

TEN SAFE HARBORS FOR COMPLIANCE WITH THE FAIR HOUSING ACT

A safe harbor is a law, accessibility standard, or building code identified by the U.S. Department of Housing & Urban Development (HUD) as consistent with the Fair Housing Act's Design & Construction Requirements. Once a specific safe harbor has been selected, designers and builders should comply with ALL of the relevant provisions in that document. The status of "safe harbor" may be lost if provisions are selected from a variety of sources.

1. HUD Fair Housing Accessibility Guidelines and the Supplemental Notice to Fair Housing Accessibility Guidelines
2. HUD Fair Housing Act Design Manual
3. ANSI A117.1 (1986)*
4. CABO/ANSI A117.1 (1992)*
5. ICC/ANSI A117.1 (1998)*
6. ICC/ANSI A117.1 - 2003 (Accessible and Usable Buildings and Facilities)
7. ICC Code Requirement for Housing Accessibility 2000 (CRHA)
8. International Building Code 2000 as amended by the 2001 Supplement to the International codes.
9. International Building Code (2003)*
10. 2006 International Building Code*

*used with the Fair Housing Act, HUD's regulations and the Guidelines. Visit www.fairhousingfirst.org for more information

THE DESIGN AND CONSTRUCTION REQUIREMENTS OF THE FAIR HOUSING ACT

The Fair Housing Act establishes requirements and guidelines intended to reduce barriers for individuals living with disabilities and to encourage the design and construction of accessible multifamily dwellings. The guidelines include seven design and construction requirements which apply to construction of multifamily dwellings containing four or more units and built for first occupancy after **March 13, 1991**.

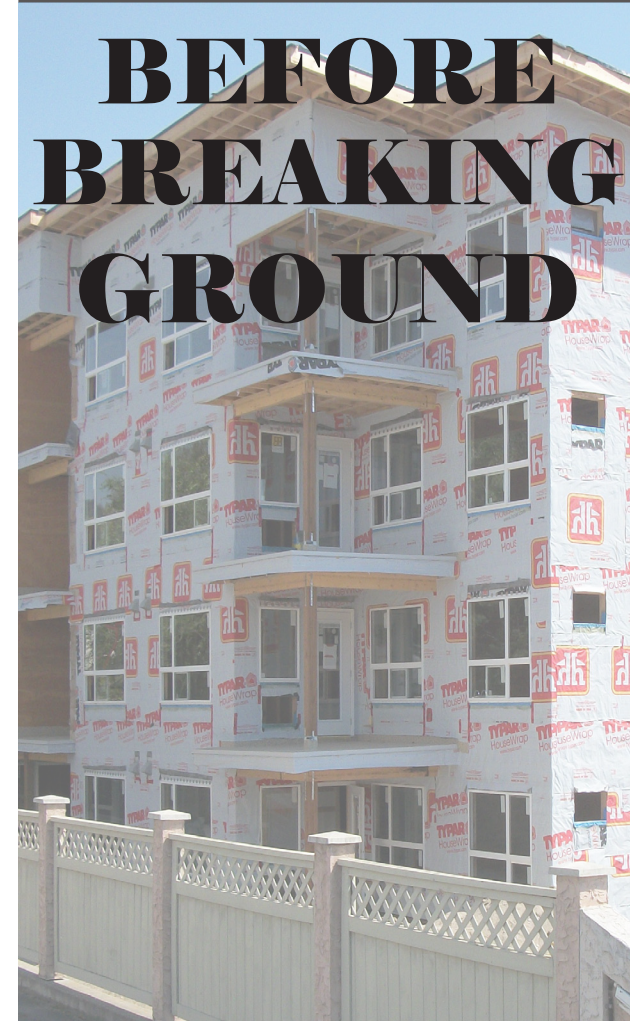
While the requirements may not provide relief for all situations involving individuals with disabilities, they are intended to aid builders, architects, engineers, and contractors in creating housing that is more accessible.

The seven design and construction standards contained in this brochure provide only a summary of each requirement. The Fair Housing Act Design Manual provides comprehensive information about the requirements and uses detailed illustrations to explain the application of the guidelines to multifamily housing.

www.fairhousingfirst.org



BEFORE BREAKING GROUND



INFORMATION THAT MAY
SAVE YOU MONEY



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No doubt you have heard the old adage, “measure twice, cut once”, meaning be sure you have prepared accurately because a mistake is likely to be costly or irreparable. This concept should be applied when preparing to embark on a multifamily construction project. Too frequently, multifamily developers neglect to incorporate federal accessibility requirements into the design and construction of a project from the outset and find themselves involved in costly lawsuits and retrofit efforts later, when the fully-completed building is found to be out of compliance. Contrary to common assumption, local building inspectors are not responsible for identifying violations of the Fair Housing Act’s design and construction standards. A property may pass plan review, building inspection, or be issued certificates of occupancy and still fail to meet fair housing accessibility requirements. Therefore, we hope you will take a few moments and read the contents of this pamphlet as a way to acquaint yourself with the seven accessibility standards required by federal law before you begin construction. We have also included some examples of common mistakes builders and architects make to help highlight the types of violations that can be extremely costly to correct after the construction is completed.

Accessibility violations may occur when an initial building design does not meet the federal requirements; they may also result from modifications made during the construction phase. Additionally, sub-contractors can cause the project to fall out of compliance when sidewalks, parking lots, fire extinguisher cabinets, door hardware, or other common construction components are added as the project nears completion. Any of these elements can lead to dwellings that are not accessible to or usable by people with physical disabilities.

The Fair Housing Act Design and Construction Standards were added to the original fair housing laws in 1988 to expand housing opportunity for people with disabilities. These standards are minimum standards only and do not ensure the property is accessible to everyone with a disability. While the goal of this brochure is to make you aware of the required standards, we encourage you to think creatively, use the technical resources included herein, and incorporate national best practices to make your housing available to as many people as possible.

THE SEVEN DESIGN AND CONSTRUCTION REQUIREMENTS OF THE FAIR HOUSING ACT

REQUIREMENT 1:
Accessible building entrance on accessible route

Multifamily dwellings must have at least one building entrance on an accessible route. In rare cases, after rigorous evaluation, some properties may be exempted from the requirement when it’s impractical to create an accessible route because of the terrain or the unusual characteristics of a site.

1

Common Violations:

- * Steps or steep ramps at the building entrance
- * Steps to access the unit entrance

REQUIREMENT 2:
Accessible and usable public and common use areas

Public and common areas must be readily accessible to and usable by persons with disabilities. These common areas include walkways, hallways, laundry rooms, mailboxes, and recreational areas.

2

Common Violations:

- * Steep or no curb ramps
- * Accessible routes blocked by legally parked cars
- * No accessible parking at building entrances

REQUIREMENT 3:
Usable doors

All doors in public and common use areas and within dwelling units must have a nominal clear width of 32” or more to allow passage by a person in a wheelchair. This includes entrances to buildings, into and within laundry rooms, mail rooms and secondary entry doors within units.

3

Common Violations:

- * Doorknobs instead of lever handles
- * Doors are too narrow

REQUIREMENT 4:
Accessible route into and through the unit

There must be an unobstructed, accessible route into and through dwelling units, providing access for a person with a wheelchair. Hallways must have a nominal width of 36” in order to meet this requirement.

4

Common Violations:

- * Doors are too narrow
- * Hallways are blocked fire extinguisher cabinets.

REQUIREMENT 5:
Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations

All switches, outlets and other controls used by residents on a frequent or regular basis must be no higher than 48” above the finished floor and no lower than 15” above finished floor.

5

Common Violations:

- * Electrical outlets are too low
- * Thermostats are too high
- * Cabinets\counters block access to outlets\switches.

REQUIREMENT 6:
Reinforced walls for grab bars

Dwelling units must contain reinforced bathroom walls to allow for later installation of grab bars around toilets, bathtubs, and shower stalls. In some situations, reinforcing for shower seats is also required.

6

Common Violations:

- * Missing reinforcements
- * Improperly placed reinforcements

REQUIREMENT 7:
Usable kitchens and bathrooms

Dwelling units must contain usable kitchens and bathrooms that allow an individual who uses a wheelchair to maneuver in the area. There must be 30” x 48” of clear floor space for either a parallel or forward approach at kitchen appliances such as ovens, dishwashers, refrigerators and trash compactors.

7

Common Violations:

- * Sink or appliances are placed in the corner
- * Bathroom is too small for a person in a wheelchair to close the door behind them once inside the room

SOURCES FOR ADDITIONAL INFORMATION ON ACCESSIBILITY

The Department of Housing & Urban Development
(800) 877-0248

Fair Housing Accessibility FIRST
(888) 341-7781 or www.fairhousingfirst.org

Fair Housing Council of Oregon
(800) 424-3247 www.fhco.org