

Community Accessibility To Handicapped

The Fair Housing Amendment Act requires that certain new multi-family dwellings be designed and constructed so that public and common use areas are readily accessible to handicapped persons.

These requirements apply to covered multifamily dwellings where the first occupancy occurs after March 13, 1991. It consists of two categories:

1. buildings consisting of four or more units if the buildings have one or more elevators, and
2. ground floor units in other buildings consisting of four or more dwelling units.

With this definition in mind, apartments meeting these criteria must meet the design and construction requirements. However, if an apartment has no elevator and one accessible entrance on the first floor, then only the units on the first floor are considered covered multifamily units.

An accessible route is defined as a contiguous unobstructed path, connecting accessible elements and spaces in a building or within a site. This path must be maneuverable by a person with a severe disability in a wheelchair and safe and usable for people with other handicaps.

Furthermore, these units must have at least one building entrance on an accessible route leading to public transportation stops, parking areas, passenger loading zones or streets and sidewalks. The only exception is when the terrain or unusual characteristics of the site prevent it from being practical.

Apartment communities must also provide accessible parking representing at least 2 percent of the dwelling units. Common use bathrooms and bathing facilities need to be equipped with handicap accessible facilities. For common use areas into and through dwelling units, The Department of Housing and Urban Development (HUD) guidelines require doorways with a width of at least 36 inches. There are a few exceptions, such as sunken living rooms and lofts.

Light switches outlets and thermostats must be placed in accessible locations: no higher than 48 inches and no lower than 15 inches from the ground. And kitchens need to provide adequate space for wheelchair maneuverability. Bathrooms do not require that a wheelchair must be able to turn on its radius, but that the walls need to be constructed for installation of grab bars around the toilets, tubs, and shower stalls.

In November 1997, a newly constructed apartment community in Georgia faced a housing complaint alleging that these accessibility requirements were not met. The issue dealt with such things as heavy doors, out of reach mailboxes and first floor units without any accessible entrance.

The outcome resulted in HUD requiring a retrofit of the community to bring it into compliance. It also required a \$4,000 payment to the non-profit advocacy group that filed the initial complaint.

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