

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Churches United for the Homeless,

FINAL DECISION
Dated: Monday February 3, 2020

Application No. 19-10

This matter came on for hearing before the Access Review Board (“Board”) on October 21, 2019. The record closed at the conclusion of the hearing.

All members of the Board were present. Board Chair Karen Gridley and members Margot Imdieke Cross and Bill Reinke were present at the meeting in person, while members John Swanson and Audel Shokohzadeh were present via teleconference.

The issue in this application is whether the application for a waiver of the State Building Code for the purpose of installing a stairway chair lift should be granted.

Churches United for the Homeless (“Churches United”) requested a waiver of the State Building Code in order to install a stairway chair lift at its homeless shelter in Morehead, Minnesota. Churches United provides services for homeless persons in a two-story building with a basement. The men’s area is located on the second floor and is the level the church wishes to serve with the proposed stairway chairlift.

The Board reviewed the application pursuant to the factors identified in Minn. Stat. § 471.471, subd. 3.

With regard to the first factor, the need for limited accessibility when a higher degree of accessibility is not required by state or federal law or rule, the Board discussed whether the homeless shelter was subject to additional federal laws including the housing amendment tax and whether the application should be tabled pending further research. The Board decided to review the rest of the application before determining whether further research was required.

With regard to the second factor, the architectural feasibility of providing a greater degree of accessibility than would be provided by the proposed device or equipment and the cost of providing a greater degree of accessibility, the Board noted that Churches United’s application did not provide information regarding the not architectural feasibility. Rather, Churches United indicated that it did had limited funds and space. Churches United did not provide cost information for other devices for comparison. The Board discussed that the floor plans provided by Churches United indicate that it may be architecturally feasible to provide a platform lift to provide a greater degree of accessibility. The Board noted that there is an open area next to the stairs for a platform

lift without modifying the walls or floor structure. The Board further noted that a vertical platform lift may be more justified than a stairway chairlift given that in a transient facility such as this one it is not possible to predict the level of ability that unknown individuals may or may not have for using a stairway chairlift. Since the abilities of people needing access are not always known due the transient nature of the facility a stairway chairlift may not serve the purpose of providing accessibility to the second floor for persons who use wheelchairs and are unable to transfer into the chairlift.

With regard to the third factor, the total cost of the proposed device or equipment over its projected usable life, including installation, maintenance, and replacement costs, the Board determined that the estimated purchase, installation, and annual maintenance cost for the chairlift of \$5,816 may not be justified based because a stairway chair lift may not be an appropriate option due the transient nature of the population served at the facility.

With regard to the fourth factor, the reliability of the proposed device or equipment, the Board noted that the proposed chair lift is manufactured by Bruno, which is a reputable company.

With regard to the fifth factor, the applicant's ability to comply with all recognized access and safety standards for installation and maintenance, the Board discussed that the chair lift device allowed the user to fold the chair out of the way when not in use for safety and to maintain the device in good condition.

With regard to the sixth factor, whether the proposed device or equipment can be operated and used without reducing or compromising minimum safety standards, the Board noted that the stairway is 65 inches wide and that the open chair protrudes 16 inches, leaving 49 inches of clear passing space. The Board noted that 49 inches of clear passing space on a 65-inch wide stairway is a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8. The Board also noted that the model includes remotes on both landings to call the chair from upper or lower landings if the chair is not in the needed location. The Board further noted that the building has a smoke detector, alarm system, and fire sprinkler system. The Board discussed that transient nature of the population served at the facility and believed that Churches United should consider installation of an incline platform lift to provide greater degree of accessibility.

After considering these factors, Board member Reinke made a motion that the application for a waiver from the building code to install a stairway chairlift at Churches United for the Homeless in Moorhead, Minnesota be denied. Board member Imdieke Cross seconded the motion. A friendly amendment was made to the motion noting that that there are other possible alternatives that would provide greater accessibility within the facility and based on the transient nature of the population served at the facility, it is unknown whether wheelchair users would be able to use the stairway chairlift or would require a greater degree of access. Board members Reinke and Imdieke Cross accepted the friendly amendment and the motion carried unanimously.


KAREN GRIDLEY, Chair
Access Review Board