

# ACCESS ALERT

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## ***Recent ADA and FHA Actions***

**There are three recent ADA and FHA actions that may impact your clients:**

- Equal Access to Safe Egress: The Federal District Court in Maryland declared that the *Americans with Disabilities Act* (the ADA) requires places of public accommodation to consider the needs of people with disabilities in developing emergency evacuation plans (December 28, 2004). We are assisting the defendant in resolving this matter.
- Communication Access: The 2002 class action suit contending that conditions at San Francisco International Airport created "severe difficulties and dangerous situations for deaf and hard-of-hearing travelers" has been settled (Aug. 2005). The comprehensiveness of the settlement agreement and the fact that it includes SFO's new international terminal raises the bar for other properties in meeting the ADA's requirement for *program access* and *equally effective* communication. KMA was retained by both plaintiff and defendant as a "neutral expert."
- Accessible Housing: A settlement, expected to cost 20+ million dollars, recently announced (6/8/2005) for the suit filed (Dec. 2004) in federal court on behalf of people with disabilities against Archstone-Smith Trust, one of the nation's largest developers of residential apartment building communities. The complaint alleged "continuous and systematic violations of the civil rights of the disabled in both the design and construction of apartment facilities across the country in violation of the Fair Housing Act ("FHA") and the Americans with Disabilities Act." We were hired by another national residential property developer to avoid similar litigation.

Kessler McGuinness & Associates, LLC, is a nationally known firm that specializes in accessibility compliance planning through access audits, access master plans, architectural plan review, accessible design review protocols, training and resource development. We also serve as expert witnesses for plaintiffs and defendants. Clients include airports, commercial property owners, educational institutions, government agencies, architects, and attorneys.

Please call, 617-641-2802, if you have any questions or would like to discuss one of your projects.