

Fair Housing Laws

Americans with Disabilities Act (ADA) of 1990

Title II – January 26, 1992

Title III – January 26, 1993



TITLE 2 PUBLIC SERVICES, STATE & LOCAL GOVERNMENT

Prohibits discrimination on basis of disability by public entities, operated by state and local government.

Public entities are required to make programs, services and activities accessible.

Regulated & enforced by U.S. Department of Justice.



TITLE 3 PUBLIC ACCOMMODATIONS & SERVICES OPERATED BY PRIVATE ENTITIES



Public accommodations (privately-owned, leased or operated facilities) are prohibited from discrimination against people with disabilities.

Businesses are responsible for eliminating accessibility barriers and providing accommodations when serving people with disabilities.

Regulated & enforced by U.S. Department of Justice.

** Public accommodations = Hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, movie theaters, etc.*

Section 504 of the Rehabilitation Act of 1973

Uniform Federal Accessibility Standards (UFAS) – July 11, 1988

Fair Housing Act of 1968, amended 1988

FHA Design Standards

- Design standards apply to buildings constructed for first occupancy on or after March 13, 1991.
- Requires all ground floor units to be accessible provided there are 4 or more units in the building and the unit is not multistory.
- If the building has an elevator; all units must be accessible.



History of FHA

1. Fair Housing Act was passed in 1968 – prohibits discrimination in the financing, rental or sale of any dwelling based on race, color, religion, sex or national origin.
2. FHA was amended in 1988 – extended coverage to prohibit discrimination based on disability and family status.
3. FHA Guidelines published in the Federal Register – March 13, 1991 – a slight phase in period was granted based on last building permit and date of occupancy.
4. Questions and Answers were published June 28, 1994.
5. Through the 90's there was an evolution of codes and standards – one being the Fair Housing Act Design Manual – published in August 1996, updated in 1998.
6. DOJ and HUD issued 2 Joint Statements addressing the FHA:
 - a. Reasonable Modifications Under the Fair Housing Act – March 5, 2008.
 - b. Accessibility (Design and construction requirements for covered multifamily dwellings under the Fair Housing Act – April 30, 2013).
7. International Code Council – 2000 Editions (updated every 3 years).
8. American National Standards Institute – ANSI A117.1 Accessible and Usable Buildings and Facilities.
9. FAQ Accessibility First | HUD.gov / U.S. Department of Housing and Urban Development (HUD).



Common Misconceptions

1. Construction tolerances.
2. Are these new standards?
3. Why is this an issue now?
4. Townhomes.
5. Site impracticality with respect to FHA.

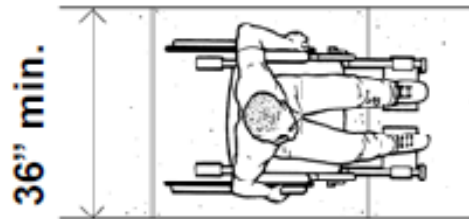


Common Accessibility Deficiencies

Accessible Routes

Accessible route connecting all 'covered' buildings to all amenities – can include sidewalks, breezeways, ramps, curb ramps, elevators, lifts, crosswalks, etc.

1. Width



2. Running Slope



3. Cross Slope





2021 D.O.C.



2001 D.O.C.



2021 D.O.C.



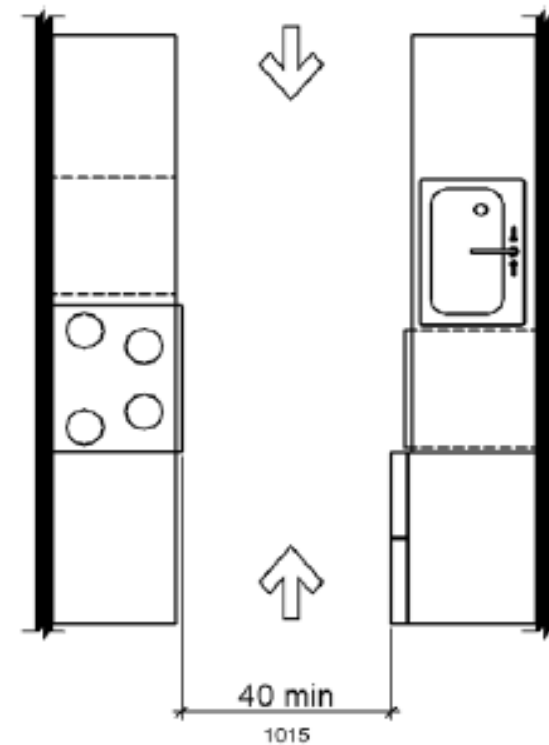
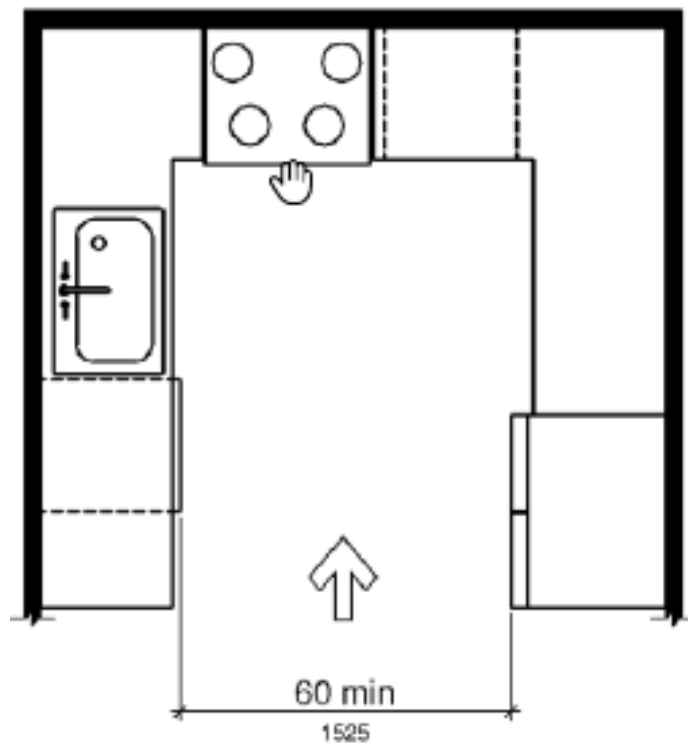
2018 D.O.C.



Kitchens

U-shaped Kitchens – 60 inches clearance between opposing elements

Galley Kitchens – 40 inches of clearance between opposing elements





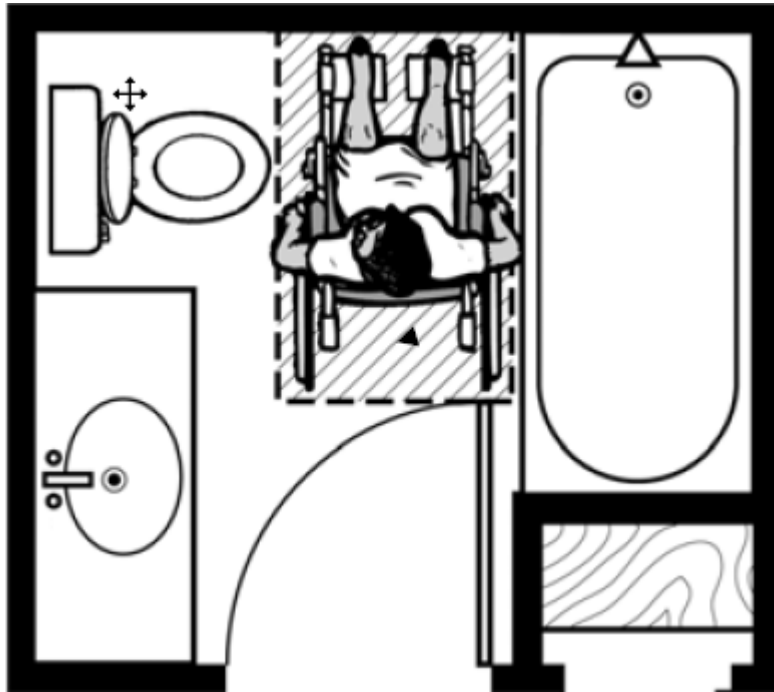
2021 D.O.C.



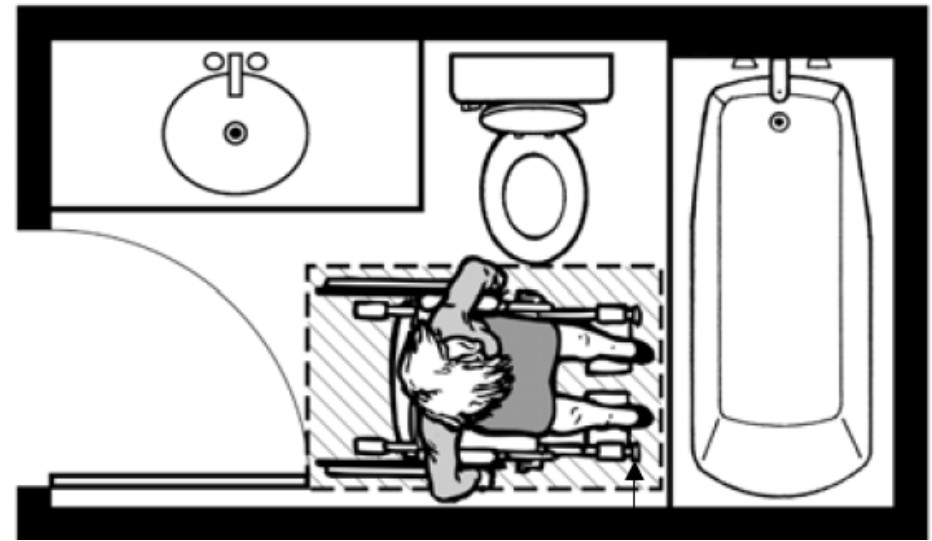
1999 D.O.C.



Bathrooms



More Accessible Bathroom – side approach to tub



Less Accessible Bathroom – forward or perpendicular approach to tub

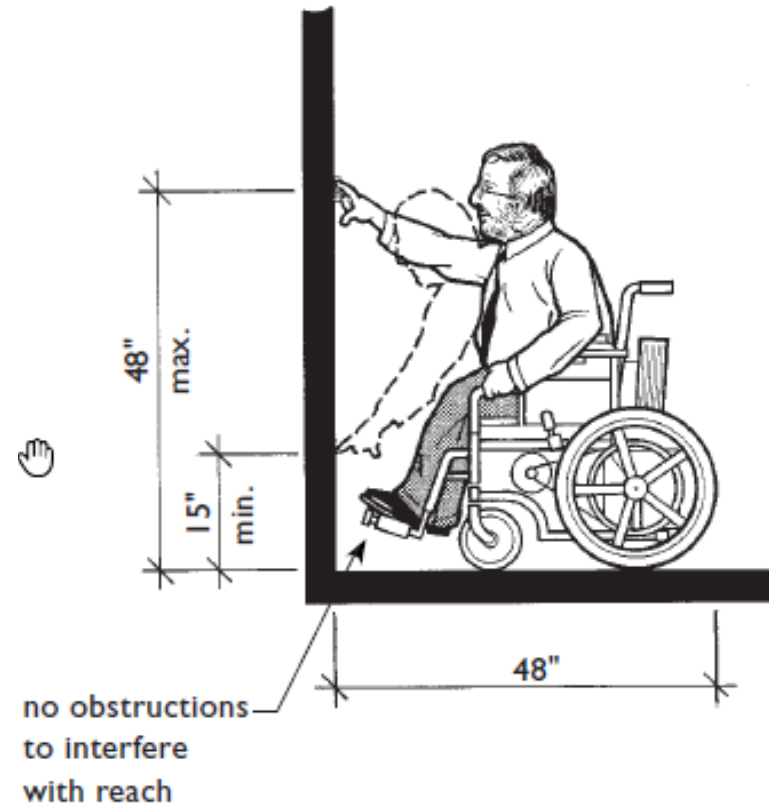
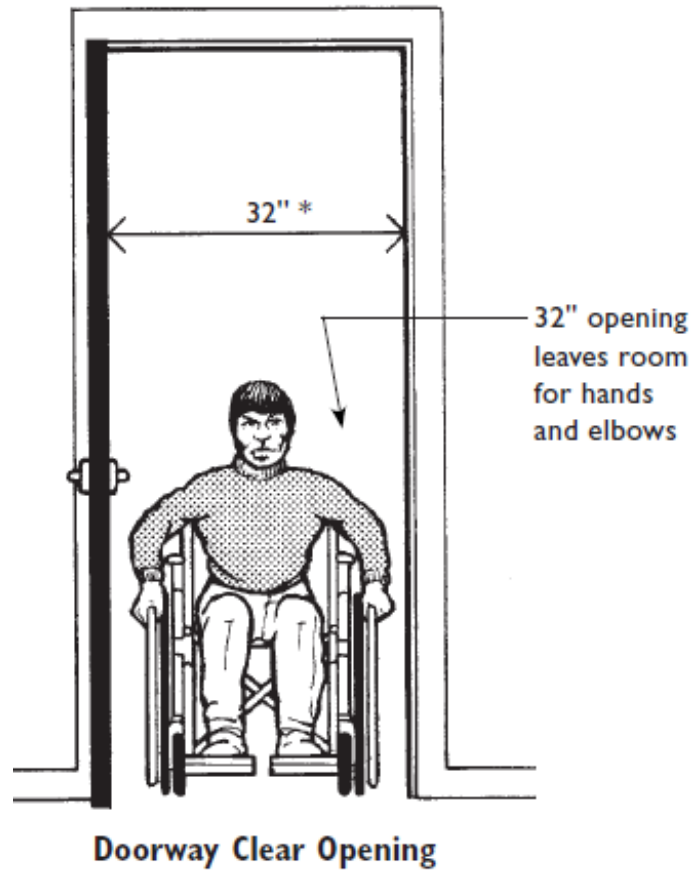


2020 & 2019 D.O.C.



2002 D.O.C.

Doors and Reach Range

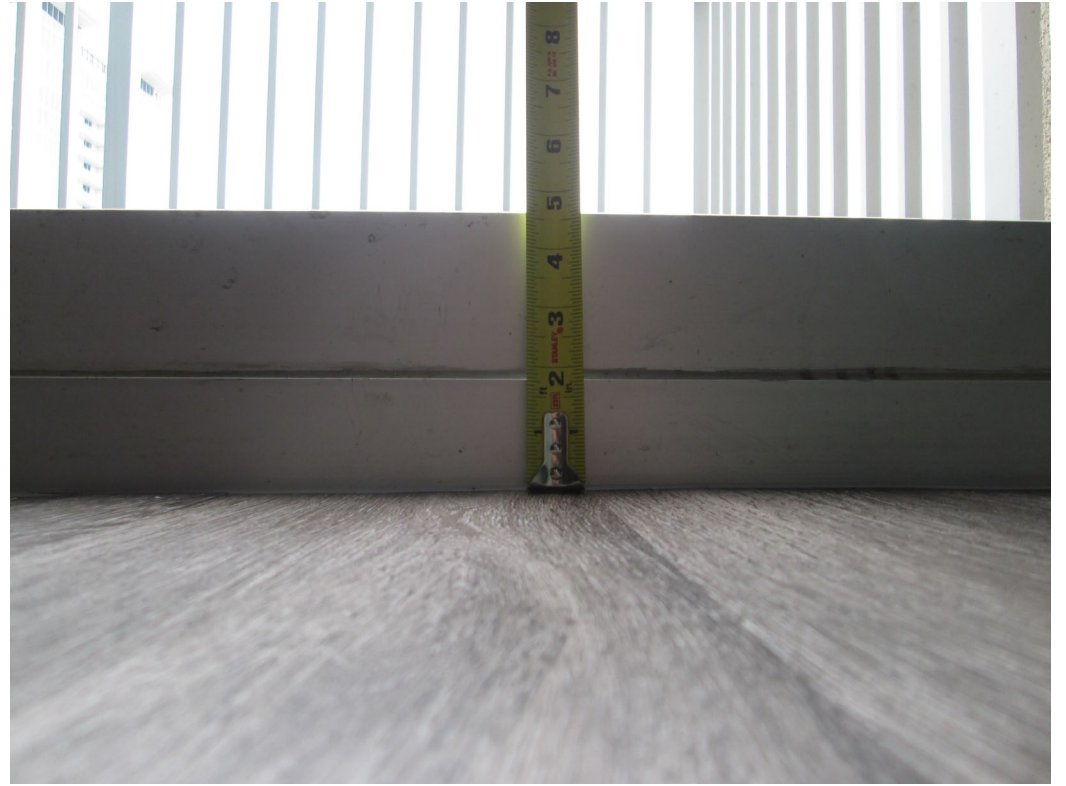




2020 D.O.C.



2003 D.O.C.



2009 D.O.C.
