

Response to Questions on the FY 2012 Budget

Request By: Supervisor Hudgins

Question: Referencing funding for ADA compliance, is there a timetable and budget projection for addressing ADA violations beyond the \$1.6 million included in Fund 303, County Construction in the FY 2012 budget?

Response: In May and June 2007, the United States Department of Justice (DOJ) conducted an audit of the County government facilities and programs to determine compliance with the Americans with Disabilities Act (ADA) which requires accessibility to facilities and programs for individuals with disabilities. DOJ has been conducting audits of various governments and private facilities across the country for the past decade. The audit of Fairfax County was part of this national audit program, and was not a result of any specific complaints in the County.

The DOJ presented the County with the audit results in August 2009. The audit covered 78 buildings in the County and listed approximately 2,100 violations as well as approximately ten program areas which needed improvement in order to comply with the ADA. These violations ranged from updating emergency management procedures, web-based services, and general communication procedures, to improving access to buildings, parking garages, restrooms and elevators. Identified violations have been categorized by color: easy, inexpensive (green); more timely and costly (yellow); and difficult, time consuming, and/or expensive (red). Most category green and many category yellow violations, with minimal to no fiscal impact, have already been corrected. Funding to address remaining category green and yellow violations has been included in the FY 2012 Advertised Budget Plan.

In FY 2012, total funding of \$2,171,700 has been included for ADA improvements. This funding level includes: \$300,000 for annual Park Authority ADA requirements (non-audit related retrofits) provided for continued retrofits at the Lake Fairfax Park camp office and bath house; \$300,000 for Park Authority facilities to address category green and yellow DOJ audit findings; and \$1,571,700 to address category green and yellow DOJ audit findings at FMD managed County facilities. Therefore, a total of \$1,871,700 has been provided in FY 2012 to mitigate category green and yellow DOJ audit violations for both Park and County facilities. Park Authority violations categorized as "red" are estimated to require an additional \$4 million to mitigate and FMD County violations categorized as "red" are estimated to require an additional \$6.8 million to mitigate.

On January 28, 2011, the County and the DOJ entered into an agreement which outlines the specific corrections required to address the individual violations and prescribes a time period in which each correction must be completed. Most corrections are to be addressed within a 3 year period, with a limited amount to be corrected over a longer time period. It is anticipated that the remaining identified violations totaling \$10.8 million will be required to be funded in FY 2013 and FY 2014. The County Executive has also indicated that should additional Carryover funds be available, funding may be applied to this program to decrease the level of funding required in FY 2013 and FY 2014.

In addition, the agreement between the County and the DOJ includes requirements for ADA accessibility improvements to County maintained trails, sidewalks and roads. County staff are currently assessing the inventory of County maintained trails, sidewalks and roads and determining the best course of action to address ADA requirements. Funding estimates for this portion of the required retrofits has not yet been developed.