

## Accessibility in Nevada’s LIHTC Projects

### Regulations regarding adaptable units in multi-family dwellings

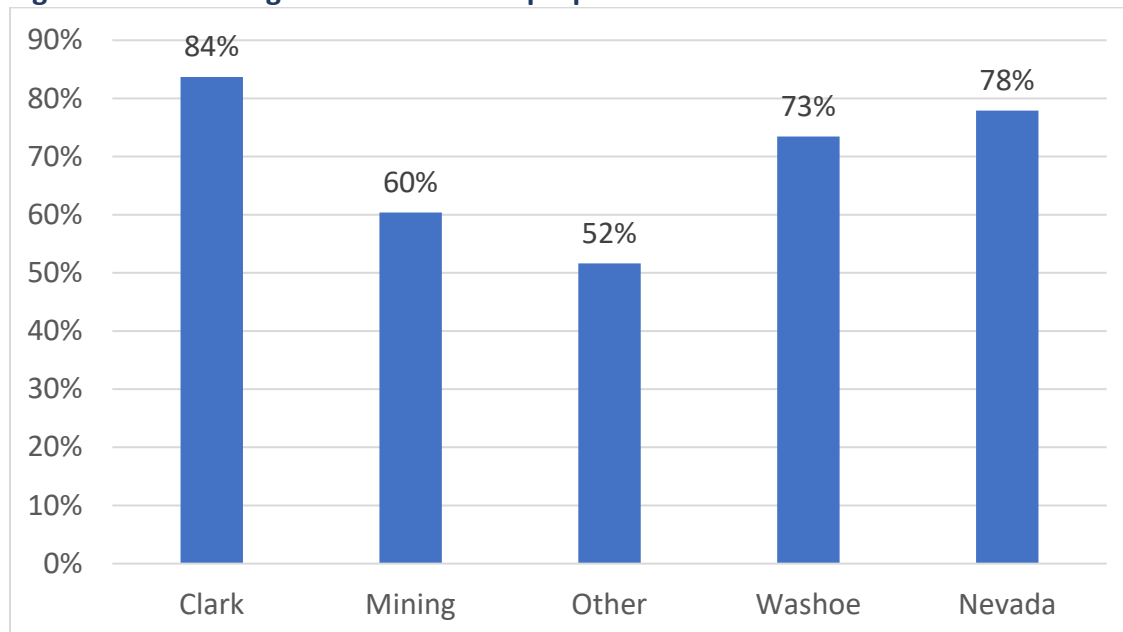
All types of multi-family dwellings (those with four or more units), whether rent-restricted, with or without rental assistance or strictly private market, must comply with Fair Housing Act Guidelines that prohibit discrimination based on disability. Various requirements regarding accessibility and adaptability were put into place for covered dwellings built for first occupancy after March 13, 1991. The guidelines apply to almost all units in multifamily buildings with elevators and almost all ground floor units in buildings without elevators. Seven requirements apply:

1. At least one entrance to the building must be on an accessible route.<sup>i</sup>
2. Public and common use areas must be on an accessible route.
3. All doors must be wide enough to allow passage by wheelchairs.
4. There must be an accessible route into and throughout the units.
5. All controls such as light switches, outlets and thermostats must be accessible.
6. Units must contain reinforced walls for grab bars in the bathroom.
7. Kitchens and bathrooms must be designed so that a wheelchair can maneuver these spaces and make use of them.

Many of these guidelines help ensure that the dwelling units are at minimum adaptable to persons with disabilities. For more complete information please consult HUD regulations.<sup>ii</sup>

Seventy-eight percent of the reporting properties were first built after 1990 and are subject to these guidelines. There is considerable variation regionally; for Clark County 84% of the LIHTC units surveyed were built in 1991 or later. In all other counties, the proportion of new properties is smaller.<sup>iii</sup>

**Figure 13. Percentage of units in LIHTC properties built in 1991 or later.**



To investigate how many of Nevada’s LIHTC units must follow the Fair Housing Act Guidelines, respondents were asked how many floors the property has as well as whether the units are served by an elevator (see Table 24). Sixty-five percent (3,527) of the reporting properties built before 1991 were in two-story buildings and 15% (787) in three story buildings, whereas for properties built in 1991 and after, only 31% of units were in properties with two-stories (5,978) and 52% in three story properties (9,965). Almost all the 1,201 units in one story buildings built in 1991 or after would be subject to the Fair Housing Act Guidelines (see Table 24).

**Table 24. Nevada LIHTC units by number of floors and age of property**

Number of floors	Built in 1990 or earlier	Built in 1991 or later	Total
1 floor	685	1,201	1,886
2 floors	3,527	5,978	9,505
3 floors	787	9,965	10,752
4 floors	0	1,492	1,492
5 or more floors	181	119	300
Townhouses or unknown	227	310	537
<b>Total</b>	<b>5,407</b>	<b>19,065</b>	<b>24,472</b>

In Table 25, we look only at the units built after 1990, and do not include townhouses, which are not covered by the Fair Housing Act Guidelines, or properties with an unknown number of floors. Making some simplifying assumptions, an estimated 13,400 units are covered by the Fair Housing Act Guidelines above and therefore are required to be adaptable units.<sup>iv</sup> This is about 55% of the inventory.

**Table 25. Estimate of adaptable units in Nevada LIHTC properties**

Built 1991 or later, Information on floors known, not known to be a townhouse	No elevator in building	Elevator in building	Estimated Adaptable Units
1 floor	1,201	NA	1,201
2 floors	4,489	1,489	3,734
3 floors	4,642	5,323	6,855
4 floors	0	1,492	1,492
5 or more floors	0	119	119
<b>Total</b>	<b>9,131</b>	<b>8,423</b>	<b>13,400</b>

### Section 504 Accessibility Requirements

In addition to the above requirements, all buildings that receive federal assistance must comply with Section 504, which requires that at least one unit or 5% of units, whichever is greater, be built to meet Uniform Federal Accessibility Standards for tenants with mobility restrictions and at least one unit or 2% of units,

whichever is greater, be built with special requirements necessary for visually or hearing impaired tenants. Not all LIHTC properties are covered by Section 504, as tax credits are not considered to be federal assistance. However, projects with federal funding from USDA, Section 8 (property based), Section 811, HOME units and other federal funds that are paid directly to developers, do impose these requirements. An estimated 87% of the 246 LIHTC properties included in this analysis have some federal funding involvement. Using this information, there should be a minimum of 1,165 units for mobility restrictions and 524 units for visually or hearing impaired tenants.

Respondents were asked for the number of accessible units in their property using the questions below. Table 26 gives the results.

**Q2.20 How many of your units are fully accessible to individuals in a wheelchair?**

Distinguishing features might include grab bars in the bathroom, roll-in shower, or walk-in shower or tub with seat, counters & vanities with accessible side approach or open space for wheelchairs under kitchen sink, kitchen work surface and lavatories, etc. \_\_\_\_\_

**Q2.21 How many of your units are accessible to individuals with visual or hearing disabilities?**

Distinguishing features might include strobe alarm in unit and common area, doorbell with visible and audible components, non-digital controls on kitchen appliances, intercom with both audio and visual components, etc. \_\_\_\_\_

Far more accessible units than the minimum required calculated above were reported. The relatively large number of accessible units is due in large part to 29 properties in which all units were reported to be mobility accessible and 12 properties in which all units were reported to be vision and hearing accessible.

**Table 26. Accessible units in Nevada LIHTC properties**

Property Type	Mobility accessible	% of total units	Vision & hearing accessible	% of total units
Family	625	5.2%	543	4.9%
Senior	3,562	35.3%	1,435	14.8%
<b>All</b>	<b>4,187</b>	<b>18.9%</b>	<b>1,978</b>	<b>9.6%</b>

A total of 4,187 mobility accessible units were reported in 198 properties. Most of the mobility accessible units (3,562) reported were in senior properties. Over 35% of senior units in reporting properties were accessible to persons with a mobility impairment. Several senior properties were reported to be 100% accessible. Nearly 2,000 units, almost 10% of units in reporting properties, were reported to be accessible to persons with hearing or vision impairments. The majority (1,435) of the vision and hearing accessible units were again reported to be in senior properties.

Accessibility, especially for vision and hearing units, may be handled in part through accommodation requests. Several property managers added comments about providing accessible units this way. One

manager of a large number of properties reported receiving the equivalent of one request every 38 days for each 100 units managed. Most of these accommodation requests were granted.

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<sup>i</sup> Exceptions exist for building on unusual terrain.

<sup>ii</sup> Paraphrased from Zook, Phil. 2009. Multi-family Housing and the Fair Housing Act. Silver State Fair Housing Council. Reno, NV. For more precise information please consult this source as well as the relevant HUD regulations.

<sup>iii</sup> 246 properties' observations were included for these topics.

<sup>iv</sup> Simplifying assumptions included are 1) there are no other townhome style properties, 2) all units on properties with elevators have elevator access, 3) properties with two floors have one half of the units on the first floor and one half on the second, and similarly with three-floor properties, one third of the units are on each level, and 4) none of the properties are subject to rare exceptions which exempt certain units.