

Disability Rights Laws



Participant Manual



(888) 341-7781 (V/TTY) - Technical Guidance
www.FairHousingFIRST.org

2005-2006



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for
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Using the Participant Manual

Manual Layout and Content

As a participant in the course, the Participant Manual serves as your focal point. It follows the sequence of the class activities and discussion topics. It includes:

- All slides presented by the instructor
- Space for you to take notes
- Key points not contained on slides
- Detailed instructions for exercises
- Resources to supplement the curriculum

Symbols Used

The following symbols are used to indicate various features of the Participant Workbook.



Indicates where specific legal cases related to the topic are presented.



Welcome to Fair Housing Accessibility FIRST, a training and technical guidance program created by the U.S. Department of Housing and Urban Development (HUD).

This session is one hour and a half in length.

Fair Housing Accessibility

FIRST

- ☐ Offer training and technical guidance on accessibility requirements of the Fair Housing Act
- ☐ Increase the supply of accessible multifamily housing units nationwide

Notes:

Fair Housing Accessibility **FIRST**



Gathered opinions and ideas from over 850 stakeholders

Stakeholder Groups

- Builders
- Disability rights advocates
- Government officials
- Trade associations
- Property managers
- Media
- Code officials
- Enforcement agencies

Notes:

Fair Housing Accessibility **FIRST**

- ☐ Comprehensive training curriculum
- ☐ Technical guidance via a website and toll free hotline
 - 1-888-341-7781 V/TTY
 - www.FairHousingFIRST.org

Notes:

*Refer to the Fair Housing Accessibility **FIRST** Training Curriculum.*

Disability Rights Laws Introduction

During this training session, we will discuss:

- Purpose and evolution of key laws addressing disability rights and accessibility
- Important facts about compliance
- Overview of major disability rights laws

Notes:

Disability Rights Laws Introduction

During this training session, we will discuss:

- Application of multiple disability rights standards
- Resources

Notes:

Disability Rights Laws Introduction

At the end of the session, you will be able to describe:

- The key laws that protect people with disabilities and who is covered by those laws
- The standard or standards for accessibility that have been adopted for each law
- The concepts of reasonable accommodations and reasonable modifications and their relationship to accessibility

Notes:

Disability Rights Laws Introduction

At the end of the session, you will be able to describe:

- The application of multiple standards to the same property
- Resources you can turn to when you need more information

Notes:

Name four personal learning goals for this session.

Goals should be:

Specific
Measurable
Achievable
Relevant
Timely

Example: I will learn four accessibility-related laws and their corresponding provisions.

Disability Rights Laws Introduction

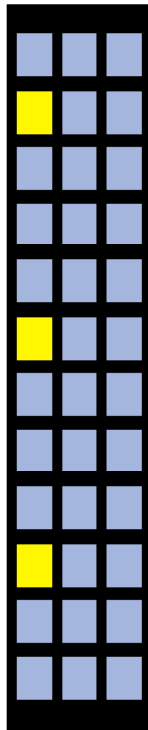
- ☐ Small group exercises will be conducted to reinforce key concepts you have learned
- ☐ You are encouraged to ask questions throughout the training session
- ☐ A questionnaire will be distributed to obtain your feedback on training content, delivery, and materials



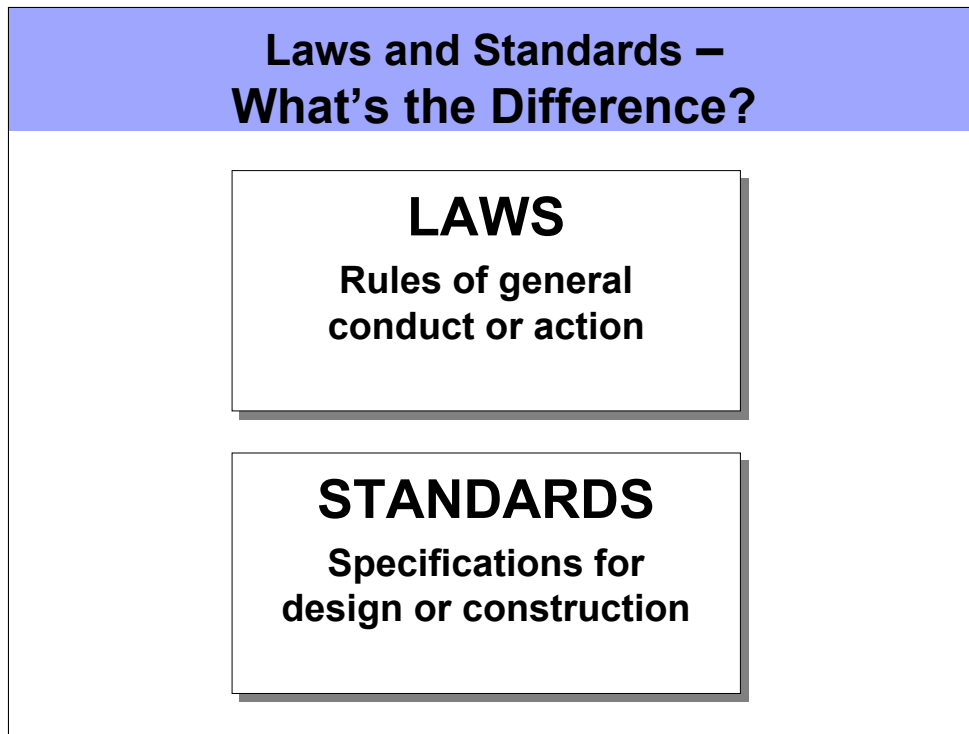
Notes:

Who is in your small group?

What are their occupations?

	Disability Rights Laws Agenda	
	<ul style="list-style-type: none">• Purpose and Evolution of Key Laws	
	<ul style="list-style-type: none">• Important Facts about Compliance	
	<ul style="list-style-type: none">• Overview of Major Disability Rights Laws	
	<ul style="list-style-type: none">• Application of Multiple Disability Rights Standards	
	<ul style="list-style-type: none">• Resources	

Notes:



Laws and Standards —What's the Difference?

Laws are basic principles governing action. They are rules of conduct prescribed or formally recognized as binding. Sometimes they are enforced by a controlling authority.

Standards are the technical specifications for design or construction.

As we discuss the concept of laws and standards, we will look first at the laws that describe required conduct to avoid discriminating against people with disabilities. These laws have been enacted by legislative bodies, either federal or state, and they are enforceable by administrative agencies and judges. The laws were carefully written and passed with bi-partisan support to accomplish societal values of non-discrimination and accessibility. We will be talking about laws that cover conduct beyond making housing accessible, because a more complete understanding of the context of the laws is important to being able to comply with the law.

Standards, in this context, means the particular specifications that must be met in design or construction in order to comply with a law that mandates accessibility.

**Laws and Standards —
What's the Difference? (continued)**

When the standards have been adopted as a way to comply with the law, a failure to follow the standards results in a violation of law.

When disability rights laws were passed to ensure accessibility in housing, the laws included definitions or descriptions of what components or elements of housing must be accessible. This description is commonly known as "scoping." For example, some laws say that 5% of units must meet certain design specifications. This is a scoping requirement. Accessibility standards contain the technical specifications for how those units must be designed and constructed to be accessible.

Notes:

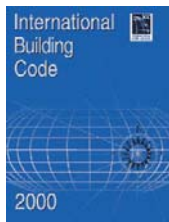
Purpose of Disability Rights Laws – Equal Use and Enjoyment

**To provide people with disabilities equal use and
enjoyment of housing and other structures**



Notes:

Types of Disability Rights Laws



Housing Act



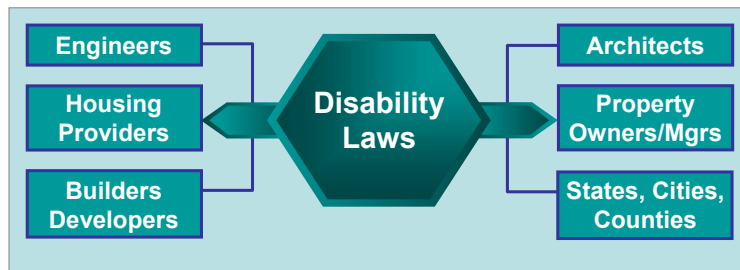
Notes:

Refer to the Law Matrix.

	Disability Rights Laws Agenda	
	<ul style="list-style-type: none">• Purpose and Evolution of Key Laws• Important Facts about Compliance• Overview of Major Disability Rights Laws• Application of Multiple Disability Rights Standards• Resources	

Notes:

Who Must Follow the Federal Disability Laws Related to Housing?



Who Must Follow the Federal Disability Laws Related to Housing ?

To maximize the impact of the laws protecting people with disabilities, Congress made sure they applied to a broad spectrum of people who deal with housing issues. Because the laws apply to every aspect of housing transactions, the scope of compliance obligations is very broad.

Depending on the nature of the transaction and which law applies, different people may be responsible for a violation.

If a person with a disability is refused an apartment because he uses a wheelchair, the manager who turned him away, the property management firm, and the owner might all be liable.

**Who Must Follow the Federal Disability Law
Related to Housing? (continued)**

If a person who uses crutches is denied his request for an accessible parking place by management for a condo association, the management and the association might be liable.

If an architect designs an inaccessible unit in an apartment complex that is covered by a law, and the builder builds it according to the plans, both the architect and the builder may be liable, as well as the developer and the corporate owner.

What does make sense, as the courts have pointed out, is that those who don't have either direct or indirect responsibility for the discrimination should not be liable.

An architect whose plans comply with the law should not be liable if the builder does not build according to the plan. But, short of that, the access laws hold all of those involved responsible for knowing and following what they require.

Notes:

Planning to Avoid Discriminating

- ☐ **Compliance with disability laws at the planning stage minimizes liability**



Benefits of Planning To Avoid Discrimination

Incorporating principles of non-discrimination at the planning stage minimizes exposure to liability.

Whether it's developing admission criteria, determining how residents will be treated, or designing a building, thinking ahead minimizes the chances that the law will be violated.

To avoid most kinds of discrimination, there are two basic principles: treat people the same, by the rules, if they are in the same position **and** examine the rules to make sure they don't unintentionally discriminate. For people with disabilities, a third rule also applies: make special adjustments if they are needed because of the person's disability for the person to use and enjoy the housing. One special adjustment can mean the difference between being able to use housing and not being able to use it.

In constructing housing, planning ahead, beginning at the pre-design stage, will help avoid liability. A useful way to plan for accessible housing is to first determine which law or laws will apply to the housing, then identify the applicable standards that must be followed, and then begin the design process. Building accessible housing requires early consideration of issues like site design and placement of features.

Benefits of Planning to Avoid Discrimination (continued)

In addition to meeting legal and moral obligations, accessible architecture also saves money.

One study reported that "including accessibility features into the design of a new building adds only a tiny fraction to the cost of construction. In building a new house, for example, construction costs increase by only an estimated 2% when it is made accessible. Some "universal design" features (such as lever-operated door handles that can be opened easily by those with limited manual dexterity) cost no more to install in a new building than the inaccessible features they replace (in this case, traditional doorknobs)."

*Disability Watch: The Status of People with Disabilities in the United States," March 1, 1998, H. Stephen Kaye, PhD.

Cost of Non-Compliance

☐ Cost of non-compliance is high



Cost of Non-Compliance

The cost of noncompliance with disability rights laws is high.

- Liability for illegal discrimination can be significant. Damages, sometimes in large amounts, are awarded to people who are discriminated against. Resolution of discrimination cases may result in significant changes in business practices. Discrimination complaints may result in new requirements for training, record keeping and reporting to government agencies.
- When we talk about discrimination caused by inaccessible buildings, these are easy cases for disability rights advocates to win: the width of a door either is or is not the right number of inches.
- The cost of retrofitting units that are not designed and constructed to be accessible is high.
- Litigation costs for defending access lawsuits and damage awards from losses have been growing since disability laws were enacted, in part because the disability rights laws are now decades old.

Other Cost Issues

☐ **Complying with disability laws increases profits**

- **Maximizes marketability to an increasing market**
- **Improves customer satisfaction**



Other Cost Issues

Accessible structures increase profits by maximizing marketability and customer satisfaction.

As increasing numbers of Americans prefer to age in place rather than leave their communities behind to move to nursing homes, they become part of the market for housing. According to the US Administration on Aging, the number of people 65 and older will double between 2000 and 2030, and they will be 20% of the population, or about 70 million people. In 1997, more than half of people 65 and older reported having at least one disability; over a third reported having at least one severe disability.*

*Administration on Aging, "A Profile of Older Americans, 2001."

Other Cost Issues (continued)

Add people with temporary disabilities, such as broken legs, parents who use strollers to transport their children, travelers with heavy suitcases, and people whose visitors have mobility or sensory impairments and the number of customers who desire accessible housing becomes far too great to ignore. Business people who incorporate access into their buildings have a valuable marketing edge over competitors who don't.

People with disabilities are an increasingly high percentage of the population. That means that the market for accessible housing for people with disabilities is increasing. Nearly 1 in 5 persons, or more than 53 million people, said they had some form of disability in 1997, according to the US Census Bureau. Among the population age 15 and over, 25 million people had difficulty walking a quarter of a mile or climbing a flight of 10 stairs or they used an ambulatory aid, such as a wheelchair (2.2 million) or a cane, crutches or a walker (6.4 million).*

Fair treatment is good for everyone. Applicants and residents with disabilities are an increasing part of the market for housing. Understanding and complying with the law provides more opportunities to improve customer satisfaction as well.

*US Census Bureau Press Release, March 16, 2001

Notes:

	Disability Rights Laws Agenda	
	<ul style="list-style-type: none">• Purpose and Evolution of Key Laws• Important Facts about Compliance• Overview of Major Disability Rights Laws• Application of Multiple Disability Rights Standards• Resources	

Notes:

Fair Housing Act



Notes:

Fair Housing Act – Introduction

In 1988, Congress added people with disabilities to the groups protected by the Fair Housing Act (Fair Housing Act)



Notes:

Fair Housing Act – What is Covered?

- ☐ The Fair Housing Act prohibits discrimination in housing-related transactions based on:
 - Race
 - Color
 - Religion
 - National origin
 - Sex
 - Familial Status
 - ***Disability***

Fair Housing Act – What is Covered?

It also covers discrimination because of:

1. Race
2. Color (skin tone)
3. Religion (religious beliefs)
4. National origin (the country of origin of a person or the person's ancestors)
5. Sex (male or female)
6. Familial Status (the presence of children under the age of 18 in a household and pregnancy)
7. Disability (a physical or mental impairment that substantially limits one or more major life activities, a history of having such an impairment, or being perceived as having such an impairment)

**Fair Housing Act –
What is Covered? (continued)**

One exception to the disability provisions of the law is that the Fair Housing Act does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

The direct threat exception does not include:

- Subjective fears that are not based on a likelihood of risk to others
- Unsubstantiated assumptions about people with disabilities in general
- Assumptions based on a particular disability
- Actions based on stereotypes

Notes:

Fair Housing Act – Who Must Comply?

 **Anyone who plays a role in providing housing, including:**

- | | |
|----------------------------|------------------------|
| ➤ Owners | ➤ Insurers |
| ➤ Managers | ➤ Developers/Builders |
| ➤ Homeowners' Associations | ➤ Architects |
| ➤ Lenders | ➤ Contractors |
| ➤ Real Estate Agents | ➤ Engineers |
| ➤ Brokers | ➤ Landscape Architects |

Fair Housing Act – Who Must Comply?

Almost all housing is covered by the Fair Housing Act. There is a narrow exception for:

- Housing that consists of four or fewer units where the owner occupies one of the units, and
- The sale or rental of a single family house by its owner, if the owner owns three or fewer houses, does not use a real estate agent or broker, and does not advertise discriminatorily.

Even in these very limited housing types, the Fair Housing Act does not allow discriminatory statements or discriminatory advertising, and other federal, state and local laws may even cover transactions by these small operations.


**Fair Housing Act –
Who Must Comply? (continued)**

Because the law is worded in a way that prohibits actions by “a person” and then defines “person” very broadly, the law can be applied to many people and entities that engage in all types of housing activities.

A few examples include:

- Most owners of housing, even if they’re not directly involved in the alleged discrimination
- Managers, on site and off site, and property management companies
- Homeowners’ Associations who make rules and operate condominiums and co-ops
- Lenders, including direct lenders, lenders who loan money with a house as security, and the secondary market
- Real estate agents and brokers who are involved in selling or renting houses or managing property
- Insurers of housing, including those who provide homeowners and renters insurance
- Developers of single family and multifamily housing
- Architects who design housing
- Contractors who are involved in housing construction
- Engineers who plan housing developments
- Builders who construct housing
- Landscape architects who design the housing site
- And others

Fair Housing Act – Disability Discrimination

 **The Fair Housing Act prohibits several types of discrimination based on disability:**

- Discrimination in the sale or rental of a dwelling
- Making a dwelling unavailable
- Discrimination in the terms, conditions or privileges of a sale or rental
- Discrimination in the provision of services or facilities in connection with a dwelling



Notes:

Fair Housing Act – Disability Discrimination

☐ **The Fair Housing Act prohibits several types of discrimination based on disability:**

- Making discriminatory statements, or advertising in a discriminatory way
- Refusal to permit reasonable structural modifications
- Refusal to make reasonable accommodations
- Failure to design and construct accessible housing



Notes:

Fair Housing Act Reasonable Accommodations

**Reasonable accommodations must be
made in rules, policies, practices or
services**



Fair Housing Act Reasonable Accommodations

The Fair Housing Act requires that reasonable accommodations in rules, policies, practices and services be made to give a person with a disability an equal opportunity to use and enjoy housing.

A reasonable accommodation is an adjustment or change to usual operations that is needed by a person with a disability because they are disabled. For example, in buildings with a “no pets” rule, the rule must be waived for a person with a visual impairment who uses a service dog, or for persons with other disabilities who use other service or support animals. In buildings that provide parking spaces for residents on a “first come, first served” basis, assigned parking spots must be provided for residents with disabilities who need them.

The obligation of housing providers to make reasonable accommodations does not require them to offer housing of a fundamentally different nature nor does it require provision of services or facilities that would present an undue financial and administrative burden.

Fair Housing Act – Reasonable Structural Modifications

**Tenants are responsible for the cost
of reasonable structural modifications**



Fair Housing Act – Reasonable Structural Modifications

Under the Fair Housing Act, owners must grant permission for reasonable modifications to housing that was built for occupancy before 1991, but residents have to finance all modifications within their units as well as those to common areas. Tenants are also responsible for making sure the modifications are made in a workman-like manner and may be required to pay for restoring the interior of the unit to its original structure at the owner's request, if that request is reasonable. If other disability rights laws apply, like Section 504 of the 1973 Rehabilitation Act, the housing provider may have to provide and pay for structural modifications.

The Fair Housing Act rules explain what a reasonable request is by example. If a tenant asks permission to widen the door to the bathroom or to install blocking and grab bars in the shower, the owner must permit the changes if they are necessary for the tenant's use and enjoyment of the apartment.

**Fair Housing Act—
Reasonable Structural Modifications**

There are two more important points about the reasonable modification requirements.

First, if a property was required to be built in compliance with the Fair Housing Act's design and construction requirements, and a structural change is needed on an element that should have been accessible in the first place, the reasonable modification requirement is not applied. The Act's design and construction requirements must be followed and the changes made and paid for by the appropriate builders, owners, architects, or others, not by the person with a disability.

Second, if a property is built in compliance with the Act's design and construction requirements and a person with a disability needs additional modifications to make the unit more usable because of disability-related needs, the resident may request a reasonable modification and is responsible for paying for it.

Notes:

Fair Housing Act - What Types of Structures are Covered?

- ☐ The design and construction requirements apply to “covered multifamily dwellings” designed and constructed for first occupancy after **March 13, 1991**



Fair Housing Act – What Types of Structures are Covered?

The Fair Housing Act design and construction requirements apply to “covered multifamily dwellings” constructed “for first occupancy” after March 13, 1991.

A building was not constructed for first occupancy if:

- It was occupied on or before March 13, 1991
- If the last building permit or renewal of a building permit was issued before June 15, 1990

Buildings where the last building permit was issued on or before June 15, 1990 are not covered by the design and construction requirements. Even if the last building permit was issued after June 15, 1990, if the building was occupied before March 13, 1991, it is not covered. HUD adopted these dates to allow time for the requirements to be considered during the design and construction phase of new properties.

**Fair Housing Act –
What Types of Structures are Covered? (continued)**

A building is “occupied” if a certificate of occupancy has been issued and at least one dwelling unit is actually occupied. If the unit is a rental unit, a lease must be signed and the resident occupied the unit. If the unit is for sale, the new owner must have completed settlement and taken possession of the unit.

When additions are built to an existing, pre-1991 building, the addition of four or more units is considered to be a new building and they must comply. If public or common use areas are added, they are also required to be accessible.

The “first occupancy” language in the statute has been defined in HUD’s Fair Housing Act regulations as “a building that has never before been used for any purpose.” This means buildings that are rehabilitated are not covered by the design and construction requirements even if rehabilitation occurs after March 13, 1991 and even if it is substantial rehabilitation.

Keep in mind that buildings that were designed and constructed in compliance cannot be rehabilitated later in a way that removes the required features of accessible design.

Where the façade of an old building is preserved but all of the interior of the building is removed (including the structural portions of floors and ceilings), and a new building is constructed behind the old façade, the building is considered to be new construction for the purposes of the Fair Housing Act.

Notes:

Covered Multifamily Dwellings

- ☐ The design and construction requirements apply to “Covered multifamily dwellings”

Covered Multifamily Dwellings include:

- All dwelling units in buildings containing four or more units, with an elevator
- All ground floor units in buildings containing four or more units, without an elevator

Covered Multifamily Dwellings

The design and construction requirements apply to “covered multifamily dwellings.” Covered multifamily dwellings are:

1. All dwelling units in buildings containing four or more dwelling units if the buildings have one or more elevators AND
2. All ground floor units in other buildings containing four or more units, without an elevator.

This includes housing that is for rental or for sale and applies whether the housing is privately or publicly funded.

Condominiums and apartment buildings are covered by the design and construction requirements. So are time-shares, dormitories, transitional housing, homeless shelters that are used as a residence, student housing, assisted living housing, and others.

Notes:

Fair Housing Act – Seven Design and Construction Requirements

1. Accessible building entrance on an accessible route
2. Accessible and usable public and common use areas
3. Usable doors
4. Accessible routes into and through covered unit
5. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
6. Reinforced walls in bathrooms for later installation of grab bars
7. Usable kitchens and bathrooms



Fair Housing Act – Seven Design and Construction Requirements

The Fair Housing Act's design and construction requirements are broken down into seven basic requirements.

1. Accessible building entrance on an accessible route
2. Accessible and usable public and common use areas
3. Usable doors
4. Accessible routes into and through covered unit
5. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
6. Reinforced walls in bathrooms for later installation of grab bars
7. Usable kitchens and bathrooms

The requirements provide for a modest level of accessibility.

**Fair Housing Act – Seven Design and Construction Requirements
(continued)**

1. The first is that all covered multifamily dwellings must have ***at least one building entrance on an accessible route*** unless it is impractical to do so because of the terrain or unusual characteristics of the site.
 - An accessible route means a continuous, unobstructed path connecting accessible elements and spaces within a building or site that can be negotiated by a person with a disability who uses a wheelchair, and that is also safe for and usable by people with other disabilities.
 - An accessible entrance is a building entrance connected by an accessible route to public transit stops, accessible parking and passenger loading zones, or public streets and sidewalks.
2. The second requirement is that ***covered housing must have accessible and usable public and common use areas***. Public and common use areas cover all parts of the housing outside individual units. They include, for example: building-wide fire alarms, parking lots, storage areas, indoor and outdoor recreational areas, lobbies, mailrooms and mailboxes, and laundry areas.
3. The third requirement is that all ***doors that allow passage into and within all premises must be wide enough to allow passage by persons using wheelchairs***.
4. The fourth requirement is that ***there must be an accessible route into and through each covered unit***.
5. The fifth requirement is that ***light switches, electrical outlets, thermostats and other environmental controls must be in accessible locations***.
6. The sixth requirement is ***reinforcements in bathroom walls so that grab bars can be added when needed***. The law does not require installation of grab bars in bathrooms.
7. The seventh requirement is that ***kitchens and bathrooms must be usable*** – that is, designed and constructed so an individual in a wheelchair can maneuver in the space provided.

Fair Housing Act – Safe Harbors for Compliance

1. HUD Fair Housing Accessibility Guidelines and the Supplemental Notice
2. ANSI A117.1 (1986), used with the Fair Housing Act, HUD's regulations, and the Guidelines
3. CABO/ANSI A117.1 (1992) used with the Fair Housing Act, HUD's regulations, and the Guidelines
4. ICC/ANSI A117.1 (1998) used with the Fair Housing Act, HUD's regulations, and the Guidelines
5. The Fair Housing Act Design Manual (1998)
6. Code Requirements for Housing Accessibility 2000 (ICC/CRHA)
7. International Building Code 2000 with 2001 Supplement
8. International Building Code 2003, with one condition*

Fair Housing Act – Safe Harbors for Compliance

There are eight safe harbors for compliance with the Fair Housing Act. Compliance with any one of the eight will fulfill the Fair Housing Act's access requirements.

If a particular safe harbor is chosen for use in a particular property, housing must comply with all of the provisions of that safe harbor in order for there to be a safe harbor. So it is unwise to pick and choose among the provisions of different safe harbor standards.

These are the eight access standards that HUD has identified as safe harbors:

1. *The Fair Housing Act Accessibility Guidelines* (issued on March 6, 1991), and the Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines (issued June 28, 1994).
2. *ANSI A117.1 (1986)*, used with the Fair Housing Act, HUD's Fair Housing Act regulations, and the Guidelines.
3. *CABO/ANSI A117.1 (1992)*, used with the Fair Housing Act, HUD's Fair Housing Act regulations, and the Guidelines.
4. *ICC/ANSI A117.1 (1998)*, used with the Fair Housing Act, HUD's Fair Housing Act regulations, and the Guidelines.

**Fair Housing Act –
Safe Harbors for Compliance (continued)**

5. *The Fair Housing Act Design Manual (1998).*
6. *Code Requirements for Housing Accessibility 2000 (CRHA)*, published by the International Code Council in October, 2000.
7. *International Building Code 2000 (IBC)*, as amended by the IBC's 2001 Supplement to the International Codes.
8. *International Building Code 2003(IBC)*, with one condition.*

- * Effective February 28, 2005 HUD determined that the IBC 2003 is a safe harbor, conditioned upon ICC publishing and distributing a statement to jurisdictions and past and future purchasers of the 2003 IBC stating, "ICC interprets Section 1104.1, and specifically, the exception to Section 1104.1, to be read together with Section 1107.4, and that the Code requires an accessible pedestrian route from site arrival points to accessible building entrances, unless site impracticality applies. Exception 1 to Section 1107.4 is not applicable to site arrival points for any Type B dwelling units because site impracticality is addressed under Section 1107.7."

It is important to note that the ANSI A117.1 standard contains only technical criteria, whereas the Fair Housing Act, the regulations and the Guidelines contain both scoping and technical criteria. Therefore, in using any of the ANSI standards it is necessary to also consult the Act, HUD's regulations, and the Guidelines.

Other means of providing access that provide an equal or greater degree of accessibility may also be used to comply with the Fair Housing Act's access requirements, but they are not a safe harbor.

This training relies on the provisions of the Fair Housing Act, the Guidelines and Supplemental Questions and Answers, ANSI A117.1 (1986) and the Fair Housing Act Design Manual for the guidance that it provides about compliance with the technical design and construction requirements in the Act.

CAUTION:

Safe harbor standards constitute safe harbors only when adopted and implemented in accordance with the policy statement that HUD published in the Federal Register on March 23, 2000. That policy statement notes, for example, that if a jurisdiction adopts a model building Code that HUD has determined conforms with the design and construction requirements of the Act, then covered residential buildings that are constructed in accordance with plans and specifications approved during the building permitting process will be in compliance with the Requirements of the Act unless the building code official has waived one or more of those requirements or the building code official has incorrectly interpreted or applied the building code provisions. In addition, adoption of a HUD-recognized safe harbor does not change HUD's responsibility to conduct an investigation if it receives a complaint.

Notes:

Exercise 1 – Applying the Fair Housing Act

Exercise Objective:

To apply Fair Housing Act requirements and basic principles to various situations.

Exercise Assignment:

Discuss two scenarios and determine solutions that are consistent with the Fair Housing Act, considering the basic principles of accessible design, reasonable accommodation and reasonable modification.

Scenario One:

In January 2001, Mary Kay Albritton moved into an apartment that was constructed in 1995. Since she moved into the apartment, she has developed multiple sclerosis and now has increasing difficulty walking short distances. Soon she expects to be using a wheelchair occasionally. She has brought the following concerns to your attention. What is your response? (Apply any relevant Fair Housing Act principles in your thinking about her situation.)

- a. Her apartment is located on the ground floor but it is only reachable by climbing three steps. She is willing to pay to add a ramp to get into her apartment, which is otherwise accessible, but the landlord won't let her because, he said, the complex might start looking like retirement housing.
- b. The landlord also told Mary Kay that she must pay a \$500 additional security deposit to remove the ramp when she moves out of the property.

Exercise 1 – Applying the Fair Housing Act (cont.)

Scenario Two:

You are the CEO of a developer who completed a new condominium complex last week. It has the following components: Out of a total of 50 units, there are 18 ground floor units, with 4 ground floor units located in each of four buildings and two ground floor units located in the same building as the sales office and a community room. You have attended a training that led you to conclude that the property fails to comply with Fair Housing Act design and construction standards.

Your investigation has shown the following: the architect developed plans for the office and community room using ADA standards which made those parts of the property comply with the Fair Housing Act as well. However, none of the dwelling units were designed by the architect to comply with the law. You have also learned that during construction, your assistant told the builder that the doorways must be 32 inches wide, but as actually constructed, they are 30 inches wide, which does not meet the specifications under the design and construction requirements.

- a. What components of this property present access problems under the Fair Housing Act?

- b. As the CEO of the developer, who do you think is or should be liable for the violation?

Notes:

Section 504 of the Rehabilitation Act



Notes:

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act bars recipients of federal funds from discriminating on the basis of disability



Notes:

Section 504 – Basic Requirements

☐ **As enforced by HUD, Section 504 requires:**

- Non-discrimination because of disability
- Effective communications with people with disabilities
- Reasonable accommodations
- Making new and existing units accessible, and distributing them throughout the project



Notes:

Section 504 – Who Must Comply?

- ☐ **A program or activity receiving federal funds must comply with Section 504, including:**
 - HUD funded:
 - Public housing authorities
 - HUD-assisted housing
 - States, cities and counties that receive federal funds
 - USDA funded rural housing
 - HHS funded transitional housing

Notes:

Section 504 – What Types of Structures are Covered?

- ☐ **All buildings funded in whole or in part by federal funds, as well as substantial alterations of these buildings**

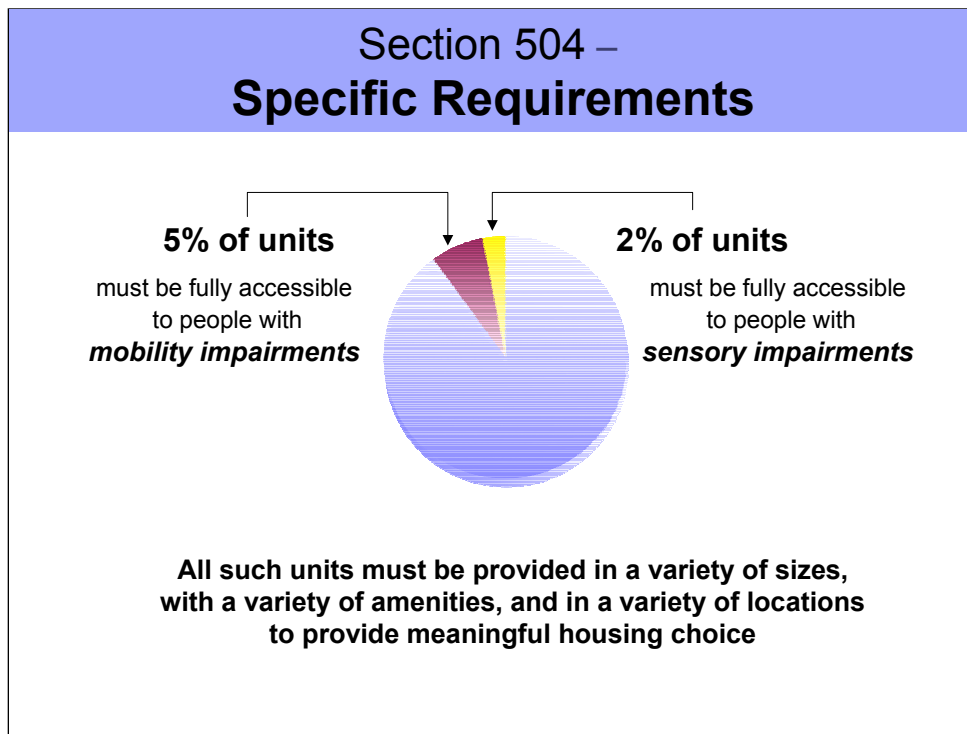


Section 504 – What Types of Structures are Covered?

New Construction:

Section 504 applies to new construction of any facilities that are built under a program or activity that receives federal financial assistance. Rental housing and housing constructed for homeownership, even single family homes, are covered, as are all other programs and activities of the recipient.

Notes:



**Section 504 –
Specific Requirements**

To ensure that everyone would have an equal opportunity to obtain housing built by federal funds, HUD's regulations require that at least **5% of units in such a project be fully accessible to people with mobility impairments, and an additional 2% of units must be accessible to people with vision and hearing impairments.**

The access standards for the 5% of units which must be accessible to people with mobility impairments, and those for the additional 2% which must be accessible to people with vision or hearing impairments are contained in the Uniform Federal Accessibility Standards. You can also find the access requirements for common areas, and what is meant by the "readily accessible to and usable by" standard in UFAS. New standards that will replace the current UFAS standards and standards used for ADA compliance have been published. HUD is considering their adoption at this time.

**Section 504 –
Specific Requirements (continued)**

Some HUD recipients have interpreted their Section 504 responsibilities as applying only to housing developments that they own and manage, or to housing developments but not to scattered site housing, or only to the portions of privately managed developments that are operated under contract with the recipient. None of those interpretations are correct.

Many properties are subject to both the Fair Housing Act and to Section 504. In those cases, both laws must be followed. So, in a newly constructed complex built with HOME funds, all ground floor units in buildings with four or more units must comply with the Fair Housing Act's design and construction requirements, 5% of the units must be made accessible for persons with mobility impairments, and 2% of the units must be made accessible for persons with hearing or vision impairments following the UFAS standards.

The 5% and 2% requirements apply to each project, and not to an overall development. A project may be defined by reference to the HUD project number assigned to the particular portion of a development. Thus, if a group of newly constructed housing units were built, some under one project number, another under a second project number, and a third group under yet another project number, the 5% and 2% requirements would apply separately to each group.

If the 5% and 2% calculation results in a fraction, the number of units required is rounded upwards.

Notes:

Section 504 – Alterations of Existing Housing Facilities

- ☐ **Substantial Alteration – Use New Construction Standards**
 - 15 or more units
 - Equal to or greater than 75% of replacement cost of completed facility
- ☐ **Lesser Alterations**
 - Each altered element is made readily accessible to and usable by people with disabilities
- ☐ **Common Area Alterations**
 - Each altered element is made accessible to and usable by people with disabilities

Section 504 – Alterations of Existing Housing Facilities

Alterations of Existing Housing:

Section 504, unlike the Fair Housing Act, requires alterations such as renovations, to be made accessible.

Some alterations are treated the same as new construction. If the project has 15 or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility, then the access standards for new construction apply. HUD's regulations define this as a "substantial alteration."

Alterations that do not meet the "substantial alteration" standard require that each alteration of a housing unit be made "readily accessible to" by people with disabilities to the maximum extent feasible. "The maximum extent feasible" means up to the point that would constitute an undue financial or administrative burden. For example, a renovation of a front entrance consisting of two concrete steps should result in a graded walkway, rather than 2 new concrete stairs.

**Section 504 –
Alterations of Existing Housing Facilities (continued)**

If the alterations consist of altering or rehabilitating the whole unit, the entire unit must be made accessible. For example, if the entire interior of the entire unit is being renovated, an exterior door may have to be widened to make the entire unit accessible. This obligation remains until at least 5% of the units are readily accessible to people with mobility impairments.

Alterations to common areas or parts of facilities that affect accessibility of existing housing facilities must be accessible to and usable by people with disabilities.

Notes:

Section 504 – Who Pays?

**Recipient of HUD funds is responsible
for cost of reasonable accommodations,
including structural changes**



Notes:

Section 504 – More Accessible Units

☐ **HUD may require or a recipient may request a higher percentage or number of accessible units:**

- In new construction
- For an alteration of existing housing

Notes:

Exercise 2 -- Distinguishing The Fair Housing Act from Section 504

Exercise Objective:

To evaluate a property that is subject to the Fair Housing Act and Section 504 and identify the application of those laws.

Exercise Assignment:

Examine a federally funded development with various design challenges and determine how the project as a whole can comply with the Fair Housing Act and Section 504.

The Sequoia Housing Corporation (SHC), a non-profit housing developer, plans to improve its housing sites and needs advice on how to comply with federal access laws for each of its pending projects. The CEO wants to know how the Fair Housing Act and Section 504 apply in each of the following situations.

1. Site A: SHC plans to build a new housing complex on this site. It will consist of 300 units in an elevator building. SHA received a federal grant that supports 150 of the units and financed the remainder of the complex with donations from a large corporation. Which, if any, laws and their accompanying access standards will apply to some or all of the housing units?

Exercise 2 -- Distinguishing The Fair Housing Act from Section 504 (cont.)

2. Site B: SHC plans to rehab 22 units built in 1949 on this site. The work will equal 80% of the replacement cost of the units.

3. Site C: SHC plans more extensive rehab on this site. It expects to spend 90% of replacement cost to renovate 12 units on this site.

4. Tenant request: SHC also needs your advice about how to respond to newly disabled tenants who live on the 2nd floor of a walkup and have requested that SHC install an elevator to enable them to access their units using their wheelchairs. How should SHC respond and why?


Americans with Disabilities Act



Notes:

**ADA –
Requirements**

Requires programs operated by states and public accommodations to be accessible to persons with disabilities



Americans with Disabilities Act
1990

ADA – Requirements

The Americans with Disabilities Act is the newest federal disability law. Enacted by Congress in 1990, the ADA has four titles that cover disability issues.

1. Title I- Employment.
2. Title II- Programs operated by state and local governments. Title II also covers public transportation services.
3. Title III- Places of public accommodation and commercial facilities.
4. Title IV- Telecommunications Relay services.

Housing and housing-related facilities are affected by Titles II and III.

ADA – Who Must Comply?

- ☐ State and local governments must comply with Title II
- ☐ Operators of public accommodations must comply with Title III

ADA – Who Must Comply?

Title II of the ADA covers all activities of state and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities.

Title III also covers hotels and motels.

**ADA –
Who Must Comply? (continued)**

Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III.

Public accommodations must comply with basic non-discrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements. Additionally, public accommodations must remove barriers in existing buildings where it is easy to do so without much difficulty or expense, given the public accommodation's resources.

Since the ADA covers state and local government programs, and public accommodations, there are additional categories of people who must follow this law.

Notes:

ADA - What Types of Structures are Covered?

- ☐ Title II – Housing operated by state or local governments and public entities
- ☐ Title III – Public accommodations associated with housing, but not housing itself

ADA – What Types of Structures are Covered?

Under Title II, any housing that is operated by state or local governments or by public entities are covered. In many, but not all cases, these properties will also be covered by other laws, such as Section 504, because they will be funded at least in part by federal funds, and by the Fair Housing Act. Typically, public housing programs are operated by public entities, as is some transitional housing and HOME housing.

Title III does not apply directly to housing. However, it does apply to some of the operations of housing providers. For example, it covers rental offices that serve the public, sales offices located in model apartments or homes and commercial spaces associated with housing like day care operations, fitness centers or beauty parlors that serve the public as well as residents.

Title III also covers hotels and motels.

ADA - Who Pays for Reasonable Accommodations?

**Housing providers and others
must provide and pay for
“reasonable modifications”
including structural changes**



Notes:

ADA – Title II Specific Requirements



ADA Title II: State and Local Governments

- *New Construction and Alterations:* UFAS or Americans with Disabilities Act Accessibility Guidelines (ADAAG)
- *Existing Facilities:* access encouraged, but alternatives allowed when physical access not practical

ADA – Title II Specific Requirements

New Construction and Alterations:

New construction and alterations of properties covered by Title II are required to be designed and constructed to be free of architectural barriers. These requirements apply to buildings that are built or altered after January 26, 1992.

State and local officials may choose either of two access standards to follow:

- The Uniform Federal Accessibility Standards (UFAS) or
- The ADA Accessibility Guidelines (or ADAAG).

The Department of Justice is currently considering the adoption of new accessibility standards for Title II.

Currently, a facility must follow one or the other standard; it cannot follow one standard in one area and the other standard in another area.

**ADA – Title II
Specific Requirements (continued)**

Buildings that are three stories or less and that are covered by Title II are not allowed to claim the the elevator exemption found in ADAAG. Therefore elevators are required in all new multilevel buildings and facilities that are subject to Title II.

Existing Buildings

Title II of the ADA does not require state and local governments to retrofit existing buildings unless they are undergoing alterations, as long as they make their programs accessible to people with disabilities. In other words, retrofitting is not required if a meeting room or public office can be relocated to an accessible structure, or a service can be provided at a consumer's home or other accessible site. Another option might be to provide the consumer with an aide who can go to inaccessible sites to obtain whatever information or forms the consumer needs.

Title II requires program accessibility. This paragraph does not --

1. Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;
2. Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or
3. Require a public entity to take action that would fundamentally alter its operations.

If alterations to buildings covered by Title II began after January 26, 1992, the alterations must be be, to the maximum extent feasible, accessible.

If the alterations consist of altering or rehabilitating the whole unit, the entire unit must be made accessible. For example, if the interior of the entire unit is being renovated, an exterior door may have to be widened to make the entire unit accessible. This obligation remains until at least 5% of the units are readily accessible to people with mobility impairments

Keep in mind that the ADA also stresses that services must be provided in integrated settings whenever possible.

ADA – Title III Specific Requirements

☐ Title III of the ADA – Public Accommodations

- *New Construction:* ADAAG
- *Alterations:* ADAAG (waiver if access costs exceed 20% of overall budget)
- *Existing:* “Maximum extent feasible”

ADA – Title III Specific Requirements

New Construction and Alterations:

Title III of the ADA also requires that new construction of places of public accommodation constructed after **January 26, 1993** must be accessible to people with disabilities. Notice that this is a year after Title II went into effect. The test is when the last building permit was issued. If it was after January 26, 1993, the facility is covered.

Again, although Title III doesn't apply to housing directly, it does apply to public accommodations contained as part of housing operations. So it applies to rental offices. It also applies to public accommodations located in a private residence. The part of the facility that serves the public must be accessible. So, if a rental office is located in the private unit of a property manager, the part of the unit that serves the public must be accessible, including the sidewalk, the door or entryway and any restrooms that are used by the public. Title III contains a narrow exemption for structural impracticability.

**ADA – Title III
Specific Requirements (continued)**

Access standards are contained in the ADA Standards for Accessible Design.

Access standards for alterations are also in the ADA Standards for Accessible Design. The ADA requires that alterations of existing facilities must be made accessible “to the maximum extent feasible” if they are made after **January 26, 1992**. Alterations are defined broadly to include renovations, repair, and remodeling.

When alterations are made to a primary function area such as a lobby, a path of travel to that area must be accessible so long as extra access costs don’t exceed 20% of the overall alteration cost. The same applies to paths of travel to bathrooms, drinking fountains, and telephone areas which serve the site being altered.

Title III does not require the installation of an elevator in a facility that is less than three stories or has less than 3000 square feet per story. Title II **does not** have a similar exemption. **Elevators** are required in buildings built after January 26, 1993, if they have more than three stories or include more than 3,000 square feet.

The ADA Standards for Accessible Design contain scoping requirements for newly constructed public accommodations. For example, half of all public entrances must be accessible, and there must be accessible entrances to enclosed parking, pedestrian tunnels, and elevated walkways. All public and common use bathrooms must contain at least one accessible stall; two if there are six or more stalls.

The ADA Accessibility Standards also have separate technical standards for some types of public accommodations. Specifically, these are restaurants, medical facilities, mercantile facilities, libraries, and places of lodging such as hotels and shelters.

The Department of Justice is currently considering the adoption of new accessibility standards for Title II.

**ADA – Title III
Specific Requirements (continued)**

Existing Facilities:

The ADA requires that access barriers be removed from existing structures and sites whenever access is “readily achievable”. Again, this is not a bright line standard, but is considered on a case by case basis relative to the budget of the provider. “Readily achievable” simply means changes which can be made without much difficulty or expense. For example, virtually every structure must have Braille labels on elevator controls, since the cost is negligible and the effort minimal. The same applies to small ramps which cover a few steps, where space exists to accommodate them. However, retrofitting a bathroom is not something a small office would have to do if extensive retrofitting is required.

Again, if full physical access is not “readily achievable”, the ADA requires less expensive alternatives whenever possible. For example, a doorway that can easily be widened should be, even if the result is not a fully accessible doorway. If an existing model unit is on the second floor, a vacant ground floor unit can be shown instead.

Notes:

Architectural Barriers Act of 1968



Notes:

Architectural Barriers Act of 1968



What's required under the Barriers Act

- Certain buildings owned, leased or funded by the federal government must be accessible to people with disabilities



Who Must Follow the Barriers Act

- Entities hired to construct such buildings and any subcontractors they use



Types of Buildings Covered

- Buildings constructed or altered by or on behalf of the federal government, and
- Buildings leased in whole or in part by the federal government

Notes:

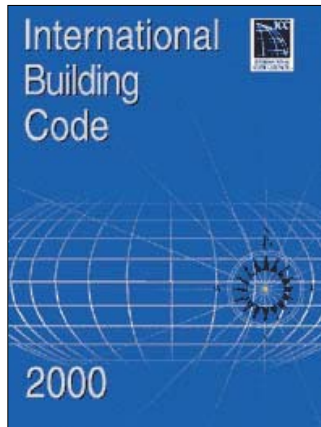
Architectural Barriers Act of 1968

- ☐ ***Specific Access Standards***
 - Buildings covered by the Barriers Act must comply with the UFAS standards
- ☐ ***Who Pays for Modifications***
 - The federal government is responsible for financing building modifications
- ☐ ***Waivers***
 - The federal agency may apply for a modification or waiver of the access requirements
 - Waivers are considered on a case by case basis

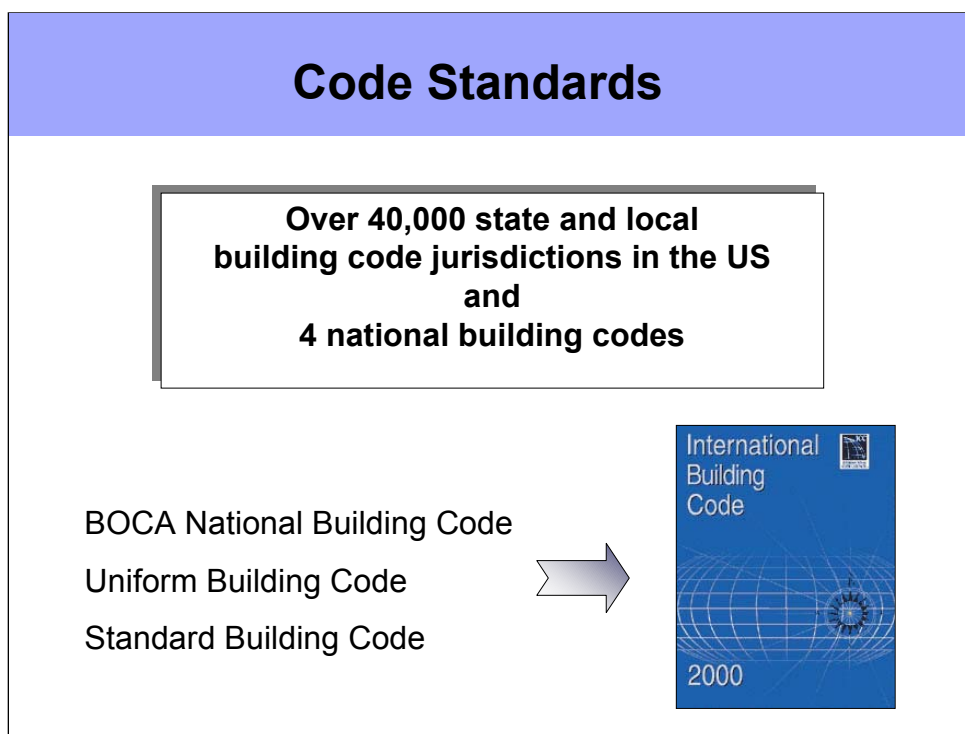
Notes:

International Building Code

- BOCA National Building Code
- Uniform Building Code
- Standard Building Code



Notes:



Code Standards

It's important to remember that there are additional standards that also affect building construction, and, particularly, accessibility. For example, there are state and local codes that address building construction. In some cases, they may require additional accessible features.

There are **over 40,000** state and local building code jurisdictions in the United States, according to HUD. [Final Report of HUD Review of Model Building Codes, 3-23-2000, 65 Fed. Reg. 15745] These jurisdictions base their building codes on four national codes that establish standards for building construction generally. The four model codes are:

1. BOCA National Building Code (Building Officials and Code Administrators Code)
2. Uniform Building Code
3. Standard Building Code
4. The International Building Code

Disability Rights Laws

Code Standards (continued)

Three of the national code organizations have merged and become the International Code Council (ICC). The ICC first published housing accessibility provisions that were consistent with the Fair Housing Act's requirements in the International Building Code in 2000, and the requirements were updated in a supplement in 2001. As with most national codes, the IBC is periodically updated, and when the IBC 2003 was issued, it was reviewed by HUD. HUD determined it to be a safe harbor, if one clarifying interpretation is applied. The IBC provides both scoping and technical standards in one document.

The Code Requirements for Housing Accessibility document (CRHA) combines content from the housing-related accessibility provisions in the 2000 IBC as amended by the 2001 Supplement, in a separate, stand-alone document which also includes related commentary. It was published by ICC in October 2000. The ICC subsequently issued an errata sheet to the CRHA. This errata sheet includes corrections that are reflected in the 2001 Supplement to the IBC.

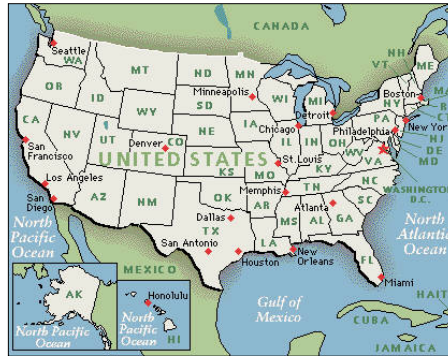
A significant problem in achieving compliance with the Fair Housing Act's requirements has been the fact that state and local building codes are generally not consistent with the requirements of various federal disability rights laws. A builder, developer, architect or anyone else who just looks at local or state codes for accessibility won't necessarily comply with the federally-required standards if they comply with the state or local code.

State and local governments now have the ability to include the IBC with the 2001 Supplement or the IBC 2003 as interpreted by HUD into state and local codes, making them consistent with the Act.

Notes:

IBC – Who Must Comply?

- ☐ If a locality adopts the IBC as the basis for building permits, builders must follow IBC standards



Notes:

Refer to www.intlcode.org for a list of states that have adopted the IBC.

IBC – How is it Used?

**The IBC is a building code,
not a disability rights law**



IBC – How is it Used?

The IBC does not have an enforcement mechanism built into it, nor does it specify who is responsible for ensuring that construction complies with its requirements. Building codes are created for the purpose of providing those in the building industry with guidance and technical specifications that meet the public welfare, health, safety, and, sometimes, civil rights requirements of other laws.

If a plan is drawn or a structure is built that does not conform to the local building code, then the locality will have procedures for enforcing that code. If a code contains accessibility features which conform to the Fair Housing Act, the failure to comply with those code features may result in action by the local building code office, as well as separate enforcement procedures under the Fair Housing Act itself. A local building code enforcement process will not contain the kinds of rights and remedies contained in civil rights laws. These are completely separate procedures.

If a locality adopts the IBC 2000, as amended by the 2001 supplement, or alternatively, the IBC 2003 as conditioned by HUD, and the locality does not make any changes to the IBC accessibility provisions, or allow any waivers of those provisions, then people in the locality can be confident that conformance with local code provisions will also mean conformance with the Fair Housing Act provisions.

State and Local Laws



Notes:

State and Local Laws – Requirements

**Like the federal government, states and
localities have disability rights laws**

State and Local Laws – Requirements

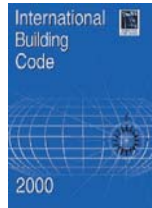
Like the federal government, states and localities have also enacted disability rights laws. We can't cover the laws in all 50 states in this training, but it's important for each of you to become familiar with the access laws that apply in your state and locality.

States and localities that enforce laws that HUD has found to be substantially equivalent to the Fair Housing Act will all have laws that are at least as strong as the Fair Housing Act. However, they may have fewer exemptions, or cover additional types of discrimination.

When laws are written broadly or need explanation, regulations are issued by the agency in charge of enforcing the law. When you receive copies of the laws in your area, you should also ask if there are regulations that implement those statutes. Often, those regulations will clarify the law and may provide information on where to find assistance to get further information.

State and Local Laws – Specific Access Requirements

- ☐ Some state and local laws contain their own set of accessibility requirements, however, most adopt one of the accessibility laws covered



Housing Act



State and Local Laws – Specific Access Requirements

Some state and local laws will contain their own sets of accessibility requirements and adopt the state or local building code in effect in that area. However, in most cases states and localities will adopt one of the access standards we've already covered or they will have adopted similar standards into their own codes. Do not take anything for granted; it's vital to take the time to know exactly what's required in each law that applies to your area and the structures built there.

The easiest ways to collect state and local access laws and regulations is to consult your local builders' association, or your local building code office. If these organizations can't give you copies of the laws, they can at least tell you the way to find them. Today, many such codes are available on the internet.

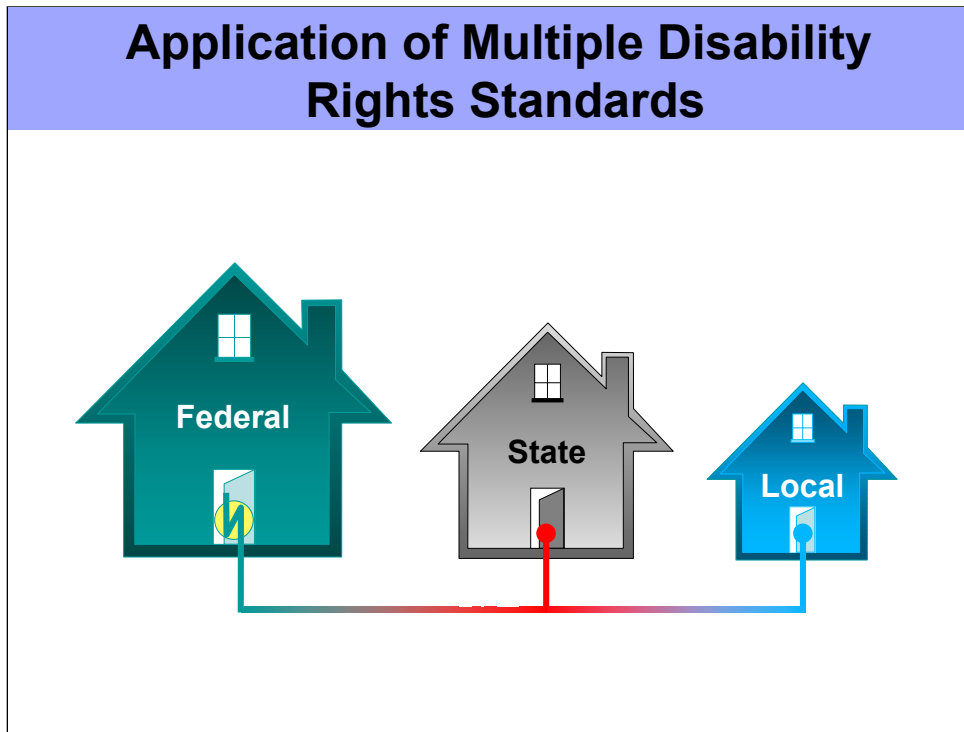
Remember that laws and regulations are updated frequently. We recommend you find out when your legislature's laws go into effect and make sure you check for updates at that time of the year. Do not forget to check for updates at each level: federal, state, and local.

Notes:

Disability Rights Laws Agenda

- Purpose and Evolution of Key Laws
- Important Facts about Compliance
- Overview of Major Disability Rights Laws
- **Application of Multiple Disability Rights Standards**
- Resources

Notes:



Application of Multiple Disability Rights Standards

Federal Preemption:

What happens if a state or local access standard differs from the federal standard. The answer isn't complicated. Our legal system requires that if a conflict occurs, laws issued by higher levels of government take precedence over statutes enacted by lower levels of government. Using this model, federal laws take precedence over state laws, which in turn have control over local laws. That's one principle to apply.

Federal Standards as Floors, not Ceilings:

The second principle to apply is that, just like all civil rights laws, access laws provide a minimum—not a maximum—standard to apply. In other words, if you decide to make a door four inches wider than what's required by law, you'll still be in compliance with the laws.

Application of Multiple Disability Rights Standards (continued)

In the architectural context, that means that if your state or locality has more stringent standards than the federal access laws, you must build in compliance with the more stringent standards. Similarly, if your state or locality has access standards that apply to more types of buildings than those covered under the federal access laws, then the extra category of buildings must also comply with the access standards.

The best advice we can give is to gather information about federal, state, and local laws and regulations . . . and then create a chart similar to the one in your workbook that we've used to compare federal laws. That way you'll be able to see at a glance which standard to apply.

Where to Go for Clearance:

In some cases, state and local laws will require builders and architects to obtain clearance before proceeding with a project. Others may not require it, but may offer it as a service to facilitate compliance with the laws or to provide a safe harbor against access lawsuits. We recommend you add a category entitled "clearance" to your chart and include information on required or voluntary clearance procedures. It's always worth taking the time to make sure you've thought of everything while you're still at the planning stage so that revisions don't prove costly.

Notes:

			<h2>Disability Rights Laws Agenda</h2> <ul style="list-style-type: none">• Purpose and Evolution of Key Laws• Important Facts about Compliance• Overview of Major Disability Rights Laws• Application of Multiple Disability Rights Standards• Resources

Notes:

Fair Housing Accessibility **FIRST**

Fair Housing Accessibility **FIRST**
Information Line
1-888-341-7781 V/TTY



Fair Housing Accessibility **FIRST**
Website
www.FairHousingFIRST.org



Notes:

Fair Housing Assistance Program (FHAP) Agencies

ARIZONA

State Agency:

Arizona Attorney General's Office ,1275 West Washington Street, Phoenix, AZ 85007-2926,
(602) 542-5263

Localities:

City of Phoenix Equal Opportunity Department, 251 West Washington St., 7th Floor,
Phoenix, AZ 85003, (602) 262-7716

ARKANSAS

State Agency:

Arkansas Fair Housing Commission, 101 E. Capitol, Suite 114, Little Rock, AR 72201,
(501) 682-3247

CALIFORNIA

State Agency:

California Department of Fair Employment and Housing, 2014 "T" Street,
Suite 210, Sacramento, CA 95814, (916) 227-2873

COLORADO

State Agency:

Colorado Civil Rights Division, 1560 Broadway, Suite 1050, Denver, CO 80202,
(303) 894-2997

CONNECTICUT

State Agency:

Connecticut Commission on Human Rights and Opportunities, 21 Grand Street,
Hartford, CT 06106, (860) 541-3400

DELAWARE

State Agency:

Delaware Division of Human Relations State Office Building,
820 North French Street, 4th Floor, Wilmington, DE 19801, (302) 577-5050

DISTRICT OF COLUMBIA

District of Columbia Office of Human Rights, 441 4th Street, NW,
Washington, DC 20001, (202) 727-4559

FLORIDA

State Agency:

Florida Commission on Human Rights, 2009 Apalachee Parkway, Suite 100,
Tallahassee, FL 32301-4857, (850) 488-7082 or toll free (800) 342-8170

Disability Rights Laws

Localities:

City of Bradenton Community Development Department
914 7th Avenue, East, Bradenton, FL 34208, (941) 714-7507

Broward County Office of Equal Opportunity
115 S. Andrews Avenue, Room A680, Fort Lauderdale, FL 33301

Hillsborough County Board of County Commissioners, County Center Building, 2nd Floor,
601 East Kennedy, Tampa, FL 33602, (813) 272-5735

Lee County Office of Equal Opportunity, 2115 2nd Street, 4th Floor, Fort Myers, FL 33901,
(941) 335-2267

Jacksonville Human Rights Commission, 117 West Duval Street, Suite 350,
Jacksonville, FL 32202, (904) 630-4911

Orlando Human Relations Department, 400 South Orange Avenue, Orlando, FL 32801,
(407) 246-3788

Palm Beach County Office of Human Rights, 215 North Olive Avenue, Suite 130,
West Palm Beach, FL 33401, (561) 355-4883

Pinellas County Office of Human Rights, 315 Court Street,
Clearwater, FL 33756, (727) 464-4880

St. Petersburg Human Relations Department, 175 5th Street North St. Petersburg, FL
33701, (727) 893-7345

Tampa Office of Human Rights, 102 East 7th Avenue, Tampa, FL 33602, (813) 274-5835

GEORGIA

State Agency:

Georgia Commission on Equal Opportunity, 710 International Tower, Peachtree Center,
229 Peachtree Street, NE, Atlanta, GA 30303-1605, (404) 656-1736

HAWAII

State Agency:

Hawaii Civil Rights Commission, 830 Punchbowl Street, Room 411 Honolulu, HI 96813,
(808) 586-8636

ILLINOIS

Localities:

Illinois Department of Human Rights, 100 W. Randolph St., Suite 100, 10th Floor,
Chicago, IL 60601, (312) 814-3340

Disability Rights Laws

Springfield Community Relations Commission, 800 East Monroe Street, Room 108,
Springfield, IL 62701, (217) 789-2271

INDIANA

State Agency:

Indiana Civil Rights Commission Indiana Government Center North,
100 North Senate Avenue, Room N-103, Indianapolis, IN 46204-2255,
(317) 232-2600

Localities:

Elkhart Human Relations Commission Municipal Building, 229 South Second Street,
Elkhart, IN 46516, (219) 294-5471

Fort Wayne Metropolitan Human Relations Commission,
One Main Street, City-County Building, Room 680, Fort Wayne, IN 46802,
(219) 427-1146

Gary Human Relations Commission, 504 Broadway, Suite 1016, Gary, IN 46402,
(219) 883-4151

Hammond Human Relations Commission, 5925 Calumet Avenue, Room 320,
Hammond, IN 46320, (219) 853-6502

South Bend Human Relations Commission, 301 South St. Louis Blvd,
South Bend, IN 46617, (574) 235-9355

IOWA

State Agency:

Iowa Civil Rights Commission, Grimes State Office Building, 400 E. 14th Street,
Des Moines, IA 50309, (515) 281-4121

Localities:

Cedar Rapids Civil Rights Commission City Hall, Second Floor Cedar Rapids, IA 52401-1256,
(319) 286-5036

Davenport Civil Rights Commission, 226 West 4th Street, Davenport, IA 52801,
(563) 326-7888

Des Moines Human Rights Commission, 602 East First Street, Des Moines, IA 50309-1881,
(515) 283-4284

Dubuque Human Rights Commission City Hall Annex, 1300 Main Street,
Dubuque, IA ,52001-4732, (563) 589-4190

Mason City Human Rights Commission, 10 First Street, N.W. Mason City, IA 50401,
(641) 421-3618

Disability Rights Laws

Sioux City Human Rights Commission, 425 Orpheum Electric Building, 520 Pierce Street,
Sioux City, IA 51101, (712) 279-6985

Waterloo Commission on Human Rights, 620 Mulberry Street, Suite 101 Waterloo, IA 50703,
(319) 291-4441

KANSAS

Localities:

Lawrence Human Relations Commission, 6 East 6th Street, Room 315, Lawrence, KS 66044,
(785) 832-3310

Community and Neighborhood Services Department City of Olathe,
200 West Santa Fe Olathe, KS 66061, (913) 971-649

Salina Human Relations Department, 300 West Ash Salina, KS 67402-0736, (785) 309-5745

City of Topeka Human Relations Commission, 215 S.E. 7th Street, Room 170, Topeka, KS
66603 (785) 368-3606

KENTUCKY

State Agency:

Kentucky Commission on Human Rights, 332 West Broadway, 7th Floor,
Louisville, KY 40202-0069, (502) 595-4024

Localities:

Lexington-Fayette Urban County Human Rights Commission, 162 East Main Street, Suite 226,
Lexington, KY 40507, (859) 252-4931

Louisville Metro Human Relations Commission, 410 West Chestnut Center,
Suite 300A, Louisville, KY 40202, (502) 574-3631

LOUISIANA

State Agency:

Louisiana Public Protection Division One American Place, 301 Main Street, 6th Floor,
Baton Rouge, LA 70801, (225) 326-6400

MAINE

State Agency:

Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333-0051,
(207) 624-6050

Disability Rights Laws

MARYLAND

State Agency:

Maryland Commission on Human Relations, William Donald-Schafer Towers,
6 St. Paul Street, Suite 900, Baltimore, MD 21202, (410) 767-8600

MASSACHUSETTS

State Agency:

Massachusetts Commission Against Discrimination, Room 601, 1 Ashburton Place,
6th Floor, Boston, MA 02108, (617) 727-3990

Localities:

Boston Fair Housing Commission City of Boston Office of Civil Right, One City Hall Plaza,
Suite 966, Boston, MA 02201, (617) 635-4408

Cambridge Human Rights Commission, 51 Inman Street, 2nd Floor, Cambridge, MA
02139, (617) 349-4396

MICHIGAN

State Agency:

Michigan Department of Civil Rights Capital Town Building, 110 W. Michigan Ave.,
Suite 800, Lansing, MI 48913, (517) 335-3165

MISSOURI

State Agency:

Missouri Commission on Human Rights, Department of Labor and Industrial Relations,
P.O. Box 1129, 3315 West Truman Boulevard, Suite 212, Jefferson City, MO 65109,
(573) 522 1019

Localities:

Kansas City (MO) Human Relations Department, City Hall, 4th Floor, 414 East 12th
Street, Kansas City, MO 64106, (816) 513-1836

NEBRASKA

State Agency:

Nebraska Equal Opportunity Commission State Office Building, 5th Floor,
301 Centennial Mall, South Lincoln, NE 68509-4934, (402) 471-2024

Localities:

Lincoln Commission on Human Rights, 440 South 8th Street, Suite 101 Lincoln, NE
68508, (402) 441-8691

Omaha Human Relations Department Omaha, Douglas Civic Center, 1819 Farnam
Street, Suite 502, Omaha, NE 68183-0502, (402) 444-5055

Disability Rights Laws

NEW JERSEY

State Agency:

State of New Jersey, Division on Civil Rights, 140 E. Front Street, Trenton, NJ 08625,
(609) 984-3100

NEW YORK

State Agency:

New York State Division of Human Rights, 1 Fordham Plaza, 4th Floor Bronx, NY 10458,
(718) 741-8400

Localities:

Rockland County Commission on Human Rights, 50 Sanatorium Road, Building P,
Pomona, NY 10970, (845) 364-2199

NORTH CAROLINA

State Agency:

North Carolina Human Relations Commission, 217 West Jones Street, Raleigh, NC 27603,
(919) 733-7996

Localities:

City of Charlotte/Mecklenburg County Community Relations Committee (Charlotte),
600 East Trade Street, Charlotte, NC 28202, (704) 336-2195

City of Charlotte/Mecklenburg County Community Relations Committee,
(Mecklenburg County), 600 East Trade Street, Charlotte, NC 28202,
(704) 336-2195

Community Development Director City of Asheville, 70 Court Plaza, Asheville, NC 28802,
(704) 259-5721

Asheville/Buncombe County Community Relations Council, 50 South French Broad
Avenue, Room 214, Asheville, NC 28801, (828) 252-4713

Durham Human Relations Commission, 101 City Hall Plaza, Durham, NC 27701,
(919) 560-4107

Greensboro Human Relations Department, 300 West Washington Street,
Greensboro, NC 27402, (336) 373-2038

New Hanover County Human Relations Commission, 402 Chestnut Street,
Wilmington, NC 28401, (910) 341-7171

Disability Rights Laws

Orange County Department of Human Rights and Relations, 110 South Churton Street, Hillsborough, NC 27278, (919) 967-9251

Winston-Salem Human Relations Commission, 2301 North Patterson Avenue, Winston-Salem, NC 27105, (336) 727-2429

NORTH DAKOTA

State Agency:

North Dakota Department of Labor State Capitol, 13th Floor, 600 E Boulevard Avenue, Department 406, Bismarck, ND 58505-0340, (701) 328-2660

OHIO

State Agency:

Ohio Civil Rights Commission, 1111 East Broad Street, Suite 301, Columbus, OH 43205-1379, (614) 466-2785

Localities:

Dayton Human Relations Council, 130 West 2nd Street, Suite 730, Dayton, OH 45402, (937) 228-5854

City of North Olmstead, Ohio Department of Law, 26777 Lorain Road, Suite 416, North Olmstead, OH 44070, (440) 716-4217

Parma Law Department, City of Parma, 6611 Ridge Road, Parma, OH 44129-5593, (440) 885-8132

Shaker Heights Fair Housing Review Board, 3400 Lee Road, Shaker Heights, OH 44120, (216) 491-1443

OKLAHOMA

State Agency:

Oklahoma Human Rights Commission, 2101 North Lincoln, Room 480, Oklahoma City, OK 73105, (405) 521-3441

PENNSYLVANIA

State Agency:

Pennsylvania Human Relations Commission, Pennsylvania Place, Suite 300, 301 Chestnut Street, Harrisburg, PA 17101-2702, (717) 787-4410

Localities:

Pittsburgh Human Relations Commission, 908 City - County Building, Pittsburgh, PA 15219, (412) 255-2600

Disability Rights Laws

Lancaster County Human Relations Commission, 225 West King Street, Lancaster, PA 17603,
(717) 299-7840

Reading Commission on Human Relations, 815 Washington Street Reading, PA 19601,
(610) 655-6141

York City Human Relations Commission, 368 W. Princess Street York, PA 17403,
(717) 846-2926

RHODE ISLAND

State Agency:

Rhode Island Commission for Human Rights, 180 Westminster Street, 3rd Floor,
Providence, RI 02903-3768, (401) 222-2661

SOUTH CAROLINA

State Agency:

South Carolina Human Affairs Commission, 2611 Forest Drive, Columbia, SC 29204,
(803) 737-7826

TENNESSEE

State Agency:

Tennessee Human Rights Commission, Cornerstone Square Building, 530 Church Street,
Suite 400, Nashville, TN 37243, (615) 741-5825

Localities:

City of Knoxville Department of Community Development, 400 Main Street, Suite 503,
City County Building, Knoxville, TN 37902, (865) 215-2120

TEXAS

State Agency:

Texas Workforce Commission, 6330 Highway 290 East, Suite 250, Austin, TX 78723, (512)
437-3450

Localities:

Austin Human Rights Commission, 206 East 9th Street, 14th Floor, Austin, TX 78701,
(512) 974-3251

City of Corpus Christi Department of Human Relations, 1201 Leopard Street,
Corpus Christi, TX 78401, (361) 880-3196

City of Dallas Fair Housing Office, 1500 Marilla Street, Room 1B, North Dallas, TX 75201,
(214) 670-5677

Disability Rights Laws

Fort Worth Human Relations Commission, 1000 Throckmorton Street,
Fort Worth, TX 76102, (817) 392-7525

Garland Office of Housing and Neighborhood Services, 210 Carver Street, Suite 202,
Garland, TX 75040, (972) 205-3313

UTAH

State Agency:

Utah Anti-Discrimination Division, 160 East 300 South, 3rd Floor, Salt Lake City, UT
84111, (801) 530-6801

VERMONT

State Agency:

Vermont Human Rights Commission, 135 State Street, Drawer 33,
Montpelier, VT 05633-6301, (802) 828-2480

VIRGINIA

State Agency:

Virginia Department of Professional and Occupational Regulation,
Fair Housing Administration, Real Estate Board, 5th Floor, 3600 West Broad Street,
Richmond, VA 23230-4917, (804) 367-8530

Localities:

Fairfax County Human Rights Commission, 12000 Government Center Parkway,
Suite 318, Fairfax, VA 22035-0093, (703) 324-2953

WASHINGTON

State Agency:

Washington State Human Rights Commission, 711 South Capitol Way, #402,
P.O. Box 42490, Olympia, WA 98504-2490, (360) 753-6770

Localities:

King County Office of Civil Rights, 400 Yesler Way, Room 260, Seattle, WA 98104-2628,
(206) 296-7592

Seattle Office for Civil Rights Artic Building, 2nd Floor, 700 3rd Avenue, Suite 250,
Seattle, WA 98104-1849, (206) 684-4500

Tacoma Human Rights Department, 747 Market Street, Suite 836, Tacoma, WA 98402,
(253) 591-5151

Disability Rights Laws

WEST VIRGINIA

State Agency:

West Virginia Human Rights Commission, 1321 Plaza East, Room 108A,
Charleston, WV 25301, (304) 558-2616

Localities:

Charleston Human Rights Commission, 915 Quarrier Street, Suite 6,
Charleston, WV 25301, (304) 348-6880

Huntington Human Relations Commission, 821 Fourth Avenue, Suite 104,
Huntington, WV 25701, (304) 696-5573



Comprehensive Training Curriculum

Course Title	Time (hours)
Fair Housing Act Accessibility Requirements Overview	1 (Short) or 4 (Long)
Design and Construction Requirements of the Fair Housing Act: Technical Overview	3
Disability Rights Laws	1.5
Fair Housing Act Enforcement	1.5
Strategies for Compliant Kitchens	1.5
Strategies for Compliant Bathrooms	1.5
Accessible Routes	1.5
Accessible Public and Common Use Areas	1.5
Common Design and Construction Violations and Solutions	1.5
Making Housing Accessible Through Accommodations and Modifications	1.5

www.FairHousingFIRST.org
(888) 341-7781

Fair Housing Act and Related Standards

Standard	Where to Obtain
Fair Housing Act as Amended (Title VIII of the Civil Rights Act)	www.FairHousingFIRST.org (888) 341-7781 (V/TTY)
Fair Housing Act Guidelines*	www.FairHousingFIRST.org (888) 341-7781 (V/TTY)
Fair Housing Act Design Manual*	Disseminated at training www.huduser.org (800) 245-2691 TDD: (800) 483-2209
International Building Code*	www.intlcode.org (703) 931-4533
ANSI A117.1 (1986)*	www.intlcode.org (703) 931-4533
CABO/ANSI A117.1 (1992)*	www.bocai.org (800) 214-4321
ICC/ANSI A117.1 (1998)*	www.intlcode.org (703) 931-4533
Code Requirements for Housing Accessibility 2000 (CRHA)*	www.bocai.org (800) 214-4321
Section 504 of the Rehabilitation Act	www.hudclips.org (301) 519-5395
Uniform Federal Accessibility Standards	www.access-board.gov (800) 872-2253, TTY: (800) 872-2253
Architectural Barriers Act of 1968	www.access-board.gov (800) 872-2253, TTY: (800) 872-2253
Americans with Disabilities Act of 1991, Title II and Title III	www.access-board.gov (800) 872-2253, TTY: (800) 872-2253
ADA Accessibility Guidelines	www.access-board.gov (800) 872-2253, TTY: (800) 872-2253

**Denotes HUD Safe Harbor*

Publications

Listed in alphabetical order with the following designations based on topic.

C – Code; D – Design; L – Legal; DA – Disability Advocacy

Type	Resource Name	Description	Where to Obtain
D	Accessible Cabinetry	Describes state-of-the-art cabinetry designed to facilitate use by people with disabilities.	www.design.ncsu.edu/cud/ (800) 647-6777 (voice or TTY)
D	Accessible Environments: Toward Universal Design	Overview of the concept of universal design in everyday environments. Contains design illustrations and history of the disability rights movement.	www.design.ncsu.edu/cud/ (800) 647-6777 (voice or TTY)
D	Accessible Plumbing	Describes state-of-the-art in accessible plumbing fixtures and accessories.	www.design.ncsu.edu/cud/ (800) 647-6777 (voice or TTY)
D	Accessible Stock House Plans Catalog	Contains floor plans and perspectives for six accessible homes.	www.design.ncsu.edu/cud/ (800) 647-6777 (voice or TTY)
D	A Consumer's Guide to Home Adaptation	Includes worksheets for evaluating needs in the home, illustrated construction plans for grab bars, ramps, and other accessible elements, and resource listings for products.	www.design.ncsu.edu/cud/ (800) 647-6777 (voice or TTY)
C	HUD Review of Model Building Codes Final Report		www.hud.gov/offices/fheo/disabilities/modelcodes/
DA	New Mobility Magazine		www.newmobility.com
L	The New Fair Multifamily Housing: A Design Primer to Assist in Understanding the Accessibility Guidelines of the FHAct	Provides a basic understanding of the accessibility requirements of the FHAct. Also includes illustrated solutions and examples from existing projects.	www.design.ncsu.edu/cud/ (800) 647-6777 (voice or TTY)
L	Rights and Responsibilities of Tenants and Landlords under the Fair Housing Amendments Act	Outlines the rights and responsibilities of tenants with disabilities and landlords under the FHAct.	www.design.ncsu.edu/cud/ (800) 647-6777 (voice or TTY)
D	Tenant's Guide to Apartment Modifications: An Idea Source Pamphlet to Simple, Low-cost Modifications to Increase Accessibility in Apartments	Presents illustrated ideas for low-cost modification that are commonly made to rental dwellings.	www.design.ncsu.edu/cud/ (800) 647-6777 (voice or TTY)

Websites and Organizations

Listed in alphabetical order with the following designations based on topic.

C – Code; D – Design; DA – Disability Advocacy; G – Government; L – Legal; T – Trade ; O – Other

Type	Organization	URL
O	American Association of Retired Persons	www.aarp.org
DA	American Association of People with Disabilities	www.aapd.org
G	Access Board	www.access-board.gov
C	Adaptive Environments	www.adaptenv.org
DA	American Association of People with Disabilities	www.aapd-dc.org
T	American Bankers Association	www.aba.com
T	American Bar Association	www.abanet.org
DA	American Disabled for Attendant Programs Today	www.adapt.org
T	American Institute of Architects	www.aia.org
DA	American Seniors Housing Association	www.seniorshousing.org
T	American Society of Civil Engineers	www.asce.org
T	American Society of Interior Designers	www.asid.org
L	Bazelon Center for Mental Health Law	www.bazelon.org
D	Bob Vila	www.bobvila.com - special features
D	Center for Inclusive Design and Environmental Access	www.ap.buffalo.edu
D	Center for Universal Design	www.design.ncsu.edu/cud/index.html
G	Centers for Medicare and Medicaid Services	www.cms.gov
DA	Consortium for Citizens with Disabilities	www.c-c-d.org
D,L	Cornucopia of Disability Information (CODI)	www.codi.buffalo.edu
G	Department of Agriculture	www.usda.gov
G	Department of Justice	www.usdoj.gov
G	Department of Treasury	www.treasury.gov
DA	Disability Rights Action Coalition for Housing	www.libertyresources.org/housing/nac.html
DA	Eastern Paralyzed Veterans Association	www.epva.org
T	Institute for Real Estate Management	www.irem.org
C	International Code Council	www.intlcode.org
L	The John Marshall Law School Fair Housing Legal Support Center	http://law170.jmls.edu/
D	NAHB Research Center	www.nahbrc.org
T	National Affordable Housing Mgmt. Assoc.	www.nahma.org
T	National Apartment Association	www.naahq.org
T	National Association of Home Builders	www.nahb.org
T	National Association of Realtors	www.nar.realtor.com
T, D	National Association of the Remodeling Industries	www.nari.org
G	National Council on Disability	www.ncd.gov
C	National Conference of States on Building Codes and Standards (NCSBCS)	www.ncsbc.org
DA, L	National Fair Housing Advocate Online	www.fairhousing.com
DA	National Fair Housing Alliance	www.nationalfairhousing.org
D	National Kitchen and Bath Association	www.nkba.org
T	National Low Income Housing Coalition	www.nlihc.org
T	National Multi Housing Council	www.nmhc.org
DA	National Organization on Disability	www.nod.org
D, DA	National Resource Center on Supportive Housing and Home Modification	www.homemods.org
DA	Paralyzed Veterans of America	www.pva.org
D	Technical Assistance Collaborative	www.toolbase.org
DA	Wemedia	www.wemedia.com
DA	World Institute on Disability	www.wid.org

SUMMARY OF ACCESSIBILITY LAWS

LAW	TYPES OF ACTIONS COVERED	WHAT UNITS MUST BE ACCESSIBLE?	ACCESS STANDARD	ENFORCEMENT PROCESS
<p>The Fair Housing Act as amended (Title VIII of the 1968 Civil Rights Act)</p> <p>42 U.S.C. 3601 et seq. http://www.fairhousing.com/legal_research/fha/index.htm</p>	<p>"Covered Multifamily Dwellings", both for rental and for sales, designed and constructed for first occupancy after March 13, 1991 must be designed and constructed to be accessible to and usable by people with disabilities (42 U.S.C. 3604 (f)(3) (C) and 3604 (f)(7), 24 CFR 100.205)</p> <p>http://www.fairhousing.com/legal_research/fha/index.htm</p>	<p>Ground floor dwellings in buildings with four or more units</p> <p>All units in buildings served by an elevator</p> <p>Does not apply to multistory townhouses</p>	<p>Seven "safe harbors":</p> <ol style="list-style-type: none"> 1. The 1998 version of the Fair Housing Act Design Manual 2. HUD's March 6, 1991 Fair Housing Accessibility Guidelines (the Guidelines), and the June 28, 1994 Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines <p>http://www.hud.gov/library/books/helf09/fhefhag.cfm</p>	<p>Administrative complaints filed with the Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity (FHEO) in Washington, D.C. or one of 10 FHEO HUB offices. One year statute of limitation</p> <p>Administrative complaints filed with a state or local fair housing enforcement agency, or "FHAP". Six month or longer statute of limitations.</p> <p>"Pattern and practice" complaints litigated by the United States Department of Justice and/or by United States Attorneys. No statute of limitations. Lawsuits filed by private parties in federal or state court. Generally two year statute of limitation</p>

SUMMARY OF ACCESSIBILITY LAWS

LAW	TYPES OF ACTIONS COVERED	WHAT UNITS MUST BE ACCESSIBLE?	ACCESS STANDARD	ENFORCEMENT PROCESS
	<p>The Act contains 7 requirements:</p> <ol style="list-style-type: none"> 1. A building entrance on an accessible route; 2. Public and common use areas that are readily accessible to and usable by persons with disabilities; 3. All the doors designed to allow passage in and within all premises are sufficiently wide to allow passage by persons using wheelchairs; 4. All premises within covered multifamily dwellings must contain an accessible route into and through the unit; 5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations; 6. Reinforcements in bathroom walls to allow later installation of grab bars around the toilet, shower, stall, and shower seat; 7. Usable kitchens and bathrooms so a person using a wheelchair can maneuver around the space. 	<p>Does not apply to rehabilitation of units</p> <p>Does apply if four or more units are added to an existing building</p>	<p>3. ANSI A117.1-1986, used in conjunction with the Act and HUD's regulations, and the Guidelines</p> <p>4. CABO/ANSI A117.1-1992, used in conjunction with the Act, HUD's regulations, and the Guidelines</p> <p>5. ICC/ANSI A117.1-1998, used in conjunction with the Act, HUD's regulations, and the Guidelines</p> <p>6. <i>Code Requirements for Housing Accessibility 2000</i> (CRHA), approved and published by the International Code Council (ICC), October 2000</p> <p>7. <i>International Building Code 2000</i> (IBC) as amended by the IBC <i>2001 Supplement to the International Codes</i>.</p> <p>It is important to note that the ANSI A117.1 standard contains only technical criteria. Whereas the Fair Housing Act, the regulations and the Guidelines contain both scoping and technical criteria.</p>	

SUMMARY OF ACCESSIBILITY LAWS

LAW	TYPES OF ACTIONS COVERED	WHAT UNITS MUST BE ACCESSIBLE?	ACCESS STANDARD	ENFORCEMENT PROCESS
	<p>Also prohibited: A failure to make a reasonable accommodation in policies, rules, practices or services, where the accommodations may be needed to give a person with a disability the equal opportunity to use a dwelling (42 U.S.C 3604(f)((3)(B), 24 CFR 100.204)</p> <p>A refusal to permit, at the expense of a person with a disability, reasonable modifications of existing premises where the modifications may be necessary to give a person with a disability the equal opportunity to use a dwelling (42 U.S. C. 3604(f)(3)(A), 24 CFR 100.203)</p> <p>Coercion, intimidation, threatening or interference with any person in exercising or because of the exercise of, or the encouragement of someone else to exercise rights under the Act. (42 U.S.C. 3617)</p>		<p>Therefore, in using any of the ANSI standards it is necessary to also consult the Act, HUD's regulations, and the Guidelines for the scoping requirements.</p>	

SUMMARY OF ACCESSIBILITY LAWS

LAW	TYPES OF ACTIONS COVERED	WHAT UNITS MUST BE ACCESSIBLE?	ACCESS STANDARD	ENFORCEMENT PROCESS
Section 504 of the 1973 Rehabilitation Act (29 U.S.C. 794, 24 CFR Part 8) http://www.hudclips.org/		<p>New multifamily housing projects must be designed and constructed to be accessible to and usable by persons with disabilities.</p> <p>A minimum of 5% of the total dwelling units, or at least one unit whichever is greater, must be made accessible to persons with mobility impairments; an additional 2% of the units must be made accessible to persons with hearing or vision impairments. A recipient may request, or HUD may require, a higher percentage or number of accessible units based on an identified need for more accessible units (24 CFR 8.22. 24 CFR 8.23)</p> <p>Does apply to projects with 15 or more units that is altered and the cost of the alterations is 75% or more of the replacement cost of the completed facility (24 CFR 8.23(a))</p> <p>Does apply to other alterations to dwelling units and common areas, which must be made accessible to the greatest extent feasible; if the alterations amount to an alteration of the entire unit, the entire unit must be made accessible. (24 CFR 8.23(b))</p>	<p>Uniform Federal Accessibility Standards effective July 11, 1988 (24 CFR 8.32, 24 CFR 40, appendix A, 35 CFR 1190) http://www.access-board.gov/ufas/ufas-html/ufas.htm</p>	<p>Administratively enforced for recipients of funding from HUD by the Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Washington, D. C. or through one of 10 "HUB" offices.</p> <p>Six month statute of limitations may be enlarged by HUD decision. (24 CFR 8)</p> <p>Similar enforcement processes by other federal agencies directed at recipients of funding from those agencies. Findings of non-compliance may be enforced by the United States Department of Justice. Debarment proceedings may be initiated by HUD. (24 CFR 24).</p> <p>Administratively enforced by the United States Department of Agriculture for programs receiving USDA funding.</p> <p>http://www.usdoj.gov/crt/cor/byagency/usda504.htm</p>

SUMMARY OF ACCESSIBILITY LAWS

LAW	TYPES OF ACTIONS COVERED	WHAT UNITS MUST BE ACCESSIBLE?	ACCESS STANDARD	ENFORCEMENT PROCESS
<p>Architectural Barriers Act of 1968</p> <p>(42 U.S.C. 4151, 24 CFR 40 and 41)</p> <p>http://www.access-board.gov/about/ABA.htm</p>	<p>Residential structures constructed by or on behalf of the United States or buildings financed in whole or in part by a grant or loan from the United States and designed after December 22, 1971</p>	<p>Any residential structure that is intended by occupancy by people with disabilities or the elderly. 5% of the total or at least one unit in projects of 15 or more units applies to alterations</p> <p>Does apply to all elevator residential structures</p> <p>Does apply to any residential structure that contains 15 or more units</p> <p>Does apply to nonresidential structures appurtenant to a residential structure</p> <p>Does not apply to a privately owned residential structure</p> <p>Does not apply to a residential structure on a military reservation (but see UFAS 4.1.3(2) and (3))</p>	<p>Uniform Federal Accessibility Standards, effective December 22, 1971 (24 CFR 40, appendix A)</p>	<p>Administratively enforced by the Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity in Washington D.C. and its 10 "HUB" offices and by the Architectural and Transportation Compliance Board (ATBCB)</p> <p>Unresolved complaints are referred to the Architectural and Transportation Compliance Board (ATBCB) for processing consistent with 35 CFR 1190</p> <p>Enforced by private lawsuit in federal or state court</p>
<p>Americans with Disabilities Act of 1991, Title II (42 U.S.C. 201 et seq., 28 CFR 35)</p> <p>http://www.access-board.gov/about/ADA</p>	<p>The programs, activities and services of public entities, including state and local governments and their instrumentalities must be accessible.</p> <p>A public entity must ensure that people with disabilities have ready access to its programs and activities when viewed as a whole. Structural changes were to be completed by January 26, 1995. Effective January 26, 1992.</p>	<p>All new buildings constructed after January 26, 1992 must be accessible (28 CFR 35)</p> <p>http://www.usdoj.gov/crt/ada/reg2.html</p>	<p>Uniform Federal Accessibility Standards (UFAS) (35 CFR 1190)</p> <p>http://www.access-board.gov/ufas/ufas-html/ufas.htm</p> <p>OR</p> <p>Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities</p> <p>http://www.usdoj.gov/crt/ada/reg3a.html#Anchor-Appendix-52467</p>	<p>Administratively enforced by the United States Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, in Washington, D.C. or one of 10 HUB offices or by seven other federal agencies</p> <p>Complaints filed within 180 days.</p> <p>Enforced by private lawsuits in federal or state court.</p>

SUMMARY OF ACCESSIBILITY LAWS

LAW	TYPES OF ACTIONS COVERED	WHAT UNITS MUST BE ACCESSIBLE?	ACCESS STANDARD	ENFORCEMENT PROCESS
Americans with Disabilities Act of 1991, Title III (42 U.S.C. 12181, 28 CFR 36.201 et seq.)	<p>Public accommodations are covered, and must be designed, constructed and altered in accordance with accessibility standards. Places of public accommodation are facilities operated by private entities that fall into one of these categories:</p> <p>Hotel, motel or inn Restaurant or bar Motion picture house, theater, or stadium Auditorium or conventional center Bakery, grocery, or other store Laundromat, dry cleaner, beauty shop Terminal or depot Museum, library Park, zoo School Day care Gym, spa, golf course</p> <p>(28 CFR 36) http://www.usdoj.gov/crt/ada/reg3a.html</p> <p>Housing itself is not covered, but places of public accommodation, like day care center, rental offices, and other areas that serve the public are covered.</p> <p>All new construction after January 26, 1993 must be accessible</p>	<p>All new construction in places of public accommodation and commercial facilities must be accessible if they are designed and constructed for first occupancy after January 26, 1993.</p> <p>Barriers in existing buildings must be removed if it is "readily achievable" ("easily accomplishable and able to be carried out without much expense or difficulty")</p> <p>Alterations to existing buildings must be made in an accessible manner to the maximum extent feasible to the extent that the access requirements do not exceed 20% of the cost of the original alteration</p> <p>Programs are to be offered in the most integrated setting appropriate</p> <p>Intimidation, coercion or interference are prohibited</p> <p>Does not apply to a entire residence if a place of public accommodation is located in a private residence, but does apply to the elements of the accommodation that serve the public. (28 CFR 36)</p> <p>Does apply to sales and rental offices and other housing-related services and facilities that serve the public. http://www.usdoj.gov/crt/ada/reg2.html</p>	<p>ADA Standards for Accessible Design (28 CFR 36, Appendix A)</p> <p>http://www.usdoj.gov/crt/ada/</p>	<p>Complaints and compliance reviews may be conducted by the United States Department of Justice</p> <p>Enforced by the United States Department of Justice by lawsuits in federal court in cases involving an issue of general public importance or a pattern or practice of discrimination. Enforced by private lawsuits in federal or state court.</p>

SUMMARY OF ACCESSIBILITY LAWS

LAW	TYPES OF ACTIONS COVERED	WHAT UNITS MUST BE ACCESSIBLE?	ACCESS STANDARD	ENFORCEMENT PROCESS
For a generally useful guide to a variety of disability rights laws, see http://www.usdoj.gov/crt/ada/cguide.htm#anchor62335 and http://www.access-board.gov/about/ADA%20				