

SWA | Access

NEWS FROM THE ACCESSIBILITY COMPLIANCE & CONSULTING GROUP

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A Publication of Steven Winter Associates, Inc.

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NEWS FROM THE ACCESSIBILITY COMPLIANCE AND CONSULTING GROUP!

The Accessibility Compliance and Consulting Group is thrilled to announce the launch of *SWA Access*, a quarterly publication of Steven Winter Associates, Inc., focused on our accessibility practice. At SWA, we believe in whole building design – an integrated approach and team process. When accessible design and construction is integrated with other design objectives, the end result is a truly high performance building. The Accessibility Group works diligently to help industry stakeholders and our business partners incorporate accessibility into all facets of project development.

The mission of the Accessibility Compliance and Consulting Group is to provide exceptional and consistently reliable solutions-driven consulting with the goal of exceeding the expectations of our business partners and transforming their approach to project development. In order to accomplish this, we offer comprehensive accessibility consulting in our offices located in New York, NY, Norwalk, CT, and Washington, DC, which include plan reviews, due diligence and field inspections, technical assistance, in-person trainings, and litigation consulting.

Through the distribution of *SWA Access*, we hope to enhance industry awareness of accessible design and construction and to support compliance with accessibility laws and codes by addressing real-world issues and proving the benefits of incorporating accessibility during the early stages of project development. We hope you find *SWA Access* to be a useful resource and we look forward to your feedback.

For more information on the Accessibility Group, or to learn more about our services please visit swinter.com/services-accessibility. Or, email pstratton@swinter.com.

FAIR HOUSING – WHAT'S YOUR SAFE HARBOR?

Compliance with the accessible design and construction requirements of the Fair Housing Act (FHA), a federal civil rights law, has significantly improved since the early 1990s when the regulations were promulgated. Unfortunately, recent press has highlighted that noncompliance with basic FHA requirements continues to be a problem in newly constructed multifamily projects nationwide. Owners, developers, architects, and others are still cited for noncompliance with the FHA's seven design and construction requirements.

Based on our experience, one of the contributing factors in continued noncompliance is the common misconception that following the accessibility requirements of a building code will result in compliance with the FHA. It is important to note that if the accessibility requirements of one of the ten HUD-approved safe harbors are not incorporated into the design of a multifamily development, and the project complies only with the accessibility requirements of a building code, the risk of noncompliance exists.

As a case in point, New Jersey cites the Barrier Free Subcode, which includes stringent accessibility requirements; most, but not all of which far exceed the basic levels of access required by the FHA. For example, the Barrier Free Subcode exempts outlets above kitchen countertops from compliance entirely. This is in direct conflict with the FHA's Requirement 5, which requires that outlets above counters, among other controls, be within accessible reach (no higher than 46 inches above the finished floor) for outlets. Reliance on compliance with the generally stringent NJ Barrier Free Subcode as a safe harbor here will result in noncompliance with the FHA.

Click [here](#) for more examples and to learn about SWA's recommendations for compliance!



U. S. Department
of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
Office of Housing

The Fair Housing Act Design Manual is one of the ten HUD-Approved Safe Harbors.

EVENTS

3-Part Instructor-Led Training Series on Accessible Design and Construction
Location: Washington, DC

- 4/18/2014
12:00pm-1:00pm
PART I: FAIR HOUSING: ARE YOU COVERED?
- 5/7/2014
6:00pm-8:00pm
PART II: ACCESSIBLE DESIGN AND CONSTRUCTION REQUIREMENTS OF SECTION 504
- 6/17/2014
12:00pm-2:00pm
PART III: THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN

For more information, or to register online, click [here](#).

FAIR HOUSING: ARE YOU COVERED?

Coming to NYC on April 24th, 2014. Email pstratton@swinter.com for details.

ACCESSIBILITY TRAINING INITIATIVES: ONE STEP AHEAD

Training initiatives are emerging as one of the most effective strategies for enhancing industry compliance with accessibility regulations as they pertain to federal, state, and local laws and building codes. To address this trend, the Accessibility Compliance and Consulting Group has expanded its scope of services to include tailored trainings designed on an as-requested basis to directly address the educational needs of clients.

One recently developed tailored training for a client in New York City provided a general overview of the seven design and construction requirements of the Fair Housing Act with a focus on how they differ from the accessibility requirements of Chapter 11: Accessibility, of the NYC Building Code. Another highlighted the 2010 ADA Standards for Accessible Design as they pertain specifically to hotels. Training sessions on operational aspects of disability policies are also now available, including how to assess and respond to requests for reasonable accommodations, including service and companion animals.

In honor of National Fair Housing Month, the SWA Accessibility Group will be leading a training initiative on accessible design and construction in Washington, DC. The three-part introductory series is geared toward key stakeholders, including architects and designers, contractors, developers and owners, facilities managers, and government agency representatives. The syllabus is:

Part I: Fair Housing – Are You Covered?

Part II: Accessible Design and Construction Requirements of Section 504

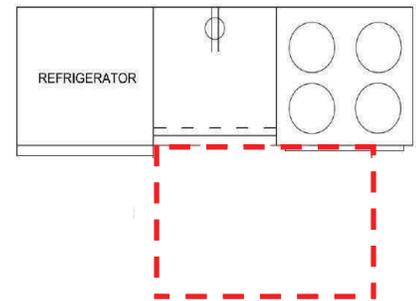
Part III: The 2010 ADA Standards for Accessible Design

All courses are certified for 1 AIA LU/HSW credit. [Click here for more information or to register online.](#) Or, contact Victoria Lanteigne at vlanteigne@swinter.com for details.



TECH NOTES

In December, 2013 the Accessibility Group submitted a proposal to the ICC/ANSI A117.1 Committee on Accessible and Usable Buildings and Facilities to modify the language at Section 1004.9, Operable Parts, of the ICC/ANSI A117.1 Standard. SWA maintains that compliance with the criteria is not achievable. As currently written, the criteria require that, when two or more outlets are provided in a kitchen above a length of counter top, only one outlet is permitted to be inaccessible; all others must be served by a clear floor space and be within accessible reach. However, the criteria fail to recognize that if the cabinet run between appliances is less than 48 inches, then the 30x48-inch clear floor space cannot be positioned close enough to the cabinet such that reach to the outlets at the backsplash is even possible. Essentially, the clear floor space is pushed away from the countertop by projecting appliances. Our proposed new language would require that in a kitchen, only one receptacle outlet serving a countertop run shall be required to be within accessible reach. Our proposal guarantees compliance with the NEC, is achievable in conventional kitchen design, and complies with the intent of the Fair Housing Act.



The clear floor space shown in red is "pushed away" from the countertop edge, rendering the outlet inaccessible.

Q&A CORNER

Tweet us your questions @_SWinter #SWAAccess

Q: Is it ADA compliant to provide two queen beds in all standard accessible guestrooms in a hotel in lieu of making one of the luxury suites accessible?

A: No. Providing standard accessible guestrooms in lieu of accessible suites is not compliant with the ADA. The 2010 ADA Standards are clear in Section 224.5 that accessible guestrooms must be dispersed among the classes of guestrooms provided and shall provide choices of types of guestrooms, number of beds, and other amenities comparable to the choices provided to other guests. When luxury suites (such as a Presidential Suite) are a choice of guestroom type available, then that choice must be afforded to all people. An accessible luxury suite must be provided so that all people have the option of staying in that guestroom type. Providing standard accessible guestrooms in lieu of accessible suites is not compliant with the ADA.