FAIR HOUSING ACCESSIBILITY FIRST

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Homes & Communities
U.S. Department of Housing and Urban Development

EQUAL HOUSING OPPORTUNITY

Fair Housing Act: Common Violations and Solutions

Participant Workbook

Fair Housing Act:
Common Violations and Solutions

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Introduction

Fair Housing Act (FHA) FIRST

Fair Housing Accessibility FIRST is an initiative sponsored by the U.S. Department of Housing and Urban Development (HUD) designed to promote compliance with the FHA's design and construction requirements.

You may ask, why is compliance important?

- Compliance is required by federal law.
- Compliance increases the supply of accessible multifamily housing units nationwide.
- Compliance with the law is easier and cheaper than retrofitting a structure after construction.

To emphasize the importance of compliance, the program name, **Fair Housing Accessibility FIRST**, has a dual significance.

F-I-R-S-T describes the services offered by the program: **F**air Housing **I**nformation, **R**esources, **S**upport, and **T**echnical Guidance.

It also conveys the importance of planning for compliance with the accessibility requirements **first — before engineering, before design,** and **before construction.**

Technical Guidance

The Fair Housing Accessibility FIRST program provides a Design and Construction Resource Center, also known as the DCRC, which is manned Monday through Friday from 8:00 AM to 5:30 PM eastern. You can reach the DCRC:

- Toll-free at 888-341-7781
- By emailing **fairhousingfirst@hud.gov**
- Subscribe via the website for updates from the Fair Housing Accessibility FIRST program

Additional Training Events

You can register for events on the website by going to:

https://www.hud.gov/program_offices/fair_housing_equal_opp/accessibility_first_training_calendar

Please note that both a morning and an afternoon session are offered to accommodate scheduling. Trainings will be posted as they become available.

Learning Objectives

This training will help to identify common design and construction violations of the Fair Housing Act and possible solutions. During this training we will cover the following topics:

- Topic 1: Overview of the Fair Housing Act
- Topic 2: Common violations and solutions with Requirement 1
- Topic 3: Common violations and solutions with Requirement 2
- Topic 4: Common violations and solutions with Requirement 3
- Topic 5: Common violations and solutions with Requirement 4
- Topic 6: Common violations and solutions with Requirement 5
- Topic 7: Common violations and solutions with Requirement 6
- Topic 8: Common violations and solutions with Requirement 7

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

Fair Housing Act:
Common Violations and Solutions

Topic 1: Overview of the Fair Housing Act

History of the Fair Housing Act

The Fair Housing Act was first passed in 1968, shortly after the assassination of Dr. Martin Luther King, and it prohibited discrimination based on race, color, religion, and national origin. Discrimination based on sex was added in 1974. When the law was comprehensively amended in 1988, it was changed to include discrimination against people because of handicap and because of familial status—the presence of children under the age of 18.

During this training, we will refer to the Fair Housing Act's coverage of handicap discrimination as "disability" protections. "Disability" is the preferred term.

The Fair Housing Act is enforced administratively by the U.S. Department of Housing and Urban Development (HUD). People who believe that they have been harmed by a violation of the Act may file administrative complaints with HUD, and HUD conducts an impartial investigation of the claims.

The Act also authorizes federal lawsuits by the U.S. Department of Justice, and private lawsuits that can be filed in federal or state courts by individuals. Many state and local fair housing enforcement agencies also have authority to investigate violations and bring enforcement actions. The general authority for all these enforcement activities is found in the Fair Housing Act. So, the enforcement authority given under the Act is quite broad.

Where violations of the law are established, remedies under the Fair Housing Act may include the award of compensatory damages to victims of discrimination, sometimes numbering in the hundreds of thousands of

Notes:

dollars, orders for comprehensive corrective action, and awards of punitive damages to victims or civil penalties to the government. In design and construction cases, remedies also may require retrofitting housing that has already been constructed to make it comply with the Act's design and construction requirements.

Units Covered by the Fair Housing Act

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

A building was not designed or 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 on or 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.

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.

A dwelling unit includes:

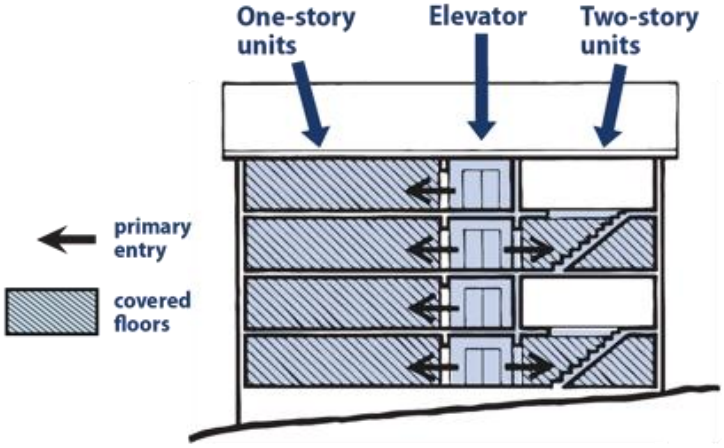
- A single-family unit in buildings with four or more units
- An apartment
- A room in which people sleep even if they share kitchens or bathrooms, like transitional housing

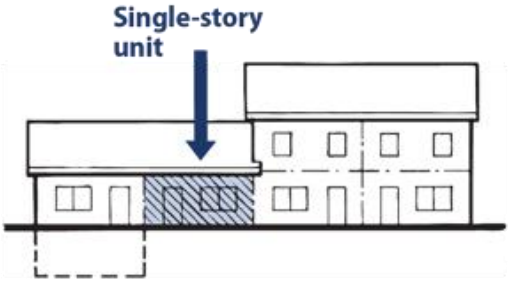
The design and construction requirements apply to "covered multifamily dwellings." Covered multifamily dwellings are:

Notes:

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.





Notes:

Fair Housing Act:
Common Violations and Solutions

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:

Scoping Parameters of the Fair Housing Act

So, housing in buildings with four or more units is covered, if built after March 13, 1991. In elevator buildings, all units are covered. In buildings without elevators, ground floor units are covered.

There are some kinds of units that are not covered by the Fair Housing Act's design and construction requirements. First, buildings that were designed and constructed for first occupancy before March 13, 1991, are not covered.

Because of the way that "covered multifamily dwellings" are defined, buildings with three or fewer units are also not covered by the design and construction requirements. Detached single family houses and duplexes and triplexes are not covered.

Another common situation that is not covered are multistory townhouses. Townhouses with finished living space on more than one level are not covered, unless there is an elevator in the building. If none of the covered units are required to be accessible because they are all multi-story townhouses, the Fair Housing Act does not require that the public and common use areas be accessible.

But remember that other federal laws, such as Title III of the Americans with Disabilities Act, may require rental and sales offices to be accessible regardless of whether the Fair Housing Act would require them to be accessible.

The Act does not require any specific number of accessible dwelling units in a project, such as 5% of units to be designed for persons with mobility impairments. Rather, all units in buildings with elevators and all ground floor units in buildings without elevators are covered.

Notes:

Other Key Issues

There are a few other technical considerations about the general application of the design and construction requirements:

- Units that are connected by a breezeway or stairway are still considered to be in “a building with four or more units.”
- Dwelling units within a single structure that are separated by firewalls do not constitute separate buildings. So, buildings with four or more units that are separated by firewalls are still covered multifamily dwellings.
- If additions of four or more units are added to existing buildings, they are covered by the design and construction requirements. If this happens, existing public and common use areas do not have to be made accessible simply because newly constructed dwellings are added. (However, if the entrance to an addition is through an existing building, that entrance and the route to it, must be made accessible.)
- The Fair Housing Act does not cover properties that existed before March 13, 1991, even if they are renovated after March 13, 1991. It also does not cover buildings that were used previously for purposes other than housing, that have been renovated since March 13, 1991, to include dwelling units. However, renovations of covered multifamily dwellings built in compliance cannot be altered in a way that makes them non-compliant.

The Fair Housing Act – Seven Design and Construction Requirements

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

The first is: **Accessible building entrance on an accessible route.** Under the first requirement of the Fair Housing Act, all covered multifamily dwellings must have at least one building entrance on an accessible route

Notes:

unless it is impractical to do so because of the terrain or unusual characteristics of the site. Obviously, there is little point in having an accessible unit in buildings that people cannot enter.

- 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.

The second requirement of the Fair Housing Act is: **Accessible and usable public and common use areas.** This means 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.

The third requirement of the Fair Housing Act is: **Usable doors.** All doors that allow passage into and within all premises must be wide enough to allow passage by persons using wheelchairs.

The fourth requirement of the Fair Housing Act is: **Accessible routes into and through covered unit.** There must be an accessible route into and through each covered unit.

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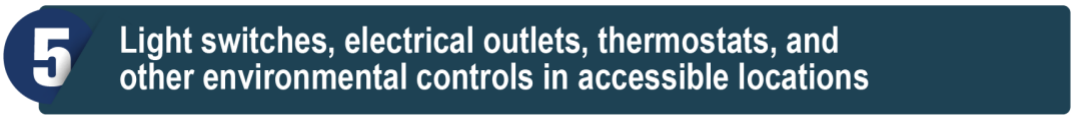
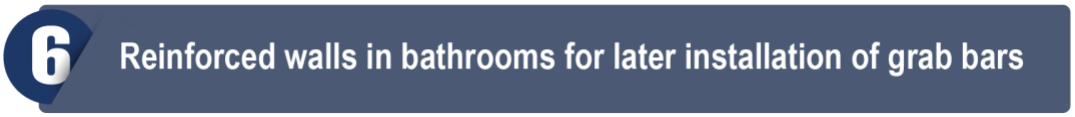
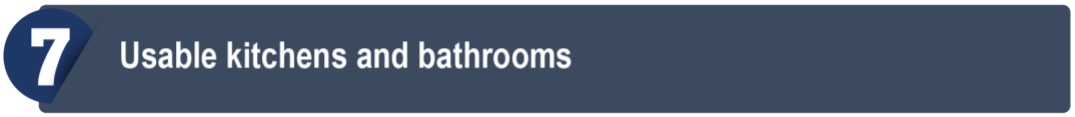


The fifth requirement of the Fair Housing Act is: **Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.** Light switches, electrical outlets, thermostats, and other environmental controls must be in accessible locations.



The sixth requirement of the Fair Housing Act is: **Reinforced walls in bathrooms for later installation of grab bars.** Bathroom walls must be reinforced so that grab bars can be added when needed. The law does not require installation of grab bars in bathrooms.



The seventh and final requirement of the Fair Housing Act is: **Usable kitchens and bathrooms.** This means kitchens and bathrooms must be designed and constructed so an individual in a wheelchair can maneuver in the space provided.

Notes:

Safe Harbors for Compliance with the Fair Housing Act

HUD recognizes 15 safe harbors to meet Fair Housing Act regulations to provide a range of options that—if followed in their entirety without modification or waiver—will keep residential buildings compliant with the Fair Housing Act. The new safe harbors are generally aligned with the current codes—minus any local amendments to the International Building Code—which may make it less complicated by limiting the layers of the requirements.

If a particular safe harbor is chosen for use in a particular property, housing must comply with all 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 15 access standards that HUD has identified as safe harbors:

1. HUD Fair Housing Accessibility Guidelines published on March 6, 1991, and the Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines, published on June 28, 1994.

Notes:

2. HUD Fair Housing Act Design Manual
3. ANSI A117.1 (1986), used with the Fair Housing Act, HUD's regulations, and the Guidelines.
4. CABO/ANSI A117.1 (1992), used with the Fair Housing Act, HUD's regulations, and the Guidelines.
5. ICC/ANSI A117.1 (1998), used with the Fair Housing Act, HUD's regulations, and the Guidelines.
6. Code Requirements for Housing Accessibility 2000 (CRHA).
7. International Building Code 2000 as amended by the 2001 Supplement to the International Codes.
8. International Building Code 2003, with one condition*.
9. ICC/ANSI A117.1 - 2003 (Accessible and Usable Buildings and Facilities)
10. 2006 International Building Code® (loose leaf)
11. A117.1-2009 used with the Fair Housing Act, HUD's regulations, and the Guidelines.
12. International Building Code 2009
13. International Building Code 2012
14. International Building Code 2015
15. International Building Code 2018

Notes:

Fair Housing Act:
Common Violations and Solutions

The referenced condition with the International Building Code 2003 is that 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.”

Additionally, 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 Fair Housing 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.

Notes:

Caution When Selecting Safe Harbors

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.

Importance of Attention to Access

Accessibility is often measured in inches. Careful attention to detail can make the difference between making a property fully usable, on the one hand, and making a property inaccessible, and potentially dangerous, on the other. Inches also can make the difference between compliance and non-compliance.

Even small deviations from requirements can make a unit completely unusable or create risk of injury to people trying to enter or use the unit. A ramp that is too steep or that is sloped incorrectly, for example, can prevent a person in a wheelchair from using it or even create a situation where a wheelchair user tips over while using the ramp.

Accessible design requires conscious application of design principles, not guessing what might work best, or making assumptions about what might work in a particular situation.

Notes:

Fair Housing Act:
Common Violations and Solutions

This image depicts how bad design features or construction can create hazardous conditions, such as the abrupt transition at the curb ramp that can make a person in a wheelchair catch their footrest at the transition and potentially tip over.

Notes:

Fair Housing Act:
Common Violations and Solutions

Topic 1: Key Takeaways

- The Fair Housing Act was first passed in 1968, and it prohibited discrimination based on race, color, religion, and national origin.
- The Fair Housing Act was updated in 1974 to prohibit discrimination based on sex.
- The Fair Housing Act was comprehensively amended in 1988, changed to include discrimination against people because of handicap and because of familial status.
- The Fair Housing Act is enforced administratively by the U.S. Department of Housing and Urban Development (HUD).
- The Fair Housing Act authorizes federal lawsuits by the U.S. Department of Justice; private lawsuits can be filed in federal or state courts by individuals.
- The Fair Housing Act design and construction requirements apply to “covered multifamily dwellings” designed and constructed “for first occupancy” after March 13, 1991.
- A dwelling unit includes a single-family unit in buildings with four or more units, an apartment, or a room in which people sleep even if they share kitchens or bathrooms, like transitional housing.
- The design and construction requirements of the Fair Housing Act apply to “covered multifamily dwellings.”
- Covered multifamily dwellings are all dwelling units in buildings containing four or more dwelling units if the buildings have one or more elevators and 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.

Notes:

Topic 1: Key Takeaways (continued)

- Buildings with three or fewer units, detached single family houses, duplexes, and triplexes are not covered by the design and construction requirements.
- Townhouses with finished living space on more than one level are not covered, unless there is an elevator in the building.
- Other federal laws, such as Title III of the Americans with Disabilities Act, may require rental and sales offices to be accessible.
- Units that are connected by a breezeway or stairway are still considered to be in "a building with four or more units."
- Dwelling units within a single structure that are separated by firewalls do not constitute separate buildings.
- If additions of four or more units are added to existing buildings, they are covered by the design and construction requirements.
- The Fair Housing Act does not cover properties that existed before March 13, 1991, even if they are renovated after March 13, 1991.
- The Fair Housing Act has seven (7) design and construction requirements:
    - Accessible building entrance on an accessible route.
    - Accessible and usable public and common use areas.
    - Usable doors.
    - Accessible routes into and through covered unit.
    - Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
    - Reinforced walls in bathrooms for later installation of grab bars.
    - Usable kitchens and bathrooms.

Notes:

Topic 1: Key Takeaways (continued)

- HUD recognizes 15 safe harbors to meet Fair Housing Act regulations.
- 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.
- 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.
- Accessible design requires conscious application of design principles.

Notes:

Topic 2: Common Violations and Solutions with Requirement 1

Requirement 1: Accessible Building Entrance on an Accessible Route

To recap Requirement 1 of the Fair Housing Act, all covered multifamily dwellings must have at least one accessible building entrance on an accessible route unless it is impractical to do so because of the terrain or unusual characteristics of the site.

While there are many ways to violate this requirement through a non-continuous path, obstructions on the path, or failing to include elements and spaces that should be connected, let's look at a few common violations of this requirement and their solutions.

Requirement 1 Violation: Steps at Dwelling Entrance

This photograph shows a multifamily dwelling with multiple steps up to the building entrance. Requirement 1 requires at least one ground-floor entrance to be on an accessible route unless it is impractical due to terrain or unusual site characteristics.

The steps in this photograph are an obvious violation of Requirement 1.

Notes:

Requirement 1 Violation: Steep Entrance Walk

This photograph shows a very steep entrance walk leading from the parking area to the dwelling entrance.

Entrance walks required to be accessible under Requirement 1 must connect the building entrance with pedestrian arrival points—in most cases to parking areas. The specifications that required entrance walks must comply with are found in the ANSI standard.

Some of the key features that walks must have are:

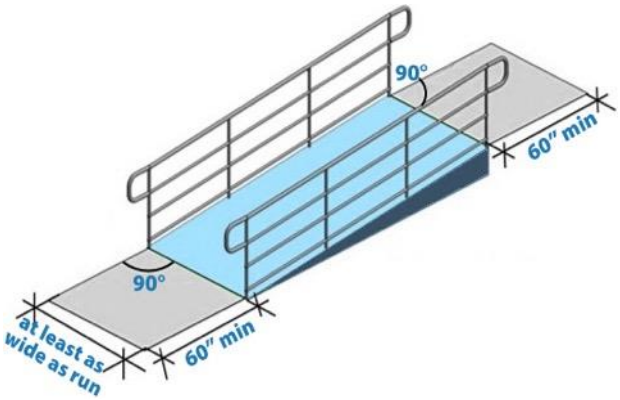
- Slopes that do not exceed 1:20 (one inch of rise for every 20 inches of run, or length).
- Or, if slopes exceed 1:20, walks must be designed as ramps. Ramps must have handrails on both sides, have edge protection, and appropriate size landings at the top and bottom of the ramp. Ramps must not have slopes that are steeper than 1:12.

The walk in this photograph has slopes exceeding 1:20. It therefore should meet the specifications for ramps. However, it does not have handrails, an intermediate landing, or edge protection and it may have a slope greater than 1:12.

Notes:

Requirement 1 Solution to Steps or Steep Entrance Walk

The solution to either of these violations is to provide entrance walks with slopes not greater than 1:20 – or, if the slope exceeds 1:20 but is not greater than 1:12, then the walk is considered a ramp and must employ the applicable design requirements, including railing or edge protection.



Notes:

Requirement 1 Violation: No Curb Ramp or Access Aisle

This photograph shows an entrance walk that doesn't lead from the building entrance to a pedestrian arrival area, in this case a parking lot. There is no curb ramp provided at the access aisles.

When entrance walks are required to be accessible under Requirement 1, they must be accessible and lead from the pedestrian arrival area to the covered dwelling units. When accessible walks lead to a parking area there must not be any steps. Curb ramps must be provided or a curbless design may be used to provide access.

Access aisles must adjoin an accessible route to the walks.

Requirement 1 Solution: Provide Curb Ramp or Access Aisle

The solution to this violation is to provide an accessible route from pedestrian arrival points.

Notes:

Topic 2: Key Takeaways

- All covered multifamily dwellings must have at least one accessible building entrance on an accessible route unless it is impractical to do so because of the terrain or unusual characteristics of the site.
- Entrance walks required to be accessible under Requirement 1 must connect the building entrance with pedestrian arrival points.
- Entrance walks must have slopes that do not exceed 1:20 (one inch of rise for every 20 inches of run, or length).
- If slopes exceed 1:20, walks must be designed as ramps. Ramps must have handrails on both sides, have edge protection, and appropriate size landings at the top and bottom of the ramp.
- Ramps must not have slopes that are steeper than 1:12.
- Curb ramps must be provided or a curbless design may be used to provide access.
- Access aisles must adjoin an accessible route to the walks.

Notes:

Topic 3: Common Violations and Solutions with Requirement 2

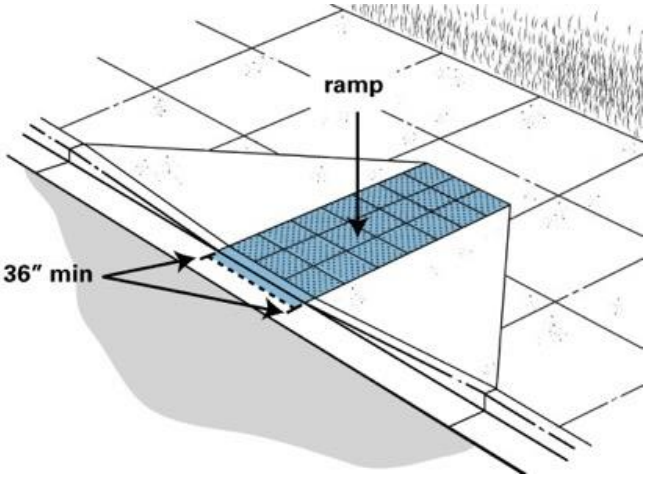
Requirement 2: Accessible and Usable Public and Common Use Areas

The second requirement of the Fair Housing Act calls for accessible and usable public and common use areas. Public and common use areas are all parts of the housing outside individual units, including amenities such as parking lots, storage areas, recreational areas, lobbies, and laundry areas. Let's explore some of the common violations of Requirement 2.

Requirement 2 Violation: Poorly Designed Curb Ramps

A common violation is the provision of curb ramps providing access to various parts of public and common use areas that are steep, have steep flared edges, or are accessed only from or into heavily trafficked areas.

Curb ramps come in a variety of shapes and sizes. But regardless of their configuration, they are a key way to access different parts of a property. If they are too steep, they can be dangerous or unusable. If they consist only of built-up curb ramps, they may lack sufficient width or flare sides, which may cause people using them to fall off the sides.



If the curb ramps place their users in areas where vehicles travel, they can result in avoidable traffic accidents.

Improperly designed curb ramps, also known as curb cuts, can be a hazard for all residents if they are not placed thoughtfully and constructed according to standards.

Notes:

Requirement 2 Violation: Improperly Designed Curb Ramp

This photograph shows a curb ramp that does not comply with ANSI A117.1 (1986), as the Guidelines require.

This ramp protrudes out into the parking area and has an abrupt drop off on the edge facing the parking lot, which could prove a hazard for someone who may fall off the edge. Protruding ramps such as this should have flared edges, or the edge may be protected by a raised curb along the exposed edge.

Requirement 2 Violation: Side Flares Too Steep

This image shows a curb ramp that forms part of the walkway, subject to pedestrian cross traffic. The Guidelines and ANSI require curb ramps that are subject to cross traffic to have side flares that are gently sloped no steeper than 1:12.

The side flares on this ramp are too steep.

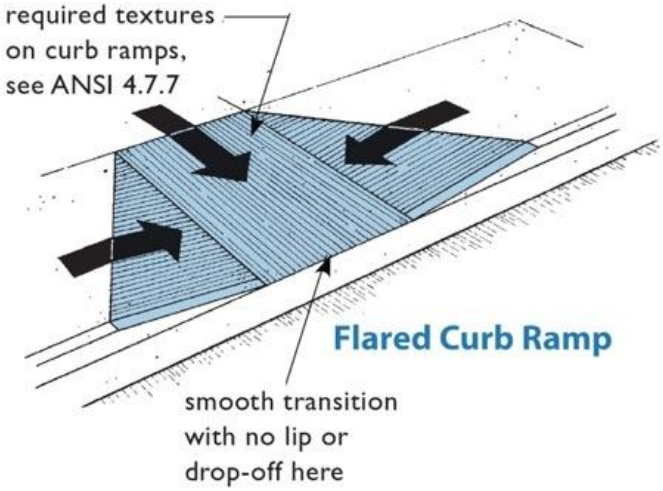
Notes:

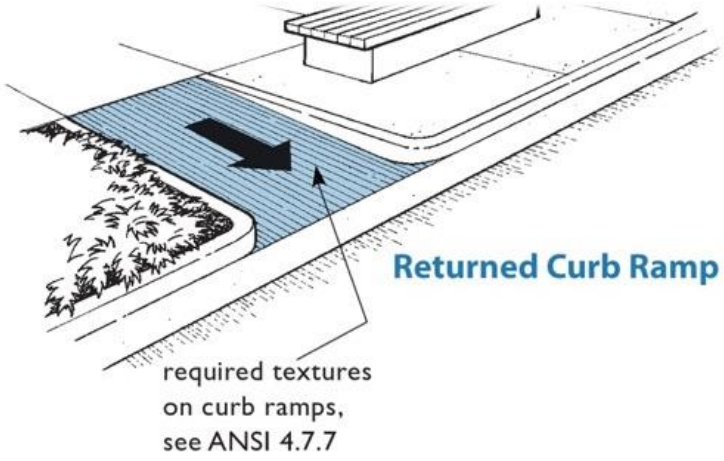
Requirement 2 Solution: Correctly Designed and Graded Curb Ramps

Correctly designed and graded curb ramps provide an accessible route. These transitions between roads, parking areas, access aisles, and sidewalks allow a pedestrian route to remain accessible to people who use wheelchairs and other mobility aids.

Some of the key features that curb ramps must have are:

- Running slopes that do not exceed 1:12.
- A minimum width of 36 inches.
- Flare sides are required to be sloped at 1:12 or less.





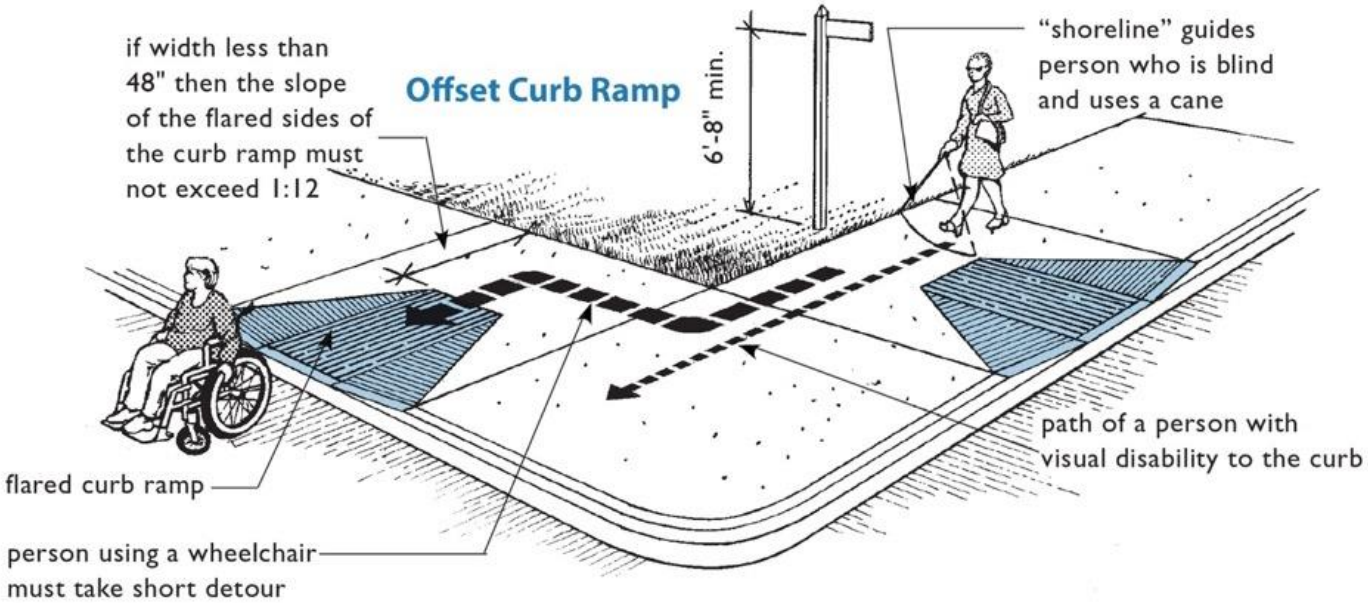
These transitions between roads, parking areas, access aisles, and sidewalks allow a pedestrian route to remain accessible to people who use wheelchairs and other mobility aids.

Curb ramps are a necessity for people with mobility impairments but may represent a hazard to people who are blind who use the curb as a “cue” if they are not warned when they are entering the street.

Notes:

Fair Housing Act:
Common Violations and Solutions

The 1986 ANSI Standard requires a texture on curb ramp surfaces to make them detectable. Later national accessibility standards and the most recent ICC A117.1 standard specify truncated domes as detectable warnings that more effectively serve this purpose. But the textures alone often do not provide enough of a cue, and a person with a visual impairment may inadvertently enter the street. Locating curb ramps out of the usual line of pedestrian flow and "shorelines" (an edge between sidewalk and grass or other cane-detectable surface) is one solution to this problem.



Notes:

Fair Housing Act:
Common Violations and Solutions

Requirement 2 Violation: Accessible Route Blocked by Parked Cars

This photograph provides an example of an accessible route that will be blocked by cars. This sidewalk leads to a bus stop visible in the distance. When cars are parked, access to this facility would be denied to people who use wheelchairs or other mobility aids. There must be an access aisle in the parking lot to provide permanent access to the walkway.

Requirement 2 Solution: Curb Ramps on All Pedestrian Walkways

Providing curb ramps on all pedestrian walkways throughout the properties ensures that people who use wheelchairs or other mobility aids always have an accessible route.

For accessible routes to parking, ensure there is a clearly marked access aisle in the parking lot to ensure an accessible route to and from parking areas.

Notes:

Fair Housing Act:
Common Violations and Solutions

Requirement 2 Violation: No Accessible Parking at Facility

This photograph shows a community mail room in a multifamily development with no accessible parking to reach the facility. The Guidelines, in Requirement 2, require that accessible parking be provided at public and common use facilities where parking is provided. This provision allows persons with mobility disabilities to drive to the facility and access it.

Requirement 2 Solution: Provide Accessible Parking

Provide accessible parking at public and common use areas where parking is provided. This includes rental and management offices, model units, mailbox kiosks, swimming pools, tennis courts, clubhouses, garbage dumpsters, and playgrounds. An accessible parking space must be designed and built according to the specifications in the ANSI standard. Some key features required are:

- A parking space at least 8 feet wide with signage showing the symbol of accessibility.
- A 5-foot minimum width transfer/access aisle adjacent to the parking space, that is also on an accessible route to the facility. This allows a person using a wheelchair to transfer out of their vehicle and access the facility.

Notes:

Topic 3: Key Takeaways

- Improperly designed curb ramps, also known as curb cuts, can be a hazard for all residents if they are not placed thoughtfully and constructed according to standards.
- Correctly designed and graded curb ramps provide an accessible route.
- Curb ramps must have running slopes that do not exceed 1:12, be a minimum width of 36 inches, and have flare sides are required to be sloped at 1:12 or less.
- The 1986 ANSI Standard requires a texture on curb ramp surfaces to make them detectable.
- Providing curb ramps on all pedestrian walkways throughout the properties ensures that people who use wheelchairs or other mobility aids always have an accessible route.
- The Guidelines, in Requirement 2, require that accessible parking be provided at public and common use facilities where parking is provided.
- Accessible parking spaces must be at least 8 feet wide, marked with signage showing the symbol of accessibility, and have a 5-foot minimum width transfer/access aisle adjacent to the parking space that is also on an accessible route to the facility.

Notes:

Topic 4: Common Violations and Solutions with Requirement 3

Requirement 3: Usable Doors

The regulations for the Fair Housing Act state that "...covered multifamily dwellings with a building entrance on an accessible route shall be designed in such a manner that all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by [persons with disabilities] in wheelchairs."

The Fair Housing Act and the Guidelines cover all doors designed to allow passage into and within all premises. However, doors in public and common use areas and primary entry doors of covered dwelling units must meet more stringent requirements for accessibility than doors that are located inside each dwelling unit.

To clarify this difference, the Fair Housing Act Design Manual refers to doors in public and common use areas and primary entry doors of covered dwelling units as **accessible doors**. Doors which are interior to the dwelling unit, and which are subject to less stringent requirements for accessibility, are referred to as **usable doors**.

Accessible Door Example

Usable Door Example

Notes:

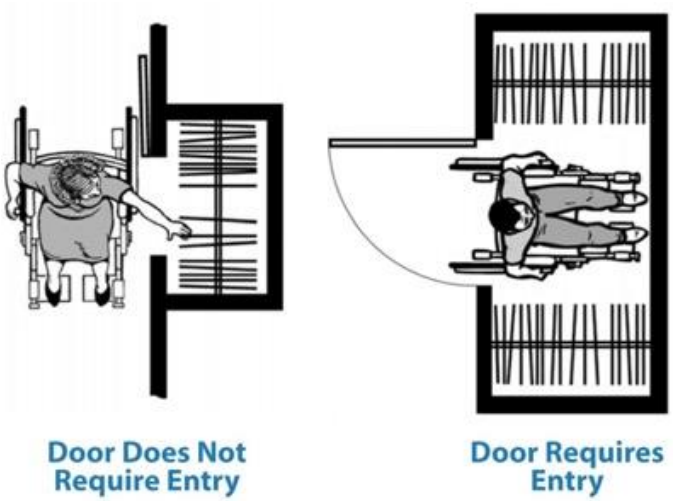
Requirement 3 Violation: Dwelling Interior Doors Not Wide Enough

The floor plan illustrations show two closets.

The closet on the left is a reach-in closet that can be accessed. Since the door is not a door intended for passage, it may be of any width.

The closet on the right is a deeper closet that requires passage through the door to access the closet. Because it is a door intended for passage it would be required to provide a nominal 32” clear opening.

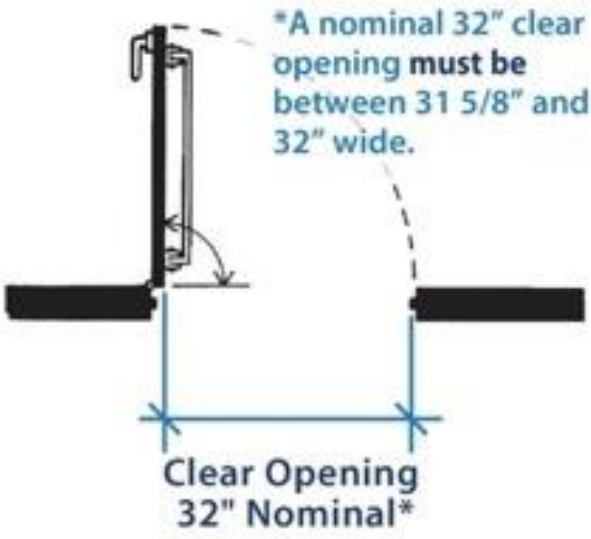
This discussion applies to all storage type rooms within covered dwellings including closets, storage rooms, and kitchen pantries.



Requirement 3 Solution: Construct All Interior Doorways Intended for Passage with a Nominal 32” Clearance

The Guidelines adopt the term “nominal” to distinguish between the door width requirement in the interior of dwelling units from the door width in public areas that must provide an actual 32” clear opening.

This specification allows builders and designers to use standard 34” wide doors which sometimes are shy of providing an actual 32” clear opening. A nominal 32” clear opening is between 31 5/8” and 32” wide.

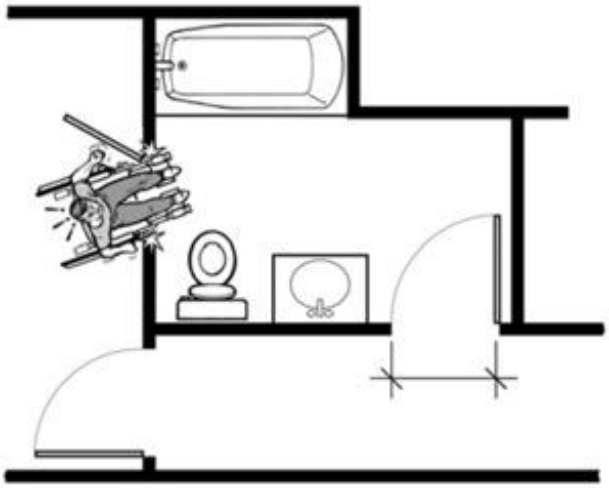


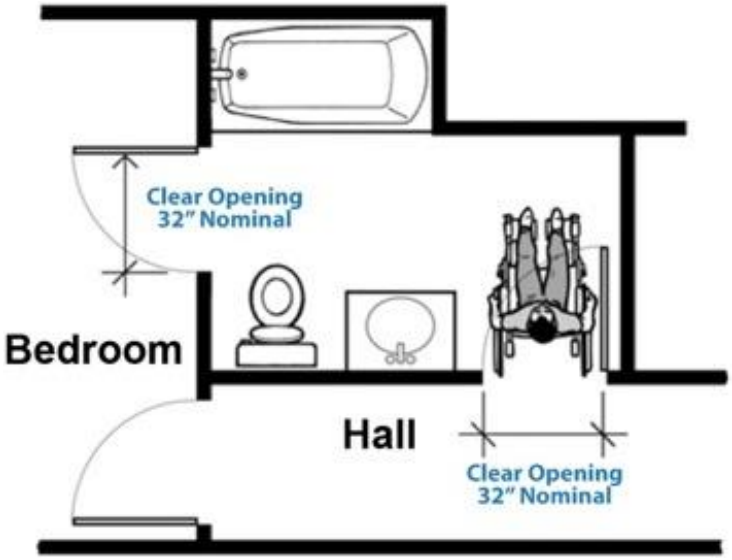
Notes:

Fair Housing Act:
Common Violations and Solutions

Requirement 3 Violation: A Second Door to a Bathroom Is Not Wide Enough

This illustration depicts a bathroom with two doors, one of which is not wide enough to permit passage to a wheelchair user.





Requirement 3 Solution: Bathroom Doors Should Be Wide Enough for Access

To be usable, all bathroom doors must be wide enough for a wheelchair user to pass through them. Because it is a door intended for passage it would be required to provide a nominal 32" clear opening. A nominal 32" clear opening is between 31 5/8" and 32" wide.

Notes:

Topic 4: Key Takeaways

- The Fair Housing Act Design Manual refers to doors in public and common use areas and primary entry doors of covered dwelling units as accessible doors. Doors that are interior to the dwelling unit, and which are subject to less stringent requirements for accessibility, are referred to as usable doors.
- If a closet is deep enough to require passage through the door to access the closet, the door must provide a nominal 32” clear opening.
- A nominal 32” clear opening is between 31 5/8” and 32” wide.
- To be usable, all bathroom doors must be wide enough for a wheelchair user to pass through them.

Notes:

Topic 5: Common Violations and Solutions with Requirement 4

Requirement 4: Accessible Routes Into and Through Covered Unit

Under the Fair Housing Act, "...covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain an accessible route into and through the covered dwelling unit."

The accessible route must pass through the main entry door, continue through all rooms in the unit, adjoin required clear floor spaces at all kitchen appliances and all bathroom fixtures, and connect with all secondary exterior doors.

Notes:

Requirement 4 Violation: Step at Primary Entry Door

Under Requirement 4, the Guidelines specify that the primary exterior entrance landing to a ground floor dwelling must be no more than 1/2” below the finish floor of the unit if the landing is made of impervious material, like concrete. At the primary entrance, if the landing is of pervious material (i.e., wood decking) the landing must be flush with the finish floor.

This photograph shows a common violation, where the entrance landing is 4” to 5” below the floor of the dwelling.

This photograph provides another example of a step at a primary entry door, this time only 1” to 2” below the finish floor of the unit.

Frequently, the architectural plans may specify that the landing be flush with the finish floor, but during construction the contractor may drop the landing a few inches, following a convention which is not allowed.

Requirement 4 Solution: Eliminate Level Changes at Entrance Doors

Within single-story dwelling units (and on the primary entry level of multistory dwelling units in buildings with elevators) the maximum vertical floor level change is 1/4 inch, except when a tapered threshold is used, the maximum height is 1/2 inch.

Notes:

Fair Housing Act:
Common Violations and Solutions

Requirement 4 Violation: Threshold Too High

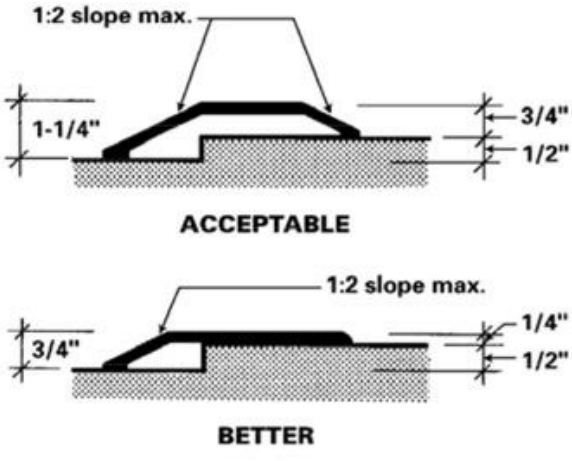
This photograph shows a threshold with an abrupt level change.

The Guidelines require that exterior door thresholds must be no higher than 3/4” above finish floor, and they must be beveled 1:2 or less.

Requirement 4 Solution: Door Thresholds Are Beveled 1:2 or Less on Both the Interior and Exterior Edges and Are Less Than ¾” High

These cross sections show two compliant solutions for a primary entrance door. The top profile is the absolute maximum allowed by the Guidelines:

- The exterior landing is dropped 1/2” below finish floor.
- The top of the threshold is 3/4” above finish floor.
- From the exterior, the top of the threshold is 1 1/4” above the landing.
- Both the interior and exterior sides of the threshold must be beveled 1:2 or less.



Level Changes at Thresholds

The bottom diagram shows a flatter design that exceeds Guideline specifications. The top of the threshold is only 1/4” above finish floor.

- The exterior landing is still dropped 1/2”, leaving the top of the threshold from the exterior 3/4” above the landing.
- The exterior of the threshold must be beveled 1:2 or less. The interior side does not have to be beveled because abrupt level changes up to 1/4” are allowed.

Notes:

Topic 5: Key Takeaways

- The Fair Housing Act requires that an accessible route must pass through the main entry door, continue through all rooms in the unit, adjoin required clear floor spaces at all kitchen appliances and all bathroom fixtures, and connect with all secondary exterior doors.
- Requirement 4 of the Guidelines specifies that the primary exterior entrance landing to a ground floor dwelling must be no more than 1/2” below the finish floor of the unit if the landing is made of impervious material, like concrete.
- At the primary entrance, if the landing is of pervious material (i.e., wood decking), the landing must be flush with the finish floor.
- Within single-story dwelling units (and on the primary entry level of multistory dwelling units in buildings with elevators) the maximum vertical floor level change is 1/4 inch, except when a tapered threshold is used, the maximum height is 1/2 inch.
- The Guidelines require that exterior door thresholds must be no higher than 3/4” above finish floor, and they must be beveled 1:2 or less.

Notes:

Topic 6: Common Violations and Solutions with Requirement 5

Requirement 5: Light Switches, Electrical Outlets, Thermostats and Other Environmental Controls in Accessible Locations

The ANSI specifications for accessible controls and operating mechanisms require a clear floor space to allow an approach by a person using a wheelchair, specify the height of the operable portion of the control, and require little or no force be exerted to operate the control.

The Fair Housing Accessibility Guidelines do not require controls to be fully accessible but specify that light switches, electrical outlets, thermostats, and other environmental controls, which are operated on a regular or frequent basis in the daily use of a dwelling unit, be in accessible locations.

Requirement 5 Violation: Switches, Electrical Outlets, and Other Controls Are Placed Too High or Too Low

When switches, electrical outlets, and other controls are placed too high or too low, they become inaccessible to some users.

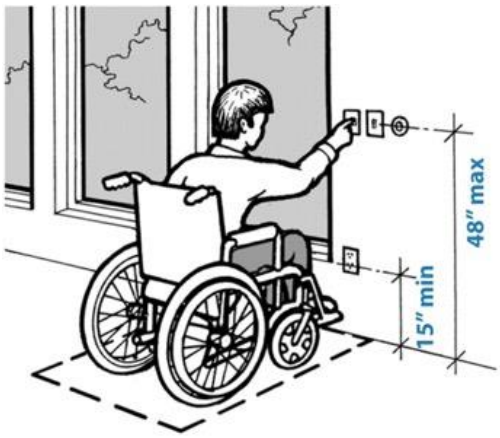
Notes:

Requirement 5 Solution: Correct Placement of Outlets and Switches

The Guidelines require that outlets be placed no lower than 15” above finish floor.

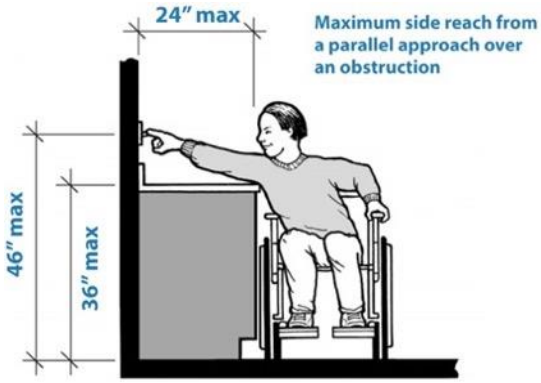
When a typical duplex outlet is used, both receptacles must be 15” above the floor.

Outlets, switches, and thermostats not located over countertops or other obstructions must be no higher than 48” above finish floor.



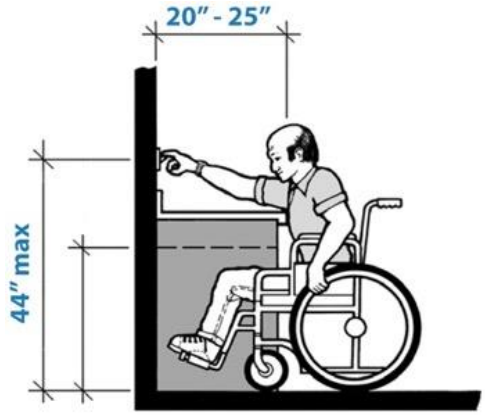
Outlets and Switches Over Obstructions Without Knee Space

Outlets and switches over kitchen counters must be placed appropriately to ensure that operable parts of the device are no higher than 46” above the finish floor for side approach.



Outlets and Switches Over Obstructions with Knee Space

If outlets and switches are located over obstructions 20” - 25” deep and the obstruction has knee space, they must be no higher than 44” above the finish floor for forward approach.



Notes:

Topic 6: Key Takeaways

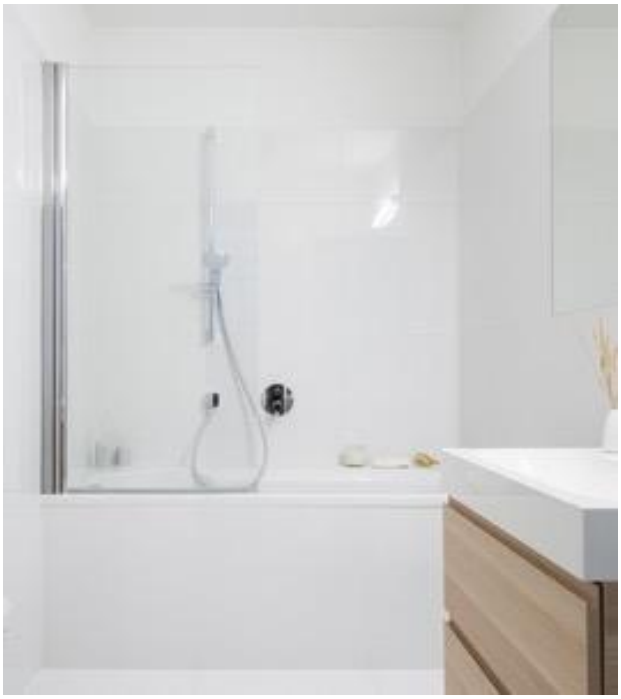
- The Fair Housing Accessibility Guidelines do not require controls to be fully accessible but specify that light switches, electrical outlets, thermostats, and other environmental controls, which are operated on a regular or frequent basis in the daily use of a dwelling unit, be in accessible locations.
- The Guidelines require that outlets be placed no lower than 15” above finish floor. When a typical duplex outlet is used, both receptacles must be 15” above the floor.
- Outlets, switches, and thermostats not located over countertops or other obstructions must be no higher than 48” above finish floor.
- Outlets and switches over kitchen counters must be placed appropriately to ensure that operable parts of the device are no higher than 46” above the finish floor for side approach.
- If outlets and switches are located over obstructions 20” - 25” deep and the obstruction has knee space, they must be no higher than 44” above the finish floor for forward approach.

Notes:

Topic 7: Common Violations and Solutions with Requirement 6

Requirement 6: Reinforced Walls in Bathrooms for Later Installation of Grab Bars

The Fair Housing Accessibility Guidelines (the Guidelines) do not require that grab bars be installed in bathrooms. However, the Guidelines do require that bathroom walls be sufficiently strong to allow for later installation of grab bars for resident use. This requirement applies to all bathrooms and also to powder rooms when the powder room is the only toilet facility on the entry level of a multistory dwelling unit in an elevator building.



Requirement 6 Violation: Reinforcing Is Not Placed in Walls During Construction So Grab Bars May Be Installed Later

If reinforcing is not placed in walls during construction, grab bars may not be able to be installed later.

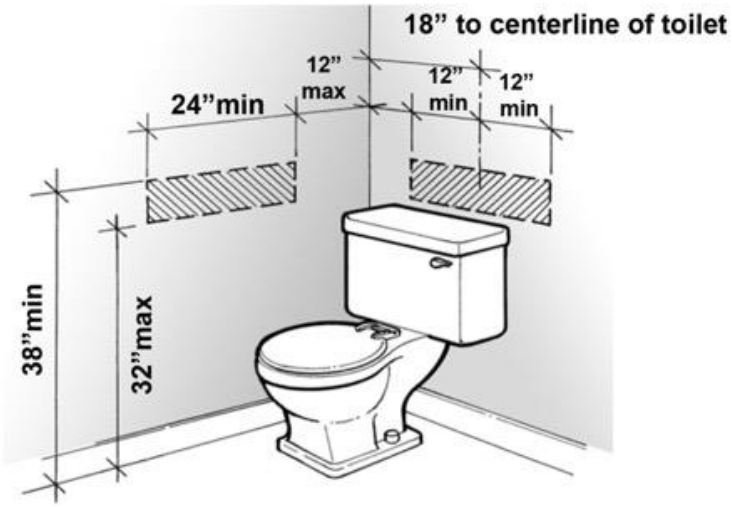
Notes:

Requirement 6 Solution: Install Reinforcing During Construction or Use Factory Reinforced Tub and Shower Units

Grab bars are critical for many people with mobility impairments to be able to safely transfer on and off the toilet. Safety for everyone is greatly increased by the addition of grab bars at bathtubs and showers. The Guidelines do not prescribe the type or size of grab bars, nor the structural strength they must exhibit. The Guidelines state only that the necessary reinforcement must be placed "to permit the later installation of appropriate grab bars." HUD encourages builders to look at the 1986 ANSI A117.1 Standard, or an equivalent or stricter standard, or their state or local building code in planning for or selecting appropriate grab bars.

Reinforcing at Toilets

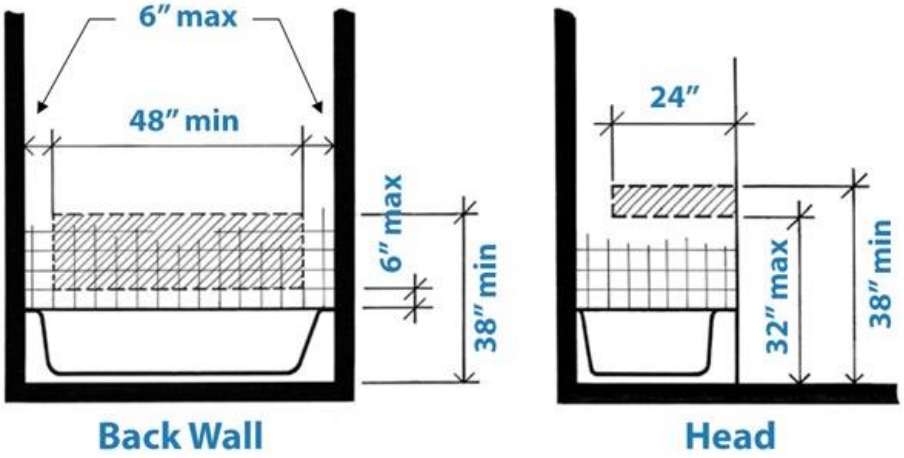
The Guidelines specify that reinforcing at least 6 inches wide by 24 inches long, capable of supporting grab bars, be provided behind and beside toilets. These minimal areas to be reinforced are adapted from the 1986 ANSI A117.1 Standard. However, the reinforcing should be both longer and wider, so sufficient solid material is available to mount grab bars of differing lengths, mounting configurations, and designs.



Notes:

Reinforcing at Bathtubs

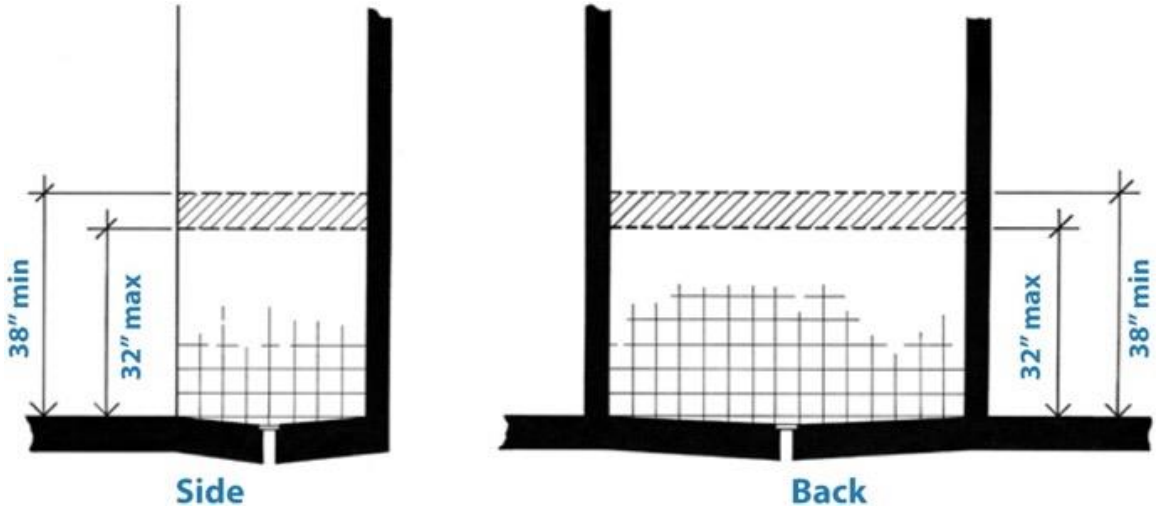
At bathtubs also, the Guidelines illustrate minimum areas around the back wall and both end walls of a bathtub where reinforcing must be placed.



Reinforcing at Showers

Finally, the Guidelines illustrate minimum areas to reinforce in the walls around showers.

In certain situations, for instance, if a shower is the only bathing fixture, it is also required to have reinforcing for a wall-hung shower seat.



Notes:

Topic 7: Key Takeaways

- The Fair Housing Accessibility Guidelines do not require that grab bars be installed in bathrooms.
- The Guidelines do require that bathroom walls be sufficiently strong to allow for later installation of grab bars for resident use.
- This requirement applies to all bathrooms and also to powder rooms when the powder room is the only toilet facility on the entry level of a multistory dwelling unit in an elevator building.
- The Guidelines specify that reinforcing at least 6 inches wide by 24 inches long, capable of supporting grab bars, be provided behind and beside toilets.
- The Guidelines illustrate minimum areas around the back wall and both end walls of bathtubs and showers.

Notes:

Topic 8: Common Violations and Solutions with Requirement 7

Requirement 7: Usable Kitchens and Bathrooms

Kitchens that comply with the Fair Housing Accessibility Guidelines can be designed to look and function like conventional kitchens typically found in multifamily housing. The Guidelines specify that three specific require-ments must be provided to allow people who rely on mobility aids to “use” the kitchen. “Usable” kitchens, as specified in the Guidelines, are not necessarily “accessible” kitchens, but they do provide maneuvering space for a person who uses a wheelchair, scooter, or walker to approach and operate most appliances and fixtures.

The Guidelines:

- Specify minimum clear floor spaces at fixtures and appliances,
- Define minimum clearance between counters, and
- Provide additional specifications when a U-shaped kitchen is planned.

The Fair Housing Accessibility Guidelines provide specifications for bathroom design that make it possible for people who use mobility aids, and who previously could not even get into conventional bathrooms in multifamily housing, to now use such facilities. Though not fully accessible, when designed to comply with the Guidelines, these “usable” bathrooms provide a person who uses a wheelchair, scooter, walker, or other mobility aid with a bathroom that has enough maneuvering space to allow the person to enter, close the door, use the fixtures, and exit.

Notes:

Fair Housing Act:
Common Violations and Solutions

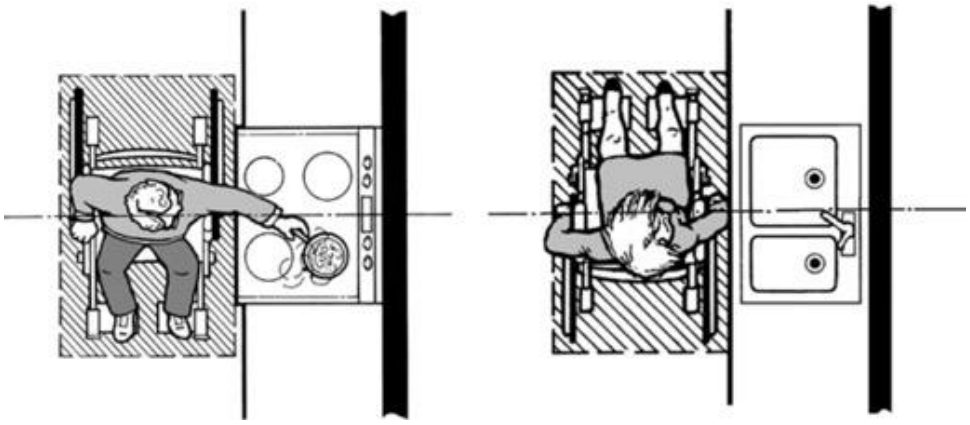
Requirement 7 Violation: No 30”x48” Clear Floor Space Parallel to and Centered on Sink

Unless a kitchen sink has ANSI-compliant knee space beneath, the Guidelines require a 30”x48” clear floor space that is parallel to and centered on the kitchen sink.

This photograph shows a sink too close to the corner of an L- shaped cabinet design.

In this situation, to meet this requirement, there would need to be 24” from the centerline of the sink to the face of the adjacent cabinets or it is necessary to have a cabinet that provides knee clearance that is 27” high by 30” wide.

Requirement 7 Solution: Provide 30”x48” Clear Floor Space Centered at the Kitchen Sink

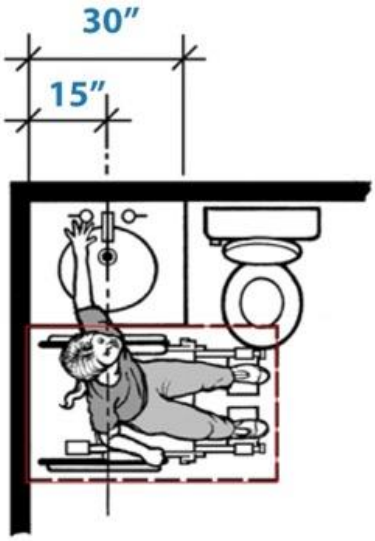


The clear floor space provided in this parallel and centered orientation allows a person using a wheelchair to make a close side approach, permitting a safer and shorter reach to the sink and range/cooktop.

Notes:

Fair Housing Act:
Common Violations and Solutions

Requirement 7 Violation: The Bathroom Lacks a 30”x48” Clear Floor Space Parallel to and Centered on the Lavatory



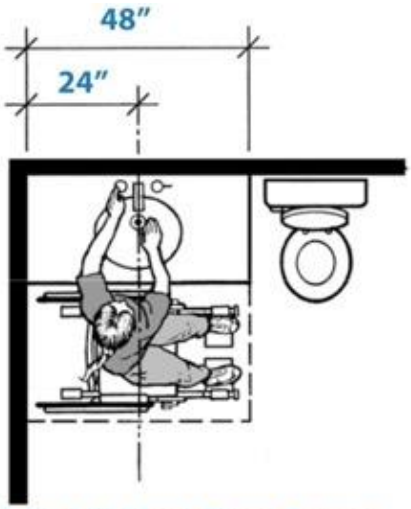
Without a 30”x48” clear floor space parallel to and centered on the lavatory, some users will be unable to access the lavatory.

Requirement 7 Solution: Clear Floor Space at Lavatories

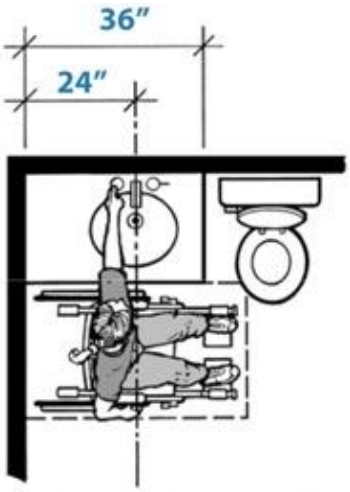
As at kitchen sinks, the Guidelines also require a 30”x48” clear floor space at the lavatory so a person who uses a wheelchair can get close enough to the basin and controls to use the fixtures.

The required 30”x48” clear floor space must be parallel to and centered on the basin.

For a 48” wide vanity up against an adjacent side wall, the basin could be centered. However, for a 36” wide vanity the sink would have to be offset to obtain the required clear floor space.



30”x48” Clear Floor Space Centered on Lavatory



Offset Basin Reduces Vanity Length

Notes:

Topic 8: Key Takeaways

- "Usable" kitchens, as specified in the Guidelines, are not necessarily "accessible" kitchens, but they do provide maneuvering space for a person who uses a wheelchair, scooter, or walker to approach and operate most appliances and fixtures.
- The Guidelines specify minimum clear floor spaces at fixtures and appliances, define minimum clearance between counters, and provide additional specifications when a U-shaped kitchen is planned.
- Unless a kitchen sink has ANSI-compliant knee space beneath, the Guidelines require a 30"x48" clear floor space that is parallel to and centered on the kitchen sink.
- The Guidelines also require a 30"x48" clear floor space at the lavatory.
- For both the kitchen sink and bathroom lavatory, the required 30"x48" clear floor space must be parallel to and centered on the basin.
- For a 36" wide vanity the sink would have to be offset to obtain the required clear floor space.

Notes:

Resources

The Fair Housing Accessibility FIRST program Design and Construction Resource Center is staffed Monday through Friday from 8 AM to 5:30 PM eastern.

- You can reach the DCRC toll-free at 888-341-7781.
- Or you can reach the DCRC at **FairHousingFirst@hud.gov**.
- You can also subscribe via **the website** for updates from the Fair Housing Accessibility FIRST program.

In addition, we will post this training to the Fair Housing Accessibility FIRST website within the next few months.

Contacts

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