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201600188

**Kevin Flynn**  
Councilmember

January 21, 2016

## **MOTION**

**WE MOVE** that all future Community Reinvestment Area Tax Exemption Agreements include substantially the following language:

“The remodeling or construction shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans With Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the “ADA”), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a “place of public accommodation” or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, “Contractual Minimum Accessibility Requirements” means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building’s primary point of entry, conspicuous signage directing persons to such accessible point of entry.”

**WE FURTHER MOVE** that substantively equivalent versions of this language also be inserted in the appropriate sections for all future agreements in which the City provides financial incentives and which entail either new construction or remodeling of real property, which may include, but is in no way limited to, project based tax increment financing agreements, below fair market sales of real estate, and job creation tax credit agreements. This motion does not apply to new single-family housing construction (detached or attached) that is not required by the current ADA regulations.

**WE FURTHER MOVE** that the City administration periodically review and revise the language above to reflect any amendments, judicial decisions, regulations or other legal requirements in respect of the Americans With Disabilities Act, together with any

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administrative guidance provided by the United States Access Board or other federal administrative authorities, for the purpose of making such language consistent with applicable legal authority and promoting accessible development.



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*Councilmember*

## **SIGNATURES**

Councilmember Kevin Flynn

Yvette Simpson



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## **STATEMENT**

The Americans with Disabilities Act (“ADA”) was signed into law on July 26, 1990. Title III of the ADA makes it clear that the legislation applies to, among other locations, all places of public accommodation, even those registered as historic places or located in historic districts. Unfortunately, even though the law has been in place for over twenty-five years, accessibility is not a given for development in Cincinnati. This motion is an important first step in an overall larger conversation about improving accessibility in our city. At the very least, places of public accommodation, such as stores, restaurants, and bars, that receive financial assistance from the City for development purposes must be required to eliminate architectural barriers to entry to people with disabilities. Our city is in the midst of a transformative renaissance and it is vital that all Cincinnatians be afforded the basic opportunity to enjoy and participate in that growth.