

Accessible Units

Regulations regarding adaptable and accessible 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 all units in multifamily buildings with elevators and all the ground floor units in buildings without elevators. Seven requirements apply:

1. At least one entrance to the building must be on an accessible route.ⁱ
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. 77% of the reporting properties were first built after 1990 and are subject to these guidelines. For more complete information please consult HUD regulations.ⁱⁱ

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. Most LIHTC properties are not covered by Section 504, as tax credits are not considered to be federal assistance. However, certain funding mixes that include federal funds from USDA, Section 8 (property based), Section 811, HOME units and other federal funds that are paid directly to developers, do impose these requirements on some or all of the units in tax credit properties. At least 1,100 units were reported to be fully ADA accessible or have special adaptations for mobility impaired or visually or hearing impaired tenants including 12 properties for which all units are fully ADA accessible.

ⁱ Exceptions exist for building on unusual terrain.

ⁱⁱ 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.