



701.203.1077 phone

866.380.2738 toll free

www.highplainsfhc.org

FAIR HOUSING ACCESSIBILITY REQUIREMENTS

FACT SHEET # 8

Published by the High Plains Fair Housing Center

In 1988, the federal Fair Housing Act was amended to include protection from discrimination in housing for people with disabilities. One of the regulations within the amendment includes the requirement that covered multi-family housing be built to be accessible to people with disabilities.

Is accessibility a problem? According to the 2005 report, *Discrimination Against Persons with Disabilities: Barriers at Every Step*, the U.S. Department of Housing & Urban Development found "More than a third of rental homes and apartments that are advertised in the City of Chicago and surrounding Cook County are in buildings that are inaccessible for wheelchair users even to visit...In other words, at best, a person who uses a wheelchair is limited to only about two-thirds of the Chicago area rental housing market from the outset." Although the research focused on housing in Chicago, there is no known report refuting these statistics as being unreasonable or unique to the Chicago market.

Accessible housing makes a property more marketable and benefits everyone. When housing is accessible, prospective or current tenants or residents, and their guests - with or without disabilities - have a safer and more convenient environment in which to live and enjoy. The accessible features make the property more marketable, as it fits with the needs of society as a whole. Accessibility features allow housing providers to adapt to the changing needs of their tenants/residents, many of whom wish to age in place.

Fair Housing Act as Amended in 1988

- Prohibits housing discrimination on the basis of race, color religion, sex, national origin, familial status, or disability. North Dakota state law also protects age, marital status and public assistance. Under a local ordinance, the city of Grand Forks provides protection due to sexual orientation.
- Sets certain requirements for accessible design in new construction. Covers privately owned and publicly assisted residential multi-family dwellings built for first occupancy after March 13, 1991. Covers multi-family dwellings and all types of buildings for four or more units.
- Includes condos, single-story townhouses, garden apartments, vacation timeshares, dormitories, homeless shelters; when used as a residence.
- Requires covered buildings with an elevator to make all units accessible.
- Requires covered buildings without an elevator to make all ground-floor units (including ground-floor at different levels in the same building) accessible.

Seven Technical Requirements

Based on the amended federal Fair Housing Act; there are seven technical requirements in the accessibility guidelines

for covered buildings.

1. Accessible Entrance on an Accessible Route
2. Accessible Public and Common Use Areas
3. Usable Doors
4. Accessible Routes into and through the Dwelling Unit
5. Accessible Light Switches, Electrical Outlets, and Environmental Controls
6. Reinforced Walls in Bathroom(s)
7. Usable Kitchens and Bathrooms

Accessible Entrance on an Accessible Route

- If separate entrances for ground-floor units, each entrance must be accessible.
- If common entrances to a multi-unit building, at least one entrance - typically used by the resident for entering the building - must be accessible.
- An accessible entrance must be located on a route that a person in a wheelchair can easily travel, leading to and from meaningful locations; e.g., parking, public transportation, other buildings in the complex, and amenities such as laundry room, recreational facilities etc. (Refer to ANSI, Section 4.3)

Accessible Public and Common- Use Areas

- Parking areas, curb ramps, passenger loading areas, building lobbies, lounges, halls and corridors, elevators, public use restrooms, and rental or sales offices must be accessible to people with disabilities.
- These include: drinking fountains/water coolers, mailboxes, laundry rooms, community and exercise rooms, swimming pools, playgrounds, recreation facilities, nature trails.

Usable Doors

- Doors must be wide enough to enable a person in a wheelchair to maneuver through them easily.
- These include: public and common use doors, doors leading into an individual dwelling unit, and all doors within the dwelling unit itself. (Doors in public or common use areas can comply by using ANSI standards.)
- For wheelchairs, doors must have a minimum clear opening width of 32" (measure from face of door to the stop, with door open 90 degrees).
- All types of doors are covered; hinged doors, sliding doors, folding doors.
- Doors leading to any outdoor amenities the dwelling may have - balcony, patio, deck - are covered. If a deck or patio has doorways leading into two or more separate rooms, all these doors must be usable.

Accessible Routes Into and Through Dwelling Unit

- Thresholds of a unit's exterior doors may not exceed 1/2" (also applies to sliding door tracks).
- In single story units, changes in height of 1/4" to 1/2" must be beveled. Those greater than 1/2" must be ramped or have other means of access.
- Minimum clear width for accessible route inside the unit is 36".
- Hallways, passages, and corridors must be wide enough to allow room to maneuver a wheelchair throughout the unit.

Accessible Light Switches, Electrical Outlets, and Environmental Controls

- Operable parts of controls must be no lower than 15" and no higher than 48".
- Switches, outlets, thermostats, and controls must be accessible to people in wheelchairs.

Reinforced Walls in Bathroom

- Walls in bathrooms must be reinforced so that grab bars near the toilet, tub, shower, and shower seat, if provided, can be added later. (Refer to diagrams in HUD guidelines for locations and acceptable dimensions of wall reinforcements.)

Usable Kitchens and Bathrooms

- A minimum of 40" of clear floor space is required in kitchens to allow a person in a wheelchair to maneuver between opposing base cabinets, countertops, appliances, or walls.
- A U-shaped design requires a minimum of 5' in diameter clear space, or removable cabinets at the base of the "U."
- Appliances must be located so they can be used by a person in a wheelchair. A 30"x48" clear floor space is required for a parallel or forward approach.
- Adequate maneuvering space is required in bathrooms so that a person in a wheelchair can easily enter, close the door, use the facilities and fixtures, and exit.

HUD guidelines provides two sets of specifications for suitable

bathrooms: Option A and Option B.

- With Option A, all bathrooms must include providing a basic degree of maneuverability to meet Option A requirements.
- With Option B, only one bathroom must meet Option B requirements, which provide for a stricter degree of maneuverability. Other bathrooms require usable doors, reinforced walls, switches/outlets in accessible locations, and must be on an accessible route.

Safe Harbors

HUD recognizes ten safe harbors for compliance with the Fair Housing Act's design and construction requirements. Contact the HPFHC for a complete list or visit www.fairhousingfirst.org

Additional Section 504 Requirements

Be aware that if the housing project receives federal funding, Section 504 of the Rehabilitation Act of 1973 applies in addition to the federal Fair Housing Act accessibility requirements. All federally assisted new construction housing developments with 5 or more units must:

- Design and construct 5 percent of the dwelling units, or at least one unit, whichever is greater, to be accessible for persons with mobility disabilities. These units must be constructed in accordance with the Uniform Federal Accessibility Standards (UFAS) or a standard that is equivalent or stricter.
- An additional 2 percent of the dwelling units, or at least one unit, whichever is greater, must be accessible for persons with hearing or visual disabilities.

Remember, this is in addition to the requirements under the federal Fair Housing Act.

Resources

- High Plains Fair Housing Center www.highplainsfhc.org
- HUD Fair Housing Act Design Manual (located on the HPFHC resource page.)
- Fair Housing Accessibility First www.fairhousingfirst.org

The mission of the High Plains Fair Housing Center is to strengthen communities and to ensure equal access to fair housing in the region through training, education, enforcement and advocacy. For more information please contact:

Phone: 701-203-1077 Toll Free: 1-866-380-2738; Email: highplainsfairhousing@gmail.com; www.highplainsfhc.org

The work that provided the basis for this publication was supported by funding under a grant/cooperative agreement with the U.S. Department of Housing & Urban Development. The substance and findings of this work are dedicated to the public. This information is not itself legal advice; for legal advice about a particular situation, contact an attorney. Alternative formats for those with disabilities available upon request. © Fair Housing Center of Central Indiana 2012. Used with permission.

