

Ensuring NAHMA Members Receive the Latest News and Analysis of Breaking Issues in Affordable Housing

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Scooters in Senior Properties

Background

An auxiliary apparatus is generally any wheelchair, power chair (power-assisted or fully powered wheelchairs), scooters (three or four wheels), walkers, and other items used as personal assistive mobility devices. These motorized apparatuses can be a safe, convenient and functional way to move about a facility for a resident that is physically unable to walk around on their own. Unfortunately, motorized scooters can also cause a great deal of damage to properties, or to individuals living or working in the area.

Since 2005, NAHMA's Senior Housing Committee has been interested in exploring solutions to the challenges presented by use of motorized scooters in senior properties. There are several major issues presented by tenants' use of scooters. The most immediate concerns for property managers include complying with fair housing laws, ensuring the safety of the tenants and site staff, and preventing or repairing damage to the properties caused by scooters. NAHMA members have expressed particular concern about cases in which tenants operated their scooters recklessly, disregarded the safety of their neighbors and damaged the properties. Even with normal operation, scooters have caused considerable wear and tear to the community and individual units. The elevators, walls, appliances and furniture take a considerable beating. For example, members have reported specific scooter-related damages to apartment walls, doors and kitchen appliances (dents and broken knobs on the stoves). Elevators and elevator guards are run into on a daily basis. Recovering costs arising from scooter-related damages can also be problematic. In trying to balance the rights of tenants using scooters and other motorized mobility devices with the needs to ensure safety and upkeep of the properties, it is *strongly advisable* to consult with a specialist in fair housing compliance.

DISCLAIMER: This NAHMAanalysis is intended as a general discussion document which highlights practices some senior properties have found effective in reducing damages from scooters and other motorized auxiliary apparatuses. This NAHMAanalysis does not constitute legal advice, nor is it intended as compliance assistance. Members are strongly advised to consult a specialist in fair housing compliance in developing policies affecting the use of scooters and other personal mobility devices.

Summary

Scooters are a fact of life in senior properties. With Medicare and other programs helping to pay for them, affordable housing operators are striving to find ways to ensure the least amount of damages and complaints will arise from their use. This NAHMA analysis will highlight some practices members have found to be helpful in reducing scooter-related damages to properties and promoting safety for scooter operators, tenants and site staff. *Again, this is a discussion document which does not constitute legal advice or compliance assistance.*

Overcoming Scooter-Related Challenges

To overcome a majority of safety problems, house rules outlining the use of motorized wheelchairs, scooters and other such devices may be outlined for all tenants. By establishing these rules, the property has firmer ground to stand on when seeking to enforce them. (Resident managers would also want to pay special attention in preventing discriminatory practices towards the elderly and disabled while establishing these rules.) Generally speaking, the resident has the right and privilege of the use of a motorized conveyance within the facility and on its grounds. He or she must also maintain appropriate safety and consideration of other residents, employees, and visitors to the facility.

The following is a compilation of some general guidelines regarding motorized wheelchairs and scooters suggested by members, and in some cases that other properties have used:

1. Common courtesy: Both non-users and users of an auxiliary apparatus will treat one another with mutual respect and courtesy. Common courtesy should be extended to other residents by moving to one side of a hallway to allow passage.
2. Authorized operator: It is suggested that residents and guests may not allow others to operate or ride their apparatus.
3. Speed limits: Members expressed a strong preference for a speed limit of 1.5 mph, applicable to all residents whether walking or using motorized speed.
4. No blocked egress: No common area, doorway, or elevator may be blocked by residents' equipment.
5. Only designated charging areas may be used for the motorized conveyances.
6. Common areas: Residents' equipment may not be left unattended in hallways or common areas unless a designated area has been established by management.
7. Cleanliness: Residents and guest must attempt to clean dirt and oil off their feet and mobility apparatus as much as possible prior to entering the building.
8. Damages: All damages caused by residents or their guests will be the responsibility of the resident.
9. Consequences for reckless behavior: Inappropriate behavior, such as racing indoors or outdoors, running into other residents, running over inanimate objects, willful destruction of property, or utilization in unauthorized locations could be considered a lease violation and result in action from the management.

Property Protection Methods

“Hardening up,” or designing a property to reduce damages from scooters and other motorized mobility aids, can result in significant savings on repairs. A list of some common methods that other property managers have used to reduce scooter-related damage follows. **This list is not meant to be used as a required checklist, but rather, to be viewed as a wide-range of suggestions that managers may or may not choose to implement for their own properties:**

1. Carpeting the walls: According to one member, in common hallways, installing carpeting on the wall from the cove base to about 6-8 inches above the handrails and seaming the carpet at the top or capping it with wooden molding to stop fraying will prevent damage from residents. This will also stop damage to the walls from the wheelchair hub caps. The member suggested carpeting could be done to protect walls inside the apartments as well.
2. Semi-gloss paint: Semi-gloss paint is believed to ease the task of cleaning handprints from the walls.
3. Vinyl molds of door jambs: A member observed that residents in chairs often do not turn out of their apartment, but find it is easier to pivot the wheelchair. By placing one hub cap of the chair against the door jamb and then turning the chair by rolling only one wheel, the tenant can turn. But this action can cause the door jambs to get about an inch to two scrape mark on the door jambs. In order to solve this problem, a vinyl mold of the door jamb can be made and each door can then be fitted with a vinyl protective cover.
4. Vinyl protective sheets: To protect appliances such as refrigerators, washers or dryers, installing a vinyl protective sheet similar to a kick plate on the door are believed to do the job.
5. Kick plates: Installing kick plates on both sides of a door can reduce a great deal of damage to the door.
6. Vinyl tiles: One member believes, vinyl composition tiles are a great alternative to using carpeting in a lobby or entrance. They must be able to withstand the pressure from wheelchairs that can weigh up to 1000 lb. These tiles can also be used in bathrooms.”
7. Beadboard / trimboard: Some properties are using beadboard or trimboard in senior buildings around mailboxes to minimize the damage caused by motorized chairs and carts in general.

NAHMA’s position

Motorized scooters, electric wheelchairs, and other personal mobility devices are a fact of life in multifamily properties. Many properties have found it helpful to implement enforceable house rules (which are consistent with Fair Housing laws) to promote safe operation of these devices. Likewise, there are cost-effective measures which have significantly reduced damages to the properties. By working with tenants and helping them to understand the costs associated with keeping the residences safe and attractive, NAHMA believes that members might avoid many of the safety and property damage issues initially associated with motorized mobility aids.