

## Design and Construction Requirements of the Fair Housing Act

The Fair Housing Act provides equal opportunities for people in the housing market regardless of disability, race, color, sex, religion, familial status or national origin, *no matter if the housing is publicly or privately funded*. This includes the sale, rental, and financing of housing, as well as the *physical design of newly constructed multifamily housing*.

The design and construction requirements of the Fair Housing Act apply only to buildings built for first occupancy after March 13, 1991, which fall under the definition of "covered multifamily dwellings." Covered multifamily dwellings are:

1. All dwelling units in buildings containing four or more dwelling units if such buildings have one or more elevators
2. All ground floor dwelling units in other buildings containing four or more units

## Responsibility for Compliance

*The burden of compliance rests with the person or persons who design and construct covered multifamily dwellings.* HUD or an individual who thinks he or she may have been discriminated against may file a complaint against the building owner, the architect, the contractor, and any other persons involved in the design and construction of the building.

*The law provides that a failure to design and construct certain multifamily dwellings to include certain features of accessible design will be regarded as unlawful discrimination.*

## Safe Harbors

Used in conjunction with the 1998 updated *Fair Housing Act Design Manual*, HUD currently recognizes six safe harbors for compliance with the Fair Housing Act's design and construction requirements. These include:

- HUD's 1991 Fair Housing Accessibility Guidelines and the 1994 Supplemental Notice
- ANSI A117.1-1986
- CABO/ANSI A117.1-1992
- ICC/ANSI A117.1-1998
- Code Requirements for Housing Accessibility 2000 (ICC)
- International Building Code 2001 (IBC)

## Technical Assistance

A design manual has been produced by HUD to assist designers, builders, and developers in understanding and conforming with the design requirements of the Fair Housing Act. Copies of this manual can be purchased or found online at <http://www.huduser.org/portal/publications/destech/fairhousing.html>

Architects, builders and others involved in the design and construction of new multi-family dwellings are also encouraged to contact the following for technical assistance as needed. Alternate formats are available upon request.

WV Housing Advocate  
Northern WV Center for Independent Living  
601-3 East Brockway Avenue  
Morgantown, WV 26501  
(304) 296-6091  
[cchantler@nwvcil.org](mailto:cchantler@nwvcil.org)

Fair Housing Accessibility FIRST  
1-888-341-7791  
[www.fairhousingfirst.org/](http://www.fairhousingfirst.org/)

U.S. Dept of Housing and Urban Development  
The Wanamaker Building  
100 Penn Square East  
Philadelphia, Pennsylvania 19106-3392  
(215) 656-0647

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## **FAIR HOUSING CHECKLIST**

**Please note: This checklist is designed to help you identify issues to meet your obligations under the Fair Housing Act design and construction requirements. It is not meant as a complete list of features and actions or as an official survey tool.**

Check "YES" or "NO" to each of the following questions.	YES	NO
<b>Requirement 1: Accessible Entrance on an Accessible Route</b>		
Is there at least one entrance to the building with a slope no greater than 1:12 (twelve inches in length for every one inch in height) from the arrival point to the door?		
Is the accessible route at least 36" minimum clear width?		
Are ground and floor surfaces stable, firm and slip resistant?		
Is the threshold of the entrance ½" or less?		
Is there a landing at the entrance that is at least 5' x 5'?		
<b>Requirement 2: Accessible Public and Common Use Areas</b>		
Is there an accessible route from the dwelling area to the public and/or common use area with a slope no greater than 1:12 and at least 36" minimum clear width?		
If there is designated visitor parking, is there at least one accessible visitor parking space with signage on an accessible route?		
Are surfaces of accessible routes and in accessible rooms and spaces stable, firm and slip resistant?		
Do ramps and landings have curbs, walls or railings that prevent people from traveling off the ramp or landing?		
If provided in a public and/or common use area, is at least one water closet, toilet stall, urinal, shower and sink accessible?		
<b>Requirement 3: Useable Doors</b>		
Does the doorway have a clear opening of at least 32" when the door is open?		
Does the door have lever handles or another shape easy to grasp?		
Is door hardware mounted no higher than 48" above the floor?		
Does it require more than 5 pounds of pressure to open doors?		
<b>Requirement 4: Accessible Route into and through the Dwelling Unit</b>		
Is the accessible route at least 36" minimum clear width?		
Is the accessible route into and through the dwelling area have a slope no greater than 1:12?		
Are floor surfaces stable, firm and slip resistant?		
Are all changes in floor level ½" or less?		
<b>Requirement 5: Accessible Light Switches, Electrical Outlets, Thermostats, and Environmental Controls</b>		
Are light switches, thermostats and other environmental controls located no higher than 48" above the floor?		
Are electrical outlets located no lower than 15" above the floor?		
<b>Requirement 6: Reinforced Walls in Bathrooms</b>		
Are bathroom walls reinforced with plywood or solid blocking in places to allow for later installation of grab bars around the toilet, tub and shower stall?		
<b>Requirement 7: Useable Kitchens and Bathrooms</b>		
Does the bathroom doorway have a clear opening of at least 32" when the door is open?		
Is the bathroom located on an accessible route through the dwelling?		
Are light switches located no higher than 48" above the floor?		
When the door swings into the bathroom, is there a clear space at least 30" x 48" within the room to position a wheelchair and allow a person to use fixtures and reopen the door to exit?		
Is there a clear space at least 30" x 48" in front of each kitchen appliance to position a wheelchair and allow a person to use the appliances?		