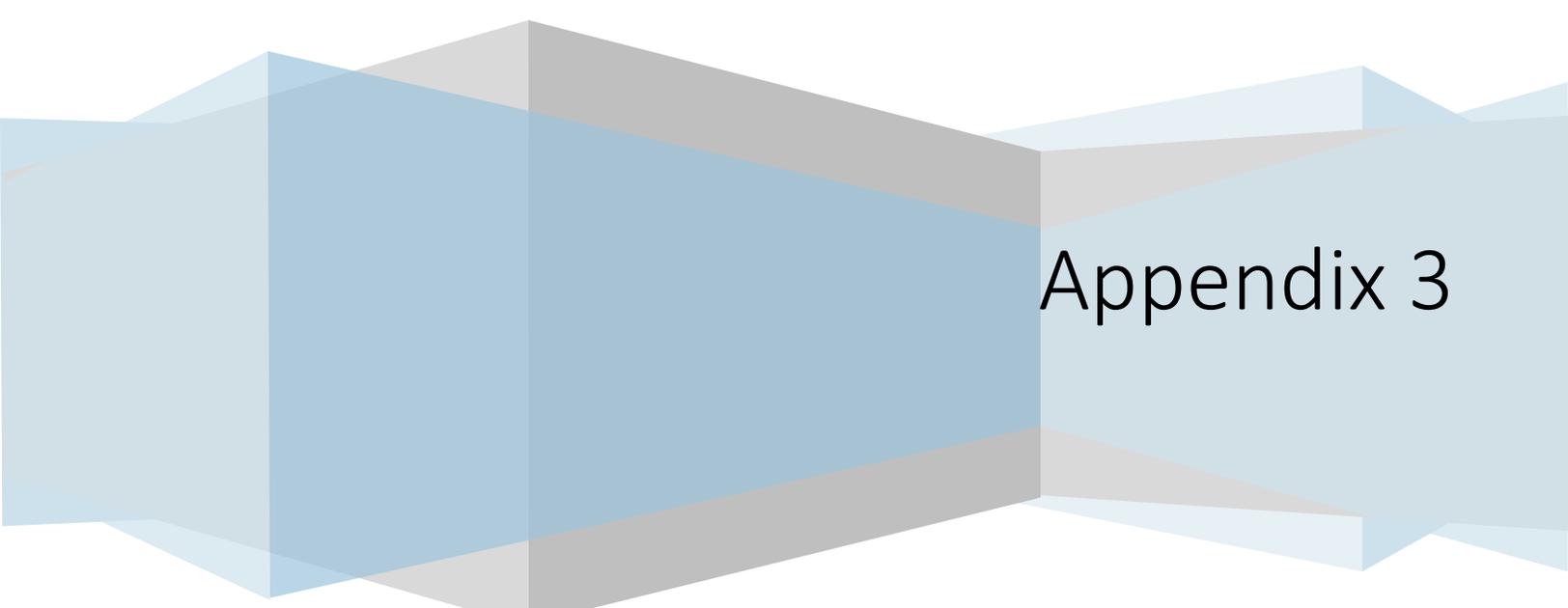


# Accessibility & Fair Housing

CDBG/HOME Guidebook



Appendix 3



This appendix describes key compliance elements for housing assisted with HOME or CDBG funds. Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act prohibit discrimination based on disability and establish requirements for program accessibility and physical accessibility in connection with housing programs.

In many cases new construction of rental projects funded with HOME or CDBG funds must meet both the Fair Housing Act and the Section 504 new construction requirements. Where two or more accessibility standards apply, the housing provider is required to follow and apply both standards so that maximum accessibility is obtained.

## Section 504 of the Rehabilitation Act of 1973

### *Program Accessibility*

Individuals with handicaps must be able to find out about, apply for and participate in Federally-assisted programs or activities.

- Special communication systems may be needed for outreach and ongoing communication;
- Policies and procedures must be non-discriminatory
- Employment must be accessible. Employers must not discriminate, they must remove physical and administrative barriers to employment and make reasonable accommodations for individuals with known handicaps.
- If grant recipients have 15 or more employees they must:
  - Designate a Section 504 Coordinator;
  - Notify program participants and employees of non-discrimination policies; and
  - conduct self-evaluations of compliance with Section 504.

### *New Construction and Rehabilitation*

**New Construction** - HUD regulations implementing Section 504 require that new construction of multifamily projects be designed and constructed to be readily accessible to and usable by persons with disabilities. Multifamily housing projects are defined as projects containing 5 or more dwelling units. Both the individual units and the common areas in the building must be accessible.

**Rehabilitation** - Section 504 requires that if alterations are undertaken to a housing project that has 15 or more units, and the rehabilitation costs will be 75% or more of the replacement cost of the completed facility, then such developments are considered to have undergone “substantial alterations”. For substantial alterations of multifamily rental housing, the accessibility requirements must be followed.

## The Fair Housing Act

### *What Housing Is Covered?*

The Fair Housing Act covers most housing sold or rented in the United States. In some circumstances it exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

The Act prohibits discrimination in housing practices on the basis of race, color, religion, sex, and national origin. The Fair Housing Act also establishes requirements for the design and construction of new rental or for sale multifamily housing to ensure a minimum level of accessibility for persons with disabilities.

### *Covered Multifamily Dwelling Units*

The design and construction requirements in the Fair Housing Act apply only to a building designed and constructed for initial occupancy after March 13, 1991. The requirements will not apply to rehabilitation projects.

## The Fair Housing Act and Section 504 Requirements for Multifamily Housing

The Fair Housing Act	Section 504 of the Rehabilitation Act
<p><b><i>New Construction</i></b></p> <p>The design and construction requirements of the Fair Housing Act apply to all new multifamily housing consisting of <b>four or more dwelling units</b>.</p> <p>The design requirements apply to buildings built for first occupancy after March 13, 1991, which fall under the definition of “<b>covered multifamily dwellings</b>.” Covered multifamily dwellings are:</p> <ol style="list-style-type: none"> <li>1. all dwelling units in buildings containing <b>four or more dwelling units</b> if such buildings have one or more elevators. In other words, if a building has an elevator, all of the dwelling units in the building are covered.</li> </ol> <p style="text-align: center;"><u>and</u></p> <ol style="list-style-type: none"> <li>2. all ground floor dwelling units in other buildings containing <b>four or more units</b>.</li> </ol>	<p><b><i>New Construction</i></b></p> <p>HUD regulations implementing Section 504 require that <b>new construction</b> of multifamily projects be designed and constructed to be readily accessible to and usable by persons with disabilities. Multifamily housing projects are defined as projects containing <b>5 or more dwelling units</b>. Both the individual units and the common areas in the building must be accessible.</p> <ul style="list-style-type: none"> <li>• For new construction of multifamily rental projects, a minimum of 5% of the dwelling units in the project (but not less than one unit) must be accessible to individuals with mobility impairments.</li> <li>• An additional 2% of the dwelling units (but not less than one unit) must be accessible to individuals with sensory impairments (i.e., hearing or vision impairments).</li> </ul> <p><b><i>Rehabilitation</i></b></p>

<p>The Act does not require any renovations to existing buildings. Its design requirements apply to new construction only.</p> <ul style="list-style-type: none"> <li>• <b>Conversion:</b> If a building was used previously for a nonresidential purpose, such as a warehouse, office building or school, and is being converted to multifamily housing, the conversion is not covered.</li> <li>• <b>Additions to Existing Buildings:</b> When an addition is built as an extension to an existing building, the addition of four or more units is regarded as a new building and must meet the design requirements.</li> </ul>	<p>Section 504 requires that if alterations are undertaken to a housing project that has 15 or more units, and the rehabilitation costs will be 75% or more of the replacement cost of the completed facility, then such developments are considered to have undergone “substantial alterations”. For substantial alterations of multifamily rental housing, the accessibility requirements must be followed:</p> <ul style="list-style-type: none"> <li>• a minimum of 5% of the dwelling units in the project (but not less than one unit) must be accessible to individuals with mobility impairments.</li> <li>• An additional 2% of the dwelling units (but not less than one unit) must be accessible to individuals with sensory impairments (i.e., hearing or vision impairments).</li> </ul> <p><i>Other Alterations</i></p> <p>When other alterations that do not meet the regulatory definition of substantial alterations are undertaken in multifamily rental housing projects of any size, these alterations must, to the maximum extent feasible, make the dwelling units accessible to and usable by individuals with disabilities, until a minimum of 5% of the dwelling units (but not less than one unit) are accessible to people with mobility impairments.</p>
<p><b>Design and Construction Requirements</b></p>	<p><b>Design and Construction Requirements</b></p>
<p>The <i>Fair Housing Act Design Manual</i> has been produced by HUD to assist designers, builders and developers in understanding and conforming with the design requirements of the Fair Housing Act. <a href="#">Fair Housing Act Design Manual - HUD Exchange</a></p>	<p>Dwelling units designed and constructed in accordance with the <i>Uniform Federal Accessibility Standards (UFAS)</i> will be deemed to comply with the Section 504 regulation. <a href="#">UFAS (1984) (access-board.gov)</a></p>
<p><b>Summary of Requirements from Design Manual</b></p>	<p><b>Summary of Requirements</b></p>
<p><b>REQUIREMENT 1</b>  <b>Accessible Building Entrance on an Accessible Route:</b>                  Covered multifamily dwellings must have at least one building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual characteristics of the site. For all such dwellings with a building entrance on an accessible route the following six requirements apply.</p>	<p>See UFAS online <a href="#">UFAS (1984) (access-board.gov)</a></p>

**REQUIREMENT 2**

**Accessible and Usable Public and Common Use Areas:**

Public and common use areas must be readily accessible to and usable by people with disabilities. See Chapter Two.

**REQUIREMENT 3**

**Usable Doors:** All doors designed to allow passage into and within all premises must be sufficiently wide to allow passage by persons in wheelchairs. See Chapter Three.

**REQUIREMENT 4**

**Accessible Route Into and Through the Covered Dwelling Unit:**

There must be an accessible route into and through the dwelling units, providing access for people with disabilities throughout the unit. See Chapter Four.

**REQUIREMENT 5**

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

All premises within the dwelling units must contain light switches, electrical outlets, thermostats and other environmental controls in accessible locations. See Chapter Five.

**REQUIREMENT 6**

**Reinforced Walls for Grab Bars:** All premises within dwelling units must contain reinforcements in bathroom walls to allow later installation of grab bars around toilet, tub, shower stall and shower seat, where such facilities are provided. See Chapter Six.

**REQUIREMENT 7**

**Usable Kitchens and Bathrooms:** Dwelling units must contain usable kitchens and bathrooms such that an individual who uses a wheelchair can maneuver about the space. See Chapter Seven.