADMIN. CODE § 18 (2010). The most complex sector of the law regarding parking for persons with disabilities—and the sector which this paper looks to address—regards parking in residential apartment complexes whose lot(s) also host public or visitor parking.

There are several questions which must be addressed herein. If you own or manage multiunit residential complexes, or represent an owners' association of a complex, do you know when or how to designate parking spaces for persons with disabilities, and if so, how many parking spaces? If there are persons with disabilities renting in your unit, do you need to provide an accessible parking space for them? May you charge these tenants a fee for an accessible parking space? Must you supply visitors to the multiunit residential complex which you own or operate, or to a public accommodation therein, with accessible off-street parking?

Persons with disabilities may find it challenging to fully use and enjoy their dwelling without adequate accessible parking. The State of Iowa has specific laws and regulations regarding accessible parking for persons with disabilities. *Iowa Code Chapter 321L (1990); 661Iowa Admin. Code Chapter 18 (321L) (2010).* In addition, there are state and federal fair housing laws that prohibit discrimination in parking for

persons with disabilities – the federal "Fair Housing Act," the "Americans with Disabilities Act" (ADA), and the "Iowa Civil Rights Act of 1965*." 42 U.S.C. §§ 3600-3620; 42 U.S.C. § 12101; and Iowa Code Chapter 216.* It may at times be challenging for a housing provider to fully understand and correctly apply all of these laws to their particular off-street parking situations and needs; however, by reviewing these laws and answering certain key questions, this paper will assist providers in achieving greater understanding and help insure greater compliance with these laws.

The Americans with Disabilities Act

In 1990, Congress established the Americans with Disabilities Act (ADA) "to provide clear, strong, consistent, enforceable standards addressing [and eliminating] discrimination against individuals with disabilities." 42 U.S.C. § 12101(b)(2) (1990). This landmark legislation also sought to assist persons with a disability in fully participating in day to day life and to prevent them from being denied access to opportunities because of a disability. 42 U.S.C. § 12101 (1990).

One of the hallmarks of the ADA is the reasonable accommodation for public accommodations provision of Title III. 42 U.S.C. § 12102(4)(E)(i)(III) (1990). Title III requires a public accommodation to make reasonable accommodations in policies, practices, or procedures when necessary to afford peoples with disabilities equal opportunity to enjoy "goods, services, facilities, privileges, [and] advantages …" Thomas P. Murphy, *Disabilities Discrimination Under the Americans with Disabilities Act,* 36 CATH. LAW. 13, 24 (1995). Under Title III, discrimination against individuals in the full use and enjoyment of goods, services, facilities, or accommodations in any place of

public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation is prohibited. 42 U.S.C. § 12182(a) (1990).

Public accommodations are places where the general public conducts business that affects commerce, including most locations open for public use. Gabreille P. Whelan*, The "Public Access" Provisions of Title III of the Americans with Disabilities Act: A Guide for Commercial Landlords and Tenants, 34 SANTA CLARA L. REV. 215, 225-26 (1993).* For purposes of this paper, Title III of the ADA *only* applies to areas of public accommodations within residential complexes, *not* to the residential units themselves.

The ADA requires structures existing at the time the act went into effect in July of 1990 to make changes that are "readily achievable" to remove barriers of access and enable persons with disabilities to use and enjoy the premises. *Id.* at 229. Readily achievable is defined as "'easily accomplishable and able to be carried out without much difficulty or expense.'" 42 U.S.C. § 12181(9) (1990). The ADA outlines several factors to consider when determining if a modification is readily achievable, including: nature and cost of the necessary action; financial resources of the facility and the impact of such modification on the operation of the facility; type of operations of said entity, and the operation's relationship to the facility. Robert L. Burgdorf, *Equal Members of the Community: The Public Accommodations Provisions of the Americans with Disabilities Act*, 64 TEMP. L. REV. 551, 551 (*citing* 42 U.S.C. 12181(9)).

Title III further requires that new structures, built after July, 1990, must be fully accessible to the population of peoples with disabilities unless "structurally impractical." 42 U.S.C. § 12183(a)(1) (1990). Providing parking for persons with a disability is

considered readily achievable by the Department of Justice due to the minimal cost involved to install appropriate signage and painting parking spaces. Whelan*, The "Public Access" Provisions of Title III of the Americans With Disabilities Act: A Guide for Commercial Landlords and Tenants, 34 SANTA CLARA L. REV. at 225-26.* "Parties constructing new facilities must comply with the ADA regulations." *Id.* at 224 *(quoting* 42 U.S.C. § 12183(a)(1)).

The ADA Practice and Compliance Manual section 4:17 provides an exhaustive list of 12 categories of public accommodation, including "sales or rental units" applicable to the rental and leasing offices at apartment complexes. Office on the Americans with Disabilities Act, U.S. Department of Justice, *The Americans with Disabilities Act Title III Technical Assistance Manual* § 4:17 (1992). Also, public accommodations may exist where a "high-rise" residential complex leases the ground level for commercial space. Title III of the ADA may significantly affect the landlord/tenant relationship in this situation. Whelan*, The "Public Access" Provisions of Title III of the Americans With Disabilities Act: A Guide for Commercial Landlords and Tenants, 34 SANTA CLARA L. REV. at* 216. Where a portion of the residential complex is leased as commercial space, the landlord (owner of the residential complex) and the tenant (renter of the commercial space, say restaurant owner,) both have a duty to provide reasonable accommodations. Karen E. Field, 15 CARDOZO L. REV. 569; *see also* Whelan, 34 SANTA CLARA L. REV. at 215 (*citing* Henry H. Perritt, *Americans with Disabilities Act Handbook* 132 (John Wiley & Sons, Inc. ed., 2d ed. 1991)).

The landlord could write into the lease agreement that the tenant is responsible for making such accommodations; however, courts are split as to whether or not this

releases the landlord from liability all together. Many courts continue to hold the landlord liable under the ADA, allowing indemnification as a remedy toward the tenant for failing to make reasonable accommodations. Field, *The Americans with Disabilities Act "Readily Achievable" Requirement for Barrier Removal: A Proposal for the Allocation of Responsibility Between Landlord and Tenant*, 15 CARDOZO L. REV. at 571.

A California district court ruled that where a tenant restaurant owner failed to make reasonable accommodations for accessible parking on the premises, the property owner was liable even though the lease stated "tenant shall not make any structural changes, alterations, or additions to the premises without obtaining written consent of the [property owner]." *Botosan v. Fitzhugh*, 13 F. Supp. 2d 1047, 1053 (SD CA 1998). Further, the court found that just because the tenant had exclusive control over the entire leased premises did not relieve the landlord of their liability. *Id*. at 1054-55. Here, the landlord was deemed a necessary party in the action, regardless of what the lease did or did not provide for. *Id.*

The Ninth Circuit Court of Appeals upheld the *Botosan* decision between two private entities. *Disabled Rights Action Comm. v. Las Vegas Events, Inc.*, 375 F.3d 861, 882 (9th Cir. 2004). However, the Court noted that where one party is a public entity—a state university system—and the other a private entity—a Rodeo Association—the public entity operating as landlord may not be held liable for Title III violations by the private tenant. *Id.* In this case, University Systems was not held liable for the Rodeo Associations' failure to make reasonable accommodations during the rodeo. *Id.* at 883. Generally, the Department of Justice stipulates that both parties (if private entities) may be held liable to a third party for Title III violations. Field, *The*

Americans with Disabilities Act "Readily Achievable" Requirement for Barrier Removal: A Proposal for the Allocation of Responsibility Between Landlord and Tenant, 15 CARDOZO L. REV. at 584. However, the Ninth Circuit's decision should be noted as the exception to this rule.

Ultimately, private businesses that may be subject Title III public accommodations provisions of the ADA must comply with statutory requirements for accessibility of location and dimension of parking for people's with disabilities. 42 U.S.C. § 12183(a)(1).

Federal and state fair housing laws

It is at this juncture that the Fair Housing Act and state statutory law enter the equation to aid in enforcement and interpretation of Title III of the ADA. In the federal Fair Housing Act (FHA), Congress declared: "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." 42 U.S.C.§ 3601 (1988). The Act prohibits discrimination by housing providers on a number of bases or protected personal characteristics, including race, color, religion, sex, familial status, and national origin. 42 U.S.C. § 3604 (1988). Where the ADA deals solely with public accommodations located in the residential complex, the FHA touches only areas of the residential complex that are accessible to tenants and their guests, *not* any public accommodations. 42 U.S.C. § 3604. The Iowa Civil Rights Act of 1965 (Iowa Code Chapter 216) has been deemed equivalent to the FHA by the U.S. Department of Housing and Urban Development (HUD). IOWA CODE § 216 (2009).

In 1988, the FHA was amended to bring disability discrimination into the scope of protections for fair housing. 42 U.S.C. § 3601. Prior to this, the FHA did not ensure

peoples with disabilities a right to fair and equal housing. 42 U.S.C. § 3601. The Act now prohibits discrimination on the basis of handicap or disability "in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling." *Hubbard v. Samson,* 994 F. Supp. 187, 189 (1998) *(citing 42 U.S.C. § 3604(f)(2)(A)*). The Federal Fair Housing Act Amendments (FHAA) define handicap as a physical or mental impairment which substantially limits one or more major life activities. 42 U.S.C. § 3602(h)(1) (1988). This definition is very broad, so as to include all types of disability. 42 U.S.C. § 3602. However, the FHAA does not include current users or addicts of illegal narcotics, nor any individual who threatens the safety and health of other residents. 42 U.S.C. § 3601(h)(3).

The FHAA, like the Iowa Civil Rights Act of 1965, has a provision that requires housing providers "to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford people equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B); IOWA CODE § 216.8A(3)(c)(2). "Reasonable accommodation can involve 'changing some rule that is generally applicable so as to make its burden less onerous on the handicapped individual.'" *Hubbard*, 994 F. Supp. at 189 (*citing Proviso Assoc. of Retarded Citizens v. Village of Westchester, Ill.*, 914 F. Supp. 1555, 1562 (N.D. Ill. 1996). Reasonable accommodations include alterations that afford the person with a disability the opportunity to fully enjoy the dwelling, such as the addition of accessible parking to accommodate the need of persons with disabilities. *Hubbard*, 994 F. Supp. at 189. The requirements for the construction of accessible parking are outlined in the Iowa Code § 321L.

The FHAA prohibits landlords from making direct inquiries with potential tenants about any possible disability. 42 U.S.C. § 3605 (1988). Thus, the FHAA puts the duty of requesting a reasonable accommodation on the tenant. 42 U.S.C. § 3605. Once that tenant makes the request for a reasonable accommodation, the landlord's refusal to meet the request *may* equate discrimination. 42 U.S.C. § 3604(f)(1). Further, a landlord may be held liable for making accommodations that are not deemed reasonable. *Jankowski Lee & Assoc. v. Cisneros,* 91 F.3d 891, 891 (1996) (where the court found that the addition of two accessible parking spaces was not a reasonable accommodation to satisfy the plaintiff's request.) A landlord may, however, refuse to accommodate a request if it is shown to be unreasonable. *Sporn v. Ocean Colony Condo. Assoc.*, 173 F. Supp. 2d 244 (D.N.J. 2001).

In *Jankowski*, a tenant with multiple sclerosis requested from the landlord a change in the parking policy of his complex (specifically, an assigned parking space in front of his building). 91 F.3d at 895. The landlord, without making a reasonable inquiry into the extent of the tenant's disability, refused to make such accommodation, stating it was unnecessary and unreasonable. *Id.* The Seventh Circuit Court of Appeals ruled that where a landlord is skeptical "of a tenant's alleged disability or the landlord's ability to provide an accommodation, it is incumbent upon the landlord to request documentation or open a dialogue" with the tenant. *Id.* at 895. Thus, it may be the landlord's duty to make a reasonable inquiry into the disability once a request for reasonable accommodations has been made.

The landlord in *Jankowski* later agreed to add an additional two accessible parking spaces to the complex's lot. *Id.* at 895-96. However, the Seventh Circuit found

that where the landlord "accommodated" the tenants' request for an assigned space in the front of his building by generically adding two additional accessible spaces to the complex lot, this accommodation was not reasonable. *Id.* at 896. Reasonableness of an accommodation becomes a very fact specific question, considering the circumstance of an individual request. *Id.* (*citing United States v. Cal. Mobile Home Park Mgmt. Co.,* 29 F.3d 1413, 1418 (9th Cir.1994)). In this instance, the addition of two accessible spaces was not reasonable because it left the complex with only eight accessible spaces and 27 residents with tags or licenses to park in such spaces, thus continuing to make it difficult for the tenant to find parking in front of his building. *Jankowski*, 91 F.3d at 895.

Where a landlord claims that a request for accommodations is unreasonable, it is often up to the court to determine whether or not such a request may be refused. *Shapiro v. Cadman Towers, Inc.*, 51 F.3d 328, 334 (2d Cir. 1995). In *Shapiro*, the Second Circuit Court of Appeals ruled that "reasonable accommodations" as per Title IV of the Civil Rights Act of 1964 have a different standard than the "reasonable accommodations" required by the FHAA. *Id.* Under Title IV, reasonable accommodation requires only equal treatment and no affirmative action. *Id.* However, the Second Circuit ruled that the FHAA reasonable accommodation is akin to reasonable accommodations under § 503 of the Rehabilitation Act of 1973, providing that a landlord may have to incur reasonable costs to accommodate a tenant. *Id.* at 335. The standards for reasonable accommodation under the FHAA are less rigorous than the standards under Title IV of the Civil Rights Act, and a landlord cannot use Title IV as a valid defense for failure to accommodate. *Id.*

As noted, if a tenant makes a request for reasonable accommodation and the landlord refuses such accommodation, that refusal may be discrimination as defined by the FHAA. 42 U.S.C. § 3604(f)(1). To prove discrimination based on the failure of a landlord to make reasonable accommodations, a plaintiff must show that:

> (1) he or she suffers from a handicap as defined by the Fair Housing Act; (2) defendants knew or reasonably should have known of Plaintiff's handicap; (3) accommodation of the handicap "may be necessary" to afford plaintiff an equal opportunity to use and enjoy the dwelling; and (4) defendants refused to make such accommodation

S. Cal. Hous. Rights Ctr. v. Los Feliz Towers, 426 F. Supp. 2d 1061, 1066 (C.D. Cal. 2005). Inquiries into housing discrimination under the FHAA are highly fact specific; the court will consider each individual case in relation to the above test. *Id.* In *Jankowski*, the Ninth Circuit found discrimination when a disabled tenant, to their great pain or injury, was forced to travel long distances from home to car and vice versa. *United States v. Cal. Mobile Home Park Mgmt. Co.*, 107 F.3d 1374, 1381 (9th Cir. 1997) (*citing Jankowski, 91* F.3d at 895). If such injury or pain reduces or diminishes the tenants' use and enjoyment of their dwelling, part three of the above test is satisfied. *Cal. Mobile Home Park Mgmt.*, 107 F.3d at 1381. The *Shapiro* court found that where the tenant was exposed to a risk of "injury, infection, or humiliation" when leaving and returning to their dwelling, a reasonable accommodation for parking becomes necessary to use and enjoy said dwelling. *Shapiro*, 51 F.3d at 335.

In 1998, a case was brought in New York under the FHAA by a resident with a mobility impairment that satisfied the FHAA's definition of handicap. *Hubbard*, 994 F. Supp. at 187. The resident asked the complex's landlord for an assigned parking space

close to her building. *Id.* The apartment complex reluctantly agreed to allow the requested space to be assigned to the tenant, but required her to pay a fee associated with the reserved parking space. *Id.* at 189. The tenant alleged that charging a fee for parking was a failure to provide reasonable accommodation under the FHAA, and the court agreed. *Id.* at 193. The judge reasoned that providing a tenant with a designated space at no cost "would not diminish the number of reserved spaces available for rental or decrease [the landlord's] income from these spaces. Thus, [the landlord] would not be burdened by designating a space for [the tenant's] use without charge." *Id.* at 191. Charging the tenant a fee to park is neither a reasonable accommodation, nor is it equal opportunity to use and enjoy the dwelling. *Id.* at 193.

Conversely, after investigating a claim through the lens of the FHAA discrimination test, a New Jersey district court concluded that there is no existing discrimination where there is a lack of evidence for failure to reasonably accommodate. *Sporn*, 173 F. Supp. 2d at 249. Here, tenant provided little to no evidence pointing to either the necessity or reasonableness of the requested parking accommodation; moreover, the landlord maintains that they took significant effort to provide tenant with acceptable accommodation, but tenant refused their efforts. *Id.* The court concluded—noting that a reasonable accommodation should not extend additional preferences above and beyond those afforded to other tenants, only equal opportunity (*see Hubbard*, 994 F. Supp. at 190)—that the tenant was requesting additional, unreasonable accommodations. *Sporn*, 173 F. Supp. 2d at 250. In this case, tenant's allegation of discrimination for refusal to grant an accommodation is not a sufficient discrimination claim under the FHAA. *Id.* at 251.

Post 1988, the FHA defines handicap, reasonable accommodation, and outline's a test for the court's to use in determining if discrimination is present in a particular case. 42 U.S.C. § 3601. However, it is state statutory law that provides specific guideline's for accessible parking for people's with disabilities.

Iowa Law on Parking for Peoples with Disabilities

The State of Iowa defines parking spaces for persons with disabilities as "a parking space, including aisle, designated for use by only motor vehicles displaying a persons with disabilities parking permit." IOWA CODE § 321L.1(7) (2009). A person with a disability is defined as "a person with a disability that limits or impairs the person's ability to walk." IOWA CODE § 321L.1(7). Accessible parking spaces are designated as such to allow access for persons with disabilities to both public and private facilities. IOWA CODE § 321L.1(8). The designated parking spaces should be located to provide the shortest accessible pedestrian route into the building. 661 IOWA ADMIN. CODE § 18.2 (2010).

The Iowa Administrative Code states that a parking space for persons with disabilities must adhere to specific parameters for it to be considered an accessible parking space. 661 IOWA ADMIN. CODE § 18.2. The mere display of the internationally recognized symbol of accessibility affixed to a standard parking space is insufficient. Iowa Code § 321L.5(2). All parking spaces for persons with disabilities that are designated or created "after July 1, 1990, shall comply with the dimension requirements specified in rules adopted by the department of public safety and in effect when the spaces are designated." Iowa Code § 321L.5(2). Additionally, Iowa Administrative

Code specifies that the dimensions of the spaces designated for persons with disabilities shall conform to all national standards. Iowa Code § 321L.5(2). The spaces must be at least 96 inches wide and have an adjacent aisle that is at least 60 inches wide. 661IOWA ADMIN. CODE *§* 18.3. It is permissible for two accessible spaces to share a common adjacent access aisle. 661IOWA ADMIN. CODE *§* 18.3.

Accessible parking spaces shall be designated with the international symbol of accessibility and be displayed on a vertical sign or object so that the bottom of the blue and white sign is no less than five feet or no greater than seven feet from the ground. 66 IOWA ADMIN. CODE § 18.5. The sign must be displayed this way so that it is visible to approaching drivers of vehicles. 661IOWA ADMIN. CODE § 18.5. There are two exceptions to this "visibility" provision: (1) signs that were in place prior to February 1, 200,1 that are readily visible to approaching drivers may continue being used until such time as they are replaced; and (2) signs that are affixed to other approved parking signs and devices such that are clearly visible to approaching drivers are not required to comply with the minimum and maximum height requirement of display. 661IOWA ADMIN. CODE § 18.5. However, simply marking the pavement within the parking spot with the internationally recognized symbol of accessibility is insufficient alone to designate a parking spot for a person with a disability. 66 IOWA ADMIN. CODE § 18.5. Signs designating parking spaces that are reserved for a person with a disability are not required to display the amount of fine that will be imposed for improper use of the parking space, but may do so. 661IOWA ADMIN. CODE § 18.5.

There are three types of permits that may be obtained by a person with a disability: (1) registration plates, (2) a parking sticker, or (3) a removable windshield

placard. IOWA CODE § 321L.2(1)(a)(1)-(3). A licensed physician, physician assistant, nurse practitioner, or chiropractor may provide a statement on his or her stationery that includes the individual's name, address, birth date, social security number or Iowa driver's license number or non-operator's identification card number who is requesting an accessible parking permit. IOWA CODE § 321L.2(1). The statement should include the reason the accessible parking permit is necessary. IOWA CODE § 321L.2(1).

Above are the general regulations and requirements for accessible parking for persons with disabilities in Iowa. The issue becomes considerably more complex when dealing with the number of spaces that are to be designated in off-street parking for residential facilities. According to Iowa law,

> All public and private buildings and facilities, temporary or permanent, which are residences and which provide ten or more tenant parking spaces, excluding extended health care facilities, shall designate at least one parking space for persons with disabilities as needed for each individual dwelling unit in which a person with a disability resides.

661 IOWA ADMIN. CODE § 18.5.

The number of spaces designated for persons with disabilities is determined by the number of rental units housing a person with a disability, who have a proper permit, that require accessible parking. 661IOWA ADMIN. CODE § 18.5. There must be at least one accessible parking space per person with a disability residing at the complex. 661IOWA ADMIN. CODE § 18.5. So, in a hypothetical multiunit housing complex with 50 parking spaces, and 20 residents displaying a proper permit for handicapped accessible parking, 20 of the 50 spaces must thus be accessible. While this law may seem relatively straightforward, it becomes slightly more challenging when there is a residential parking lot in a multiunit housing complex that also has designated public

visitor parking spaces. As previously noted, many multiunit housing complexes will designate public visitor parking spaces to accommodate prospective tenants' attempts to visit the rental or leasing office as well as visitors there to see current tenants, or residential complexes that rent out commercial space within the building that provide parking for visitors to those commercial units. The Iowa Department of Public Safety (DPS) provides guidance in these instances:

> Residential buildings and facilities which provide public visitor parking of **ten** or more spaces shall designate parking spaces for persons with disabilities in the visitors' parking area in accordance with the table contained in rule 661—18.6(321L).

Rule 661—18.7(321L) (2010).

The Iowa DPS has promulgated the following table:

Total Parking Spaces In Lot	**Required Minimum Number of Parking Spaces for Persons with Disabilities**
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	*
1001 and over	**

*2 percent of total
**20 spaces plus 1 for each 100 over 1,000

661IOWA ADMIN. CODE § 18.6(2) (2010).

In the previous example of a multiunit housing complex with 50 parking spaces, if eight of the 50 were designated as public visitor parking spaces, the DPS rules do not apply and the lot only needs to contain the number of spaces required by tenants with proper permits. 661IOWA ADMIN. CODE § 18.6(2). However, if there were 10 visitor parking spaces in the same 50-space lot, then there would need to be one space designated for persons with disabilities who are visitors to, and not tenants of, the public accommodation within that unit. 66 IOWA ADMIN. CODE § 18.6(2).

However, if the housing provider does not designate parking for visitors, but allows visitors and tenants to park anywhere they want in the 50-space lot, the law is less clear. A fair reading of DPS rules suggest where parking for tenants and visitors is combined, the provider should combine the number required for tenants with disabilities (IE how many tenants residing in the complex have a proper handicapped parking permit) with the number required for visitors as per the DPS table. This calculation would provide the *minimum* number required by Iowa parking law. For instance, in the same 50-unit complex with combined tenant and visitor parking (IE there is *not* a separate lot designated for visitors), where there are 20 residents requiring accessible parking spaces, the landlord would have to provide *at least* 22 spaces accessible to persons with disabilities. 661IOWA ADMIN. CODE § 18. This calculation represents the minimum, base-line number of accessible spaces that a landlord must provide.

Synthesis and conclusion

As this paper points out, the law regarding parking for persons with disabilities in off-street multiunit residential complexes is both complicated and governed by a wide-array of federal and state legislation. Hopefully, this paper has succeeded in clarifying the black-letter-law surrounding this issue. Returning to the original questions posed at the start of the paper, definitive answers may now be derived:

- If you are the owner or manager or you represent a homeowners' association of a multiunit residential complex that provides off-street parking, do you need to designate parking spaces for persons with disabilities, and if so, how many parking spaces?
    - Yes, you need to provide at least one accessible space per tenant that needs the accommodation. Additionally, you will also need to provide accessible parking spaces if you provide ten or more public visitor parking spaces. The required number of accessible spaces will depend on the total number of public visitor spaces that are provided.
- As a landlord, if there are persons with disabilities renting in your unit, do you need to provide an accessible parking space for them?
    - Yes, a reasonable accommodation needs to be made for a resident with a disability. Failure to do so can result in civil liability and fines.
- May a landlord charge a fee for an accessible parking space?
    - No, the courts have held that it is not acceptable to charge a fee to the tenant for a reserved accessible space requested as a reasonable accommodation.

- Must the landlord supply visitors to a multiunit residential complex, or to a public accommodation therein, with accessible off-street parking?
    - Yes, the landlord must provide the public with accessible spaces as per the DPS table if the complex has ten or more spaces designated for the public and/or visitors to the unit.

In this examination of parking for persons with a disability, it is clear that the Iowa regulation of parking spaces for persons with a disability applies to both residential off-street parking and to commercial areas we encounter every day. The Fair Housing Act and Iowa Code Chapter 216 apply to the rental and sale offices as well as any commercial space rented within the complex. The ADA applies to private businesses and commercial property only. The Iowa requirements for the dimensions and number of required spaces are in accordance with the national standards. It is important to comply with the dimensions, number of spaces, and signage associated with parking for persons with disabilities to prevent violations of the Iowa Code Chapter 321L “Parking for Persons with Disabilities,” Iowa Department of Public Safety Rules (661 Iowa Admin. Code Ch. 18), the Fair Housing Act, the Iowa Civil Rights Act of 1965, and the ADA.