

Farrow Commercial Specializes in Resort Compliance for Americans with Disabilities Act

Helps Timeshare Resorts Comply with ADA Standards

by Marge Lennon

Are you 100% positive that your resort is totally prepared for disabled guests? Do you know the number of units you should have at your property that are designated for guests with disabilities? What about accessible wheelchair routes to your patio or balcony or wheelchair turning space in your bedrooms? Is your microwave mounted beyond the range of a handicapped person? Would you go bonkers if a U.S. Department of Justice representative suddenly announced a surprise inspection? Not to worry, help is on the way by reading the following story.

The Americans with Disabilities Act of 1990-91 (ADA) is a civil rights law, requiring compliance from all public facilities. Since timeshares, hotels and resorts are public facilities with transient lodging guest rooms, they are required to comply with the ADA. Contrary to popular opinion, there is no grandfathering of existing properties; a facility is either in compliance or not in compliance. While "grandfathering" is a common belief within the industry, it is incorrect. Just ask any of the resort managers and developers who thought they were "grandfathered in" and were heavily fined for not complying with ADA requirements.

For more than 15 years, Farrow Commercial, Inc. of Santa Rosa, California, in conjunction with its affiliate companies, has specialized in ADA accessibility compliance within its ADA Division. Farrow Commercial is also highly respected

for their commercial refurbishment, remodeling, and addition projects. The company has previously worked on governmental projects and with the U.S. Department of Justice (DOJ), completing several additional assignments.

As President of Farrow Commercial, John Farrow directs a team of professional consultants and project managers who are thoroughly knowledgeable about all aspects of ADA regulations. In addition to their work with hotels and hospitality properties, for the past several years, they have worked with timeshare resorts across the country, helping them to bring their properties into Federal and local compliance. To their knowledge, Farrow Commercial is the only company currently doing ADA work for timeshare developers.



John Farrow, President of Farrow Commercial, Inc.

properties to ADA standards. In helping them, we learned that there was a great need for this type of work across the entire United States and within timeshare and hospitality industries. Although we are based in California, we work nationally and either have or obtain the appropriate general



contracting licenses and insurance requirements for every state in which we work."

In describing inspections and resulting fines, John shared that it is standard procedure for the DOJ to target a large company by conducting a surprise inspection or following up on a complaint by a handicapped guest who did not have proper access to the unit, using the non-compliant resort as an example to others within their industry.

Here is the common Federal follow-up scenario: The first step is after someone files a complaint or the DOJ randomly selects a resort and/or sends an inspector to determine compliance. When an inspector or inspectors arrive on site, they contact the owner or manager, requesting access to the property.

The most important step is the evaluation process, beginning with evaluating the exterior for barriers. This involves parking, ramps, handrails, pool and lobby bathrooms, and common areas such as recreation, parks and food service areas. This is known as barrier removals. Very often an inspector quickly determines that there is a curb but no ramp, or the ramp is not

appropriately sloped or has no handrails or correct access.

With interiors, the main focus for compliance is ensuring that doorways and hallways measure the required width for wheelchair access. There are also required bathroom and kitchen turning radiuses and height limits for reaching kitchen cabinets, stoves, and kitchen countertops. Bathroom toilets, shower/tub-sinks and grab bars must also meet specific requirements to accommodate wheelchair access. These access items are the most common resort infractions.

If a facility fails an inspection, steps must be taken immediately to begin to remedy the problems. The only time this is not required is when a resort has legally won a case saying that compliance is not necessary and a written variance has been obtained. If a building is not in compliance, it can

cost the developer or owner hundreds of thousands of dollars, not to mention legal fees, which can be in the millions. Imagine what would happen if a wheelchair guest at your property was injured while attempting to access or move around in a unit that was not in compliance! The paperwork, legal and financial ramifications alone are enough to have you looking for another job!

When an inspector has determined non-compliant issues, a report is generated and submitted to the resort owner/managers. At this point, it is up to the resort to select a qualified ADA consultant, general contractor, architect and engineer to develop plans and permits to complete necessary work, bringing the resort into compliance with DOJ, local and federal agencies. When the required work is finished, DOJ and or/local authorities sign off on the completed work and the project is then determined to be in compliance with the ADA law.

Adds Farrow, "Partial compliance equals no compliance. You can't have an accessible bath but not a kitchen, or have an accessible interior unit but a parking lot does not contain the appropriate curb. It's an all or nothing, from start to finish, to the letter of the law."

John further explains that the work can be phased over a period of time to bring your property into compliance. "This shows intent to comply," he says. "Making steps and efforts to comply buys you time but does not eliminate initial fines. However, working to bring a property into compliance prior to a complaint being filed generally results in waived fines and a far less expensive and more lenient compliance status. The optimum resort position should be to approach the situation before

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it becomes a problem. Being proactive as opposed to reactive will save countless time, money and legal fees, and major headaches in the long run."

Utilizing the ADA division of Farrow Commercial should be your first line of defense to prevent a DOJ investigation or complaint filed by an attorney for a client who has a potential legal claim or option for a lawsuit. Farrow Commercial is prepared to provide a complete ADA analysis, consultation, design, permitting and construction package in order to bring your property up to date and into compliance. For more information, contact John Farrow at 707-591-0225 or visit www.FarrowCommercial.com

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