

# Fair Housing Accessibility Requirements

## Fact Sheet #6



Fair housing design & construction accessibility requirements ensure that newly built, multi-family housing is accessible to persons with disabilities. Accessibility in housing is critical in ensuring fair housing for all. It also benefits those without disabilities.

### Fair Housing Amendments Act of 1988

The federal Fair Housing Act was amended in 1988 to add protection from housing discrimination based on disability. To address wide-spread discrimination against persons with disabilities impacting housing choice, the amendments prohibited housing providers from constructing new multi-family housing that was not accessible to persons with disabilities.

### What must comply?

Any privately-owned or publicly-funded residential multi-family housing, built for first occupancy on or after March 13, 1991, that is four units or more, must comply. At a minimum, all ground floor units must be in compliance. If the building has an elevator, each floor served by the elevator and all units on each floor, must be in compliance. Compliance also includes common areas and access to amenities. This includes residential building types such as:

- Residential rental buildings and for purchase condominium buildings;
- Single-story townhouses, villas, and patio units;
- Multi-level townhouses with an elevator or elevator shaft; and
- Dormitories and other dwellings covered under fair housing laws.

### Does the Americans with Disability Act also apply?

Areas open to the general public, such as leasing or property offices, parking, and other features must also meet requirements under the Americans with Disabilities Act (ADA). If amenities, such as a pool or gym, are open to non-residents or for a fee, they must also meet ADA requirements.

ADA residential unit requirements also apply to government-funded residential properties but not to private housing units.

### Seven Technical Requirements

There are seven technical requirements for accessibility in covered buildings and dwelling units:

1. Accessible Entrance on an Accessible Route
2. Accessible Public and Common Use Areas
3. Usable Doors
4. Accessible Routes Into and Through the Dwelling Unit
5. Accessible Light Switches, Electrical Outlets, and Environmental Controls
6. Reinforced Walls in Bathroom(s)
7. Usable Kitchens and Bathrooms

### Reasonable Modifications

Housing units built for first occupancy *before* March 13, 1991 are not required under law to be accessible. In recent years, older housing that is government based or funded have had access to additional funding for retrofitting this housing, where practical, for better accessibility. However, some changes are simply too expensive to make. Reasonable modifications—physical or structural changes made to a home to make it more accessible—are critical for increasing accessibility. Reasonable modifications allow a resident to make modifications to a property or common area to increase safety and independence. Common examples include grab bars and ramps. Most times these costs are at the resident's expense, unless government funded.

### Is accessibility still a problem?

According to Harvard's Joint Center for Housing Studies' March 2022 report, *How Well Does the Housing Stock Meet Accessibility Needs?*, "under 4 percent of housing units could be considered livable by people with moderate mobility difficulties, and only a third of units were potentially modifiable (having some structural features necessary for accessibility but in need of additional modifications)."

The demand for accessible housing is far outpacing supply. Because accessible units tend to be newer buildings, they very often cost more than older, and not as accessible, properties. This impacts usability by persons of lower-incomes or on fixed incomes.

### Benefits of Accessible Features

Accessible features in housing benefit everyone. These features also make a property more marketable and usable long-term.

When housing is accessible, current and prospective residents, and their guests, with and without disabilities, have a safer and more convenient environment in which to live, visit, and enjoy. The presence of these features also allow for easier future adaptability should someone acquire a disability or encounter aging-impaired impairments, without having to move to a new property.

**For more information, check out the FHCCI's Education page on this topic:**

<https://www.fhcci.org/programs/education/disability/>

**Or scan the QR code:**





## Section 504 Requirements

Housing projects that receive federal funding must also follow Section 504 of the Rehabilitation Act of 1973. All federally-assisted, newly constructed housing with five or more units must have:

- 5% of the dwelling units, or at least one unit (whichever is greater), be accessible for persons with mobility disabilities.
- An additional 2% of the dwelling units, or at least one unit (whichever is greater), must be accessible for persons with hearing or visual disabilities.

These features are a higher level of accessibility and construction than required under fair housing laws. However, these 504 requirements are *in addition to* the seven technical requirements under the federal Fair Housing Act, which must still be met

## What should I do if I believe I'm a victim of housing discrimination?

Housing discrimination due to a protected class is unlawful, and you have the right to file a complaint. Contact the FHCCI with any questions or to learn of your options under law.

## FHCCI Mission Statement

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally.

Below is an overview of each of the seven technical requirements. For more details or explanation, please consult the [Fair Housing Act Design Manual](#) or applicable building code for detailed requirements and designs.

### 1. Accessible Entrance on an Accessible Route

- At least one building entrance must be accessible.
- If there are separate entrances for ground-floor units, each must be accessible.
- An accessible entrance must be located on a route that a person in a wheelchair can easily travel, leading to and from meaningful locations; e.g., parking, public transportation, other buildings in the complex, and amenities such as the laundry room, recreational facilities etc.
- Sidewalks must have at least 36" of clearance for wheelchair maneuverability.

### 2. Accessible Public and Common-Use Areas

Parking areas, passenger loading areas, building lobbies, lounges, hallways, elevators, public use restrooms, and rental/sales offices must be accessible to people with disabilities. This also includes drinking fountains, mailboxes, laundry rooms, community/exercise rooms, pools, playgrounds, nature trails, and more.

### 3. Usable Doors

Doors must have a minimum clear opening width of 32" for a person in a wheelchair to maneuver through them easily. This includes public and common use doors, doors leading into an individual dwelling unit, and all doors within the dwelling unit itself. All types of doors are covered, including hinged doors, sliding doors, and folding doors. Doors leading to outdoor amenities (patio, balcony, deck) are also covered. If a deck or patio has doorways leading into two or more separate rooms, all these doors must be usable. Some doors must also meet ADA requirements.

### 4. Accessible Routes Into and Through Dwelling Unit

- Thresholds of a unit's exterior doors may not exceed  $\frac{3}{4}$ ".
- In single story units, changes in height of  $\frac{1}{4}$ " to  $\frac{1}{2}$ " must be beveled. Those greater than  $\frac{1}{2}$ " must be ramped or have other means of access.
- Minimum clear width for accessible route inside the unit is 36".

### 5. Accessible Environmental Controls

Light switches, outlets, thermostats, and other controls must be accessible to people in wheelchairs. Operable parts of controls must be between 15" and 48" off the ground.

### 6. Reinforced Walls in Bathrooms

Walls in bathrooms must be reinforced so that grab bars near the toilet, tub, shower, and shower seat can be added later.

### 7. Usable Kitchens and Bathrooms

A minimum of 40" of clear floor space is required in kitchens to allow a person in a wheelchair to maneuver between cabinets, countertops, appliances, or walls. Adequate maneuvering space is required in bathrooms so that a person in a wheelchair can easily enter, close the door, use the facilities, and exit. Kitchen and bathroom layouts can vary so consult applicable code for details.

## Contact us!

**If you are experiencing barriers to housing, including issues finding accessible housing, please reach out to the FHCCI:**



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