

Accessible Design & Construction: Requirements and Deficiency Processing (Detection and Remedies)

**For Owners, Developers, Architects, Builders,
Engineers, and Building Officials**

**Iowa Civil Rights Commission
“Disability, Dogs, and Doors”
Fair Housing Training**

**April 7, 2017 – Sioux City
April 28, 2017 – Cedar Rapids**

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The Law

Federal Fair Housing Act [FHA]

42 U.S.C. §3604(f)(3)(C).

Federal Americans with Disabilities Act [ADA]

***5 U.S.C. § 301, 28 U.S.C. § 509, and
42 U.S.C. § 12186(b).***

Iowa Civil Rights Act [ICRA]

Iowa Code §216.8A(3)(c)(3)

Local Human Rights Ordinances

The Law - Effective Dates

- **FHA – All covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991.**
- **ADA – Public accommodations (e.g., leasing office, model units, parking) open after January 26, 1993.**
- **ICRA - All covered multifamily dwellings designed and constructed for first occupancy after January 1, 1992.**

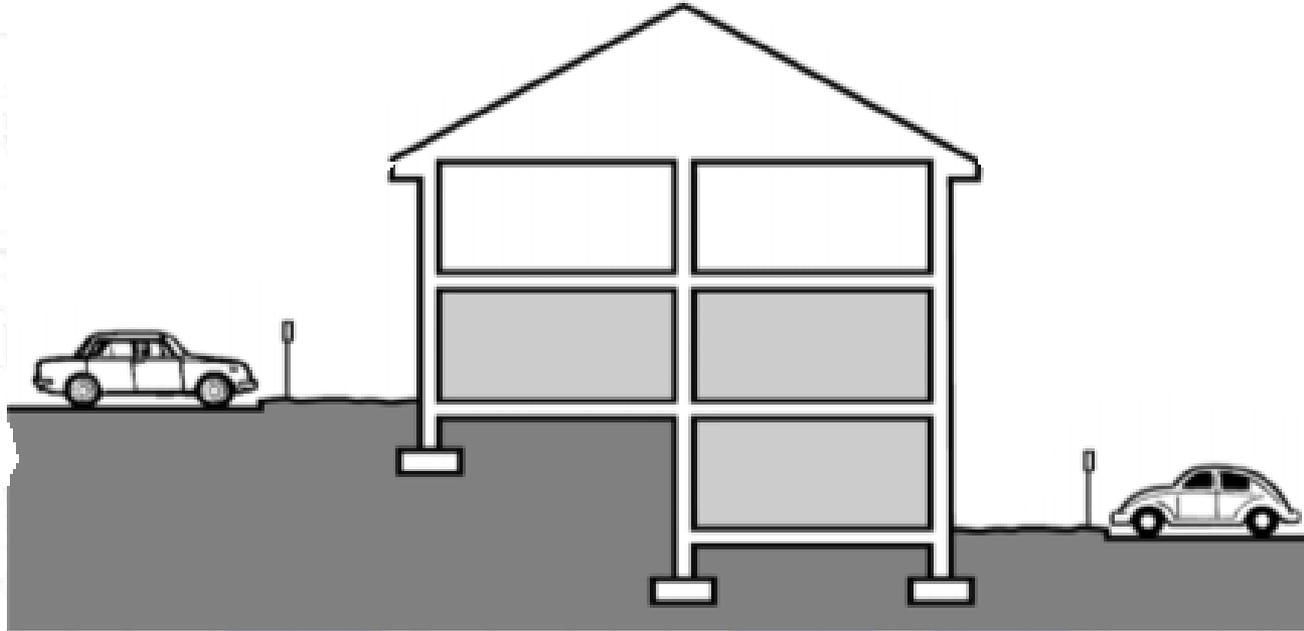
The “Magnificent Seven”

1. An accessible entrance on an accessible route
2. Accessible public/common use areas
3. Doors sufficiently wide
4. Accessible routes into/through dwelling
5. Accessible light switches, electrical outlets, and thermostats
6. Reinforcements in bathroom walls to accommodate grab bars
7. Kitchens and bathrooms with sufficient maneuverability space

Covered Multifamily Dwellings

- All ground floor units in buildings comprised of four or more dwelling units
- All units in buildings comprised of four or more dwelling units if an elevator is present

Covered Multifamily Dwellings – (Cont'd)



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FHA/ICRA and Building Codes

Compliance with local building codes does not necessarily mean compliance with the FHA and ICRA.

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FHA/ICRA and Building Codes – (Cont'd)

Compliance with other building codes such as the International Building Code (IBC) which requires 2% or Section 504 which requires 5% of all units be *fully* accessible, does not ensure compliance with the FHA and ICRA.

Common FHA / ICRA pitfalls

Plans do not contain enough information to ensure that builders know how to comply with the statutory requirements.

Common FHA / ICRA pitfalls **– (Cont'd)**

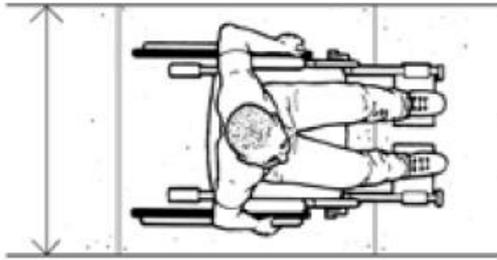
Even if plans do comply, minor changes made in the construction process can result in non-compliant dwelling units.

Number 1

All covered multifamily dwellings must have **at least one building entrance on an accessible route.**

Number 1 – (Cont'd)

36" min.



$\leq 5\%$
running
slope

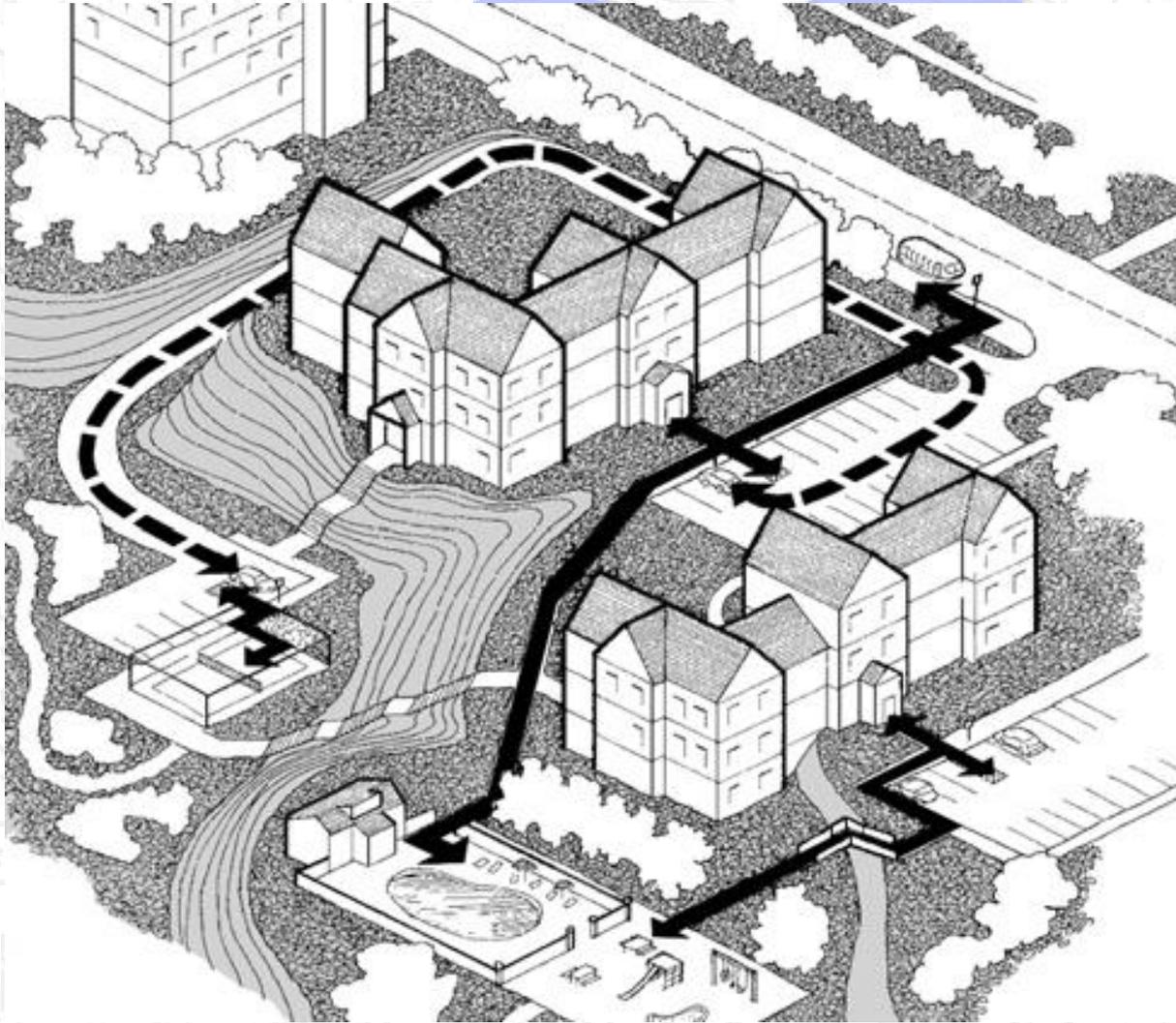


$\leq 2\%$
cross
slope

Number 1 – (Cont'd)

An accessible route means a continuous, unobstructed path connecting accessible elements and spaces within a building or site that can be negotiated by a person with a disability who uses a wheelchair, and that is also safe for and usable by people with other disabilities.

Number 1 - (Cont'd)



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Number 1 – (Cont'd)

An accessible entrance is a building entrance connected by an accessible route to public transit stops, accessible parking and passenger loading zones, or public streets and sidewalks.

Number 1 – (Cont'd)

good general illumination

color contrast between door and frame

door closer with safe sweep period (ANSI 4.13.10)

maneuvering space next to latch side of door (ANSI 4.13.6)

clear width of open doorway min. 32" (ANSI 4.13.5)

low force to open door (ANSI 4.13.11)

adequate slope to prevent ice build-up

low or no threshold (ANSI 4.13.8)

Call and mail boxes within reach of a seated person.

Call boxes should be equipped with both visual and audible signals so as to be usable by both hearing and non-hearing people.

weather protection

clear, readable, high contrast signage

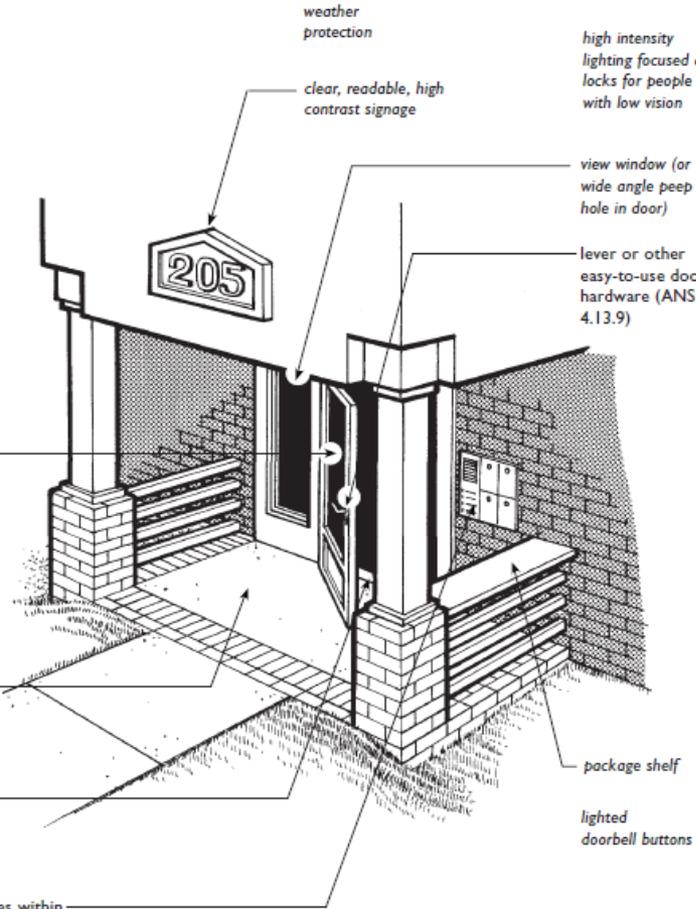
high intensity lighting focused at locks for people with low vision

view window (or wide angle peep hole in door)

lever or other easy-to-use door hardware (ANSI 4.13.9)

package shelf

lighted doorbell buttons



Number 1 – Deficiencies

- Sidewalks with excessive running slopes and cross slopes
- Curb ramps that are too steep
- Steps to front entrance
- Parking for persons with disabilities not on shortest route possible

Number 1 – Deficiencies – (Cont'd)



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Number 2

All covered multifamily housing must have accessible and usable public and common use areas.

Number 2 – (Cont'd)

Common Use Areas. Interior and exterior areas that are made available for the use of residents of a building and their guests.

Public Use Areas. Interior or exterior areas that are made available to the general public, or people other than residents and their guests.

Number 2 - FHA/ICRA (“Guidelines”) Vs. ADA

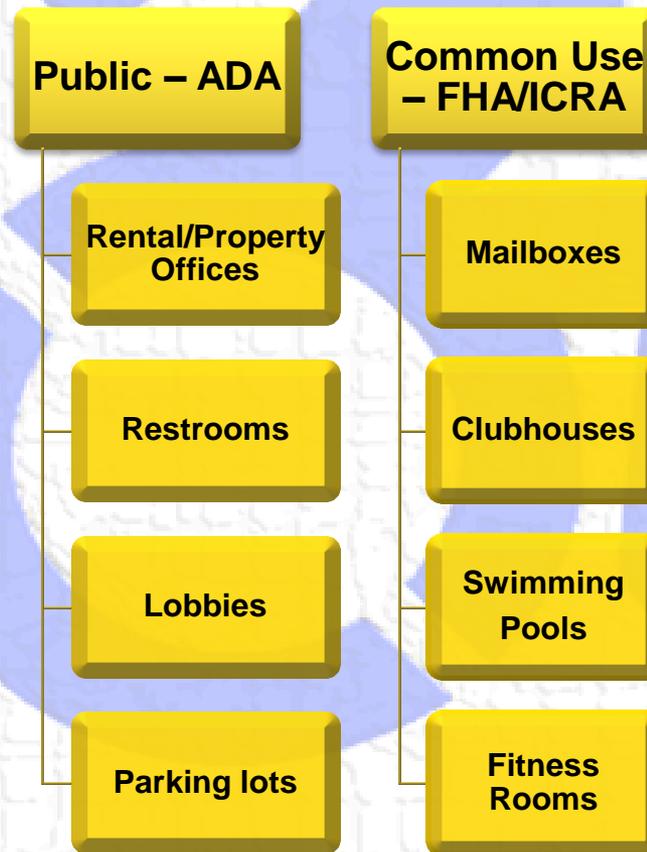
FHA/ICRA

- Residents
- Guests

ADA

- Persons other than residents and their guests – vendors, prospective residents, etc.

Number 2 – Public and Common Use Areas Include:



Number 2 – Deficiencies

- Lack of accessible route
- Lack of accessible parking
- Thresholds that are too high
- Public restroom lacking maneuverability
- Mailboxes that are too high
- Lack of detectable warning features
- Access aisles too narrow or obstructed

Number 2 – Deficiencies

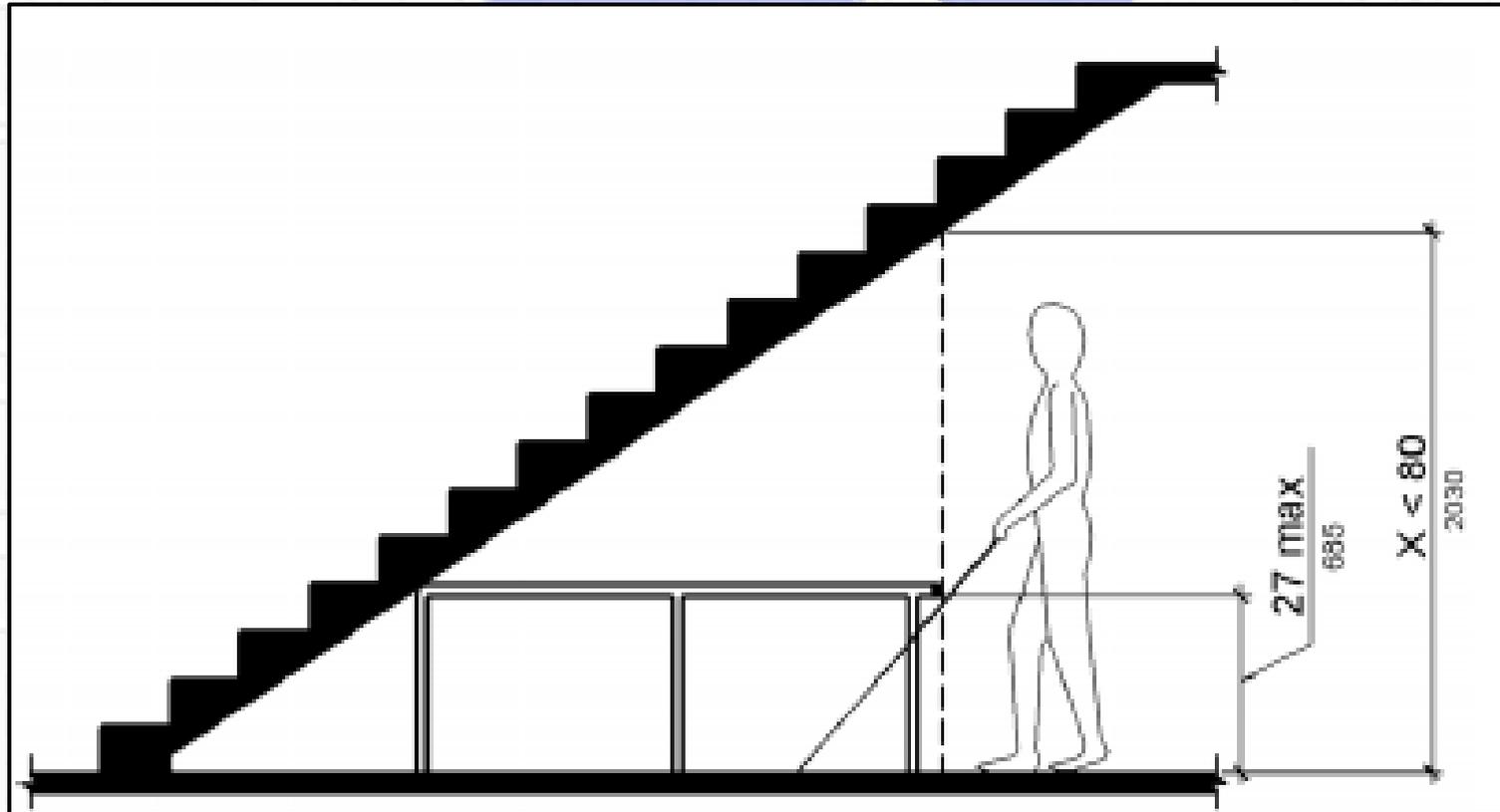


Number 2 – Deficiencies – (Cont'd)



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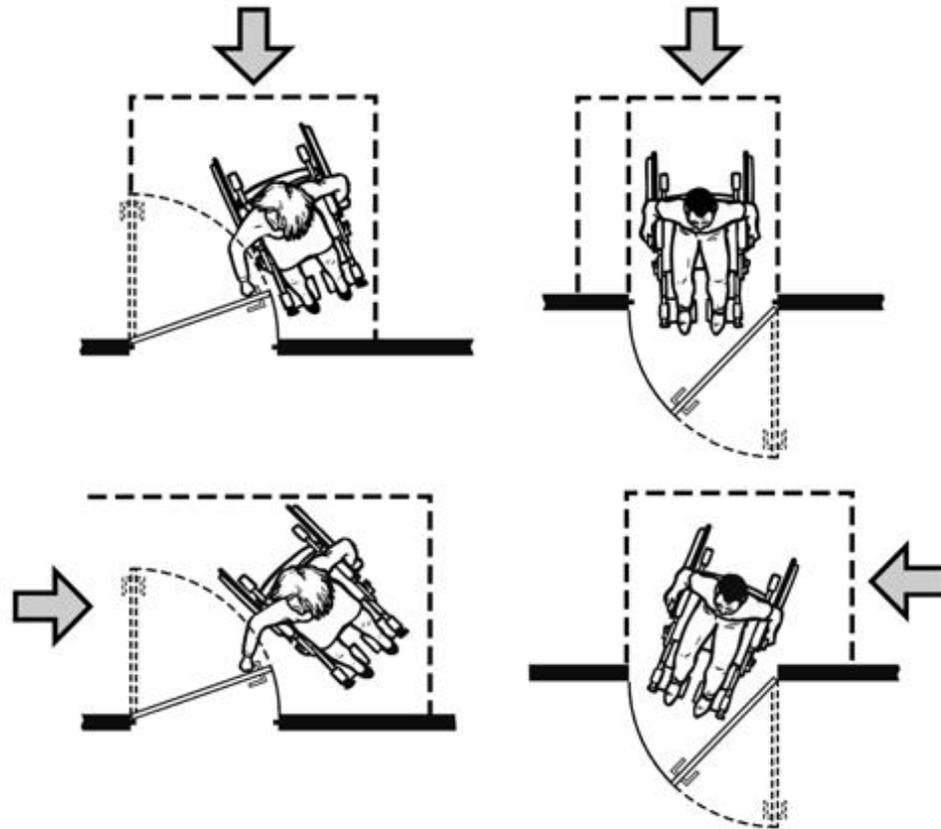
Number 2 – Deficiencies – (Cont'd)



Number 3

All doors that allow passage into and within all premises must be wide enough to allow passage by persons using wheelchairs.

Number 3 – Maneuverability requirements at entrances

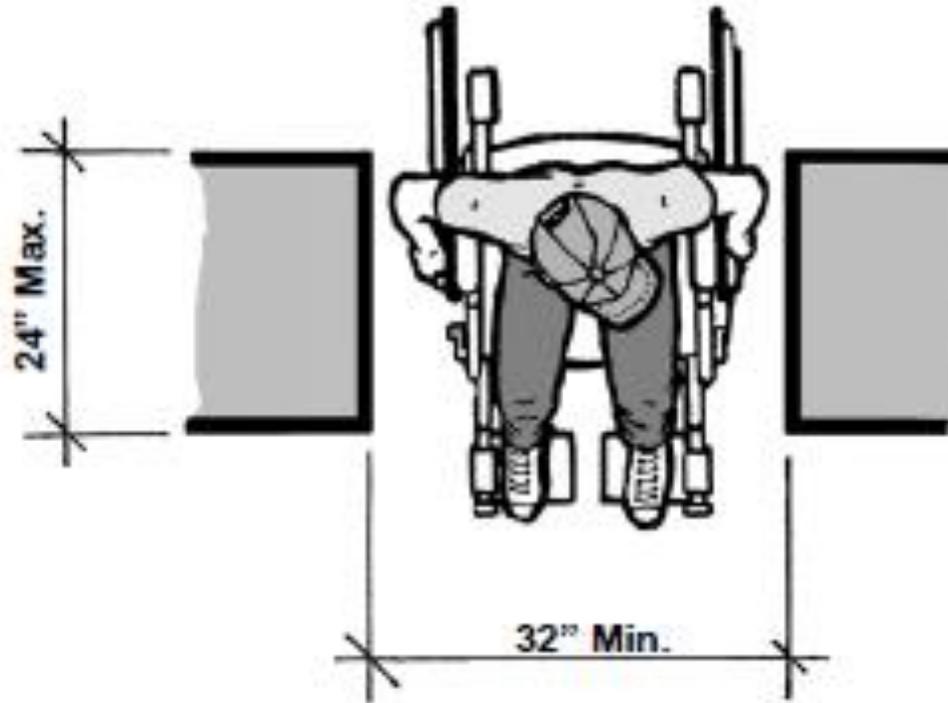


Number 3 – 32” Clearance

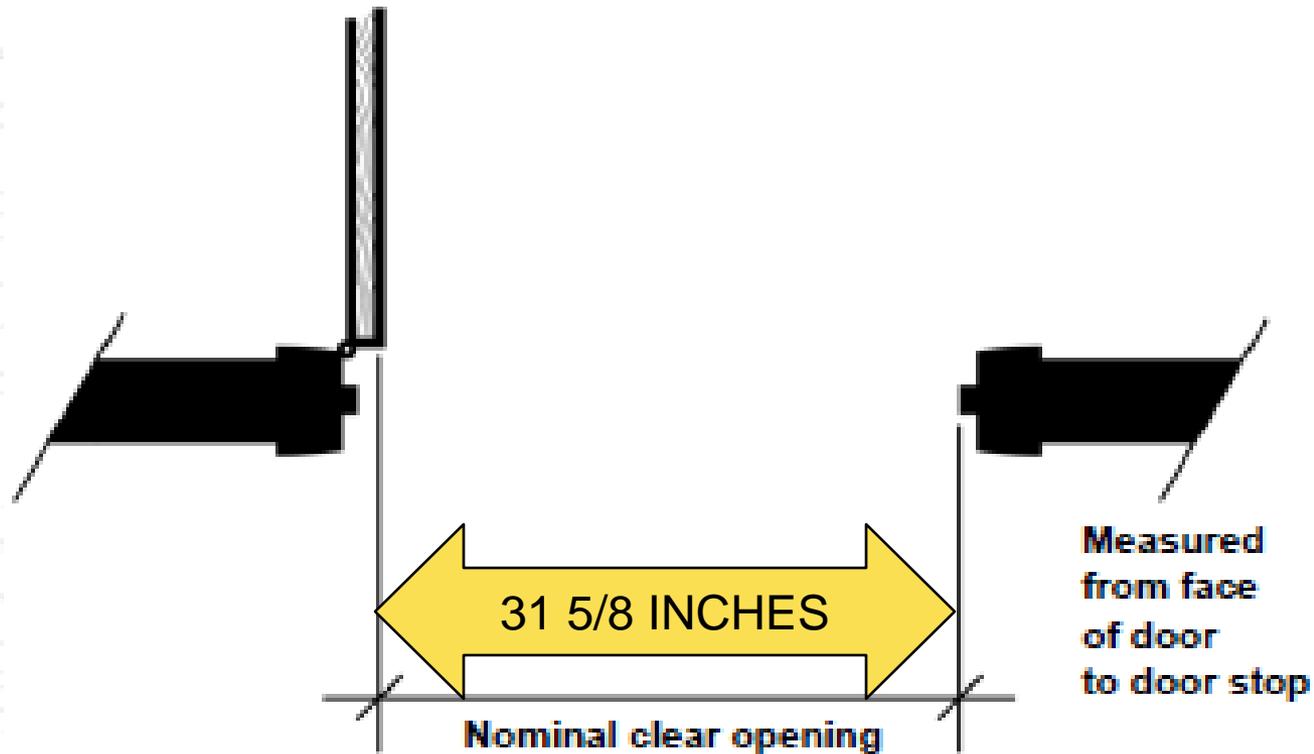


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Number 3 – 32” Clearance – (Cont’d)



Number 3 – Secondary Door “Nominal” 32” Clearance



Number 3 – Primary-Door Usable Hardware – (Cont'd)



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Number 3 – Secondary Door – Allowed Hardware – (Cont'd)



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Number 3 – Deficiencies

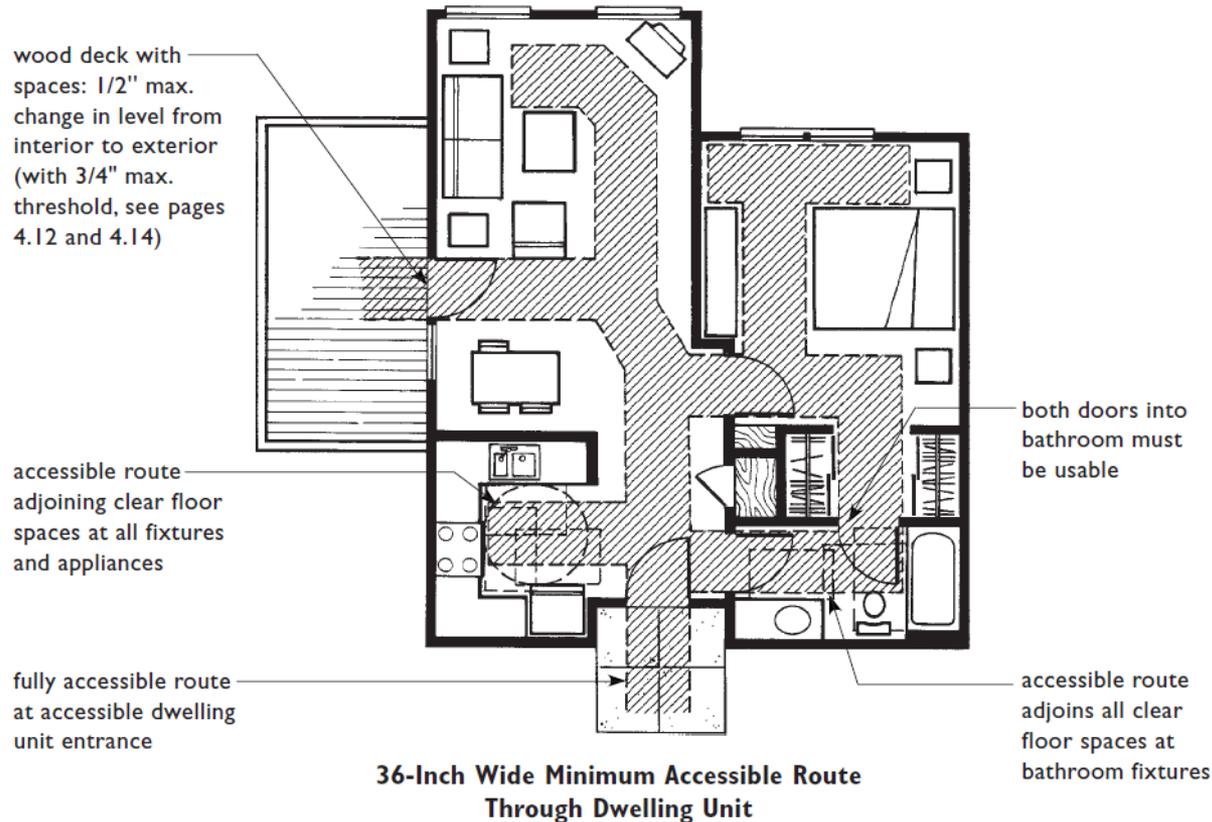
- Door knob on exterior side of primary door to unit
- Secondary doors that do not provide a minimum of 31 5/8” clear width when open so a wheelchair can pass through

Number 3 – Deficiencies – (Cont'd)

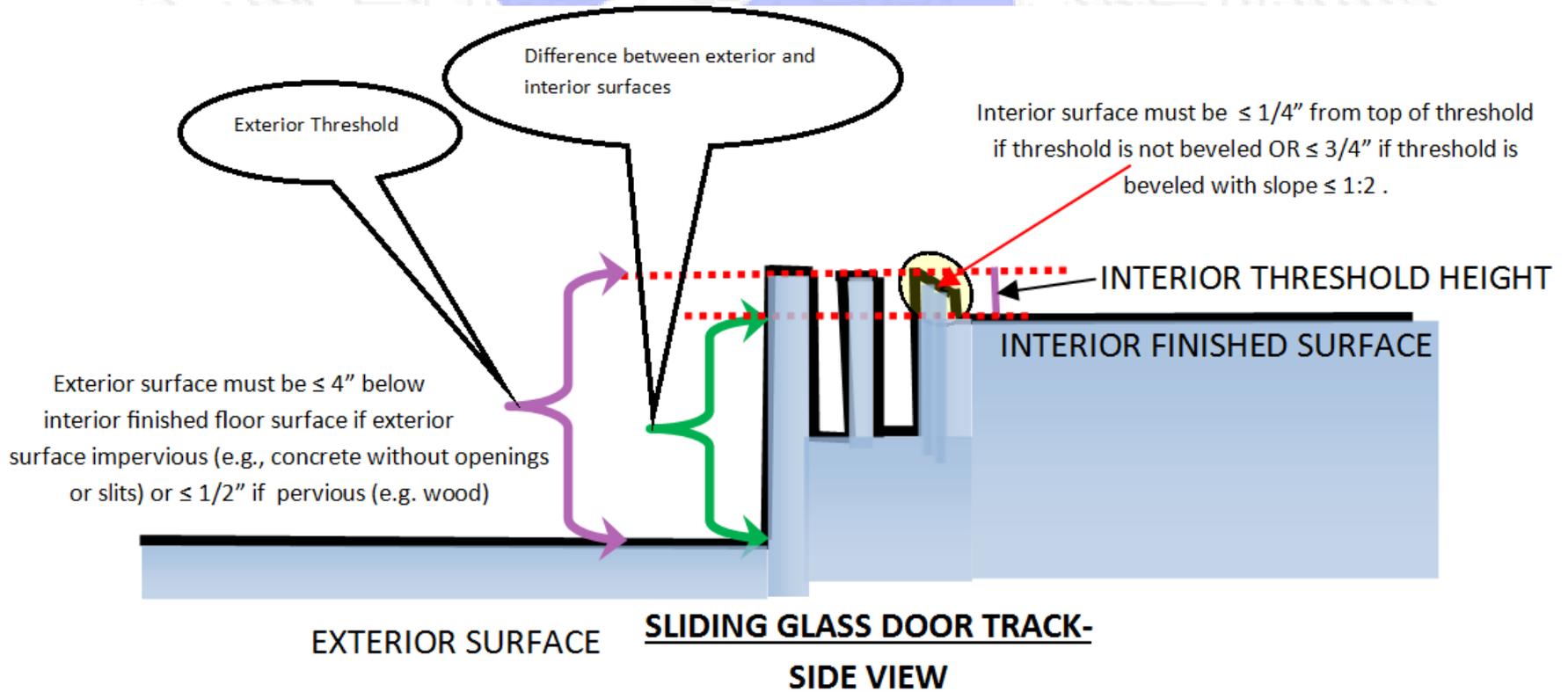


Number 4

There must be an accessible route into and through covered units.



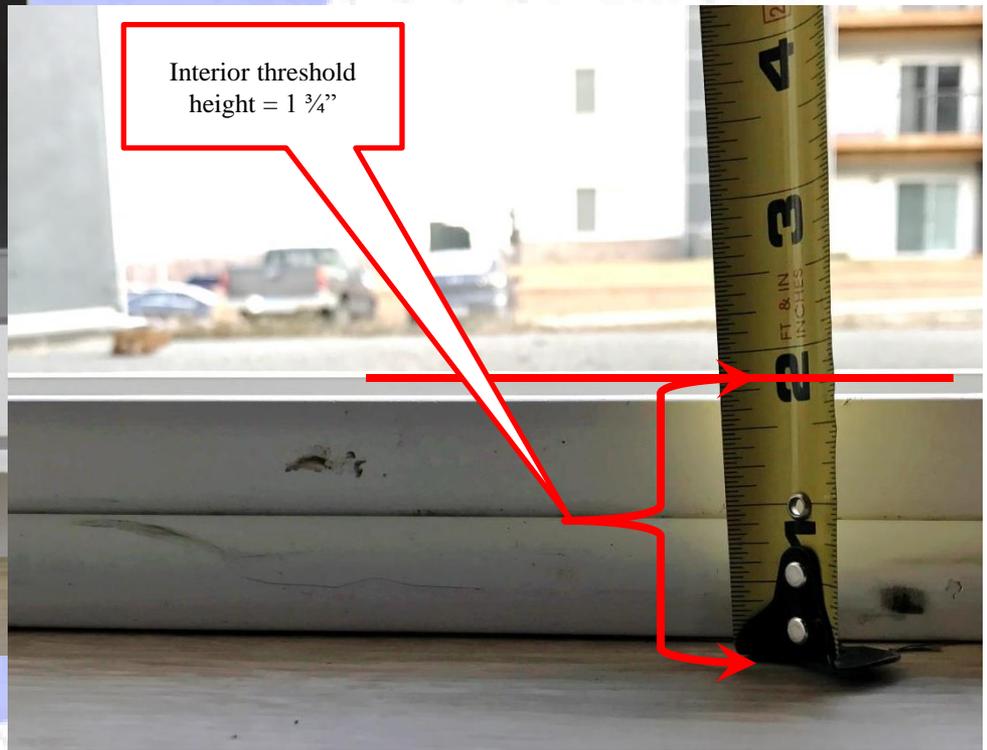
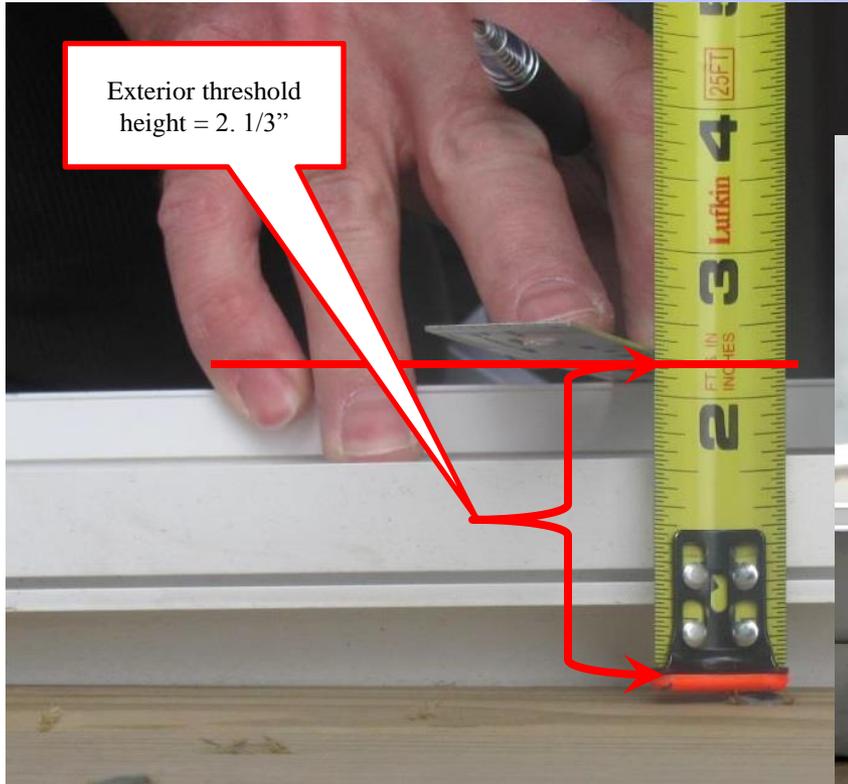
Number 4 – Accessible route into and through dwellings – (Cont'd)



Number 4 – Deficiencies

- Interior threshold at secondary door greater than
 - $\frac{1}{4}$ "
- Exterior threshold of secondary door below interior finished floor surface at more than
 - $\frac{1}{2}$ " (wood) or 4" (concrete)

Number 4 – Deficiencies – (Cont'd)



Number 5

Light switches, electrical outlets, thermostats, and other environmental controls must be in accessible locations, or between 15” and 48” from floor.

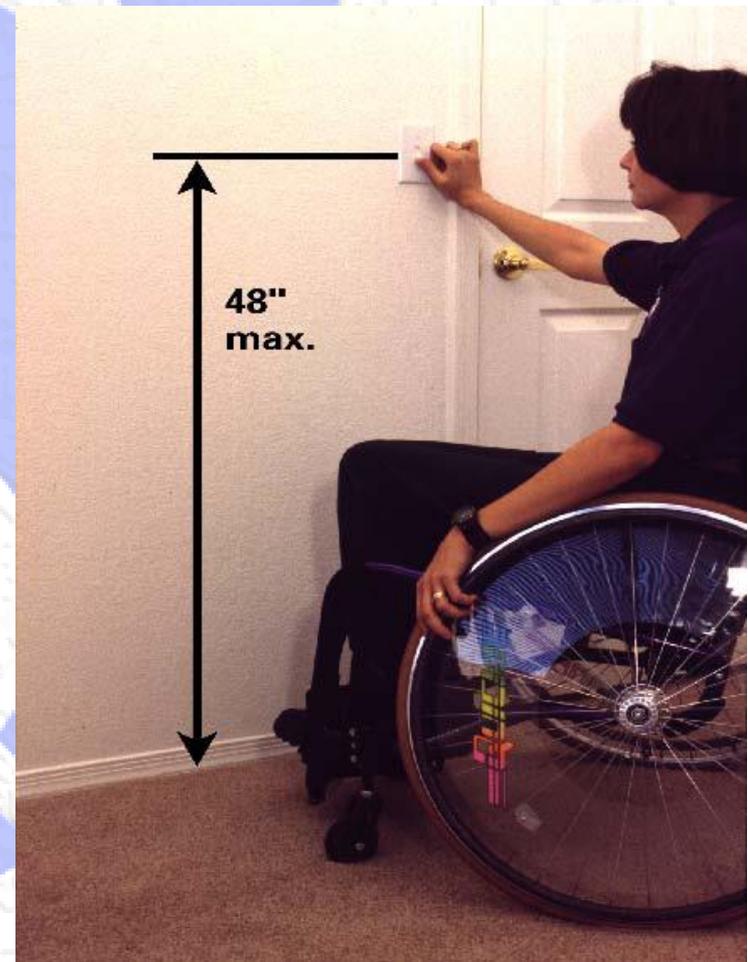
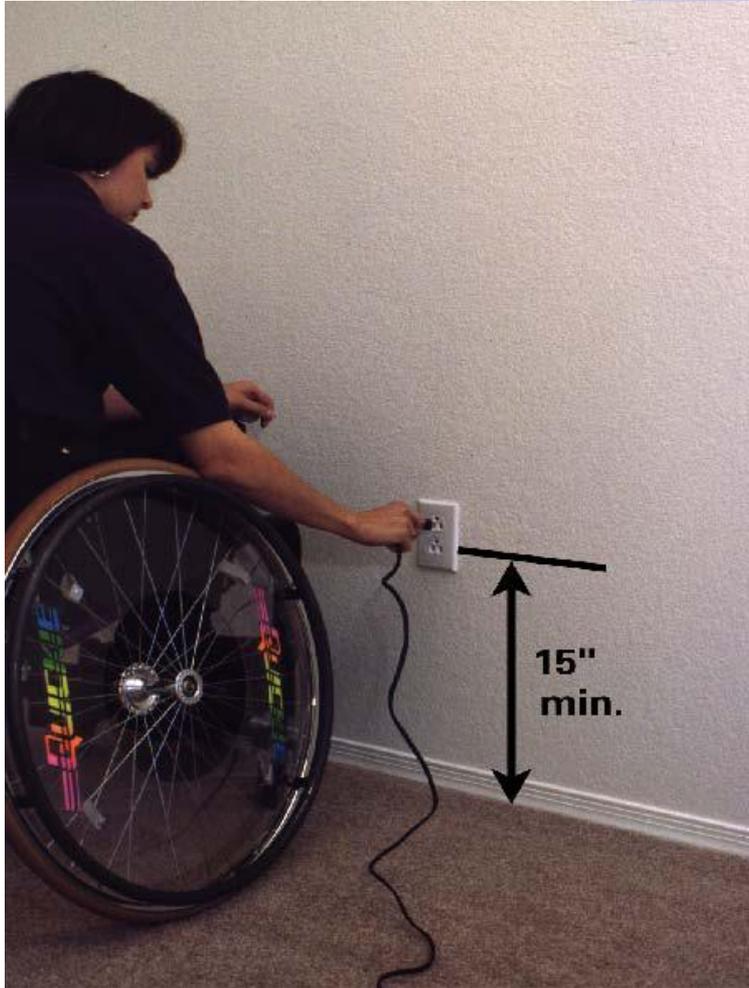
Number 5 – Controls and Outlets – (Cont'd)

- When no obstruction interferes
 - controls must be mounted between 15” and 48”.
- When an obstruction interferes...

Number 5 – Maximum Heights with an Obstruction

	FORWARD APPROACH		PARALLEL APPROACH
OBSTACLE DEPTH	0-20"	20-25"	0-24"
MAXIMUM HEIGHT OF CONTROLS AND OUTLETS	48"	44"	46"

Number 5 – (Cont'd)



Number 5 – Controls Not Covered

- Controls on appliances
- Hoods over ranges
- Special use wall outlets, such as refrigerator and electric range outlets
- Telephone jacks
- Circuit breaker panels
- Microwave ovens are not covered

Number 5 – Deficiencies



**IT'S NOT EASY
TO TURN OFF
THE LIGHTS**

**IF YOU
CAN'T
REACH THE
SWITCH**


SCAN HERE FOR
MORE INFO

The Fair Housing Act requires that most multifamily dwellings built for first occupancy after March 1991 contain accessible light switches, outlets, thermostats, entrances and common areas, as well as usable kitchens and bathrooms. The Act also prohibits discrimination in housing based on disability, race, color, national origin, religion, sex and familial status.

Visit hud.gov/fairhousing or call the HUD Hotline
1-800-669-9777 (English/Español) 1-800-927-9275 (TTY)

Fair Housing Is Your Right. Use It!

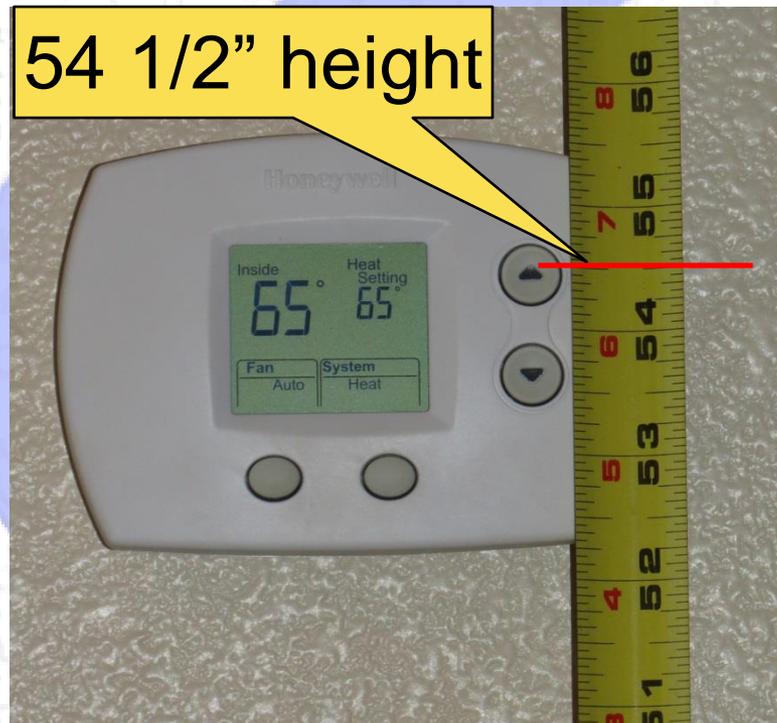
  

A public service message from the U.S. Department of Housing and Urban Development in partnership with the National Fair Housing Alliance. The Federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, marital status or disability. For more information, visit www.hud.gov/fairhousing.

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Number 5 – Deficiencies – (Cont'd)

Thermostats located above 48”



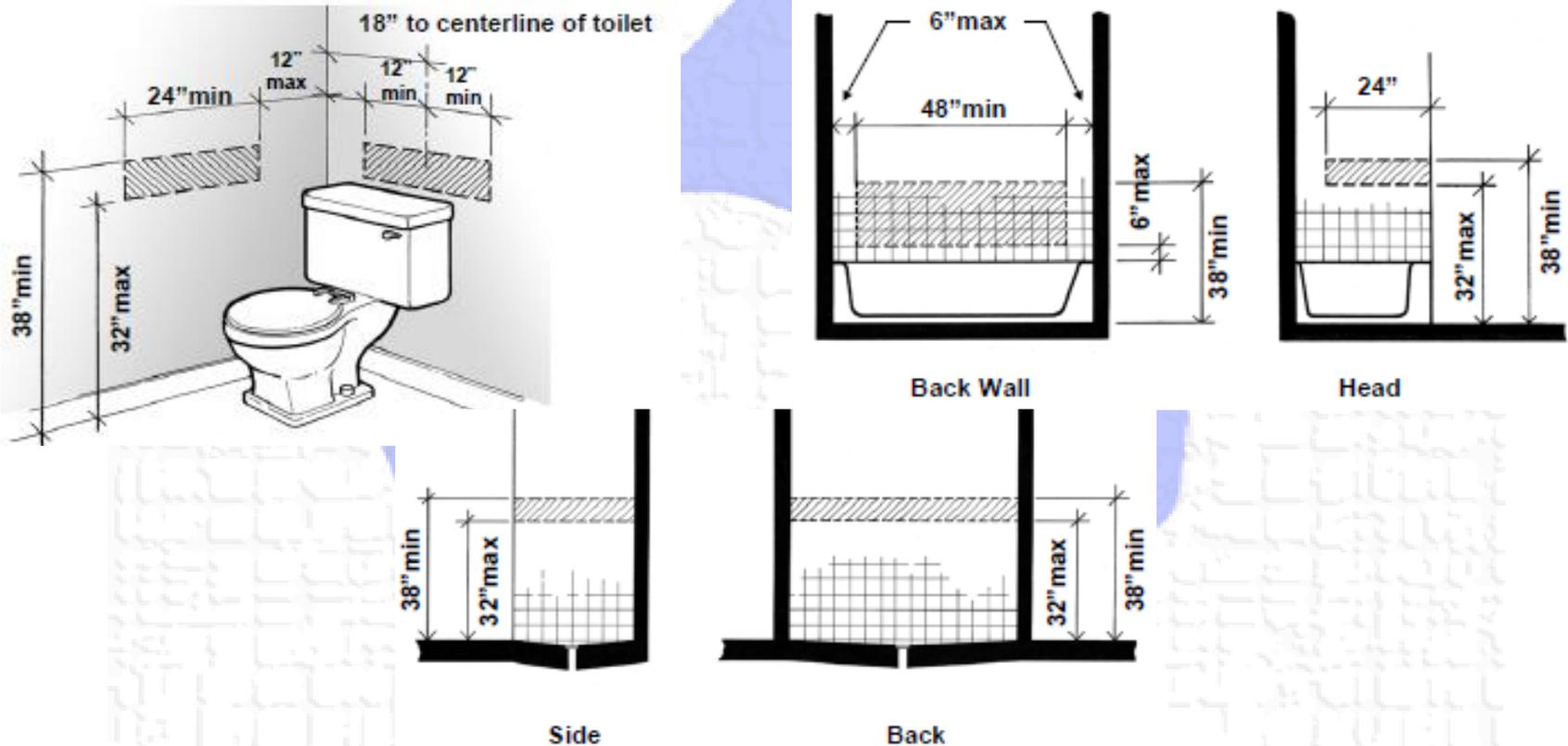
Number 5 – Deficiencies

One or both electrical outlets below 15"



Number 6

Reinforcements in bathroom walls so that grab bars can be added when needed.



Number 6 – Deficiency



Number 7

Kitchens and bathrooms must be usable — that is, designed and constructed so an individual in a wheelchair can maneuver in the space provided.

Number 7 – Usable Bathrooms

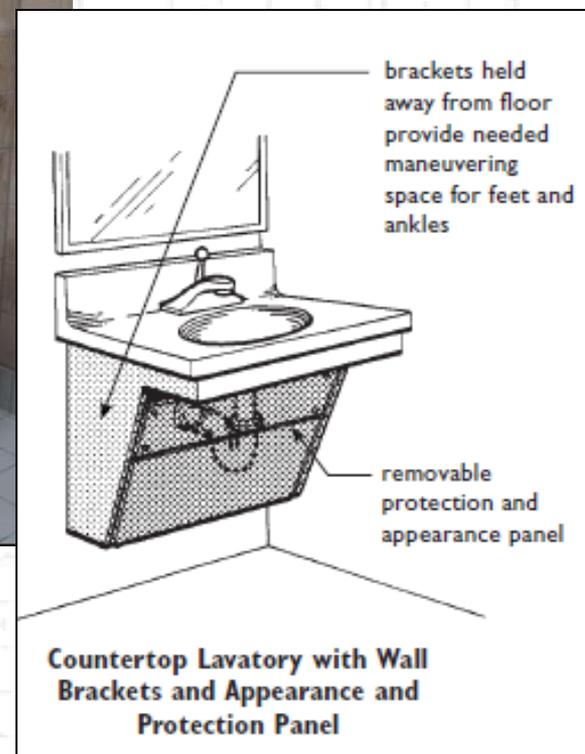
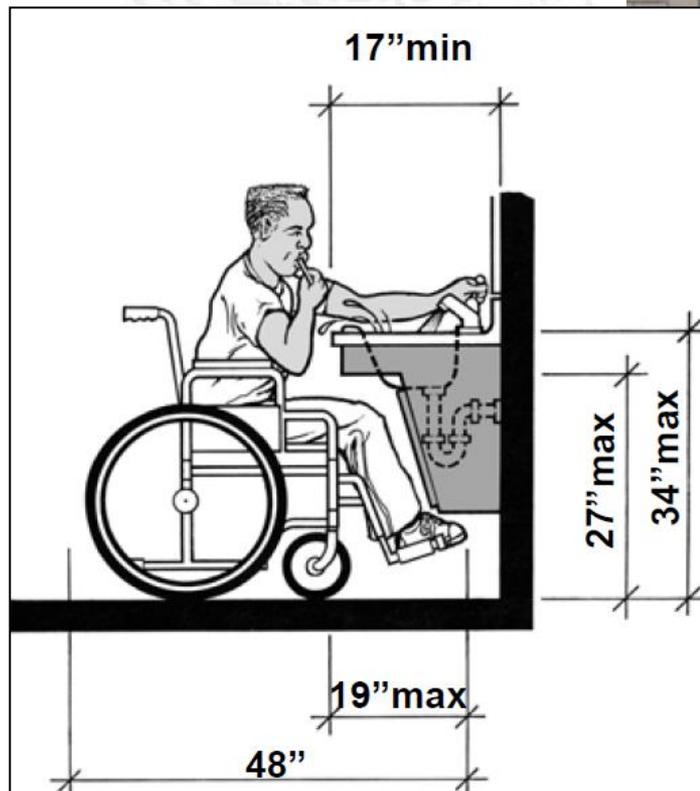
Reinforced Walls for Grab Bars in all bathrooms, with dimensional requirements as stated in Requirement 6.

Number 7 – Usable Bathrooms (Cont'd)

- **Type A:** forward approach to the bathtub.
- **Type B:** parallel approach to the bathtub.
- **BOTH:** 30”x48” clear floor space CFS at each fixture and 30”x48” CFS outside the swing of the door.

Number 7 – Usable Bathrooms

Knee Space(Cont'd)



Number 7 – Usable Bathrooms – (Cont'd)



“Specification A” bathroom

Number 7 – Usable Bathrooms – (Cont'd)



“Specification B” bathroom

Number 7 – Usable Kitchens

- Doorways must be a minimum 31 5/8” wide.
- Pathways between opposing cabinets, counters, and appliances must be 40” wide.

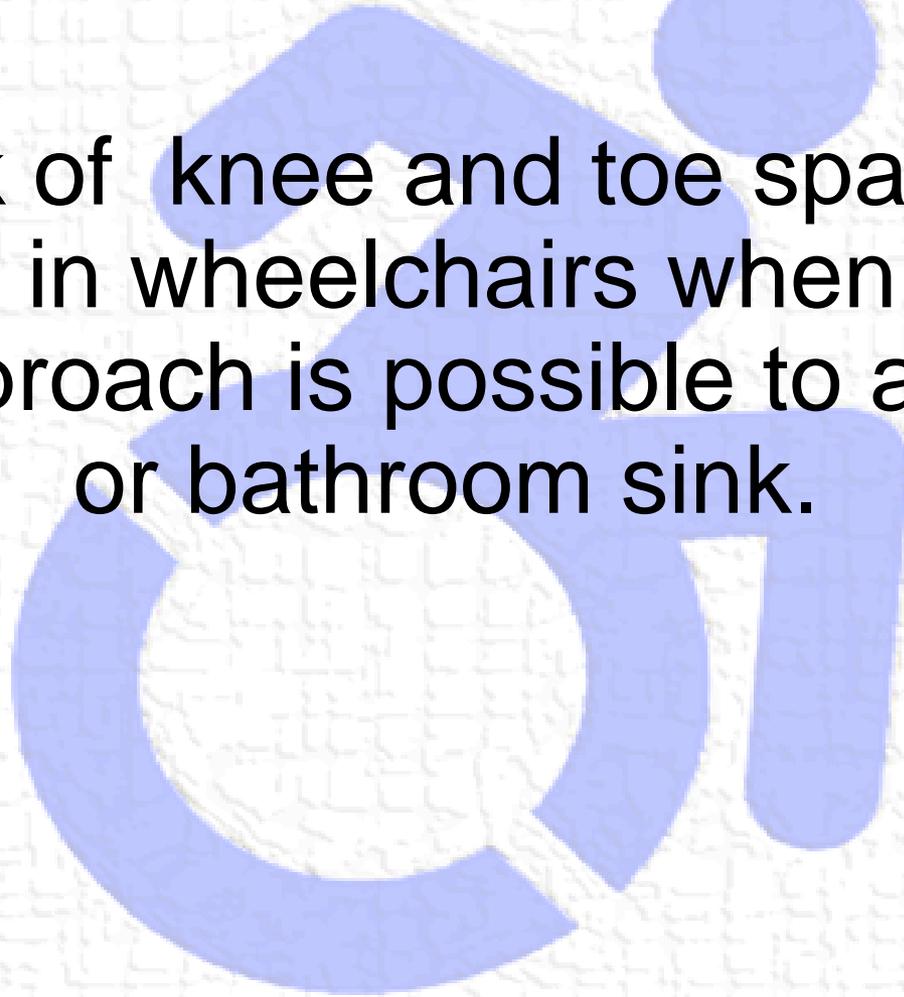
Number 7 – Usable Kitchens – (Cont'd)

There must be at least 30" x 48" clear floor space (CFS) at each fixture and appliance.

- **Parallel approach:** 48" side of CFS must be centered on fixture or appliance.
- **Forward approach:** 30" side of CFS must be centered on fixture or appliance with appropriate knee space provided.

Number 7 – Deficiencies

A lack of knee and toe space for people in wheelchairs when only a front approach is possible to a kitchen or bathroom sink.



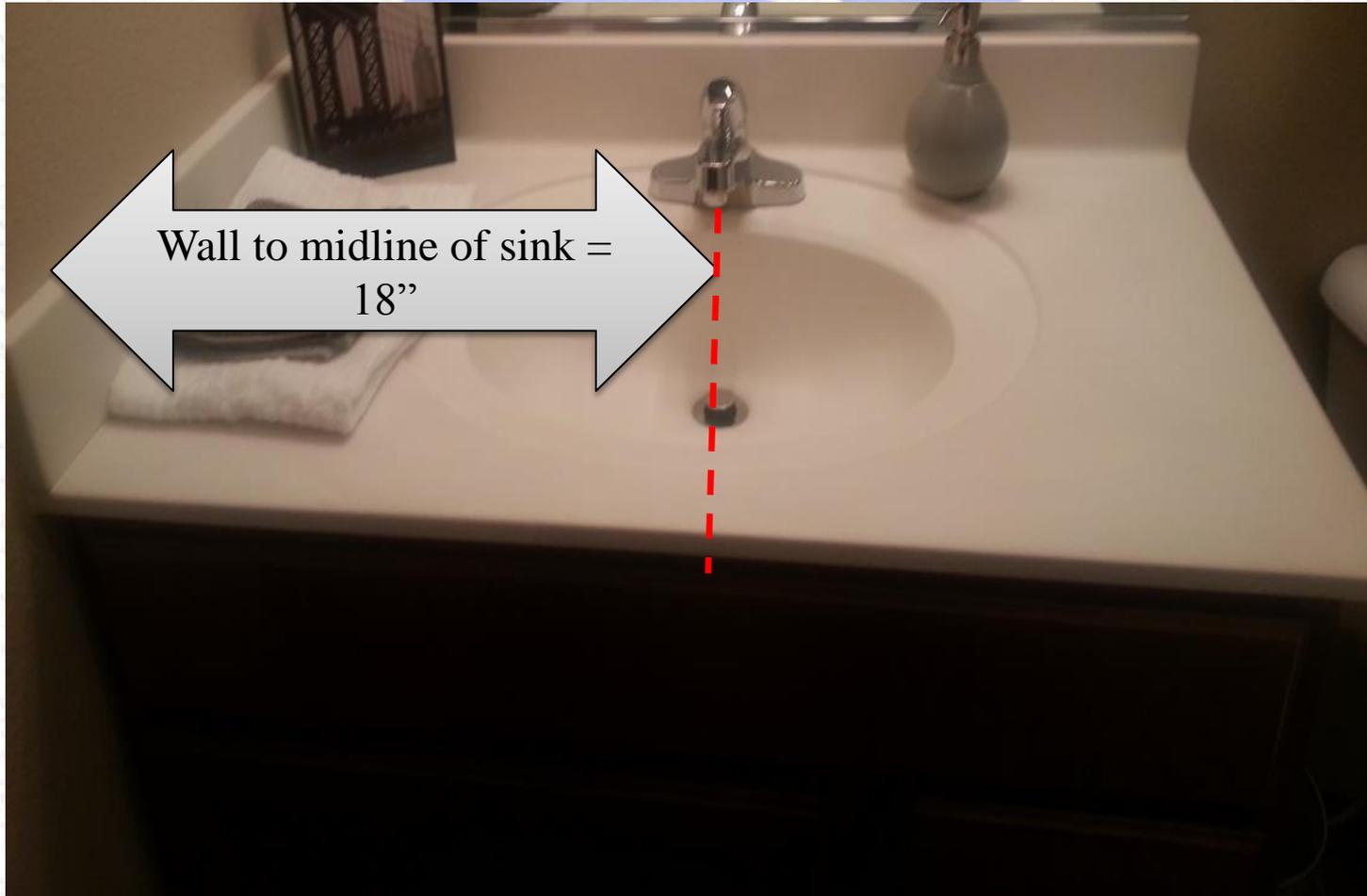
Number 7 – Deficiencies – (Cont'd)

- Lack of centered CFS in front of sinks in kitchens and baths.
- Lack of centered CFS in front of kitchen appliances.

Number 7 – Deficiencies – (Cont'd)

- Lack of 60” turning radius in U-shaped kitchens with a range or sink at the base.
- Lack of 40” of space between counters in all kitchens.
- Lack of 36” of space between counters and bare walls.

Number 7 – Deficiencies – (Cont'd)



Number 7 – Deficiencies – (Cont'd)



Number 7– Deficiencies – (Cont'd)



FHA Safe Harbors

- HUD Fair Housing Accessibility Guidelines
- ANSI A117.1 (1986)
- CABO/ANSI A117.1 (1992)
- ICC/ANSI A117.1 (1998)
- Fair Housing Act Design Manual

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FHA Safe Harbors – (Cont'd)

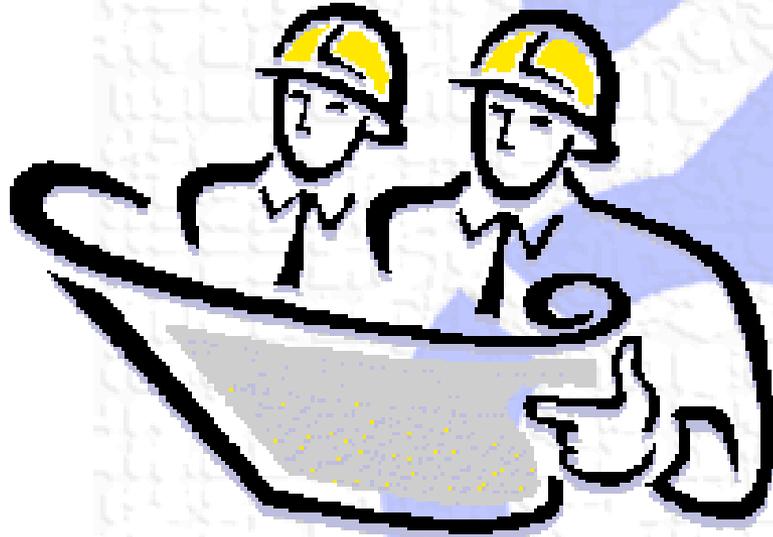
- Code Requirements for Housing Accessibility 2000 (CRHA)
- International Building Code 2000
- International Building Code 2003
- ICC/ANSI A117.1 (2003)
- International Building Code 2006

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FHA Safe Harbors – (Cont'd)

SCOPING REQUIREMENTS SAFE HARBOR	TECHNICAL REQUIREMENTS – ANSI VERSION
HUD's March 6, 1991 Fair Housing Accessibility Guidelines [also known as "the Guidelines"]	ANSI 1986
Fair Housing Act Design Manual – First published 1996 and updated 1998	ANSI 1986
Code Requirements for Housing Accessibility 2000	ANSI 1998
International Building Code (IBC) 2000	ANSI 1998
IBC 2003	ANSI 1998
IBC 2006	ANSI 2003

Building Official's Presentation



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Detecting and Remediating Deficiencies

1) TESTING

- a) Testers search online for newly-built covered multifamily properties.
- b) Testers gather necessary information and documents to ensure the property is timely.
- c) Testers schedule a time to view the property.
- d) Testers visit the property to gather information, and complete the “Tester’s Checklist.”
- e) Testers submit checklist, photographs, and certificates of occupancy to Testing Coordinator (TC).

Detecting and Remediating Deficiencies – (Cont'd)

1) TESTING

- g) The Design Construction Specialist (**DCS**), the **TC**, and Supervisor of Housing Investigations (**SHI**) analyze the gathered information.
- f) If possible deficiencies are found, then the **TC/DCS** draft and submit a Test Report to the **SHI** to review.
- g) The **SHI** submits the reviewed Test Report to ICRC Assistant Attorney General (**AAG**) for review.

2) COMPLAINT FILING

- a) If the **AAG** also agrees, then a complaint is drafted.

Detecting and Remediating Deficiencies – (Cont'd)

2) COMPLAINT FILING

- b) The drafted complaint is filed by the ICRC Commissioner, and submitted to HUD for cross-filing.

3) MEDIATION/INVESTIGATION

- a) A Notice of Complaint and Questionnaire are mailed to Respondents (owner, developer, builder, and architect).
- b) After responses to Questionnaire are received, the **DCS** contacts Respondents to schedule inspection.

Detecting and Remediating Deficiencies – (Cont'd)

3) MEDIATION/INVESTIGATION

- c) The **DCS/TC** conduct onsite inspection of one of each unit type and the common use and public areas.
- d) The **DCS** drafts and submits “Report of Preliminary Findings” to **SHI**.
- e) After report is approved by the **SHI**, the report is submitted to Respondents to review and respond within two weeks.
- f) Upon request, a meeting is held between Respondents and the **DCS/TC** to clarify report.

Detecting and Remediating Deficiencies – (Cont'd)

3) MEDIATION/INVESTIGATION

- g) After a consensus is reached between ICRC and Respondents as to what the deficiencies are and how to remedy them, ICRC Management formulates an initial offer of settlement in writing titled “Predetermination Settlement Agreement.”
- h) After a consensus is reached between ICRC and Respondents about the terms and language of the agreement, the agreement is signed by ICRC and all named parties; and the complaint is closed by ICRC and HUD.

Detecting and Remediating Deficiencies – (Cont'd)

- 4) COMPLIANCE MONITORING
 - a) The agreement is monitored for compliance.
 - b) Upon request and if all terms have been met, ICRC will draft and submit a letter to Respondents to document all the terms have been met, and no further action is planned for the complaint.

Questions?

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Presentation Evaluation

Those wishing to provide feedback on today's presentation are kindly invited to please complete the evaluation form online at:

<https://docs.google.com/a/iowa.gov/forms/d/e/1FAIpQLSdfgN-456VVktXbgliuCOU2IPJ9hBRGUxILeZ2jceEoA4N8TA/viewform>

THANK YOU!

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