



IT'S NATIONAL FAIR HOUSING MONTH!

April is National Fair Housing Month. To recognize the significance the Fair Housing Amendments Act (1988) has played in promoting accessible housing, the Accessibility Compliance and Consulting Group at SWA has put together an entire issue of SWA Access dedicated to Fair Housing. Included in this issue is guidance on accessible design and construction requirements, insider tips from our accessibility consultants, advice for challenging compliance scenarios, and more.

Check out the other events we have on our calendar for April:



Webinar – Fair Housing for Operations and Management (April 9): This course will provide an overview of the FHA's nondiscrimination policies and procedures as they relate to the operations and management of multifamily residential buildings. Emphasis will be placed on accessible housing, including instructions on how to respond to requests for reasonable accommodations and modifications from residents with disabilities. Click [here](#) to register.

HUD's Innovation in Affordable Housing Student Planning and Design Competition (April 21): SWA has played an integral role in implementing [HUD's Student Planning and Design Competition](#) to address the need for quality affordable housing. Join us on April 21 as four student finalist teams, representing the University of Minnesota, New York University, the University of California Los Angeles, and the University of Kansas will present their final projects in front of a jury of practitioners and a live audience at HUD headquarters in Washington, DC. The jury will announce the winner and runner up at the conclusion of the event. Click [here](#) to register.

Training – From Plans to Practice: Best Practices in Accessible Design and Construction (April 22): Back by popular demand, Peter Stratton, Senior Vice President and Director of Accessibility Compliance and Consulting will be returning to DORMA in New York City to present, "From Plans to Practice: Best Practices in Accessible Design and Construction." This training focuses on two critical areas of project development, design and construction. The presenter will highlight common oversights architects make when incorporating accessibility into multifamily plan development, followed by typical errors made in the field during construction. It will offer practical examples of simple solutions, which when incorporated into plan development and construction, will help produce projects which are truly accessible. Click [here](#) to register.

REASONABLE ACCOMMODATIONS & MODIFICATIONS

While the Fair Housing Amendments Act (FHA) of 1988 implemented accessible design and construction requirements for covered multifamily housing, some building occupants with disabilities may have varying needs that go unmet by the design criteria. The FHA includes a provision that allows residents with disabilities to request reasonable accommodations and reasonable modifications to increase the accessibility of units and common areas beyond that already provided for by the basic accessibility requirements.

Reasonable accommodations are changes to rules, policies, practices, and procedures that will afford a person with a disability equal use and enjoyment of his or her dwelling. Examples include waiving a "no pets" policy for individuals with service animals, and assigning accessible parking spaces. Under the FHA, reasonable accommodations are provided at no expense to the resident. For example, the fee incurred from striping an additional accessible parking space would be absorbed by the owner or manager of the building.

Reasonable modifications are structural changes made to the unit or common areas, such as installing ramps, grab bars, or widening doorways. Under the FHA, the cost of reasonable modifications is absorbed by the resident, and the resident may be required to return the unit back to its original condition upon vacating the building. It is important to note that the burden of cost can vary if the project receives federal funding (i.e., affordable housing dwellings) or if the project is governed by state or local laws with more stringent requirements than the FHA.

Proper training should be offered to staff of multifamily residential buildings to ensure that requests for reasonable accommodations and modifications are handled properly. Of particular importance is the verification process, which allows the building manager or owner to ask the requestor to verify his or her disability. The disability may be verified by a third party, a medical health professional, or even self-verified by the requestor (such as an individual receiving SSDI). It is critical to note, however, that individuals with an apparent disability may not, by law, be required to provide verification of their disability.

For more guidance on the request assessment protocol and proper documentation processes, check out the joint statements on [reasonable accommodations](#) and [reasonable modifications](#) issued by the U.S. Department of Housing and Urban Development and the U.S. Department of Justice.



EVENTS

- Tuesday, May 5
Webinar
[HOTELS & THE AMERICANS WITH DISABILITIES ACT](#)
- Wednesday, May 13
Atlanta, GA
AIA NATIONAL CONVENTION
[DISABILITY, ACCESSIBILITY, & LIABILITY: WHAT EVERY ARCHITECT NEEDS TO KNOW](#)
- Want to automatically receive new issues of SWA Access? Click [here](#) to subscribe.
- Want to read more SWA Access? Click [here](#) to access archived issues.

INSIDER'S PERSPECTIVE: THE FAIR HOUSING EDITION

Achieving compliance with the accessible design and construction requirements of the Fair Housing Act can be a challenge. In recognition of National Fair Housing Month, SWA consultants share their insider's perspective on common issues of noncompliance often identified in the field. Check out the guidance below to learn how to avoid noncompliance before it occurs.



SWA consultants say...

“Sliding doors. It is very difficult to achieve FHA compliance when using sliding doors, often seen at secondary exterior spaces such as balconies and patios. The track of the sliding door itself is often too high, conflicting with FHA threshold requirements. SWA’s advice is to always use swinging doors. If sliding doors are preferred, specify commercial sliding doors with low profile thresholds. Or, where possible, recess thresholds into the floor slab.”

-Jeff Heitert, Senior Accessibility Consultant and Registered Accessibility Specialist (RAS) in the State of Texas

“I’ve learned that many project teams are not properly measuring **clearance at swinging doors**. Here is how SWA takes proper measurements of clear width at swinging doors:

1. Open the door 90 degrees.
2. Place a measuring tape on the face of the hinge side of the door at mid-height.
3. Pull the measuring tape to the opposing stop and measure the distance. Ensure that the measuring tape is taut and not bent or angled.
4. Repeat on the top and bottom halves of the door using the same methodology.”

-Jennifer Barrett, Accessibility Specialist and ICC-Certified Accessibility Inspector and Plans Examiner

“Clearance in galley kitchens must be at least 40 inches when measured between opposing elements, such as between the face of the refrigerator (excluding the handle) and the opposing countertop edge. When plans include stud-to-stud dimensioning, as opposed to dimensions between finished material, then non-compliance with minimum requirements for clearance often results. Full compliance is required between finished material.”

-Harold Bravo, Senior Accessibility Consultant and Certified Access Specialist (CASp) in the State of California

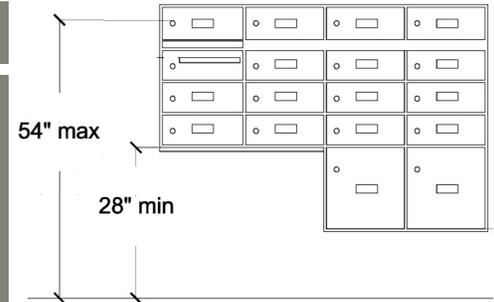
TECH NOTES

The Fair Housing Act (FHA) requires that all mailboxes serving covered dwelling units be mounted within accessible reach range. When using the FHA Guidelines or the Fair Housing Act Design Manual as the safe harbor for FHA compliance, then 100% of mailboxes in elevator

buildings must be mounted between 54 and 9 inches AFF when a side approach is provided, measured to the centerline of the lock. In configurations where mailboxes are served by a front approach only, all operable parts must be mounted no more than 48 and 15 inches AFF.

In addition to the mounting heights dictated by the FHA, United States Postal Service (USPS) regulations must also be taken into account. USPS requires that all mailboxes be mounted no less than 28 inches AFF and no more than 67 inches AFF.

To comply with both FHA and USPS requirements, mount mailboxes so that all operable parts, as well as the outgoing mail slot, are located between 28 and 54 inches AFF when served by a side approach; and, between 28 and 48 inches AFF when served by a front approach only. Be sure to refer to local building code requirements for mailbox mounting heights commonly found in Appendix E of the International Building Code.



Q&A CORNER

Tweet us your questions @_SWinter #SWAAccess

Q: If an industrial warehouse built in 1965 is converted into residential units, will the Fair Housing Act apply?

A: No. The Fair Housing Act (FHA) applies to multifamily buildings built for first occupancy after March 13, 1991. First occupancy is defined by the regulations as a building that has never before been used for any purpose. Alterations to existing buildings are not covered by the FHA, unless the alterations project involves the addition of at least four newly constructed dwelling units, such as a newly constructed wing. Even then, the FHA applies only to the newly constructed wing.