



TRANSITION PLANNING FOR ADA COMPLIANCE

Contributor: Mark Douglass
Rving Accessibility Group

With an estimated 16% of RVers on the road experiencing mobility impairments, be it disability or simply aging issues, how well are you prepared to accommodate this growing segment of the camping community? This statistic does not include our wounded servicemen and women whose lives have been changed forever with the loss of limbs or Traumatic Brain Injury (TBI) and now require the use of a mobility device to get around. And there is also an 80% chance that every American will experience at least 1 disability in their lifetime.

With a projection of 25% of baby boomers expected to experience at least 1 disability, how well are you prepared to accommodate this dynamic market? Baby boomers tend to have a different outlook when it comes to selecting destination campgrounds and will be less accepting of facilities that are not accessible when ADA compliance is the law, considering the Americans with Disabilities Act is 25 years old.

Having provided outdoor recreation accessibility education and technical assistance to the outdoor hospitality industry over the past 4 years, it has become evident that most campground owners “perceive” they are ADA compliant when in reality, and upon examination, they are not. It is simply a matter of having an advocate who can help them identify barriers impeding access and how to progressively remove those barriers over time by establishing a plan of action (transition plan).



Accessible Play Area

A plan of action, or a “transition” plan provides at least two major benefits for the campground owner:

1. A “roadmap” with guidance from an accessibility specialist to progressively work toward accessibility by performing small projects annually, and
2. A defensible position “in case” someone with a disability decides to file a disability discrimination complaint with the local authorities or the Department of Justice, leading to an investigation and potential settlement agreement.

As an advocate for both the disabled/aging community and the outdoor hospitality industry, Rving Accessibility Group provides professionally trained Outdoor Recreation Accessibility Specialists schooled to work with campground owners, transitioning from a non-compliant status to a compliant status over time.

The untapped market of RVers with disabilities is growing significantly, along with the aging RVer market, both of whom have considerable discretionary spending power, just looking for accessible places to spend their dollars. Getting some of this revenue by being “accessible” can make a major impact to the bottom line.

Campground owners who have engaged in our technical assistance and started making improvements have expressed how customers in wheelchairs have commented about how great the access is and that they will keep coming back, but next time with family and other friends with disabilities. The owner of this campground, Bill Small of Small Country Campground in Louisa, VA continues to make improvements and is doing so because he recognizes the potential for significant growth and acknowledges it is the right thing to do. Phil Upton, assistant manager of Virginia Beach Trav-L-Park says that the plan we helped him develop has allowed him to move forward with accessibility improvements as it is his opinion that his park should be accessible for “all” persons. Robert Adams, owner of Gettysburg Campground is moving forward from our assessment so he can be ready to capture a market others are ignoring. David Gorin, president of Best Parks in America and RV park consultant/developer states that not only is it the law, but it is the right thing to do.



Accessible Mini Golf

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ADA COMPLIANCE ADVOCATES FOR THE
OUTDOOR RECREATION AND HOSPITALITY INDUSTRY



RVing Accessibility Group was asked to examine a group of parks in Arizona last summer. Speaking with the Board of the AZARVC, they recognized the need to be more accessible, especially considering their snowbird clientele, and not just the disabled market. The attitude was quite positive and they recognized the need to do the right thing as well as work toward ADA compliance. It was truly a pleasure to provide more awareness with such a proactive and responsible group of owners.

The responses received from those who participated include, “I had no idea how extensive the assessment would be and that it is more than ramps and bathrooms”, and “who ever thought there was a “closed fist” test or standards for door opening pressure, reach range, cross slope, stairs, water fountains, protruding objects, mirrors, lavatories, van accessible parking space standards, to name a few”.



Accessible Hookups

November 25, 2013, the Department of Justice, the enforcement agency for the Americans with Disabilities Act including other “acts” signed into law the ***New Outdoor Developed Area Guidelines***, which currently do not impact Title III businesses such as privately owned RV parks and campgrounds, but do impact those at the Federal level. According to the U.S. Access Board, who developed the standards over the past 15 years, states that it is only a matter of time before Title III businesses are impacted. We anticipate the impact will begin in the next 2 – 3 years. Having knowledge of these new standards is huge for owners who are currently planning accessibility improvements. If owners know what is coming, they can make improvements right the first time.

The important thing to know is that if “someone” has said that private RV park and campground owners are required to meet certain standards specific to an RV site width, that is incorrect. While there are standards for common elements such as parking, store access, bathrooms, showers, doorways, handles, faucets, play areas, pools, access routes and other amenities in a campground, there is not a legal requirement just yet that a specific number of sites designated as accessible must be 20’ wide minimum encompassing all hookups. However, doing so is not only best practice, but will be in place when the “Guidelines” go into effect for Title III entities.

According to an article published in the Summer 2014 “The Voice”, a membership publication for the National Association of RV Parks and Campground Owners, park and campground owners are told it is better for them to establish their own timeframe to become ADA compliant instead of risking having the Department of Justice intervene with potential fines and developing the transition plan (which the owner should have already done), which typically involves mandates on becoming ADA compliant throughout the park in 18 – 36 months regardless of cost. This can cause serious financial burden for the average park owner. Some settlements required the outdoor recreation business to display signs stating that they welcome those with disabilities. The reality is those with disabilities don’t want any more attention brought to their impairment than may already exist, and signage is not always a welcome solution, but perhaps a more embarrassing one for the business owner.

Prospective buyers of campgrounds are becoming savvier. With the increased awareness for ADA compliance, buyers may be more inclined to ask a seller if their campground is ADA compliant. If an owner states that it is, they better be certain they are in fact ADA compliant. As for sellers, the advantage of having a transition plan in place with some modifications already done, provides the seller with an advantage having done something the next owner would need to do. If the transition plan is done by an Accessibility Specialist who is properly trained to perform accessibility audits, the seller has already done the research for the prospective buyer. It works both ways and we believe it is better to disclose compliance of a campground, be it plumbing, electrical, roofing, or accessibility rather than leave it up to the courts to decide who is responsible. Effective transition plans can be a tool for negotiation, depending on whether the plan is dormant or actively in place.



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In summary, if you want to look at new ways to expand your market, look at what others are doing according to Rving Accessibility Group. One campground broker we spoke with said “ignorance is bliss” and that he tells his customers not to document anything because once you do, you become exposed. This is ironic because of the thousands of business owners with whom Rving Accessibility Group has spoken; this is the only person who disagrees with knowing what barriers impede access for disabled customers. The upside of knowing what you have and having a plan developed is you now know where improvements can be made and whether you qualify for tax credits and additional tax deductions to help with improvements. The downside of not having a plan in place is a judge asking you, “what have you been doing for the last 25 years” considering this is the 25th anniversary of the Americans with Disabilities Act and the 42nd anniversary of the Rehabilitation Act of 1973, not to mention the 51st anniversary of the Civil Rights Act. We need to remember that the ADA is a Civil Rights law. However, the approach Rving Accessibility Group has taken is one of being proactive with education and technical assistance in an effort to get more RVers with disabilities on the road and help campground owners learn how to tap into a mostly untapped market to grow their business with greater accessibility.

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The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush. The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin – and Section 504 of the Rehabilitation Act of 1973 -- the ADA is an "equal opportunity" law for people with disabilities.

For those interested in learning more about settlements by the Department of Justice Civil Rights Division, go to http://www.ada.gov/enforce_current.htm .

Rving Accessibility Group is an IRS approved 501(c)(3) tax exempt charitable nonprofit providing education and technical assistance relative to ADA compliance for the outdoor hospitality industry. The team consists of adaptive RVers who have both the experience and professional training to teach business owners how to work toward ADA compliance and use tax incentives to help with the process. Tax deductible donations may be made online at www.rvingaccessibility.org under the DONATE tab. If you own or operate an RV park or campground and would like to know more about how RVAG can assist in developing a multi-year accessibility transition plan, please contact them through the website noted above.