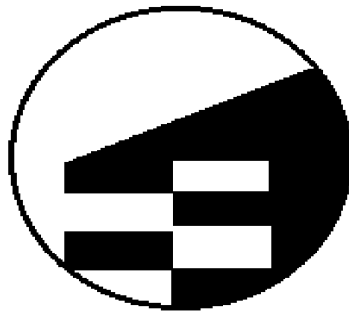


FAIR HOUSING ADVOCATES ASSOCIATION

**FAIR HOUSING
ACCESSIBILITY GUIDELINES
HANDBOOK**



**FAIR HOUSING ADVOCATES ASSOCIATION
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Washington, D.C.**

Recipient of HUD's 2000 Best Practices Award as one of the top 50 fair housing groups in the United States

**HOW MANY PIECES OF YOUR BEDROOM SUITE ARE COVERED UNDER
YOUR LANDLORD'S INSURANCE POLICY?**

NOT

1

IF A FIRE BREAKS OUT OR THE PIPES BURST AND YOUR PROPERTY IS DAMAGED, YOU WILL MOST LIKELY HAVE TO COVER THE COSTS TO REPLACE THE PROPERTY. CALL A NATIONWIDE AGENT TODAY TO GET INFORMATION ON RENTERS INSURANCE. THE COST IS USUALLY LESS THAN \$20 PER MONTH.

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FAIR HOUSING ACT & ACCESSIBILITY

WHAT IS THE FAIR HOUSING ACT?

The Fair Housing Amendments Act of 1988 amends Title VIII of the Civil Rights Act of 1968, which prohibits discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, and financing of dwellings. The 1988 Amendments also establish certain design and construction requirements for new multifamily housing built for first occupancy on or after March 13, 1991.

NEW CONSTRUCTION REQUIREMENTS UNDER THE FAIR HOUSING ACT

The Fair Housing Amendments Act of 1988 requires that covered multifamily dwellings built for first occupancy after March 13, 1991 include certain features of accessible design. Therefore, architects, builders, and other persons involved in the design and construction of housing must be aware of the Fair Housing Act design and construction requirements.

The Act that all ground floor units, including ground floors at different levels in the same building, be accessible. In addition, in buildings with an elevator, all units are required to be accessible.

DEFINING COVERED MULTIFAMILY DWELLINGS

Covered multifamily dwellings are buildings consisting of four or more dwelling units, if such buildings have one or more, and ground floor dwelling units in other buildings consisting of four or more dwelling units. This includes apartments, condominiums, single-story townhouses, vacation time-sharing, homeless shelters and other similar residential buildings.

OTHER DEFINITIONS

Accessible- Public or common use areas of the building that can be approached, entered, and used by disabled persons.

Accessible Route- Continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with severe disability using a wheelchair, and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators, and lifts. Exterior accessible routes may include parking access aisles, curb ramps walks, ramps, and lifts.

Building Entrance On An Accessible Route – An accessible entrance to a building that is connected by an accessible route to public transportation stops, to parking or passenger loading zones, or to public streets or sidewalks, if available.

Common Use Areas – Rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These include hallways, lounges, lobbies, laundry rooms, refuse rooms, recreational areas and passage ways among and between buildings.

Entrance- Any exterior access point to a building or portions of a building used by residents for the purpose of entering. Does include a door to a loading dock or a door used primarily as a service entrance, even if non-handicapped residents occasionally use that door to enter.

Ground floor-A floor of a building with a building entrance on an accessible route. A building may have one or more ground floors. Where the first floor containing dwelling units in a building is above grade, all units on that floor must be served by a building entrance on an accessible route. This floor will be considered to be a ground floor.

Handicap- A physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. Does not include current, illegal use of, or addiction to a controlled substance.

Physical or Mental Impairment-(1) Any physical disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; special sense organs; respiratory, including speech organs, reproductive, and such diseases as HIV, cancer, heart disease, diabetes, drug addiction, alcoholism, epilepsy, cerebral palsy, or (2) any mental illness, and specific learning disabilities.

PARTIES WHO MUST COMPLY WITH THE FAIR HOUSING ACT

- Architects;
- Builders;
- Building Contractors;
- Site Engineers; and
- Any other person(s) involved in the design and construction of residential housing.

FAIR HOUSING ACCESSIBILITY GUIDELINES

The purpose of the Fair Housing Accessibility Guidelines is to provide technical guidance on designing dwelling units as required by the Fair Housing Amendments Act of 1988. These Guidelines are not mandatory, but are intended to provide a safe harbor for compliance with the accessibility requirements of the Fair Housing Act.

REQUIREMENTS OF THE ACCESSIBILITY GUIDELINES

The Guidelines provide technical guidance on the specific requirements stated in the Fair Housing Amendments Act, which are:

I. AN ACCESSIBLE BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE

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

II. ACCESSIBLE AND USABLE PUBLIC AND COMMON USE AREAS

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

III. DOORS DESIGNED TO BE USABLE BY PERSONS IN WHEELCHAIRS

- * *Doors must be wide enough to enable a person in a wheelchair to maneuver through them easily.*
- * *Included are public and common-use doors leading into an individual dwelling unit, and **all** doors within the dwelling unit itself.*

- * *For wheelchairs, doors must have a minimum clear opening width of 32" (measure from face of door to the stop, with door open 90 degrees).*
- * *All types of doors are covered – hinged doors, sliding doors, folding doors.*
- * *Doors leading to any outdoor amenities the dwelling may have...balcony, patio, deck...are covered. If a deck or patio has doorways leading into two or more separate rooms, **all** of these doors must be usable.*

IV. AN ACCESSIBLE ROUTE INTO AND THROUGH THE COVERED DWELLING UNIT

- * *Thresholds of unit's exterior doors may not exceed 3/4" (also applies to sliding door tracks).*
- * *In single-story units, changes in height of 1/4" to 1/2" must be beveled. Those greater than 1/2" must be ramped or have other means of access.*
- * *Minimum **clear** width for accessible route inside the unit is 36".*
- * *Hallways, passages, and corridors must be wide enough to allow room to maneuver a wheelchair throughout the unit.*

V. LIGHT SWITCHES, ELECTRICAL OUTLETS, THERMOSTATS AND OTHER ENVIRONMENTAL CONTROLS IN ACCESSIBLE LOCATIONS

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

VI. REINFORCEMENTS IN BATHROOM WALLS FOR LATER INSTALLATION OF GRAB BARS

- * *Walls in bathrooms must be reinforced so that grab bars near the toilet, tub, shower, and shower seat, if provided, can be added later.*

VII. KITCHEN AND BATHROOM SPACE ORGANIZED SO AN INDIVIDUAL IN A WHEELCHAIR CAN MANEUVER ABOUT THE SPACE

- * *A minimum of 40" of clear floor space is required in kitchens to allow a person in a wheelchair to maneuver between opposing base cabinets, countertops, appliances, or walls.*
- * *A U-shaped design requires a minimum of 5' in diameter of **clear** space, or removable cabinets at the base of the "U."*
- * *Appliances must be located so they can be used by a person in a wheelchair. A 30" x 48" **clear** floor space is required for a parallel of forward approach.*
- * *Adequate maneuvering space is required in bathrooms so that a person in a wheelchair can easily enter, close the door, use the facilities and fixtures, and exit.*

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

ADDITIONAL REQUIREMENTS UNDER THE FAIR HOUSING ACT

The Fair Housing Amendments Act does not invalidate any law of a State or local government that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater accessibility than the requirements of the Fair Housing Amendments Act. Likewise, other Federal laws which required greater accessibility in certain housing, such as Section 504 of the Rehabilitation Act of 1973 or the Architectural Barriers Act of 1968, are not invalidated or replaced by the Fair Housing Act.

PENALTIES FOR NON-COMPLIANCE

Responsibility for complying with the law rests with any and all persons involved in the design and construction of covered multifamily dwellings. When the law has been violated, an administrative law judge or a Federal District Court will order relief. Such relief may include actual and compensatory damages, attorneys' fees and costs, properties and may also include civil penalties ranging from \$10,000 to \$50,000. In the case of buildings which have already been completed, structural changes could be ordered.

WHERE TO GET MORE INFORMATION

For more information concerning the Fair Housing Amendments Act design and construction requirements contact the:

- * ***FAIR HOUSING ADVOCATES ASSOCIATION (FHAA)***
(330) 253-2450 (Telephone)/ (330) 996-4264 (Fax)
- * ***U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD) 1-800-669-9777***
- * ***U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD) OFFICE OF PROGRAM COMPLIANCE/DISABILITY RIGHTS (202) 708-2618/ (202) 708-1251- Fax/ (202) 708-1247 –TTY***
- * ***OHIO CIVIL RIGHTS COMMISSION (OCRC)***
Toll Free: 1-888-278-7101
(330) 643-3100/ (330) 643-3120-fax

DISCLAIMER

THE FHAA SEEKS TO BE ACCURATE IN PROVIDING HOUSING INFORMATION TO PROSPECTIVE AND EXISTING TENANTS AND LANDLORDS, HOMESEEKERS, HOUSING PROVIDERS, AND THE GENERAL PUBLIC. IT RECOGNIZES THAT ERRORS MAY OCCUR. SUCH ERRORS WILL BE CORRECTED WHEN THEY ARE DISCOVERED. THE INFORMATION PROVIDED IN THIS HANDBOOK IS ONLY INTENDED TO PROVIDE ITS READERS WITH INFORMATION. SHOULD PERSONS WANT LEGAL ADVICE THEY SHOULD CONTACT AN ATTORNEY.

THIS HANDBOOK IS FINANCED IN PART BY THE CITY OF BARBERTON AND THE COUNTY OF SUMMIT THROUGH A GRANT FROM THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD), UNDER THE PROVISIONS OF TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACTS OF 1974 AND 1977.