

Fair Housing

Accessibility | Solutions

The Fair Housing Act applies to new multi-family construction with four or more dwelling units built for first occupancy after March 13, 1991. It also covers condos, dormitories, assisted living centers and others. All “covered dwelling units” need to comply with the Act. What is a covered dwelling unit? Generally speaking, it includes all ground floor units and all units in building served by elevators.



The seven basic requirements for covered dwelling units and their public and common use areas are:

1. Units must have at least one accessible entrance and an accessible route must connect the entrance to parking, public streets, sidewalks.
2. The public and common use areas must be accessible and on an accessible route. (clubhouse, mail boxes, laundry facilities recreation areas, dumpsters...)
3. Doors at dwelling unit entries and common use areas must be accessible. Doors within the covered unit must be “usable”.
4. An accessible route must be provided into and through the covered dwelling units. This include all doors that provide user passage.
5. Light switches, electrical outlets, thermostats and other environmental controls are provided in accessible locations.
6. Bathrooms must have reinforced walls at tubs, showers and toilets so that a tenant may later add grab bars.
7. The units must have usable kitchens and bathrooms.

Considering the length of time since the law went into effect, it is expected that apartments be usable for a renter (or buyer in the case of a condo). One of the significant outcomes noted in settlement agreements reached through litigation is retrofitting the covered units to bring them into compliance since they did not meet the design and construction requirements. Common violations include: the number of compliant units provided does not conform with the Act, lack of accessible parking spaces and loading zones, no exterior accessible routes and lack of curb ramps. A few others include common use elements such as clubhouses are not accessible, doors into and through the covered unit are not wide enough, and bathrooms and kitchens are not built correctly. During the construction process local building officials rarely address the requirements of Fair Housing. Retrofitting can be a very expensive venture which could have been avoided with some

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pre-planning. HUD has 10 safe harbors which may be used to comply with Fair Housing. Follow the link to Fair Housing First for the complete list. <http://fairhousingfirst.org/faq/safeharbors.html>

Additionally, Fair Housing may not be the only law that will have to be met. Your funding source may also trigger additional requirements. If the project receives money from HUD, it will also have to comply with the Uniform Federal Accessibility Standards (UFAS). Also, the 2010 Standards for Accessible Design (ADA) have requirements for compliance at residential dwelling units for both HUD funded projects and projects which do not receive HUD funds.

This is not intended to be a comprehensive explanation of any of the requirements and is a very broad overview. Each project is unique and there is no way to cover the amount of information necessary to address specific issues in this short paper. Atelier is here to assist in your meeting compliance requirements by providing:

- Technical Assistance
- Thorough Plan Review
- Preliminary Site Visits
- Final Compliance Inspection

Please do not hesitate to contact our office if we can be of any assistance.