

Design and Construction and Fair Housing Guide:

Affirmatively Furthering Fair Housing,
The 7 Basic Design & Construction Requirements of the Fair
Housing Act, Visitability/Universal Design



Who are we?

IFHC is a nonprofit organization whose mission is to ensure open and inclusive housing for all people. The IFHC's purpose is to advance equal access to housing for all persons without regard to race, color, sex, religion, national origin, familial status, gender identity, sexual orientation, source of income, or disability.

The IFHC attempts to eradicate discrimination through education of the fair housing laws, housing information and referrals, housing counseling and enforcement including filing complaints under the Fair Housing Act.



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Fair Housing Must Be Part of Community Planning and Implementation



- ▶ For too long, fair housing has been a side note to housing planning—a check box and not an actual commitment to the community members even though that is the purpose of the federal funding committed to cities, counties and states. Fair housing strategies need to be integrated into the education, planning and implementation process and most importantly, communities and developers of affordable housing must have meaningful community participation.
- ▶ How do we make certain that housing is fair and thus affordable, accessible, healthy, safe, and beautiful? That zip code doesn't determine our quality of life? We do this by making sure our communities and community partners—housing providers, government, organizations, neighbors, community groups affirmatively further fair housing.

Where We Can Make a Difference

- Providing education, outreach and training to community organizations/members, landlords, property managers, government agencies, homeowners' associations, real estate agents
- Fighting discrimination by buyers, sellers, landlords, HOAs, cities, insurance companies, and neighbors
- Sample forms and position statements
- Resources on building housing for people at all levels of income
- Preventing and alleviating homelessness
- Promoting new and inclusive housing

Be a Fair Housing Provider...

- Create generational wealth opportunities
 - Subsidized Housing
 - Supportive Housing
 - Market Rate Housing
 - Homeownership
- By accepting ERAP, Section 8, other vouchers, other sources of income, you help:
 - Families
 - Elders
 - People with Disabilities
 - People experiencing Domestic Violence
 - People living with HIV/AIDS
 - People experiencing homelessness
 - Veterans
- Provide Accessible Housing and Community Connectivity

Covered Multifamily Dwellings

- Buildings consisting of 4 or more dwelling units
- Built for first occupancy after March 13, 1991
- At least one dwelling unit actually occupied; & a certificate of occupancy has been issued
- All dwelling units in buildings with 1 or more elevators
- All ground floor dwelling units in buildings containing four or more units

Examples of Covered Units:

- Vacation timeshare units
- College dorms
- Apartments
- Condos
- New apartments above ground floor of business or shop

Not Covered by FHA

- Multistory dwelling units
- Town Homes/Villas/Patio Apartments with all bedrooms on the top floor
- Pods of 3 units

Who is Impacted by Violators?

- Individuals with disabilities are most affected by a lack of accessible housing
- They may be discouraged from applying to rent
- Individuals with disabilities may not have full use and enjoyment of their units
- Tenants with disabilities may have to endure minor to major inconveniences that other tenants do not

Integrated, Community-Based Settings

Individuals with disabilities, like individuals without disabilities, should have choice and self-determination in housing and in the health care and related support services they receive. As more states facilitate the transition of individuals with disabilities from institutional or other segregated settings into their communities, the need for meaningful choice among housing options is critical. For communities that have historically relied heavily on institutional settings and housing built exclusively or primarily for individuals with disabilities, the need for additional integrated housing options scattered throughout the community becomes more acute.

Segregated settings sometimes have qualities of an institutional nature, including, but not limited to, regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, limits on individuals' ability to engage freely in community activities, and manage their own activities of daily living, or daytime activities primarily with other individuals with disabilities.

Examples of integrated settings include scattered-site apartments providing permanent supportive housing, tenant-based rental assistance that enables individuals with disabilities to lease housing in integrated developments, and apartments for individuals with various disabilities scattered throughout public and multifamily housing developments.

7 Basic Design & Construction Requirements

- ▶ Requirement 1. An accessible building entrance on an accessible route
- ▶ Requirement 2. Accessible public and common use areas
- ▶ Requirement 3. Usable doors
- ▶ Requirement 4. Accessible route into and through the dwelling unit
- ▶ Requirement 5. Environmental controls in accessible locations
- ▶ Requirement 6. Reinforced walls in bathrooms for later installation of grab bars
- ▶ Requirement 7. Usable kitchens and bathrooms

Requirement 1. An accessible building entrance on an accessible route:

- Must have at least 1 building entrance on an accessible route (unobstructed path that wheelchair can navigate)
- Wheel stops to insure 36" clear sidewalk routes
- Route examples: corridors, floors, ramps, elevators, lifts, parking access aisles, curb ramps

Common Violations:

- Steps into dwelling
- Entrance walk too steep
- Steep ramps with no handrails when ramp exceeds 8%, edges and landings
- Accessible routes using the parking lot-speed barrier precludes access to dumpster, rental office, mailbox, and other amenities

Requirement 2. Accessible public and common use areas:

- Common use areas: rooms, spaces, elements inside and outside building made available for use by residents and guests
- Public use areas: interior or exterior spaces of a building that are available to the general public

Examples: lobbies, parking, laundry room, mailboxes, lounges, recreation areas, playgrounds, pools, club houses, tennis courts, spas, game rooms, bathrooms, dumpsters, doors-push/pull

Common violations:

- No accessible parking
- Curb ramps are too steep
- Not enough curb ramps- lead to dead ends, people have to travel much further or use parking lots or driveways to get around

Note: the inaccessibility of public use areas such as the rental office-may also be an ADA Title III violation.

Requirement 3. Usable doors:

- All doors into and within all premises must be sufficiently wide to allow wheelchairs with lever handles.

Common Violations:

- Doors to walk-in closets, storage rooms, bathrooms don't provide clear opening
- Lack of lever handles
- Patio doors: typically less than 32" clear opening
- Door weight is more than 8.5 lbs. for exterior doors and for interior doors are more than 5 lbs.

Requirement 4. Accessible route into and through the dwelling unit:

- There must be an accessible route 36" into and through the dwelling unit providing access for people with disabilities throughout the unit
- Common Violations:
- Interior patio/balconies threshold is more than 1/2"
- Steps into bedrooms or unit
- Doorways are less than the 32" minimum

Requirement 5. Environmental controls in accessible locations:

- All light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
- Common violations:
- Electrical outlets placed too low minimum 15" from ground
- Switches and thermostats too high max height forward approach 48"- side approach 54"

Requirement 6. Reinforced walls in bathrooms for later installation of grab bars:

- Must have reinforcements in bathroom walls to allow later installation of grab bars around toilet, tub, shower stall and shower seat

Common violation:

- No reinforcements for the installation of grab bars

Requirement 7. Usable kitchens and bathrooms:

- Usable kitchen must provide maneuvering space to approach and operate most appliances and fixtures allow for 40-60" minimum.
- Usable bathrooms must provide enough maneuvering space to allow for a wheelchair to enter, close the door, use the fixtures and exit
- Usable Kitchens

Common Violations:

- Kitchen sinks not positioned with 30" x 48" clear floor area parallel to and centered in sink-instead kitchen is a "L-shape" so wheelchairs can't get to the sink
- Less than 40" clearance between opposing counters, base cabinets, appliances, and walls
- Centerline to the counter doesn't allow for 24" (For a 24" standard countertop depth, the first 16" is considered to be easy access for the user—the remainder is useful for storage)
- Island kitchens don't give the 40" clearance on all sides

Usable Bathrooms:

- Type A bathroom: all bathroom and all fixtures in those bathrooms must be usable
- Type B bathroom: applies to one bathroom and only one of each type of fixture must be usable; additional bathrooms in the unit are exempt only from maneuvering and clear floor space requirements at fixtures

Common Violations:

- Inaccessible toilets
- No clear floor space (Example: 14" from swing of door to rim of toilet) Should be 30" x 48"
- No sink access (Example: 12" clearance from centerline to wall) from wall to center line should be 24"
- Height of counter to top of rim to high should be 34"
- Door openings smaller than the 32"

Visitability

- ▶ **Visitability** is a growing trend nationwide. The term refers to housing that is designed in such a way that it can be lived in or visited by people who have trouble with steps or who use wheelchairs or walkers.
- ▶ **A house is visitable when it meets three basic requirements:**
 - ▶ one zero-step entrance.
 - ▶ doors with 32 inches of clear passage space.
 - ▶ one bathroom on the main floor you can get into in a wheelchair.

Who benefits from Visit-ability?

- Everyone!
- The young mother with a baby in a stroller, who doesn't have to hump it up and down steps when she visits her friends
- The UPS driver who brings your new cabinets and leaves them on your front porch
- The homeowner trying to get the new cabinets into the house from the front porch
- Grandma who wants to visit the grandkids but knows she won't be able to use the bathroom when she visits
- The college kid moving out with all his boxes and belongings

Visit-ability Resources:

Whole Building Design Guide: <https://www.wbdg.org/resources/visitability>

Accessible Society: <http://www.accessiblesociety.org/topics/housing/visitability.html>

National Council on Independent Living: <https://visitability.org/>

Universal Design

- ▶ The 7 Principles of Universal Design were developed in 1997 by a working group of architects, product designers, engineers and environmental design researchers, led by the late Ronald Mace in the North Carolina State University.
- ▶ The purpose of the Principles is to guide the design of environments, products and communications.
- ▶ According to the Center for Universal Design in NCSU, the Principles "may be applied to evaluate existing designs, guide the design process and educate both designers and consumers about the characteristics of more usable products and environments."
- ▶ <http://universaldesign.ie/What-is-Universal-Design/The-7-Principles/>

Principle 1: Equitable Use

The design is useful and marketable to people with diverse abilities

Guidelines:

- Provide the same means of use for all users: identical whenever possible; equivalent when not
- Avoid segregating or stigmatizing any users
- Provisions for privacy, security, and safety should be equally available to all users
- Make the design appealing to all users

Principle 2: Flexibility in Use

The design accommodates a wide range of individual preferences and abilities

Guidelines:

- Provide choice in methods of use
- Accommodate right- or left-handed access and use
- Facilitate the user's accuracy and precision
- Provide adaptability to the user's pace

Principle 3: Simple and Intuitive Use:

The design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level

Guidelines:

- Eliminate unnecessary complexity
- Be consistent with user expectations and intuition
- Accommodate a wide range of literacy and language skills
- Arrange information consistent with its importance
- Provide effective prompting and feedback during and after task completion

Principle 4: Perceptible Information

The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities

Guidelines:

- Use different modes (pictorial, verbal, tactile) for redundant presentation of essential information.
- Provide adequate contrast between essential information and its surroundings.
- Maximize "legibility" of essential information.
- Differentiate elements in ways that can be described (i.e., make it easy to give instructions or directions).
- Provide compatibility with a variety of techniques or devices used by people with sensory limitations.

Principle 5: Tolerance for Error

The design minimizes hazards and the adverse consequences of accidental or unintended actions

Guidelines:

- Arrange elements to minimize hazards and errors: most used elements, most accessible; hazardous elements eliminated, isolated, or shielded
- Provide warnings of hazards and errors
- Provide fail safe features
- Discourage unconscious action in tasks that require vigilance

Principle 6: Low Physical Effort

The design can be used efficiently and comfortably and with a minimum of fatigue

Guidelines:

- Allow user to maintain a neutral body position
- Use reasonable operating forces
- Minimize repetitive actions
- Minimize sustained physical effort

Principle 7: Size and Space for Approach and Use

The design allows for appropriate size and space being provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

Guidelines:

Provide a clear line of sight to important elements for any seated or standing user.

Make reach to all components comfortable for any seated or standing user.

Accommodate variations in hand and grip size.

Provide adequate space for the use of assistive devices or personal assistance.

Universal Design Principle Examples of Principles 1-7

<http://universaldesign.ie/What-is-Universal-Design/The-7-Principles/7-Principals-.pdf>

Resources for 7 Basic D&C Requirements:

- Fair Housing Act Manual
ANSI 1986
- Accessibility First www.fairhousingfirst.org
- Intermountain Fair Housing Council at 208-383-0695 or www.ifhcidaho.org or contact@ifhcidaho.org
- Fair Housing Design & Construction Accessibility Requirements Video
<https://www.youtube.com/watch?v=caFJWtvpYik>