

Accessibility - Are There Laws for Residences?

Several laws have been enacted by Congress that pertain to accessibility in housing. Plus, there are guidelines to support each law, and evidence that some states and communities have additional requirements. There is a lot of information about each Act and guideline, much of it written in confusing language. Rather than viewing the codes and standards as confusing and contradictory, use them as a basis for discussions with your contractor as you plan your client's living space. Your efforts will result in a project that will suit your client's needs when you are finished and for many years to follow.

Planning A Personal Environment

When planning a personal environment, it is important to keep the specific needs of all the residents in mind. For example, multiple counter heights in the kitchen will accommodate a number of people of different heights and provide working surfaces that are appropriate for different tasks. Mounting a dishwasher in a cabinet (like a wall oven) can make it accessible to a person in a wheelchair and also promote less bending for a person who is very tall. Consider how each alteration could affect traffic flow and the ability of each resident to fully utilize the space.

If you are renting in a facility covered by the Fair Housing Amendments Act, you can expect to be allowed to make reasonable modifications if the changes are necessary for a person with a disability to have full use of the premises. The landlord is not required to pay for the modification. If the modification might affect the next tenant's use, the landlord may require that the renter restore the premises to the original condition at the end of the lease.

"Accessible" Buildings

An "accessible" building is one that can be approached, entered and used by individuals with a variety of disabilities. Although one design does not fit all disabilities, there are guidelines that serve to eliminate the most common barriers. Despite the fact that the laws have been in place for more than a decade, some builders do not follow them as closely as they should. Interestingly, enforcement of these acts occurs mostly through private lawsuits and not by government action.

The guidelines discussed in this article do not apply to single family detached housing unless the requirements have been incorporated into local building codes. However, the drawings and specifications are still worth reviewing, as they have been designed by architects, engineers and people with disabilities. They provide excellent designs for new construction and remodeling efforts that are intended to increase accessibility or provide support to "aging in place" efforts. While requirements for slope, door width and space for a wheelchair turning radius are very specific, you may see that some guidelines show a range of measurements so that adjustments can be made to suit the resident's needs.

Federal Laws and Guidelines

In an effort to help untangle the legal requirements and provide some direction, this article summarizes the general purpose of the laws and guidelines. It is important to note that while what is covered under the laws does not change, the technical standards are still evolving.

The article also provides links to resources with more detailed information. One of the best resources is <http://www.fairhousingfirst.org/>. The Fair Housing Accessibility FIRST program also has a dedicated help line to answer your questions: (888) 341-7781.

Applying to All Facilities Open to the General Public (Commercial and Government Buildings, built with private or public money)

ADA (Americans with Disabilities Act)

The Americans with Disabilities Act was enacted by Congress in 1990. The law protects the civil rights of persons with disabilities, prohibiting discrimination in employment, transportation and telecommunication. It covers policies and services. In addition, any spaces open to the general public must be accessible to people with disabilities. (Unless the residences are part of public housing operated by local or state governments, this law applies only to the design of the sales or rental office.). The idea is that people with disabilities should be able to make use of and enjoy the same public facilities as everyone else

- <http://www.usdoj.gov/crt/ada/pubs/ada.txt>
- ADA Information Line: 1-800-514-0301 or 1-800-514-0383 (TDD)

ADAAG (ADA Accessibility Guidelines)

The ADA Accessibility Guidelines contain requirements for accessibility to buildings and facilities by individuals with disabilities under the ADA. These standards are enforced by the U.S. Department of Justice (DOJ). The regulations provide important information on using and applying the standards.

- <http://www.access-board.gov/adaag/html/adaag.htm>
- <http://www.usdoj.gov/disabilities.htm>

Applying to All Multi-Dwelling Facilities with Four or More Units Built after March, 1991

FHA (Fair Housing Act)

The Fair Housing Act of 1968 prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions.

- <http://www.usdoj.gov/crt/housing/title8.htm>
 - <http://www.fairhousingfirst.org/>
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FHAA (Fair Housing Amendments Act)

The Fair Housing Amendments Act of 1998 amends Title VIII of the Fair Housing Act by specifically extending protection to persons with a disability and families with children. Guidelines were developed to provide builders and developers with technical guidance on how to comply with the specific accessibility requirements.

The FHAA also includes design related requirements, some applying to rental housing and to condos. There are detailed design requirements for:

- Every unit of the building if the building has an elevator
- Only ground floor units if the building does not have an elevator

The housing must comply with the following seven design guidelines of the Fair Housing Amendments Act: (There are some limited exemptions, such as when the building is in an extreme natural setting such as a floodplain.)

1. At least one entrance must be on route that is accessible to and from parking and transportation.
 2. Public and Common-Use Areas must meet accessibility requirements for the various features, such as public rest rooms, mail boxes, laundry machines, swimming pools, etc.
 3. All doors designed to allow passage into and within all premises must be wide enough to allow passage by persons using wheelchairs (32 inches clear).
 4. There must be an accessible route into and through the dwelling units.
 5. Light switches, electrical outlets, thermostats, and other environmental controls must be placed in easily reached and accessible locations throughout the premises within the dwelling unit.
 6. Bathroom walls must be reinforced to allow easy installation of grab bars around toilet, tub, shower stall and shower seat if needed in the future.
 7. Kitchens and bathrooms must be laid out so that a person using a wheelchair can maneuver about the space.
- <http://www.hud.gov/library/bookshelf09/fhefhag.cfm>
 - http://www.hawaii.gov/health/dcab/publications/fact_sheets/housing.pdf

ANSI (American National Standards Institute) A117.1

The American National Standards Institute is a private organization that publishes standards governing the design of accessible elements, spaces and features. It is a voluntary standard until a jurisdiction adopts it into code or law. Local building codes frequently refer to these standards. State or local governments can use these standards to meet ADA requirements. The standards can be purchased at:

- <http://www.ansi.org/>
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When Federal Money is Used to Design, Build, Alter or Lease - There are Different Laws and Standards

ABA (Architectural Barriers Act)

If the US Government builds, alters or leases a building, the Architectural Barriers Act of 1968 requires specific standards to be followed. It marks one of the first efforts to ensure access to the built environment by people with disabilities. Four Federal agencies are responsible for the standards: the Department of Defense, the Department of Housing and Urban Development, the General Services Administration and the U.S. Postal Service.

- <http://www.access-board.gov/about/ABA.htm>

UFAS (Uniform Federal Accessibility Standards)

The Uniform Federal Accessibility Standards sets standards for facility accessibility by physically handicapped persons for Federal and federally funded facilities. These standards are to be applied during the design, construction, and alteration of buildings and facilities to the extent required by the Architectural Barriers Act.

- <http://www.access-board.gov/ufas/ufas-html/ufas.htm#4.15>

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