

ATTORNEY GENERAL OF THE STATE OF NEW YORK
CIVIL RIGHTS BUREAU

In the Matter of:

Port Jefferson Town Properties, LLC
Fairfield Pinewoods, LLC
Fairfield Properties

ASSURANCE OF
DISCONTINUANCE
PURSUANT TO
NEW YORK STATE
EXECUTIVE LAW 63(15)

AOD 10-013

WHEREAS, pursuant to the provisions of New York State Executive Law § 63(12), Andrew M. Cuomo, Attorney General of the State of New York, has conducted an investigation into whether Port Jefferson Town Properties, LLC and Fairfield Pinewoods, LLC discriminated against persons with disabilities by failing to construct two residential complexes, Fairfield Knolls at Port Jefferson Station with 291 apartments, and Fairfield Knolls South with 173 apartments, in compliance with all applicable legal accessibility requirements;

WHEREAS, Fairfield Knolls at Port Jefferson Station is located at 1-291 Village Green Drive, Port Jefferson Station, New York, and Fairfield Knolls South is located at 1-173 Pineview Lane, Coram, New York;

WHEREAS, Both Complexes include a variety of amenities, including a clubhouse, pool, fitness center, tennis courts, business center, and theater;

WHEREAS, Fairfield Properties is a Long Island, New York-based general partnership that manages, develops, and acquires multi-family residential properties throughout Nassau and Suffolk Counties;

WHEREAS, Fairfield Properties constructed Fairfield Knolls at Port Jefferson Station and Fairfield Knolls South, through its affiliates Port Jefferson Town Properties, LLC and Fairfield Pinewoods, LLC, respectively;

WHEREAS, Fairfield Knolls at Port Jefferson Station and Fairfield Knolls South are subject to the accessible design and construction requirements of the New York State Human Rights Law, N.Y. Executive Law §§ 290 *et seq.* (“HRL”); Title VIII of the Civil Rights Act of 1968 (the “Fair Housing Act,”) as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601-3619; and Title III of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12181 *et seq.*;

WHEREAS, New York State Executive Law § 63(12) prohibits repeated or persistent fraudulent or illegal acts in the transaction of business;

WHEREAS, the parties desire to obviate the need for further investigation or litigation, and it is expressly understood that, with respect to the investigation of the Office of the Attorney

General (“OAG”), this is a compromise settlement entered into solely for the purposes of avoiding the expense and inconvenience of further investigation and litigation; and

WHEREAS, in consideration of the covenants and understandings set forth herein and intending to be legally bound thereby, the parties hereby agree as follows:

PART ONE: DEFINITIONS

1. As used throughout this Assurance of Discontinuance, the terms set forth below shall mean as follows:
 - a) “Accessibility Requirements” means all legal requirements governing the design and construction of multi-family dwellings set forth in N.Y. Executive Law § 296(18)(3), Building Code of New York State §§1101 *et seq.* (1998), Building Code of New York State §§1101 *et seq.* (2002), 42 U.S.C. § 3604(f)(3)(C), the Fair Housing Act Accessibility Guidelines, and 42 U.S.C. § 12183(a)(1).
 - (b) “Assurance” means this Assurance of Discontinuance.
 - (c) “Basement Units” means any ground floor, single story above ground dwelling units that have a basement at the Complexes.
 - (d) “Complex Port Jeff” means Fairfield Knolls at Port Jefferson Station, the multi-family residential complex located at 1-291 Village Green Drive, Port Jefferson Station, New York.
 - (e) “Complex South” means Fairfield Knolls South, the multi-family residential complex located at 1-173 Pineview Lane, Coram, New York.
 - (f) “Complexes” means Complex Port Jeff and Complex South.
 - (g) “Complex Port Jeff Covered Units” means any ground floor, single story dwelling units at “Complex Port Jeff” and includes unit types Aspen, Boca, Del Ray, East Hampton, Fountainbleau, Glenmore, Hilton, and Isle. Units with basements will be considered duplexes if the basement contains: two means of escape; heating and cooling system; ventilation system; a substantial portion of the walls and floors are finished and otherwise complies with the requirements of “habitable” space as defined in the Fair Housing Act and the New York State Building Code. For every unit that it is impracticable to create an accessible route to a Complex Port Jeff Covered Unit, Fairfield Properties shall convert an otherwise exempt first floor unit into a Complex Port Jeff Covered Unit. There are at least eighty-eight (88) Complex Port Jeff Covered Units, as set forth in Exhibit “A.”
 - (h) “Complex South Covered Units” means any ground floor, single story dwelling units at “Complex South” and includes unit types Aspen, Boca, Del Ray, East

Hampton, Fountainbleau, Glenmore, Hilton, Isle, Jasmine, and Kona. Units with basements will be considered duplexes if the basement contains: two means of escape; heating and cooling system; ventilation system; a substantial portion of the walls and floors are finished and otherwise complies with the requirements of “habitable” space as defined in the Fair Housing Act and the New York State Building Code. For every unit that it is impracticable to create an accessible route to a Complex South Covered Unit, Fairfield Properties shall convert an otherwise exempt first floor unit into a Complex South Covered Unit. There are at least forty-eight (48) Complex South Covered Units, as set forth in Exhibit “B.”

- (i) “Complex Covered Units” means Complex Port Jeff Covered Units and Complex South Covered Units.
- (j) “Effective Date” means the date this Assurance is executed by the parties hereto.
- (k) “Fairfield Properties” means Fairfield Properties, Port Jefferson Town Properties, LLC, Fairfield Pinewoods, LLC and its principals, directors, owners, officers, shareholders, successors, assigns, subsidiaries, and affiliates, “d/b/a” companies, and any other business entities whom any such individuals may hereafter form or control.
- (l) “Fairfield Employee” means any owner, officer, or employee of Fairfield Properties.
- (m) “Fairfield New York Covered Multi-Family Dwellings” means any “covered multi-family dwelling,” as defined in 42 U.S.C. § 3604(f)(7), located in the State of New York and designed or constructed by Fairfield Properties after the Effective Date, including but not limited to Fairfield at Mastic, 1-97 Fairfield Lane, Mastic Beach, New York.
- (n) “Including” means including but not limited to.
- (o) Terms of construction:
 - a. “All” means “any and all” and “any” means “any and all.”
 - b. “Day” refers to a calendar day, not a business day.
 - c. The singular of any word includes the plural; the plural of any word includes the singular.

PART TWO: ATTORNEY GENERAL’S INVESTIGATION AND FINDINGS

2. The OAG conducted an investigation into whether recently constructed multi-family residential properties were designed and constructed in accordance with federal and state law. Specifically, undercover tests were conducted at a number of residential properties, including the Complexes. Testers visited both Complexes and told the rental agents that they were looking for an apartment for their relative who uses a wheelchair. When they were shown ground floor units at Complex Port Jeff and Complex South, the testers observed features that did not comply with the Accessibility Requirements.
3. In response to the test results, the OAG retained an expert to conduct comprehensive on-site inspections of the Complexes. The inspections were designed to identify any elements that did not comply with the Accessibility Requirements.
4. The on-site inspections revealed violations throughout the Complexes. Specifically, dwelling units, common use areas, and pathways failed to comply with numerous aspects of the Accessibility Requirements. As a result, individuals with disabilities may be unable to fully enjoy and access the accommodations and facilities available at the Complexes.
5. During the investigation, the OAG identified one other multi-family residential complex that Fairfield Properties is in the process of designing and constructing in the State of New York.
6. Based on the foregoing, the OAG has concluded that Fairfield Properties failed to design and construct the Complex in accordance with N.Y. Executive Law § 296(18)(3), Building Code of New York State §§ 1101 *et seq.*, 42 U.S.C. § 3604(f)(3)(C), and the Fair Housing Act Accessibility Guidelines.

IT NOW APPEARING THAT Fairfield Properties desires to settle and resolve the issues raised by the investigation without admitting or denying the OAG’s findings, Fairfield Properties, and the OAG hereby enter into this Assurance.

PART THREE: COMPLIANCE WITH THE LAW

7. Fairfield Properties shall comply with the obligations, terms, and conditions of N.Y. Executive Law § 296(18)(3), Building Code of New York State §§1101 *et seq.*, 42 U.S.C. § 3604(f)(3)(C), the Fair Housing Act Accessibility Guidelines, and 42 U.S.C. § 12183(a)(1).
8. All Fairfield New York Covered Multi-Family Dwellings shall comply with N.Y. Executive Law § 296(18)(3), Building Code of New York State §§1101 *et seq.*, 42 U.S.C. § 3604(f)(3)(C), the Fair Housing Act Accessibility Guidelines, and 42 U.S.C. § 12183(a)(1).

PART FOUR: RETROFITS TO THE COMPLEXES

9. Fairfield Properties shall complete each of the retrofits to the Complexes set forth in this Part. These modifications shall be completed using good workperson-like standards. Fairfield Properties shall attempt in good faith to minimize any inconvenience to the residents of the Complexes resulting from the completion of the retrofits.
10. Fairfield Properties shall pay all expenses associated with the retrofits required by this Part. No resident shall be charged any additional rent, deposit, or other fee as a result of these modifications. Fairfield Properties shall be able to raise rents that are within the normal course of business.

Public and Common Use Areas

11. Within one (1) year of the Effective Date, Fairfield Properties shall make all the retrofits to the public and common use areas of the Complex that are set forth in Appendix C for Complex South and Appendix F for Complex Port Jeff.

Dwelling Units

12. Within three (3) years of the Effective Date, Fairfield Properties shall make all of the retrofits to the interior and exterior of all Complex Covered Units that are set forth in Appendix D for Complex South Covered Units and Appendix G for Complex Port Jeff Covered Units.
13. Within thirty (30) days of the Effective Date, Fairfield Properties shall deliver to all residents of the Complex Covered Units a written notice that informs them of the Required Unit Retrofits and the Optional Unit Retrofits. Within thirty (30) days of the Effective Date, Fairfield Properties shall deliver to all residents of the Basement Units a written notice that informs them of the Optional Unit Retrofits. The Optional Unit Retrofits are set forth in Appendix C for Complex South Covered and Basement Units and Appendix F for Complex Port Jeff Covered and Basement Units. The notice shall offer residents an opportunity to schedule a time to complete the Required Unit Retrofits, and shall offer them the opportunity to request any Optional Unit Retrofits. Fairfield Properties shall attempt to accommodate any tenant's scheduling request. The notice shall be substantially in the form of Appendix G.
14. If a resident of a Complex Covered Unit or Basement Unit asks that the Required Unit Retrofits or the Optional Unit Retrofits be completed as soon as possible, such modifications shall be completed within ninety (90) days of the resident's request, subject to reasonable delays caused by adverse weather conditions. If a resident of a Basement Unit asks that the Optional Unit Retrofits be completed as soon as possible, such modifications shall be completed within ninety (90) days of the resident's request, subject to reasonable delays caused by adverse weather conditions. Any delay will be subject to the approval of the OAG, which shall not be unreasonably withheld. If a resident indicates

that he or she intends to vacate the unit within the next one (1) year and would prefer that the Required Unit Retrofits occur after he or she vacates, Fairfield Properties shall attempt in good faith to accommodate this request.

15. With respect to any Complex Covered Units that becomes vacant after the Effective Date, Fairfield Properties shall complete the required retrofits prior to re-letting such Complex Covered unit and prior to the last day of the three (3) year period set forth in Paragraph 12.
16. Notwithstanding the provision of Paragraph 14, within three (3) years of the Effective Date, Fairfield Properties shall make the Optional Unit Retrofits set forth in Appendix C and F in at least twenty-five percent (25%) of all Complex Covered Units and shall ensure that the twenty-five percent (25%) includes a variety of unit types (i.e., Del Ray, Boca). If Fairfield completes the Required Unit Retrofits and Optional Unit Retrofits upon the request of a tenant residing in a Basement Unit, that unit can be included in the above-mentioned 25% minimum. However, the installation of grab bars in the bathrooms of Complex Covered Units is exempt from the above 25% requirement and Fairfield Properties is only required to install grab bars upon the request of a tenant.
17. If a resident must vacate a Complex Covered Unit for more than twenty-four (24) consecutive hours in order to complete the modifications, Fairfield Properties shall pay such resident the applicable state government per diem rate for food and lodging for the local area for each day that the resident must reside elsewhere. Such payment shall be made prior to the commencement of the renovations so that the resident can use the money to pay for alternative living accommodations.
18. Fairfield Properties shall include the written notice of the Required Unit Retrofits and the Optional Unit Retrofits (Appendix G) as part of the prospective tenant application package.

PART FIVE: INSPECTION OF THE COMPLEXES

19. Within ninety (90) days of the Effective Date, Fairfield Properties shall engage an independent consultant (“Consultant”) to conduct on-site inspections of the Complexes to determine whether the retrofits have been completed in accordance with Part Four and whether the Complexes comply with the Accessibility Requirements. The Consultant shall have expertise in the Accessibility Requirements. The selection of the Consultant will be subject to the approval of the OAG, which shall not be unreasonably withheld.
20. The Consultant shall conduct on-site inspections of the Complexes six (6) months after the Effective Date, and every six (6) months thereafter until the Consultant certifies that all of the required retrofits have been fully and satisfactorily completed. At the request of Fairfield Properties, the Consultant may conduct additional interim inspections. Prior to each inspection, Fairfield Properties shall identify in writing for the Consultant which dwelling units have been modified during the prior six (6) months. The first inspection shall cover all public and common use areas and any dwelling units that Fairfield

Properties indicates have been modified prior to the inspection. Subsequent inspections shall cover any additional dwelling units modified during the previous six (6) months, and any public and common use area or dwelling unit that were previously inspected and found not to be in compliance with Part Four.

21. Within thirty (30) days of the completion of each on-site inspection, the Consultant shall prepare and provide to the OAG and Fairfield Properties a written report (“Monitoring Report”) summarizing the extent to which the retrofits required by Part Four have been completed, and whether the required retrofits have been done using workperson-like standards. Each Monitoring Report shall include a description of the methodology used by the Consultant, a description of the Consultant’s findings with respect to each dwelling unit and public and common use area inspected, and digital photographs supporting these findings. A separate and distinct Monitoring Report will be prepared for Complex Port Jeff and Complex South. If the Consultant concludes that any of the retrofits have not been completed in accordance with Part Four, Fairfield Properties shall correct the specified deficiencies within a reasonable period of time to be specified in the Monitoring Reports. This period of time shall be subject to the approval of the OAG, which shall not be unreasonably withheld.
22. Fairfield Properties shall be required to pay a monetary penalty to the OAG if the Consultant’s monitoring report concludes that:
 - (a) Any of the retrofits to the public and common use areas have not been completed in accordance with Part Four within fifteen (15) months of the Effective Date, plus any cure period approved by the OAG pursuant to Paragraph 21; or
 - (b) Any of the retrofits to the Complex Covered Units have not been completed in accordance with Part Four within thirty-nine (39) months of the Effective Date, plus any cure period by the OAG pursuant to Paragraph 21.

The monetary penalty shall be equal to one thousand dollars (\$1,000) for each day that the incomplete retrofits identified in the Consultant’s Monitoring Report remain incomplete after the last day of such required time periods, plus any cure periods approved by the OAG pursuant to Paragraph 21. The Consultant shall certify the date on which such identified deficiencies have been remedied and provide such certification to the OAG. Within thirty (30) days of receiving such certification, the OAG shall notify Fairfield Properties of any monetary penalty and such penalty shall be paid within ten (10) days. Payment shall be in the form of a certified bank check made out to the New York State Department of Law and forwarded to the Office of the Attorney General, Civil Rights Bureau, 120 Broadway, New York, New York 10271, Attention: Assistant Attorney General Brooke Davis.

23. Fairfield Properties shall be responsible for compensating the Consultant, and such compensation shall be made without regard to the Consultant’s determinations.

24. The OAG reserves the right to conduct on-site inspections of the Complexes to determine whether the retrofits have been completed in accordance with Part Four and whether the Complexes comply with the Accessibility Requirements, provided herein.

PART SIX: MONETARY RELIEF

25. Port Jefferson Town Properties, LLC and Fairfield Pinewoods, LLC shall pay the sum of forty five thousand dollars (\$45,000) to the State of New York. Payment will be made within ten (10) days of the Effective Date and in the form of a certified or bank check made out to the New York State Department of Law and forwarded to the Office of Attorney General, Civil Rights Bureau, 120 Broadway, New York, New York 10271, Attention: Brooke P. Davis, Assistant Attorney General.
26. Individuals who were harmed as a result of Fairfield Properties's failure to design and construct the Complexes in accordance with the Accessibility Requirements will be eligible to receive restitution.
27. Notice.
- (a) Within thirty (30) days of the Effective Date, Fairfield Properties shall send by first-class mail the Notice of Settlement, attached as Appendix H, to all current residents of the Complexes and to the last known address of all previous residents of the Complexes. In addition, within thirty (30) days of the Effective Date, Fairfield Properties shall place the Notice of Settlement under the door of each unit in the Complexes.
- (b) Within thirty (30) days of the Effective Date, Fairfield Properties shall ensure that the Notice of Settlement is published in The Suffolk Times and The Suffolk County News on at least two separate occasions.
28. Within one hundred and fifty (150) days of the Effective Date, individuals claiming to be eligible for restitution ("Claimants") must submit to the OAG a written statement demonstrating that they meet the criteria set forth in the Notice of Settlement. The OAG will then evaluate the claims for compensation and will determine, in a fair and equitable manner and as the OAG deems appropriate, whether a Claimant is entitled to compensation and, if so, in what amount. The OAG will then disburse the funds accordingly.
29. Upon request, Fairfield Properties will provide the OAG with any information within their possession, custody, or control that will assist the OAG in identifying or locating individuals who may be eligible for restitution.

PART SEVEN: TRAINING

30. Within sixty (60) days of the Effective Date, all Fairfield Employees who are involved in the design and construction of Fairfield Properties New York Covered Multi-family Dwellings shall attend an in-person training session on the design and construction accessibility requirements applicable to multi-family housing under New York State and federal law. The training shall be conducted by an individual or entity with extensive experience and familiarity with these laws. The selection of the training provider shall be subject to the approval of the OAG, which shall not be unreasonably withheld.
31. All Fairfield Employees who attend the training session shall acknowledge in writing that they have done so, using the acknowledgment form for annexed as Appendix I.
32. All Fairfield Employees who are hired more than sixty (60) days after the Effective Date and are involved in the design and construction of Fairfield Properties New York Covered Multi-family Dwellings will receive the training referenced in this Part within sixty (60) days of their start date.

PART EIGHT: SIGNAGE AND ADVERTISING

33. Fairfield Properties shall prominently post in a conspicuous location in the Complexes' rental office a sign indicating that all dwelling units are available for rental on a nondiscriminatory basis. A fair housing poster that complies with 24 C.F.R. Part 110 will be deemed sufficient.
34. Within one hundred and eighty (180) days of the Effective Date, Fairfield Properties shall include the international symbol of accessibility in a conspicuous location in all future newspaper or Internet advertisements, brochures, or other promotional materials regarding the Complexes.
35. At least once every three (3) months for a period of three (3) years following the Effective Date, Fairfield Properties shall distribute by first-class mail a brochure for the Complexes and a listing of available apartments to at least two local not-for-profit organizations that provide services to the disabled community in Suffolk County, New York. Prior to initiating such mailings, Fairfield Properties shall notify the OAG of the organizations Fairfield has selected to receive the mailings. The organizations will be subject to the approval of the OAG, which shall not be unreasonably withheld.
36. Fairfield Properties shall include the international symbol of accessibility in a conspicuous location in all future newspaper or Internet advertisements, brochures, or other promotional materials regarding Fairfield Properties New York Covered Multi-family Dwellings.

PART NINE: NEW FAIRFIELD PROPERTIES MULTI-FAMILY PROPERTIES

37. Prior to the commencement of the construction of any Fairfield Properties New York Covered Multi-Family Dwelling, Fairfield Properties shall provide the Consultant with all relevant architectural and site plans and drawings. Within thirty (30) days of receiving these plans and drawings, the Consultant shall review them and determine whether they comply with the accessibility requirements under N.Y. Executive Law § 296(18)(3), Building Code of New York State §§1101 *et seq.*, 42 U.S.C. § 3604(f)(3)(C), the Fair Housing Act Accessibility Guidelines, and 42 U.S.C. § 12183(a)(1). Fairfield Properties may not commence construction until the Consultant provides Fairfield Properties and the OAG with a written certification that the plans and drawings comply with such requirements.

PART TEN: RECORD-KEEPING AND REPORTING

38. Fairfield Properties shall maintain the following records during the duration of the Assurance:
- (a) All documents concerning the work performed to complete the retrofits required by Part Four, including but not limited to plans, drawings, and invoices;
 - (b) All documents concerning the design and construction of Fairfield Properties New York Covered Multi-family Dwellings prepared during the duration of this Assurance;
 - (c) Copies of all advertisements, brochures, or other promotional materials regarding Fairfield Properties New York Covered Multi-Family Dwellings;
 - (d) All executed training acknowledgment forms required to be completed by Paragraph 31;
 - (e) All documents concerning any request made by a tenant or prospective tenant of a Fairfield Properties New York Covered Multi-Family Dwelling seeking an accommodation related to an individual's disability;
 - (f) Copies of all advertisements, brochures, or other promotional materials regarding the Complexes;
 - (g) Copies of all mailings required to be sent pursuant to Paragraphs 27 and 35; and
 - (h) All documents concerning any request made by a tenant or prospective tenant of the Complexes seeking an accommodation related to an individual's disability.
39. Within seventy-five (75) days of the Effective Date, Fairfield Properties shall provide the OAG with copies of the executed training acknowledgment forms for any Fairfield

Employee who received the training required by Part Seven. With respect to new Fairfield Employees who receive the training thereafter, Fairfield Properties shall provide the OAG with copies of the executed training acknowledgment forms on or before the first business day of each calendar year.

40. Fairfield Properties shall advise the OAG within fifteen (15) business days of receiving any complaint, whether written or oral, alleging discrimination on the basis of disability in housing, and shall provide the OAG with a copy of all documents relating to the complaint.
41. Within fourteen (14) days after receiving a request from the OAG, Fairfield Properties shall provide the OAG with any records or documents that the OAG reasonably believes relate to compliance with this Assurance. Upon reasonable notice, Fairfield Properties shall allow the Consultant or the OAG or its representatives to conduct on-site inspections of the Complex.

**PART ELEVEN: SCOPE OF THE ASSURANCE, JURISDICTION,
AND ENFORCEMENT PROVISIONS**

42. This Assurance will expire three (3) years and six (6) months after the Effective Date, provided that Fairfield Properties has fully complied with all provisions of the Assurance at that time.
43. Notwithstanding any provision of this Assurance to the contrary, the OAG may, in its sole discretion, grant written extensions of time for Fairfield Properties to comply with any provision of this Assurance.
44. The signatories to this Assurance warrant and represent that they are duly authorized to execute this Assurance and that they have the authority to take all appropriate action required or permitted to be taken pursuant to this Assurance to effectuate its terms.
45. The OAG may seek to enforce this Assurance through enforcement proceedings including a civil action in federal or state court seeking appropriate relief, such as specific performance of the provisions of this Assurance. Pursuant to New York State Executive Law § 63(15), evidence of a violation of the Assurance will constitute *prima facie* proof of a violation of the applicable laws in any civil action or proceeding hereafter commenced by the OAG. In the event of a dispute among the parties regarding any issue arising hereunder, the parties will attempt in good faith to resolve the dispute before seeking judicial intervention.
46. Any failure by the OAG to enforce this entire Assurance or any provision thereof with respect to any deadline or any other provision herein shall not be construed as a waiver of the OAG's right to enforce other deadlines and provisions of this Assurance.

47. If any provision, term, or clause of this Assurance is declared illegal, unenforceable, or ineffective in a legal forum, such provision, term, or clause shall be deemed severable, such that all other provisions, terms, and clauses of this Assurance shall remain valid and binding on the parties.
48. This Assurance constitutes the entire agreement between Fairfield Properties, and the OAG on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or agents of either party that is not contained in this Assurance shall be enforceable.
49. Nothing in this Assurance is intended to, nor shall, limit the OAG's investigatory or compliance review powers otherwise provided by law or this Assurance.
50. This Assurance may be executed in multiple counterparts, each of which shall be deemed a duplicate original.
51. This Assurance is final and binding on the parties, including principals, agents, representatives, successors in interest, assigns, and legal representatives thereof. No assignment by any party hereto shall operate to relieve such party of its obligations herewith.
52. Fairfield Properties agrees not to take any action or to make or permit to be made any public statement denying, directly or indirectly, any finding in this Assurance or creating the impression that this Assurance is without factual basis. Nothing in this paragraph affects Fairfield Properties' (a) testimonial obligations; or (b) right to take legal or factual positions in defense of litigation or other legal proceedings to which the Attorney General is not a party.
53. In the event that Fairfield Properties decides to sell or transfer ownership, in whole or in part, of Complex Port Jeff and/or Complex South prior to the completion of all of the retrofits required by Part Four, Fairfield Properties shall either: (a) allow all of the remaining retrofits to be completed and inspected prior to the completion of the sale or transfer, in which case the sale or transfer may be completed upon the Consultant's certification that all of the required modifications have been fully completed; or (b) provide the purchaser or transferee with this Assurance and require that the purchaser or transferee agree in writing to comply with all of Fairfield Properties obligations under this Assurance as a condition of the sale or transfer. The sale or transfer of ownership, in whole or in part, of the Complex Port Jeff and/or Complex South shall not affect Fairfield Properties' obligation to complete the retrofits to the Complexes required by Part Four, unless the purchaser or transferee agrees in writing, as a condition of the sale or transfer, to complete such modifications and be bound by the applicable terms of this Assurance.
54. Any payments and all correspondence related to this Assurance shall reference OAG Assurance Number AOD 10-013

55. All communications and notices regarding this Assurance shall be sent by first-class mail and, if twenty-five (25) pages or fewer in length, by facsimile, to:

Office of the Attorney General:

Brooke P. Davis, Assistant Attorney General
Civil Rights Bureau
Office of the NYS Attorney General
120 Broadway, 23rd Floor
New York, New York 10271
Tel. (212) 416-6493
Fax (212) 416-8074

Fairfield Properties

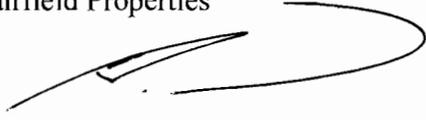
Allen Perlstein, Esq.
Friedman, Harfenist, Kraut and Perlstein, LLP
3000 Marcus Ave., Suite 2E1
Lake Success, New York 11042
Tel. (516)355-9610
Fax (516)355-9611

IN WITNESS THEREOF, the undersigned subscribe their names:

Dated: Commack, New York
February 12, 2010

Fairfield Properties

By:

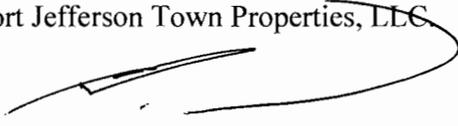


Gary Broxmeyer, Partner

Dated: Commack, New York
February 12, 2010

Port Jefferson Town Properties, LLC

By:

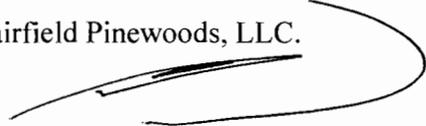


Gary Broxmeyer, Member

Dated: Commack, New York
February 12, 2010

Fairfield Pinewoods, LLC.

By:



Gary Broxmeyer, Member

CONSENTED TO:

Dated: New York, New York

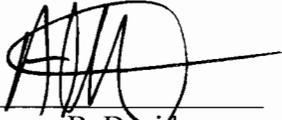
~~February~~ 5, 2010

April

ANDREW M. CUOMO

Attorney General of the State of New York

By:



Alphonso B. David
Bureau Chief
Civil Rights Bureau



Spencer Freedman
Counsel for Civil Rights
Civil Rights Bureau

Brooke P. Davis
Assistant Attorney General
Civil Rights Bureau

Office of the NYS Attorney General
120 Broadway
New York, NY 10271
Tel. (212) 416-6493
Fax (212) 416-8074

Appendix A

Complex Port Jeff Covered Units

1. 6
2. 15
3. 33
4. 38
5. 96
6. 109
7. 111
8. 114
9. 126
10. 154
11. 166
12. 181
13. 183
14. 186
15. 188
16. 189
17. 197
18. 200
19. 202
20. 212
21. 215
22. 217
23. 224
24. 227
25. 229
26. 241
27. 7
28. 9
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31. 25
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34. 52
35. 55
36. 75
37. 218
38. 220
39. 223
40. 257
41. 262
42. 271
43. 273
44. 65
45. 263

46. 157
47. 160
48. 169
49. 172
50. 251
51. 1
52. 149
53. 152
54. 164
55. 192
56. 194
57. 30
58. 277
59. 285
60. 132
61. 134
62. 47
63. 103
64. 108
65. 242
66. 246
67. 250
68. 230
69. 235
70. 56
71. 57
72. 59
73. 63
74. 64
75. 286
76. 291
77. 118
78. 120
79. 121
80. 140
81. 148
82. 204
83. 206
84. 207
85. 208
86. 210
87. 173
88. 180

Appendix B
Complex South Covered Units

1.	1	48.	35
2.	4		
3.	8		
4.	9		
5.	14		
6.	23		
7.	25		
8.	30		
9.	32		
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12.	46		
13.	49		
14.	64		
15.	79		
16.	94		
17.	99		
18.	109		
19.	110		
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Appendix C

Retrofits to Public and Common Use Areas Complex South

I. Accessible Routes

Fairfield Properties shall make all necessary modifications to ensure that there is an accessible route from each Complex South Covered Unit to each public and common use area of Complex South including, but not limited to, the community building, property entrance, pool area, mailboxes, trash dumpsters, tennis courts, garages/storage, golf green, shuffle board area, and parking, Fairfield Properties shall make all necessary modifications to ensure that there is an accessible route from parking and roadways to each public and common use area of Complex South. The accessible route also consists of sidewalks, paths that connect the sidewalk to the roadway, and the roadways. The accessible routes must be firm, stable, and slip resistant, must meet the width, slope, cross-slope and other criteria set forth in the Accessibility Requirements:

- 1) The accessible routes must coincide with the general circulation path.
- 2) The accessible routes must be at least 36" wide, and any sidewalk curbs on the route must have appropriate curb ramps. Parked cars shall not reduce the width of the route to less than 36".
- 3) Any curbs and curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any ramps on the accessible route must meet the slope, cross-slope and railing criteria set forth in the applicable Accessibility Requirements.
- 4) The accessible route that is in the roadway should be along the side of the roadway.
- 5) Curb Ramps at Parking Areas
 - a) Curb ramps cannot be obstructed by legally blocked cars or other objects.
 - b) The change in level from accessible parking to the accessible route cannot cross slope more than 2% and flared ends of the curb ramp cannot slope more than 8.33%. Change in level between the curb ramp and accessible parking cannot be more than ½" tall and must be beveled. All curbs and curb ramps along the accessible route must comply with the provisions of this paragraph and the applicable Accessibility Requirements.
- 6) Accessible Route from Complex South Covered Units to Common Use Parking or Roadway

- a) The change in level along the accessible route from an apartment entrance to the common use parking or roadway cannot cross slope more than 2% and slope more than 8.33%. Slopes greater than 5% along the accessible route must be ramped in accordance with applicable Accessibility Requirements. Change in level on the accessible route cannot be more than ½" tall without being ramped in accordance with applicable Accessibility Requirements. Changes in level greater than a ¼" must be beveled. The accessible routes for the Complex South Covered Units must comply with the provisions in this paragraph and applicable Accessibility Requirements.

II. Community Building Area

Fairfield Properties shall make all necessary modifications to ensure that the community building area has the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be designated accessible parking spaces that meet the dimension, access aisle, and signage criteria set forth in the applicable Accessibility Requirements.
- 2) There must be an accessible route from parking to the pool, tennis courts, and golfing green that meets the slope, cross-slope and other criteria set forth in the applicable Accessibility Requirements. Any curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any ramps on the accessible route must meet the slope, cross-slope and railing criteria set forth in the applicable Accessibility Requirements.
- 3) Entrance to Community Building
 - a) Threshold of the entrance door to the community building must comply with the applicable Accessibility Requirements.
 - b) Intercom button must be no more than 54" above the floor.
- 4) Door to Covered Porch
 - a) Threshold of the door to the covered porch on the community building must comply with the applicable Accessibility Requirements.
 - b) Clear floor space to card-key pass controls cannot be obstructed.
- 5) Room identification signs must have raised letters and Braille writing.

- 6) Exercise Area
- a) There must be at least 54" of maneuvering space beyond the entrance door to the exercise room because the door has both a latch and a closer.
 - b) There must be an accessible route to each piece of exercise equipment that is at least 36" wide.
- 7) Card Room
- a) There must be maneuvering space beside the door that complies with the applicable Accessibility Requirements.
 - b) The slot of the rental drop box must be no more than 54" above the floor.
- 8) Social Hall Kitchenette
- a) There must be maneuvering space beside the door that complies with the applicable Accessibility Requirements.
 - b) A work surface must be provided that is within reach and complies with the applicable Accessibility Requirements.
 - c) The controls to appliances and sinks must be within reach and comply with the applicable Accessibility Requirements.
 - i) The microwave controls must be no more than 54" above the floor.
 - d) Sink
 - i) There must be clear floor space under the sink that complies with the applicable Accessibility Requirements.
 - ii) Bowl of the sink cannot be deeper than 6.5".
 - iii) The counter top must be no more than 36" above the floor.
 - e) There must be clear floor space under a portion of the work counter that complies with the applicable Accessibility Requirements.
- 9) Men's Bathroom
- a) Stall

- i) The centerline of the toilet must be 16-18" from the sidewall.
- ii) The toilet paper dispenser must be mounted within reach and not mounted on the far sidewall.
- iii) The rear wall grab bar must be at least 36" long, and one end must be within 6" of the sidewall.

10) Women's Bathroom

- a) There must be maneuvering space at the bathroom that complies with the applicable Accessibility Requirements.
- b) Stall
 - i) The centerline of the toilet must be 16" to 18" from the sidewall.
 - ii) The toilet paper dispenser must be mounted within reach and not mounted on the far sidewall.
 - iii) The rear wall grab bar must be at least 36" long, and one end must be within 6" of the sidewall.
 - iv) The flush control must be mounted within reach and on the wide side of the stall.

III. Pool Area

Fairfield Properties shall make all necessary modifications to ensure that the pool area and the pool have the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be designated accessible parking spaces for the tennis courts, pool and golf green that meet the dimension, access aisle, and signage criteria set forth in the applicable Accessibility Requirements.
- 2) There must be an accessible route to and from parking, the tennis courts, pool and golf green that meets the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.
 - a) The change in level from parking to the accessible route cannot cross slope more than 2% and flared ends of the curb ramp cannot slope more than 8.33%. Change in level between the curb ramp and accessible parking cannot be more than ½" tall and must be beveled.

- b) The accessible route to the pool entrance cannot have a cross-slope of more than 2-2.5%.
 - c) The wall-mounted light fixture must not protrude more than 4" into the accessible route or cane-detection will be provided.
- 3) The pool gate hardware must be operable with one hand and must be operable without requiring tight grasping or twisting. The gate hardware also must be no more than 48" above the ground because it requires a forward approach to operate. There must be maneuverability space beside the gate that complies with the applicable Accessibility Requirements.
- 4) Golf Green
- a) An accessible route and path must be provided to the golf green that meets the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.
- 5) Tennis Court
- a) The clear floor maneuvering space at the security card reader at the entry gate must be level, firm, stable and slip resistant.
 - b) There must be at least 18" of maneuvering space beside the latch side of the gate to the tennis court.

IV. Garage/ Storage Units

Fairfield Properties shall make all necessary modifications to ensure that the garage/storage units and the surrounding area have the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be an accessible route to the garages and storage units that meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.
 - a) The slope of the accessible route cannot exceed 5% without being constructed with applicable Accessibility Requirements for ramps. Driveways that connect the roadway to the garage/storage units that are part of the accessible route must comply with applicable slope and cross-slope Accessibility Requirements.

- b) The wall-mounted light fixture must not protrude more than 4" into the accessible route.
 - c) The clear floor maneuvering space at the door to the storage unit must not slope more than 2%.
 - d) The clear floor maneuvering space at the garage controls must not cross-slope more than 2%.
- 2) A sufficient number of garage and storage units must be accessible and comply with applicable Accessibility Requirements. Fairfield Properties cannot charge tenants extra fees or money for the accessible garage or storage units.
 - 3) The storage unit door hardware must be operable with one hand and without requiring tight grasping or twisting.
 - 4) The storage unit door must be operable with less than 8.5 pounds of force.
 - 5) Controls that require a side approach to operate cannot be more than 54" above the ground.

V. Trash Dumpsters

Fairfield Properties shall make all necessary modifications to ensure that the trash dumpsters have the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be an accessible route to the trash dumpsters that meets the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. If there are any vertical rises on the route that are greater than 1/2", there must be a ramp that complies with the applicable Accessibility Requirements.

VI. Mailbox Kiosks

Fairfield Properties shall make all necessary modifications to ensure that the mailbox kiosk area has the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be an accessible route to the mailboxes that meets the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. If there are any vertical rises on the route that are greater than 1/2", there must be a ramp that complies with the applicable Accessibility Requirements.

- 2) The top row of mailboxes allocated to the Complex South Covered Units must be no more than 54" above the clear ground space.
- 3) The controls for the mailboxes must be set back no more than 10" from the curb.

VII. Parking

Fairfield Properties shall make all necessary modifications to ensure that parking spaces have the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be at least the number required under the applicable Accessibility Requirements of designated accessible parking spaces that serve the Complex South Covered Units. These spaces must meet the dimension, access aisle, and signage criteria set forth in the applicable Accessibility Requirements.
- 2) There must be at least the number required under the applicable Accessibility Requirements of designated accessible parking spaces that serve the public and common use areas. These spaces must meet the dimension, access aisle, and signage criteria set forth in the applicable Accessibility Requirements.
 - a) Accessible parking spaces must be designated with a sign that is at least 60" above the ground.

Appendix D

Required Retrofits to Complex South Dwelling Units

I. Aspen Units

Fairfield Properties shall make all necessary modifications to each of the Aspen units that are Complex South Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The garage door threshold must comply with the applicable Accessibility Requirements.
- 4) There must be an accessible route between the garage and the apartment that complies with the applicable Accessibility Requirements.
- 5) The thermostat controls must be no higher than 48" from the floor.
- 6) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act.
- 7) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
 - b) The bottom of the reflective surface of the lavatory mirror cannot be higher than 40" above the floor or a wall hung mirror will be provided.
- 8) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

II. Boca Units

Fairfield Properties shall make all necessary modifications to each of the Boca units that are Complex South Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The garage door threshold must comply with the applicable Accessibility Requirements.
- 4) The clear opening for the entrance door must be at least 32" wide.
- 5) The thermostat controls must be no higher than 48" from the floor.
- 6) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 7) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
 - b) The bottom of the reflective surface of the lavatory mirror cannot be higher than 40" above the floor or a wall hung mirror will be provided.
- 8) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

III. Del Ray Units

Fairfield Properties shall make all necessary modifications to each of the Del Ray units that are Complex South Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
 - b) There must be at least 30" by 48" of clear floor space beyond the swing of the door or the door will be modified to swing outward.
 - c) The bottom of the reflective surface of the lavatory mirror cannot be higher than 40" above the floor or a wall hung mirror will be provided.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

IV. East Hampton Units

Fairfield Properties shall make all necessary modifications to each of the East Hampton units that are Complex South Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.

- 3) The clear opening for entrance doors must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
 - b) The bottom of the reflective surface of the lavatory mirror cannot be higher than 40" above the floor or a wall hung mirror will be provided.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

V. Fountainbleau Units

Fairfield Properties shall make all necessary modifications to each of the Fountainbleau units that are Complex South Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than $\frac{3}{4}$ " and must be beveled.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom

- a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
 - b) Light switches must not be mounted more than 48" above the floor.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

VI. Glenmore Units

Fairfield Properties shall make all necessary modifications to each of the Glenmore units that are Complex South Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than 3/4" and must be beveled.
- 3) The clear opening at the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.

- b) The bottom of the reflective surface of the lavatory mirror cannot be higher than 40" above the floor or a wall hung mirror will be provided.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

VII. Hilton

Fairfield Properties shall make all necessary modifications to each of the Hilton units that are Complex South Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
 - b) The bottom of the reflective surface of the lavatory mirror cannot be higher than 40" above the floor or a wall hung mirror will be provided.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

VIII. Isle

Fairfield Properties shall make all necessary modifications to each of the Isle units that are Complex South Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the applicable Accessibility Requirements.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
 - b) The bottom of the reflective surface of the lavatory mirror cannot be higher than 40" above the floor or a wall hung mirror will be provided.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

IX. Jasmine

Fairfield Properties shall make all necessary modifications to each of the Jasmine units that are Complex South Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.

- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The clear opening for entrance doors must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
 - b) The bottom of the reflective surface of the lavatory mirror cannot be higher than 40" above the floor or a wall hung mirror will be provided.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

X. Kona

Fairfield Properties shall make all necessary modifications to each of the Kona units that are Complex South Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The garage door threshold cannot be taller than ½" and must comply with the applicable Accessibility Requirements.
- 4) There must be an accessible route between the garage and the apartment that complies with the applicable Accessibility Requirements.
- 5) The clear opening for entrance doors must be at least 32" wide.

- 6) The thermostat controls must be no higher than 48" from the floor.
- 7) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 8) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
 - b) The bottom of the reflective surface of the lavatory mirror cannot be higher than 40" above the floor or a wall hung mirror will be provided.
- 9) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

Appendix E

Retrofits to Complex South Dwelling Units Available Upon Tenant Request

I. Aspen Units

Upon the request of a tenant residing in Aspen units that are Complex South Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The patio door threshold must not be greater than $\frac{3}{4}$ " and must comply with the applicable Accessibility Requirements.
- 2) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least a nominal 32" wide.
- 3) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 4) There must be clear floor space for the washers and dryers that are parallel and centered on each appliance.
- 5) Grab bars shall be installed in the bathrooms.
- 6) The centerline of: (i) lower outlets of electrical receptacles must be mounted at least 15" above the floor; and (ii) upper outlets of electrical receptacles that are above counters must not be more than 46" above the floor.
- 7) Hall Bathroom
 - a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - b) Faucet on the lavatory must be must be operable with one hand and without requiring tight grasping or twisting.
 - c) There must be clear floor space for the toilet that complies with the applicable Accessibility Requirements.
 - d) There must be clear floor space for the bathtub that complies with the Fair Housing Act's Accessibility Guidelines.

- e) The controls for the bathtub must be operable without requiring tight grasping or twisting.

II. Boca Units

Upon the request of a tenant residing in Boca units that are Complex South Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The patio door threshold must not be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 2) The garage door threshold must comply with the applicable Accessibility Guidelines.
- 3) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least 32" nominal wide.
- 4) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 5) There must be clear floor space for the washers and dryers that are parallel and centered on each appliance.
- 6) There must be at least 18" of maneuvering space beside the unit entrance door because the door requires a forward approach to open or another means to comply with the applicable Accessibility Requirements will be provided.
- 7) Grab bars shall be installed in the bathrooms.
- 8) The centerline of: (i) lower outlets of electrical receptacles must be mounted at least 15" above the floor; and (ii) upper outlets of electrical receptacles that are above counters must not be more than 46" above the floor.
- 9) Hall Bathroom
 - a) There must be at least 30" by 48" of clear floor space beyond the swing of the door or the door will be re-hung to swing out.
 - b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.

- c) Faucet on the lavatory must be operable with one hand and without requiring tight grasping or twisting.
- d) There must be clear floor space for the lavatory that is centered on the sink faucet and complies with the applicable Accessible Requirements.
- e) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines.
- f) There must be clear floor space for the bathtub that complies with the Fair Housing Act's Accessibility Guidelines.
- g) The controls for the bathtub must be operable without tight grasping or twisting.

III. Del Ray Units

Upon the request of a tenant residing in Del Ray units that are Complex South Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The patio door threshold must not be greater than $\frac{3}{4}$ " and must comply with the applicable Accessibility Requirements.
- 2) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least 32" nominal wide.
- 3) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 4) There must be clear floor space for the washers and dryers that are parallel and centered on each appliance.
- 5) There must be clear floor space for the kitchen sink that complies with the applicable Accessibility Requirements.
- 6) Grab bars shall be installed in the bathrooms.
- 7) The centerline of: (i) lower outlets of electrical receptacles must be mounted at least 15" above the floor; and (ii) upper outlets of electrical receptacles that are above counters must not be more than 46" above the floor.

8) Master Bathroom

- a) There must be clear floor space for the toilet that complies with the applicable Accessibility Requirements.

9) Hall Bathroom

- a) There must be at least 30" by 48" of clear floor space beyond the swing of the door or the door will be re-hung to swing outward.
- b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- c) Faucet on the lavatory must be must be operable with one hand and without requiring tight grasping or twisting.
- d) There must be clear floor space for the lavatory that is centered on the faucet and complies with applicable Accessibility Requirements.
- e) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines.
- f) There must be clear floor space for the bathtub that complies with the Fair Housing Act's Accessibility Guidelines.
- g) The controls for the bathtub must be operable without tight grasping or twisting.

IV. East Hampton

Upon the request of a tenant residing in East Hampton units that are Complex South Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) There must be at least 18" of maneuvering space beside the unit entrance door because the door requires a forward approach to open or another means to comply with the applicable Accessibility Requirements will be provided.
- 2) The patio door threshold must not be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 3) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least 32" nominal wide.

- 4) There must be clear floor space for the washers and dryers that are parallel and centered on each appliance.
- 5) Grab bars shall be installed in the bathrooms.
- 6) The centerline of: (i) lower outlets of electrical receptacles must be mounted at least 15" above the floor; and (ii) upper outlets of electrical receptacles that are above counters must not be more than 46" above the floor.
- 7) Master Bathroom
 - a) The distance between the centerline of the toilet and bathtub must comply with Fair Housing Act's Accessibility Guidelines.
 - b) There must be clear floor space for the lavatory that is centered on the sink faucet and complies with the applicable Accessible Requirements.
- 8) Hall Bathroom
 - a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - b) Faucet on the lavatory must be must be operable with one hand and without requiring tight grasping or twisting.
 - c) There must be clear floor space for the lavatory that is centered on the faucet and complies with the applicable Accessibility Requirements.
 - d) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines.
 - e) There must be clear floor space for the bathtub that complies with the Fair housing Act's Accessibility Guidelines.
 - f) The controls for the bathtub must be operable without tight grasping or twisting.

V. Fountainbleau Units

Upon the request of a tenant residing in Fountainbleau units that are Complex South Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) There must be maneuvering space for the entrance door that is at least 60" deep and extends 18" beside the door or another means to comply with the applicable Accessibility Requirements will be provided.
- 2) There must be clear floor space for the washers and dryers that are parallel and centered on each appliance.
- 3) There must be clear floor space for the kitchen sink that complies with the applicable Accessibility Requirements.
- 4) Grab bars shall be installed in the bathrooms.
- 5) The centerline of: (i) lower outlets of electrical receptacles must be mounted at least 15" above the floor; and (ii) upper outlets of electrical receptacles that are above counters must not be more than 46" above the floor.
- 6) Master Bathroom
 - a) There must be clear floor space for the toilet complies with the Fair Housing Act's Accessibility Guidelines.
 - b) There must be clear floor space for the lavatory that is parallel to and centered on the sink faucet and complies with the applicable Accessible Requirements.
- 7) Hall Bathroom
 - a) The clear floor space beyond the swing of the door must be at least 30" deep by 48" wide or the door will be re-hung to swing outward.
 - b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - c) Faucet on the lavatory must be must be operable with one hand and without requiring tight grasping or twisting.
 - d) There must be clear floor space for the lavatory that is centered on the sink faucet and complies with the Applicable Accessibility Requirements.
 - e) The distance between the centerline of the toilet and bathtub must comply with the Fair Housing Act's Accessibility Guidelines.

- f) There must be clear floor space for the toilet that complies with the applicable Accessibility Requirements. Fixed vanity cabinets cannot overlap into the required clear floor space.
- g) There must be clear floor space for the bathtub that complies with the Fair Housing Act's Accessibility Guidelines.
- h) The controls for the bathtub must be operable without tight grasping or twisting.
- i) Light switches must not be mounted more than 48" above the floor.

VI. Glenmore Units

Upon the request of a tenant residing in Glenmore units that are Complex South Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The patio door threshold must be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 2) There must be maneuvering space for the entrance door that is at least 60" deep and extends 18" beside the door or another means to comply with the applicable Accessibility Requirements will be provided.
- 3) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be 32" nominal wide.
- 4) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 5) There must be clear floor space for the washers and dryers that are parallel and centered on each appliance.
- 6) Grab bars shall be installed in the bathrooms.
- 7) The centerline of: (i) lower outlets of electrical receptacles must be mounted at least 15" above the floor; and (ii) upper outlets of electrical receptacles that are above counters must not be more than 46" above the floor.

8) Hall Bathroom

- a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- b) Faucet on the lavatory must be must be operable with one hand and without requiring tight grasping or twisting.
- c) There must be clear floor space for the lavatory that is centered on the sink faucet and complies with applicable Accessibility Requirements.
- d) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines. Fixed vanity cabinets cannot overlap into the required clear floor space.
- e) There must be clear floor space for the bathtub that complies with the Fair Housing Act's Accessibility Guidelines.
- f) The controls for the bathtub must be operable without requiring tight grasping or twisting.

VII. Hilton

Upon the request of a tenant residing in Hilton units that are Complex South Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The patio door threshold must not be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 2) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least 32" nominal wide.
- 3) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 4) There must be clear floor space for the washers and dryers that are parallel and centered on each appliance.
- 5) There must be clear floor space for the kitchen sink that complies with the applicable Accessibility Requirements.
- 6) Grab bars shall be installed in the bathrooms.

- 7) The centerline of: (i) lower outlets of electrical receptacles must be mounted at least 15" above the floor; and (ii) upper outlets of electrical receptacles that are above counters must not be more than 46" above the floor.
- 8) Master Bathroom
 - a) The distance between the centerline of the toilet and bathtub must comply with the Fair Housing Act's Accessibility Guidelines.
 - b) There must be clear floor space for the lavatory that is centered on the sink faucet and complies with the applicable Accessible Requirements.
- 9) Hall Bathroom
 - a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - b) Faucet on the lavatory must be must be operable with one hand and without requiring tight grasping or twisting.
 - c) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines. Fixed vanity cabinets cannot overlap into the required clear floor space.
 - d) There must be clear floor space for the bathtub complies with the Fair Housing Act's Accessibility Guidelines.
 - e) The controls for the bathtub must be operable without requiring tight grasping or twisting.

VIII. Isle

Upon the request of a tenant residing in Isle units that are Complex South Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The entrance door requires a forward approach to operate therefore the maneuvering space must extend 18" beside the door or another means of compliance with the applicable Accessibility Requirements will be provided.
- 2) The patio door threshold must not be greater than 3/4" and must comply with the applicable Accessibility Requirements.

- 3) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least 32" nominal wide.
- 4) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 5) There must be clear floor space for the washers and dryers that are parallel and centered on each appliance.
- 6) Grab bars shall be installed in the bathrooms.
- 7) The centerline of: (i) lower outlets of electrical receptacles must be mounted at least 15" above the floor; and (ii) upper outlets of electrical receptacles that are above counters must not be more than 46" above the floor.
- 8) Master Bathroom
 - a) There must be clear floor space for the lavatory that is centered on the sink faucet and complies with the applicable Accessible Requirements.
- 9) Hall Bathroom
 - a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - b) Faucet on the lavatory must be must be operable with one hand and without requiring tight grasping or twisting.
 - c) There must be clear floor space for the lavatory that is centered on the sink faucet and complies with the applicable Accessibility Requirements.
 - d) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines. Fixed vanity cabinets cannot overlap into the required clear floor space.
 - e) There must be clear floor space for the bathtub that complies with the Fair Housing Act's Accessibility Guidelines.
 - f) The controls for the bathtub must be located operable without requiring tight grasping or twisting.

IX. Jasmine

Upon the request of a tenant residing in Jasmine units that are Complex South Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The entrance door requires a forward approach to operate therefore the maneuvering space must extend at least 18" beside the door or another means of compliance with the applicable Accessibility Requirements will be provided.
- 2) The patio threshold must not be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 3) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least 32" nominal wide.
- 4) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 5) There must be clear floor space for the washers and dryers that are parallel and centered on each appliance.
- 6) Grab bars shall be installed in the bathrooms.
- 7) The centerline of: (i) lower outlets of electrical receptacles must be mounted at least 15" above the floor; and (ii) upper outlets of electrical receptacles that are above counters must not be more than 46" above the floor.
- 8) Master Bathroom
 - a) There must be clear floor space for the lavatory that is centered on the sink faucet and complies with the applicable Accessible Requirements.
 - b) The distance between the centerline of the toilet and bathtub must comply with the Fair Housing Act's Accessibility Guidelines.
- 9) Hall Bathroom
 - a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - b) Faucet on the lavatory must be must be operable with one hand and without requiring tight grasping or twisting.

- c) There must be clear floor space for the lavatory that is centered on the sink faucet and complies with the applicable Accessible Requirements.
- d) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines. Fixed vanity cabinets cannot overlap into the required clear floor space.
- e) There must be clear floor space for the bathtub that complies with the Fair Housing Act's Accessibility Guidelines.
- f) The controls for the bathtub must be operable without tight grasping or twisting.

X. Kona

Upon the request of a tenant residing in Kona units that are Complex South Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The entrance door requires a forward approach to operate therefore the maneuvering space must 60" deep and extend 18" beside the door on another means of complying with the applicable Accessibility Requirements will be provided.
- 2) The patio door threshold must not be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 3) The garage door threshold cannot be taller than ½" and must comply with the applicable Accessibility Requirements.
- 4) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be a nominal 32" wide.
- 5) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 6) There must be clear floor space for the washers and dryers that are parallel and centered on each appliance.
- 7) Grab bars shall be installed in the bathrooms.

- 8) The centerline of: (i) lower outlets of electrical receptacles must be mounted at least 15" above the floor; and (ii) upper outlets of electrical receptacles that are above counters must not be more than 46" above the floor.
- 9) Master Bathroom
- a) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines.
- 10) Hall Bathroom
- a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- b) Faucet on the lavatory must be must be operable with one hand and without requiring tight grasping or twisting.
- c) There must be clear floor space for the lavatory that is centered on the sink faucet and complies with the applicable Accessible Requirements.
- d) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines. Fixed vanity cabinets cannot overlap into the required clear floor space.
- e) There must be clear floor space for the bathtub that complies with the Fair Housing Act's Accessibility Guidelines.
- f) The controls for the bathtub must be operable without tight grasping or twisting.

Appendix F

Retrofits to Public and Common Use Areas Complex Port Jeff

I. Accessible Routes

Fairfield Properties shall make all necessary modifications to ensure that there is an accessible route from and to each Complex Port Jeff Covered Unit to each public and common use area of Complex South including but not limited to the community building, property entrance, pool area, mailboxes, trash dumpsters, tennis courts, garages/storage, roadway and parking, Fairfield Properties shall make all necessary modifications to ensure that there is an accessible route from parking and roadways to each public and common use area of Complex Port Jeff. The accessible route also consists of sidewalks, paths that connect the sidewalk to the roadway, and the roadways. The accessible routes must be firm, stable, and slip resistant, must meet the width, slope, and cross-slope criteria set forth in the Accessibility Requirements, and meets the applicable Accessibility Requirements:

- 1) The accessible routes must coincide with general circulation path.
- 2) The accessible routes must be at least 36" wide, and any sidewalk curbs on the route must have appropriate curb ramps. Parked cars shall not reduce the width of the route to less than 36".
- 3) Any curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any ramps on the accessible route must meet the slope, cross-slope and railing criteria set forth in the applicable Accessibility Requirements.
- 4) The accessible route that is in the roadway should be along the side of the roadway.
- 5) Curb Ramps at Parking Areas
 - a) Curb ramps cannot be obstructed by legally blocked cars or other objects.
 - b) The change in level from accessible parking to the accessible route cannot cross slope more than 2% and flared ends of the curb ramp cannot slope more than 8.33%. Change in level between the curb ramp and accessible parking cannot be more than ½" tall and must be beveled. All curbs and curb ramps along the accessible route must comply with the provisions of this paragraph and the applicable Accessibility Requirements.
- 6) Accessible Route from Complex Port Jeff Covered Units to Common Use Parking or Roadway

- a) The change in level along the accessible route from an apartment entrance to the common use parking or roadway cannot cross slope more than 2% and slope more than 8.33%. Slopes greater than 5% along the accessible route must be ramped in accordance with applicable Accessibility Requirements. Change in level on the accessible route cannot be more than ½" tall without being ramped in accordance with applicable Accessibility Requirements. Changes in level greater than a ¼" must be beveled. The accessible route from and to Complex Port Jeff Covered Units entrances must comply with the provisions of this paragraph and applicable Accessibility Requirements.

II. Community Building Area

Fairfield Properties shall make all necessary modifications to ensure that the community building area has the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be designated accessible parking spaces that meet the dimension, access aisle, and signage criteria set forth in the applicable Accessibility Requirements.
- 2) There must be an accessible route from the designated parking spaces to the pool, tennis courts and golfing green that meets the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any ramps on the accessible route must meet the slope, cross-slope and railing criteria set forth in the applicable Accessibility Requirements.
- 3) Interior doors must be operable without requiring more than 5 pounds of force.
- 4) Room identification signs must have raised letters and Braille writing. The centerline of room identification signs must be mounted exactly 60" above the floor.
- 5) Door thresholds must comply with the applicable Accessibility Requirements. Door thresholds that need to be modified to comply with the applicable Accessibility Requirements include but are not limited to the following: the card rooms; theater; pool table; social hall, business/library and deck.
- 6) Kitchenette for Card Rooms
 - a) There must be maneuverability space for the door that complies with the applicable Accessibility Requirements.
 - b) Controls for appliances and a sufficient amount of each type of storage must be within reach. The top of the counter must not be more than 36" above the floor. The controls for the microwave must be within 10" of the front edge of the counter and not more than 54" above the floor.

7) Business Center

- a) The knee clearance at the accessible work stations must be at least 27" high and 30" wide.

8) Social Hall

- a) There must be an accessible route to the entrance of the social hall that is sufficiently wide and complies with the applicable Accessibility Requirements.
- b) The controls to the sink and appliances in the kitchenette must be within reach. The top of the counter must not be more than 34" above the floor. The controls for the microwave must be within 10" of the front edge of the counter and not more than 54" above the floor.

9) Theater

- a) A sufficient number of wheelchair seating locations must be integral with the fixed seating.
- b) There must be maneuvering space for the door that complies with the applicable Accessibility Requirements.

10) Women's Room on Upper Level

- a) The centerline of the sign on the entrance door must be mounted 60" above the floor. The sign must include the International Symbol for Accessibility.
- b) There must be maneuvering space for and at the door that complies with the applicable Accessibility Requirements.

c) Toilet Stall

- i) The stall must be at least 60" wide.
- ii) The door must be within 4" of the stall corner that is in front of the clear space.
- iii) The door clear opening must be at least 32" wide.
- iv) Toilet paper dispenser must be mounted within reach.
- v) The centerline of the toilet must be 16" to 18" from the sidewall.

- vi) The coat hook must be mounted no more than 54" above the floor.
- vii) The rear wall grab bar must be at least 36" long, and one end of the bar must be within 6" of the sidewall.
- viii) The sidewall grab bar must be at least 42" long, and one end of the bar must extend 12" of the rear wall.

11) Men's Bathroom on Upper Level

- a) The centerline of the sign on the entrance door must be mounted 60" above the floor. The sign must include the International Symbol for Accessibility.
- b) There must be maneuvering space for and at the door that complies with the applicable Accessibility Requirements.
- c) Toilet Stall
 - i) The stall must be at least 59" deep.
 - ii) The door must be within 4" of the stall corner that is in front of the clear space.
 - iii) The door clear opening must be at least 32" wide.
 - iv) Toilet paper dispenser must be mounted within reach.
 - v) The centerline of the toilet must be 16" to 18" from the sidewall.
 - vi) The flush control must be mounted on the wide side of the toilet stall.
 - vii) The coat hook must be mounted no more than 54" above the floor.
 - viii) The rear wall grab bar must be at least 36" long, and one end of the bar must be within 6" of the sidewall.
 - ix) The sidewall grab bar must be at least 42" long, and one end of the bar must extend 12" of the rear wall.

12) The threshold of the door to the pool area must not be higher than ½".

13) Drinking Fountain

- a) The knee space under the drinking fountain must be at least 27" high.

- b) There must be a drinking fountain or water cooler that can be used by persons who have difficulty bending or stooping.

14) Jacuzzi

- a) The controls for the door must not be more than 54" above the floor.
- b) The clear floor space adjacent to the jacuzzi cannot have a cross slope more than 2-2.5%.

15) Men's Locker Room

- a) The centerline of the sign on the entrance door must be mounted 60" above the floor. The sign must include the International Symbol for Accessibility.
- b) The threshold of the door to the corridor must comply with the applicable Accessibility Requirements. The threshold of the door to the swimming pool must comply with the applicable Accessibility Requirements.

c) Steam Room

- i) The controls must be operable without requiring tight grasping or twisting.
- ii) The controls must not be higher than 54" above the floor.

d) Sauna

- i) The controls must be operable without requiring tight grasping or twisting.
- ii) The controls must not be higher than 54" above the floor.
- iii) The threshold of the door must comply with the applicable Accessibility Requirements.

e) Toilet Stall

- i) The door must be within 4" of the stall corner that is in front of the clear space.
- ii) The door clear opening must be at least 32" wide.
- iii) Toilet paper dispenser must be mounted within reach.

- iv) The centerline of the toilet must be 16" to 18" from the sidewall.
- v) The flush control must be mounted on the wide side of the toilet stall.
- vi) The coat hook must be mounted no more than 54" above the floor.
- vii) The rear wall grab bar must be at least 36" long, and one end of the bar must be within 6" of the sidewall.

f) Transfer Shower

- i) The clear floor space outside the stall must extend 12" beyond the seat wall.
- ii) The controls for the shower must be operable without requiring tight grasping or twisting.
- iii) The controls for the soap dispenser must be mounted no more than 54" above the floor.
- iv) There must be a fixed seat that complies with the applicable Accessibility Requirements.

16) Women's Locker Room

- a) The centerline of the sign on the entrance door must be mounted 60" above the floor. The sign must include the International Symbol for Accessibility.
- b) The threshold of the door from the corridor must comply with the applicable Accessibility Requirements. The threshold of the door from the swimming pool must comply with the applicable Accessibility Requirements.

c) Steam Room

- i) The controls must be operable without requiring tight grasping or twisting.
- ii) The controls must not be higher than 54" above the floor.

d) Sauna

- i) The controls must be operable without requiring tight grasping or twisting.

- ii) The controls must not be higher than 54" above the floor.
 - iii) The threshold of the door must comply with the applicable Accessibility Requirements.
- e) Transfer Shower
- i) The clear floor space outside the stall must extend 12" beyond the seat wall.
 - ii) The controls for the shower must be operable without requiring tight grasping or twisting.
 - iii) The controls for the soap dispenser must be mounted no more than 54" above the floor.
 - iv) There must be a fixed seat that complies with the applicable Accessibility Requirements.

III. Pool Area

Fairfield Properties shall make all necessary modifications to ensure that the pool areas have the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be designated accessible parking spaces for the pool area that meets the dimension, access aisle, and signage criteria set forth in the applicable Accessibility Requirements.
- 2) There must be an accessible route from the designated parking spaces to the pool area that meets the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.
 - a) The change in level from accessible parking to the accessible route cannot cross slope more than 2% and flared ends of the curb ramp cannot slope more than 8.33%. Change in level between the curb ramp and accessible parking cannot be more than ½" tall and must be beveled.
 - b) The accessible route to the pool entrance cannot have a cross-slope of more than 2-2.5%.
 - c) The clear ground space adjacent to the pool cannot have a cross-slope of more than 2-2.5%.

- d) Overhead object must not be mounted less than 80" above the floor of the accessible route.
- 3) The gate hardware must be operable with one hand and must not require tight grasping or twisting. The gate hardware also must be no more than 48" above the ground because it requires a forward approach to operate. The maneuvering space for and at the pool gate must comply with the applicable Accessibility Requirements.
- 4) Tennis Court
 - a) The electronic gate release controls must not be mounted more than 54" above the ground.

IV. Garage/ Storage Units

Fairfield Properties shall make all necessary modifications to ensure that the garage/storage units and the surrounding area have the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be an accessible route to the garages and storage units that meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.
 - a) The slope of the accessible route cannot exceed 5% without being constructed with applicable Accessibility Requirements for ramps. Driveways that connect the roadway to the garage/storage units that are part of the accessible route must comply with applicable slope and cross-slope Accessibility Requirements.
 - b) The wall-mounted light fixture cannot protrude more than 4" into the accessible route.
 - c) The clear floor maneuvering space at the door to the storage unit must not slope more than 2%.
 - d) The clear floor maneuvering space at the garage controls must not cross-slope more than 2%.
- 2) A sufficient number of garage and storage units must be accessible and comply with applicable Accessibility Requirements. Fairfield Properties cannot charge tenants extra fees or money for the accessible garage or storage units.
- 3) The storage unit door hardware must be operable with one hand and without requiring tight grasping or twisting.

- 4) The storage unit door must be operable with less than 8.5 pounds of force.
- 5) Controls that require a side approach to operate cannot be more than 54" above the ground.

V. Trash Dumpsters

Fairfield Properties shall make all necessary modifications to ensure that the trash dumpsters have the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be an accessible route to the trash dumpsters that meets the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. Any curb ramps on the accessible route must meet the slope and cross-slope criteria set forth in the applicable Accessibility Requirements. If there are any vertical rises on the route that are greater than ½", there must be a ramp that complies with the applicable Accessibility Requirements.

VI. Mailbox Kiosks

Fairfield Properties shall make all necessary modifications to ensure that the mailbox kiosk area has the following accessible features and meets the applicable Accessibility Requirements:

- 1) The top row of mailboxes allocated to Complex Port Jeff Covered Units must be no more than 54" above the clear ground space.
- 2) The controls for the mailboxes must be set back no more than 10" from the curb.

VII. Parking

Fairfield Properties shall make all necessary modifications to ensure that parking spaces has the following accessible features and meets the applicable Accessibility Requirements:

- 1) There must be at least the number required under the applicable Accessibility Requirements of designated accessible parking spaces that serve the Complex South Covered Units. These spaces must meet the dimension, access aisle, and signage criteria set forth in the applicable Accessibility Requirements.
- 2) There must be at least the number required under the applicable Accessibility Requirements of designated accessible parking spaces that serve the public and common use areas. These spaces must meet the dimension, access aisle, and signage criteria set forth in the applicable Accessibility Requirements.
 - a) Accessible parking spaces must be designated with a sign that is at least 60" above the ground.

Appendix G

Required Retrofits to Complex Port Jeff Covered Units

I. Aspen Units

Fairfield Properties shall make all necessary modifications to each of the Aspen units that are Complex Port Jeff Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor must comply with the applicable Accessibility Requirements.
- 2) The garage door threshold cannot be taller than ½" and must comply with the applicable Accessibility Requirements.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Requirements.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Requirements.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

II. Boca Units

Fairfield Properties shall make all necessary modifications to each of the Boca units that are Complex Port Jeff Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit comply with the applicable Accessibility Requirements.

- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The garage door threshold must comply with the applicable Accessibility Requirements.
- 4) The clear opening for the entrance door must be at least 32" wide.
- 5) The thermostat controls must be no higher than 48" from the floor.
- 6) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 7) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 8) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

III. Del Ray Units

Fairfield Properties shall make all necessary modifications to each of the Del Ray units that are Complex Port Jeff Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.

- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

IV. East Hampton Units

Fairfield Properties shall make all necessary modifications to each of the East Hampton units that are Complex Port Jeff Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

V. Fountainbleau Units

Fairfield Properties shall make all necessary modifications to each of the Fountainbleau units that are Complex Port Jeff Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must be beveled.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

VI. Glenmore Units

Fairfield Properties shall make all necessary modifications to each of the Glenmore units that are Complex Port Jeff Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must comply with the applicable Accessibility Requirements.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom

- a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

VII. Hilton

Fairfield Properties shall make all necessary modifications to each of the Hilton units that are Complex Port Jeff Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than ¾" and must comply with the applicable Accessibility Requirements.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Master Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) Hall Bathroom
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 7) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

VIII. Isle

Fairfield Properties shall make all necessary modifications to each of the Glenmore units that are Complex Port Jeff Covered Units to ensure that they have the accessible features listed below.

- 1) The change in level between the top of the threshold and the landing at the entrance door must comply with the applicable Accessibility Requirements. The change in level between the top of the threshold and the finished floor inside the unit must comply with the applicable Accessibility Requirements.
- 2) The thresholds to entry doors cannot be taller than $\frac{3}{4}$ " and must comply with the applicable Accessibility Requirements.
- 3) The clear opening for the entrance door must be at least 32" wide.
- 4) The thermostat controls must be no higher than 48" from the floor.
- 5) Bathrooms
 - a) There must be grab bar reinforcements installed around the toilet and bathing fixtures that comply with the Fair Housing Act's Accessibility Guidelines.
- 6) There must be an accessible route from the roadway and parking to the unit entrance that complies with the slope and cross-slope criteria set forth in the applicable Accessibility Requirements.

Appendix H

Retrofits to Complex Port Jeff Units Available Upon Tenant Request

I. Aspen Units

Upon the request of a tenant residing in Aspen units that are Complex Port Jeff Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The patio threshold must not be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 2) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least 32" nominal wide.
- 3) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 4) The door to the master bedroom must have maneuvering space beside the door that complies with the applicable Accessibility Requirements.
- 5) Grab bars shall be installed in the bathrooms.
- 6) The centerline of lower outlets of electrical receptacles must be mounted at least 15" above the floor.
- 7) Kitchen
 - a) The clear floor space for the sink must comply with the applicable Accessibility Requirements. There must be clear floor space under the sink that complies with the applicable Accessibility Requirements, removable base cabinet as set forth in the applicable Accessibility Requirements can be used to achieve this clear floor space.
 - b) The centerline of the upper outlets of the electrical receptacles that are above the counters must not be more than 46" above the floor.
- 8) Master Bathroom
 - a) There must be maneuvering space for and at the door that complies with the applicable Accessibility Requirements.

- b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- c) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessibility Requirements.

9) Hall Bathroom

- a) There must be at least 30" by 48" of clear floor space beyond the swing of the door or the door will be re-hung to swing outward.
- b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- c) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessibility Requirements.
- d) The distance between the centerline of the toilet and bathtub must comply with the Fair Housing Act's Accessibility Guidelines.

II. Boca Units

Upon the request of a tenant residing in Boca units that are Complex Port Jeff Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The patio door threshold must not be greater than $\frac{3}{4}$ " and must comply with the applicable Accessibility Requirements.
- 2) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 3) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least 32" nominal wide.
- 4) Grab bars shall be installed in the bathrooms.
- 5) The centerline of the lower outlets of electrical receptacles must be mounted at least 15" above the floor.

6) Kitchen

- a) The clear floor space for the sink must comply with the applicable Accessibility Requirements. Removable base cabinet as set forth in the applicable Accessibility Requirements can be used to achieve clear floor space under the sink that complies with the applicable Accessibility Requirements.
- b) The centerline of the upper outlets of the electrical outlets that are above counters must not be more than 46" above the floor.

7) Master Bathroom

- a) There must be maneuvering space for and at the door that complies with the applicable Accessibility Requirements.
- b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements
- c) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.
- d) The centerline of the toilet must be at least 18" from the bathtub.

8) Hall Bathroom

- a) There must be at least 30" by 48" of clear floor space beyond the swing of the door or the door will be re-hung to swing outward.
- b) There must be maneuvering space that for and at the door and complies with the applicable Accessibility Requirements.
- c) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- d) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessibility Requirements.

III. Del Ray Units

Upon the request of a tenant residing in Del Ray units that are Complex Port Jeff Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The patio door threshold must not be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 2) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 3) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least 32" nominal wide.
- 4) The door to the master bedroom walk-in closet must have maneuvering space that complies with the applicable Accessibility Requirements.
- 5) Grab bars shall be installed in the bathrooms.
- 6) The centerline of the lower outlets of electrical receptacles must be mounted at least 15" above the floor.
- 7) Kitchen
 - a) The clear floor space for the sink must comply with the applicable Accessibility Requirements. There must be clear floor space under the sink that complies with the applicable Accessibility Requirements, removable base cabinet as set forth in the applicable Accessibility Requirements can be used to achieve this clear floor space.
 - b) The centerline of upper outlets of the electrical receptacles that are above counters must not be more than 46" above the floor.
- 8) Master Bathroom
 - a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - b) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.

- c) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines.

9) Hall Bathroom

- a) There must be at least 30" by 48" of clear floor space beyond the swing of the door or the door will be re-hung to swing outward.
- b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- c) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.
- d) There must be maneuvering space for and at the door that complies with the applicable Accessibility Requirements.

IV. East Hampton Units

Upon the request of a tenant residing in East Hampton units that are Complex Port Jeff Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) There must be maneuvering space at the entrance door that complies with the applicable Accessibility Requirements.
- 2) The patio door threshold must not be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 3) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 4) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least a 32" nominal wide.
- 5) Grab bars shall be installed in the bathrooms.
- 6) The centerline of the lower outlets of electrical receptacles must be mounted at least 15" above the floor.

7) Kitchen

- a) The clear floor space for the sink must comply with the applicable Accessibility Requirements. There must be clear floor space under the sink that complies with the applicable Accessibility Requirements, removable base cabinet as set forth in the applicable Accessibility Requirements can be used to achieve this clear floor space.
- b) The centerline of the lower outlets of the electrical receptacles that are above counters must not be more than 46" above the floor.

8) Master Bathroom

- a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- b) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.

9) Hall Bathroom

- a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- b) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.
- c) The toilet must be 16" to 18" from the sidewall.

V. Fountainbleau Units

Upon the request of a tenant residing in Fountainbleau units that are Complex Port Jeff Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) There must be maneuvering space provided at the entrance door that complies with the applicable Accessibility Requirements.
- 2) The patio door threshold must not be greater than $\frac{3}{4}$ " and must comply with the applicable Accessibility Requirements.
- 3) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level

between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.

- 4) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least a 32" nominal wide.
- 5) The door to the master bedroom walk-in closet will be removed.
- 6) Grab bars shall be installed in the bathrooms.
- 7) The centerline of the lower outlets of electrical receptacles must be mounted at least 15" above the floor.
- 8) Kitchen
 - a) The clear floor space for the sink must comply with the applicable Accessibility Requirements. There must be clear floor space under the sink that complies with the applicable Accessibility Requirements, removable base cabinet as set forth in the applicable Accessibility Requirements can be used to achieve this clear floor space.
 - b) The centerline of upper outlets of the electrical receptacles that are above counters must not be more than 46" above the floor.
- 9) Master Bathroom
 - a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - b) There must be clear floor space for the toilet that complies with the Fair Housing Act's Accessibility Guidelines.
- 10) Hall Bathroom
 - a) The clear floor space must be at least 30" by 48" beyond the swing of the door the door will be re-hung to swing outward.
 - b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - c) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.

- d) The distance between the centerline of the toilet and bathtub must comply with the applicable Accessibility Requirements.
- e) There must be maneuvering space for and at the door that complies with the applicable Accessibility Requirements.

VI. Glenmore Units

Upon the request of a tenant residing in Glenmore units that are Complex Port Jeff Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) There must be maneuvering space provided at the entrance door that complies with the applicable Accessibility Requirements.
- 2) The patio door threshold must not be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 3) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 4) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least a 32" nominal wide.
- 5) Grab bars shall be installed in the bathrooms.
- 6) The centerline of the lower outlets of electrical receptacles must be mounted at least 15" above the floor.
- 7) Kitchen
 - a) The clear floor space for the sink must comply with the applicable Accessibility Requirements. There must be clear floor space under the sink that complies with the applicable Accessibility Requirements, removable base cabinet as set forth in the applicable Accessibility Requirements can be used to achieve this clear floor space.
 - b) The centerline of upper outlets of the electrical receptacles that are above counters must not be more than 46" above the floor.

8) Master Bathroom

- a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- b) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.
- c) The door requires a side approach to open therefore the depth of the maneuvering space must be at least 42".

9) Hall Bathroom

- a) There must be maneuvering space provided at the entrance door that complies with the applicable Accessibility Requirements.
- b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- c) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.
- d) The centerline of the toilet must be 16" to 18" from the sidewall.

VII. Hilton

Upon the request of a tenant residing in Hilton units that are Complex Port Jeff Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The patio door threshold must not be greater than ¾" and must comply with the applicable Accessibility Requirements.
- 2) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 3) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least a 32" nominal wide.
- 4) Grab bars shall be installed in the bathrooms.

- 5) The centerline of the lower outlets of electrical receptacles must be mounted at least 15" above the floor.
- 6) There must be maneuvering space for and at the master bedroom door that complies with the applicable Accessibility Requirements.
- 7) Kitchen
 - a) The clear floor space for the sink must comply with the applicable Accessibility Requirements. There must be clear floor space under the sink that complies with the applicable Accessibility Requirements, removable base cabinet as set forth in the applicable Accessibility Requirements can be used to achieve this clear floor space.
 - b) The centerline of upper outlets of the electrical receptacles that are above counters must not be more than 46" above the floor.
- 8) Master Bathroom
 - a) The distance between the centerline of the toilet and bathtub must comply with the Fair Housing Act's Accessibility Guidelines.
 - b) The centerline of the toilet must be 16" to 18" from the sidewall.
 - c) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - d) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.
 - e) There must be maneuvering space provided at the door that complies with the applicable Accessibility Requirements.
- 9) Hall Bathroom
 - a) There must be maneuvering space provided at the door that complies with the applicable Accessibility Requirements.
 - b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - c) The centerline of the toilet must be 16" to 18" from the sidewall.

VIII. Isle

Upon the request of a tenant residing in Isle units that are Complex Port Jeff Covered Units or Basement Units, Fairfield Properties shall make the necessary modifications listed below.

- 1) The patio door threshold must not be greater than $\frac{3}{4}$ " and must comply with the applicable Accessibility Requirements.
- 2) The change in level between the top of the patio threshold and the patio floor must comply with the applicable Accessibility Requirements. The change in level between the patio and the interior floor surface must comply with the applicable Accessibility Requirements.
- 3) The clear opening for doors must be at least 32" wide. Doors to closets that are more than 24" deep must be at least a 32" nominal wide.
- 4) Grab bars shall be installed in the bathrooms.
- 5) The centerline of the lower outlets of electrical receptacles must be mounted at least 15" above the floor.
- 6) Kitchen
 - a) There must be clear floor space under the sink that complies with the applicable Accessibility Requirements, removable base cabinet as set forth in the applicable Accessibility Requirements can be used to achieve this clear floor space.
- 7) Master Bathroom
 - a) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
 - b) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.
 - c) There must be maneuvering space provided at the door that complies with the applicable Accessibility Requirements.
- 8) Hall Bathroom
 - a) There must be maneuvering space provided at the door that complies with the applicable Accessibility Requirements.

- b) There must be knee and toe space under the lavatory that complies with the applicable Accessibility Requirements. Any base cabinet must be removable as set forth in the applicable Accessibility Requirements.
- c) The clear floor space for the lavatory must be centered on the sink faucet and comply with the applicable Accessible Requirements.

Appendix I

Notice of Retrofits

Dear _____ **[insert tenant's name]**:

State and federal law require ground floor units in recently constructed housing to have certain features in order to make them more physically accessible to people with disabilities. The Office of the New York State Attorney General recently conducted an on-site inspection with the cooperation of the Complex owners and concluded that some of our apartments and common areas lack certain legally required handicap accessibility features. This is due to the way the Complex was designed and constructed. As a result, we have agreed to modify some of the apartments and common areas to make them more accessible to current and prospective tenants with disabilities.

Your apartment is one of the units that does not meet all of the accessibility requirements. As a result, we will need to make certain structural modifications to your apartment and the exterior of your apartment. The renovations will be made at no cost to you. We anticipate that the work will take **[insert time estimate]**. If you have to vacate your apartment for one or more nights while the modifications are being completed, we will pay reasonable housing and relocation expenses in advance of your relocation, however, based on the planned modifications we do not expect this to be necessary.

The required modifications include the following:

[Itemize retrofits for unit]

In addition, we will offer certain additional optional modifications to your unit at no charge if you specifically request them. These charges may be helpful to persons who use wheelchairs or walkers. These optional modifications are designed to make the apartment even more accessible for persons with disabilities, and are listed in the attached card. If you would like to request any of these changes to your unit, please complete and return the attached card to the leasing office.

We are committed to doing everything we can to minimize any inconvenience that you may incur as a result of this project. Please contact the leasing office at _____ **[insert telephone number]** to let us know when would be the best time to complete this work. We will make every effort to accommodate your scheduling preferences. If you intend on vacating your apartment within the next 12 months and do not want us to make the changes until you move, please let us know and we will try to accommodate this request. However, all of the above modifications to your unit must be completed within three (3) years, regardless of whether you remain in the apartment for that period. If you have any questions, please feel free to call us.

Optional Unit Modifications Reply Card

Name:

Address:

Phone:

I request that the following changes be made without charge to me:

[itemize all retrofits available for unit type]

- Additional maneuvering clearance on both sides of all doors intended for user passage
- Additional clear floor space at the kitchen sink
- Increase openings of doors intended for passage
- Additional clear floor space at the washer and dryer
- Electrical outlets in a more accessible location
- Grab bars in the bathroom
- Additional clear floor maneuvering space at the toilet and bathroom sink
- Tub controls that do not require tight grasping or twisting to operate
- Accessible patio

Appendix J

Notice of Settlement

Notice to Potential Victims of Housing Discrimination at Fairfield Knolls at Port Jefferson Station Apartments

The Office of the New York State Attorney General (“OAG”) has entered into a settlement with the parties that own Fairfield Knolls at Port Jefferson Station— a 291-unit residential property located at 1-291 Village Green Drive, Port Jefferson Station, New York.

The settlement addresses the lack of legally required handicap accessible features in certain ground floor apartments, common areas, and pathways of the property.

Under the terms of this settlement, individuals who were harmed because of the absence of these accessible features may be entitled to monetary compensation. In order to possibly be eligible to recover money, you must meet **at least one** of the following criteria:

- (1) You have a disability and were prevented from or had difficulty applying for, renting, residing at, or visiting an apartment at Fairfield Knolls at Port Jefferson Station;
- (2) You decided not to live at Fairfield Knolls at Port Jefferson Station because the property lacked certain accessible features;
- (3) You are a current or former resident of Fairfield Knolls at Port Jefferson Station and paid for renovations to make your apartment more accessible; or
- (4) You were otherwise harmed or discriminated against because of your disability due to the lack of accessible features at Fairfield Knolls at Port Jefferson Station.

If you believe that you are eligible for compensation and wish to submit a claim, you should submit a written statement explaining why you meet any of the above criteria, along with supporting documentation, to:

Office of the NYS Attorney General
Attn.: Brooke Davis, Asst. Attorney General
Civil Rights Bureau
120 Broadway, 23rd Floor
New York, New York 10271

The OAG will evaluate the claims for compensation and will determine, in a fair and equitable manner, whether you are entitled to compensation. You must submit your claim and all supporting documentation by ___ **[Insert in bold date that is 150 days after Effective Date]**. If you have any questions, you may contact the OAG at 212-416-6493.

Notice of Settlement

Notice to Potential Victims of Housing Discrimination at Fairfield Knolls South Apartments

The Office of the New York State Attorney General (“OAG”) has entered into a settlement with the parties that own Fairfield Knolls at Port Jefferson Station– a 173-unit residential property located at 1-173 Pineview Lane, Coram, New York.

The settlement addresses the lack of legally required handicap accessible features in certain ground floor apartments, common areas, and pathways of the property.

Under the terms of this settlement, individuals who were harmed because of the absence of these accessible features may be entitled to monetary compensation. In order to possibly be eligible to recover money, you must meet **at least one** of the following criteria:

- (1) You have a disability and were prevented from or had difficulty applying for, renting, residing at, or visiting an apartment at Fairfield Knolls South;
- (2) You decided not to live at Fairfield Knolls South because the property lacked certain accessible features;
- (3) You are a current or former resident of Fairfield Knolls South and paid for renovations to make your apartment more accessible; or
- (4) You were otherwise harmed or discriminated against because of your disability due to the lack of accessible features at Fairfield Knolls South.

If you believe that you are eligible for compensation and wish to submit a claim, you should submit a written statement explaining why you meet any of the above criteria, along with supporting documentation, to:

Office of the NYS Attorney General
Attn.: Brooke Davis, Asst. Attorney General
Civil Rights Bureau
120 Broadway, 23rd Floor
New York, New York 10271

The OAG will evaluate the claims for compensation and will determine, in a fair and equitable manner, whether you are entitled to compensation. You must submit your claim and all supporting documentation by ___ [**Insert in bold date that is 150 days after Effective Date**]. If you have any questions, you may contact the OAG at 212-416-6493.

Appendix K

Training Acknowledgment Form

I, _____, have attended an in-person training conducted by _____
[insert name of provider] that covered accessibility requirements applicable to multi-family housing under New York State and federal law. I understand that I will be subject to discipline, including potential termination, for failure to comply with these laws.

Signature

Date