

Parking for Persons with Disabilities and Fair Housing

“Because of my disability I can’t walk very far without suffering extreme discomfort and fatigue. I have a DOT permit to park in spaces assigned for persons with disabilities. And even though my landlord has designated several spaces close to the building, there are times when I can’t find an open space at a reasonably-safe distance. Whenever I leave the building, I worry that I won’t be able to find a place when I return. I worry that I’ll have to drive around for hours waiting for a space to open or I’ll have to rent a motel room again.” -- Actual complaint before the Iowa Civil Rights Commission

Lack of parking for persons with disabilities

For a person with a disability that limits or restricts their mobility, lack of sufficient parking can be a significant barrier to the full use and enjoyment of their dwelling. Lack of sufficient parking for persons with disabilities at a housing complex can also be a violation of State parking law, as well as State and Federal Fair Housing Laws. A resident with a disability who has a DOT parking permit who cannot find an available ‘persons with disabilities parking space’ or other suitable parking is effectively denied housing based on disability.

State parking law

State law mandates designated public parking for persons with disabilities. The law sets forth location, dimension, and designation requirements, as well as the dimension of the access aisles along side the parking spaces. The law applies to off-street parking provided by public accommodations, such as retail stores and government agencies, as well as multi-family housing, such as apartments or condominiums.

- For property managers who provide ten or more **resident** parking spaces, they must designate **at a minimum** one parking space for persons with disabilities, as needed, for each dwelling unit housing a person with a disability.
- Each of those designated spaces must meet the law’s location, dimension, and designation requirements.
- If the property manager provides separate parking for **visitors**, then the manager must meet the number requirement for “off-street parking facilities.” That number requirement is based on the number of total spaces offered. (*Ex.* A property manager that offers 10-25 spaces for visitors must designate one of those spaces for persons with disabilities.)
- Where parking for **residents and visitors** is combined, the property manager should combine the number required for residents with disabilities with the number required for visitors to arrive at the **minimum** number required by State parking law.

State and Federal Fair Housing Laws

When a resident with a disability complains to their property manager about the lack of suitable parking or requests additional suitable spaces, the resident is requesting a **reasonable accommodation**. Under State and Federal Fair Housing Laws, the property manager is obligated to make the accommodation to their policies or services –

- By designating additional spaces beyond the minimum required by State parking law, if reasonable and necessary to afford the resident an equal opportunity to use and enjoy their dwelling unit.
- By assisting with the enforcement of the designated parking spaces in order that the residents with disabilities have the use of those spaces.
- Making other modifications to its (parking) policies and procedures if reasonable and necessary to afford the resident an equal opportunity to use and enjoy his or her dwelling unit.

To ensure that a housing complex is meeting both the requirements of the law and the needs of its residents, the property manager can request information about parking needs, including the need for a ‘persons with disabilities’ parking space at the time that the lease is entered. In this manner the property manager will have current, accurate information with which to designate spaces for its residents and guests. In the interim, property managers may choose to use a survey in which they ask each resident to report the number of persons in their household, as well as the number of their visitors, who require designated parking as the basis for setting the number needed.

Remember, the State law that mandates parking for persons with disabilities sets a minimum number, not a maximum number.

For further information, please contact:

Iowa Civil Rights Commission
Grimes Building, 400 E. 14th St.
Des Moines, Iowa 50319
515-281-4121 or 1-800-457-4416
www.state.ia.us/government/crc

Iowa Division of Persons with Disabilities
Lucas Building, 321 E. 12th St.
Des Moines, Iowa 50319
1-888-219-0471
www.state.ia.us/government/dhr/pd/index.html

HUD – Regional Fair Housing Office
400 State Ave., Room 200
Kansas City, Kansas 66101
913-551-6993 or 1-800-743-5323
www.hud.gov

Iowa Department of Transportation
Office of Vehicle Services
P.O. Box 9278
Des Moines, IA 50306-9278
515-237-3110
www.iowadot.gov/mvd/ovs/disabled.htm