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## PARKING FACT SHEET

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### GENERAL INFORMATION

- A disability parking permit issued by New York State is valid for parking in a public designated parking space anywhere in the state. (N.Y. Veh. & Traf. Law § 1203-a; McKinney). You should check with the local police department or motor vehicles bureau before traveling to a new state to ensure that your permit is valid for that area.
  - To be eligible for a New York State disability permit, the resident must have a severe, permanent or temporary qualifying mobility impairment as certified by a New York State-licensed physician or podiatrist. (N.Y. Veh. & Traf. Law § 404-a; McKinney)
  - A person with a disability does not have to be the driver or registered owner of a vehicle to obtain a New York State permit. (N.Y. Veh. & Traf. Law § 1203-a; McKinney)
  - A state-issued disability parking permit does not allow a person with a disability to park in accessible parking spaces in lots that are reserved for specific uses or permit holders.
  - A disability parking placard may only be used by the individual with a disability for whom it was issued, and can generally be utilized in any vehicle in which that individual is traveling.
- New York City (NYC) offers a City Disability Parking Permit, which is different than a New York State issued permit (New York City Charter § 2903(a)(15))
  - The NYC permit allows an individual with a disability to park in NYC only:
    - The NYC permit allows drivers to park at most curbsides on city streets including in all “No Parking” zones (except those marked as taxi stands); in “No Parking”, “No Standing” or “Authorized Vehicles Only” spaces authorized for doctors, press, diplomats and government agencies; at metered parking without paying; in “No Standing, Trucks Loading and Unloading” or “Truck Loading Only” zones except for specified restricted hours.
  - The NYC permit is associated with specific license plates, and may be associated with multiple license plates
    - The permit holder is responsible for moving the permit to whichever vehicle he or she is traveling in at the time

# PARKING IN PUBLIC PLACES

## THE AMERICANS WITH DISABILITIES ACT (ADA) (42 U.S.C. § 12181)

- The ADA is applicable to state and local government facilities, places of public accommodation, commercial facilities, and transportation facilities (28 C.F.R. §§ 35.102, 36.102)
  - Public accommodations include stores and shops, restaurants and bars, sales or rental establishments, service establishments, theaters, places of lodging, recreation facilities, assembly areas, private museums, and places of education (28 C.F.R. § 36.104)
  - Nearly all types of private business that serve the public are included, regardless of size (28 C.F.R. § 36.104)
  - Public parking lots that serve a general public area (e.g. a town center or business district) and street metered parking are subject to the requirements of the ADA (28 C.F.R. §§ 35.150, 35.151)
  - With limited exceptions, the ADA’s parking regulations are not applicable to residential housing facilities (36 C.F.R. § Pt. 1191, App. B § 208.2.3)
- The ADA requires the creation of accessible parking spaces (28 C.F.R. § 36.304(b)(18))
  - Depending on the total number of parking spaces, a minimum number of accessible parking spaces are required by law (36 C.F.R. § Pt. 1191, App. B, § 208.2)

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

36 C.F.R. § Pt. 1191, App. B, § 208.2

- Restriping a parking lot to provide the requisite number of accessible spaces is readily achievable in most instances because it is relatively inexpensive (U.S. DOJ, ADA BUSINESS BRIEF: RESTRIPIING PARKING LOTS - October 2001).
- Accessible spaces that serve a particular building or facility must also be located on the shortest accessible route from the parking lot to the accessible entrance of the building or facility (36 C.F.R. § Pt. 1191, App. B, § 208.3.1)

## PARKING AT RESIDENTIAL BUILDINGS

### THE FAIR HOUSING ACT (FHA)

- The FHA prohibits discrimination against persons with disabilities in residential housing situations (42 U.S.C.A. §§ 3604, 3605, 3606)
- The FHA requires that a landlord or property manager make reasonable accommodations in rules, policies, practices or services in order to afford persons with disabilities equal opportunity to use and enjoy their dwelling (42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204)
- An assigned, usable, proximately close parking space is a reasonable accommodation under the FHA (*Joint Statement of The Department of Housing and Urban Development and the Department of Justice: Reasonable Accommodations under the Fair Housing Act*, May 17, 2004, page 6; <http://www.hud.gov/offices/ftheo/library/huddojstatement.pdf>)
  - Residents with disabilities may request that a specific parking spot be assigned to them even if no other residents have assigned spaces
  - Residents with disabilities may request that they be assigned the closest parking space to their preferred entrance to their residential building
  - Residents with disabilities may request that a parking space be widened or otherwise physically altered in order to allow them access to their parking space

### SECTION 504 OF THE REHABILITATION ACT OF 1973 (SECTION 504) (29 U.S.C.A. § 794)

- Section 504 prohibits discrimination on the basis of an individual's disability in any program or activity that receives financial assistance from any federal agency, including the U.S. Department of Housing and Urban Development (HUD) (24 C.F.R. § 8.1, 8.2)
  - Residents with disabilities who live in residential units that are in any part subsidized by HUD may also request reasonable parking accommodations under Section 504

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DISCLAIMER:

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PARKING FACT SHEET V. 1.0