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
The Law

Federal Fair Housing Act [FHA]


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


- 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)
FHA/ICRA and Building Codes

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

≤ 2% cross slope

≤ 5% running slope

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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)
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 4.12.10)
- maneuvering space next to latch side of door (ANSI 4.12.6)
- 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 4.12.8)
- clear, readable, high contrast signage
- weather protection
- 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

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.
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)
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:

Public – ADA
- Rental/Property Offices
- Restrooms
- Lobbies
- Parking lots

Common Use – FHA/ICRA
- Mailboxes
- Clubhouses
- Swimming Pools
- Fitness Rooms
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)
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
Number 3 – 32” Clearance – (Cont’d)
Number 3 – Secondary Door
“Nominal” 32” Clearance

31 5/8 INCHES
Number 3 – Primary-Door Usable Hardware – (Cont’d)
Number 3 – Secondary Door – Allowed Hardware – (Cont’d)
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)

Clear Opening Width = 26 inches

Clear Opening Width = 28 inches
Number 4

There must be an accessible route into and through covered units.
Number 4 – Accessible route into and through dwellings – (Cont’d)

Exterior surface must be ≤ 4” below interior finished floor surface if exterior surface impervious (e.g., concrete without openings or slits) or ≤ 1/2” if pervious (e.g., wood)

Interior surface must be ≤ 1/4” from top of threshold if threshold is not beveled OR ≤ 3/4” if threshold is beveled with slope ≤ 1:2.

Exterior Threshold

Difference between exterior and interior surfaces

INTERIOR THRESHOLD HEIGHT

INTERIOR FINISHED SURFACE

SLIDING GLASS DOOR TRACK-
SIDE VIEW

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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)

Exterior threshold height = 2 1/3”

Interior threshold height = 1 ¾”
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

<table>
<thead>
<tr>
<th>Obstacle Depth</th>
<th>Forward Approach</th>
<th>Parallel Approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-20”</td>
<td>20-25”</td>
<td>0-24”</td>
</tr>
<tr>
<td>Maximum Height of Controls and Outlets</td>
<td>48”</td>
<td>44”</td>
</tr>
</tbody>
</table>
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

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/Spanish) 1-800-927-9275 (TTY)

Fair Housing Is Your Right. Use It!
Number 5 – Deficiencies – (Cont’d)

Thermostats located above 48”

54 1/2” height
Number 5 – Deficiencies

One or both electrical outlets below 15”

7” height
Number 6
Reinforcements in bathroom walls so that grab bars can be added when needed.
Number 6 – Deficiency

No blocking
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.
Wall to midline of sink = 18”
Number 7 – Deficiencies – (Cont’d)
Number 7– Deficiencies – (Cont’d)

Clear-path width = 36”
FHA Safe Harbors

- HUD Fair Housing Accessibility Guidelines
- ANSI A117.1 (1986)
- Fair Housing Act Design Manual
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**
### FHA Safe Harbors – (Cont’d)

<table>
<thead>
<tr>
<th>SCOPING REQUIREMENTS SAFE HARBOR</th>
<th>TECHNICAL REQUIREMENTS – ANSI VERSION</th>
</tr>
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<tbody>
<tr>
<td>HUD’s March 6, 1991 Fair Housing Accessibility Guidelines [also known as “the Guidelines”]</td>
<td>ANSI 1986</td>
</tr>
<tr>
<td>Code Requirements for Housing Accessibility 2000</td>
<td>ANSI 1998</td>
</tr>
<tr>
<td>IBC 2003</td>
<td>ANSI 1998</td>
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<tr>
<td>IBC 2006</td>
<td>ANSI 2003</td>
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Building Official’s Presentation
Detecting and Remedying 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 Remedying 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 Remedying 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.
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 Remedying 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 Remediying 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?

Contact:

Emigdio López-Sanders
515-281-8046
Emigdio.Lopez-Sanders@iowa.gov
BuildItRightIowa@iowa.gov
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-456VVktXbgliuCOU2IPJ9hBGUxILeZ2jceEoA4N8TA/viewform

THANK YOU!