

Webinar Call-In Number

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## Common Mistakes to Avoid in Accessibility From Fair Housing to the Texas Accessibility Standards

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# COURSE DESCRIPTION

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This course will cover some of the accessibility requirements associated with multi-family housing projects.

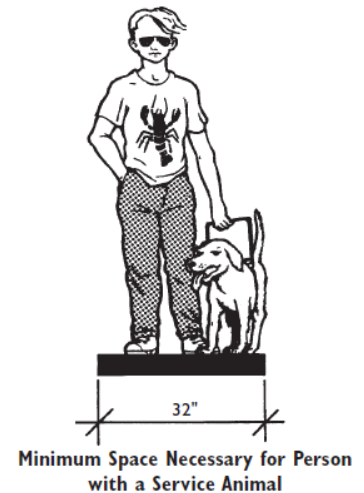
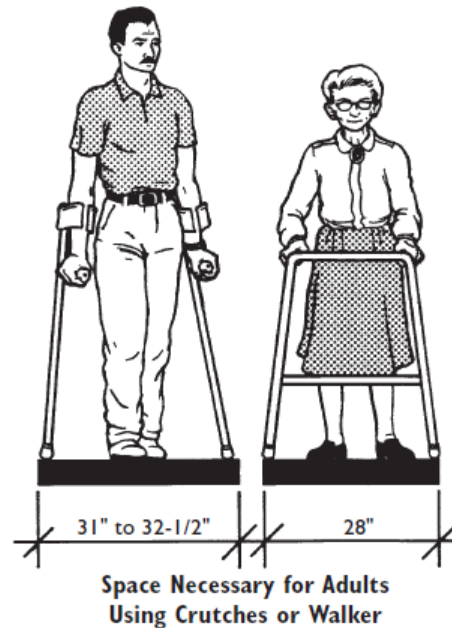
Specifically, we will discuss the Fair Housing Act and the safe harbor documents of the IBC and ANSI.

The course will provide examples of the application of the standards as well as common mistakes that we see in our reviews and inspections.

# WHY IS THERE A FAIR HOUSING ACT?

Statistics from the Fair Housing Act Design Manual:

- 48.9 million Americans are persons with disabilities
- 17 million Americans have serious hearing disabilities
- 8.1 million Americans have vision disabilities
- Stop discrimination



# ACCESSIBILITY IS CIVIL RIGHTS

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“shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations. These activities include, but are not limited to, hiring and firing of staff, selection of volunteers and vendors, and provision of services.”

# ACCESSIBILITY MINDSET

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Accessibility Standards cover many types of disabilities:

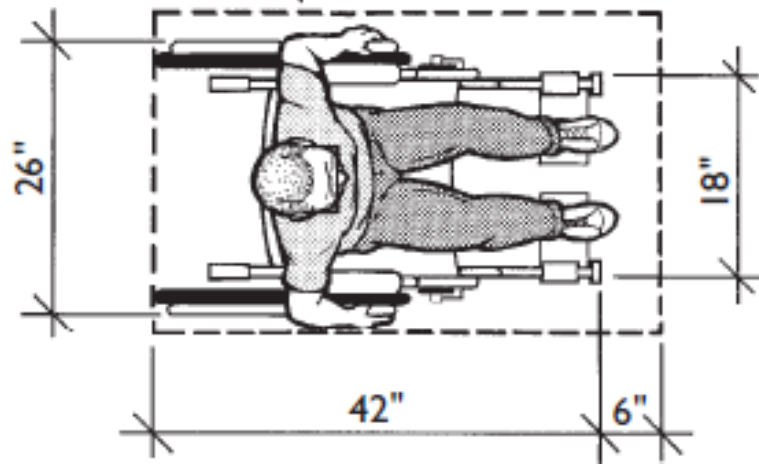
- Persons with visual impairments
- Persons with mobility impairments
- Persons with hearing impairments
- Persons with cognitive disabilities
- Persons with temporary impairments



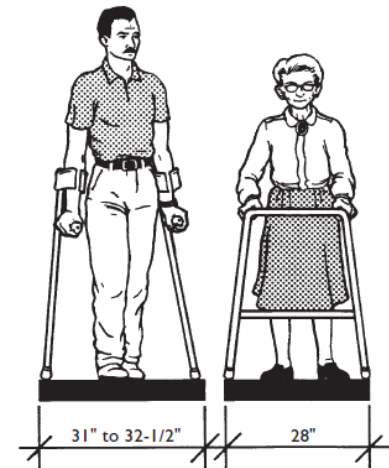
# HOW WERE THE DIMENSIONS DETERMINED?

30" X 48" clear floor space

footrests and toes may extend farther for some people



**Space Allowances and Approximate Dimensions of Adult-Sized Wheelchairs**



**Space Necessary for Adults Using Crutches or Walker**



**Minimum Space Necessary for Person with a Service Animal**

# COMMON ACCESSIBILITY CODES

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- Standards for Accessible Design (SAD)
  - Federal Civil Rights Law
  - Technical Standards to comply with the ADA
- Texas Accessibility Standards (TAS)
  - State Construction Law
- Fair Housing Act Design Guidelines (FHA)
  - Federal Civil Rights Law
- International Building Code (IBC), Chapter 11
  - Federal Building Code which may/may not be adopted by local municipality
- American National Standards Institute (ANSI) A117.1
  - Technical standards of the IBC



# Public Accommodations

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**Public Accommodation** - a facility, operated by a private entity, whose operations affect commerce. Hotels, restaurants, transportation center, movie theater, shopping center, etc.

Americans with Disabilities Act (ADA)

Texas Accessibility Standards (TAS)

# Americans with Disabilities Act (ADA)

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Federal **Civil Rights Law** signed in 1990

Enforced by US Department of Justice (DOJ)

- Enforcement triggered by lawsuits

Technical Standards

- 2010 Standards for Accessible Design

# Texas Architectural Barriers Act (TABAA)

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## **Construction Law**

### Enforced by TDLR

- Enforcement triggered by construction
  - Project over \$50,000 in construction value must be registered and reviewed
  - Project under \$50,000 must comply but on the honor system

Technical Standards are the Texas Accessibility Standards (TAS)

# FAIR HOUSING ACT (FHA)

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Federal **Civil Rights Law** signed in 1968

- Amended in 1988 to cover disabilities

Enforced by HUD and DOJ

- Enforcement triggered by complaints & lawsuits

Covers

- *In general*, multi-family housing with 4 or more dwelling units

# INTERNATIONAL BUILDING CODE (IBC)

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## **Building Code** adopted by municipalities

- Municipalities make amendments and adopt
- City of Austin on 2012 but moving to 2015

## Enforced by the local municipality

- Permit, review, and inspection process

## Contains Accessibility (Chapter 11)

- Covers multi-family projects (some exceptions)

# AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)/ICC A117.1

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**Technical Standards** referenced in the FHA & IBC

Current Code is ICC A117.1-2009

Recently approved code is ICC A117.1-2017

- not included in the scoping requirements of 2018 IBC approvals
- anticipated to be the technical standards for the 2021 IBC

# Facility Examples for FHA/IBC

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Publicly Funded Projects

Privately Funded Projects

Mixed-Use Developments

Units for Rent

Units for Sale

Dormitories

Transitional Housing

Beyond

# IS YOUR PROJECT HUD FUNDED?

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Department of Housing and Urban Development

- Federal department which may provide funding

HUD Funded vs HUD Financed vs HUD Insured vs Tax Credits

- Can trigger additional requirements

Does TDHCA have jurisdiction on your project?

- If Tax Credits-likely
- If HUD Funded-likely
- Requires compliance with 2010 SAD residential facilities & FHA
  - 5% of units must have mobility features
  - 2% of units must have communication features



# ADDITIONAL REQUIREMENTS?

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## S.M.A.R.T. Housing Requirements in the City of Austin

- 10% of units must be Type A

## Visibility Requirements in the City of Austin

- No step entrance
- Clearance requirements in ground level restroom

## Local IBC Amendments

# FIRST QUESTION

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What standard(s) are you using to meet accessibility?



# THE ANSWER WE LIKE TO HEAR

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ADA and TAS for the public accommodations

AND

FHA Design Manual OR approved FHA Safe Harbor document

AND

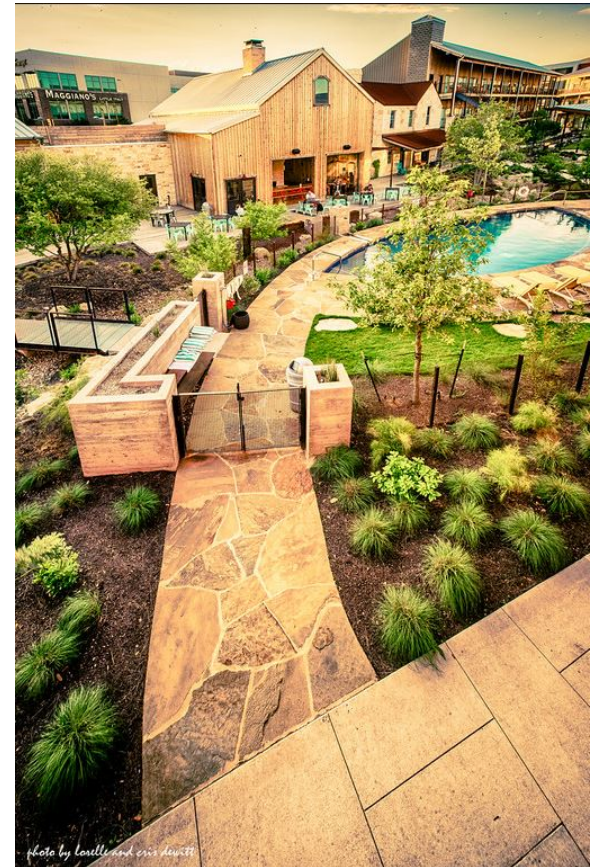
Applicable Building Code (2012 IBC/2009 ANSI in COA)

# TYPICAL ADA & TAS APPLICATION

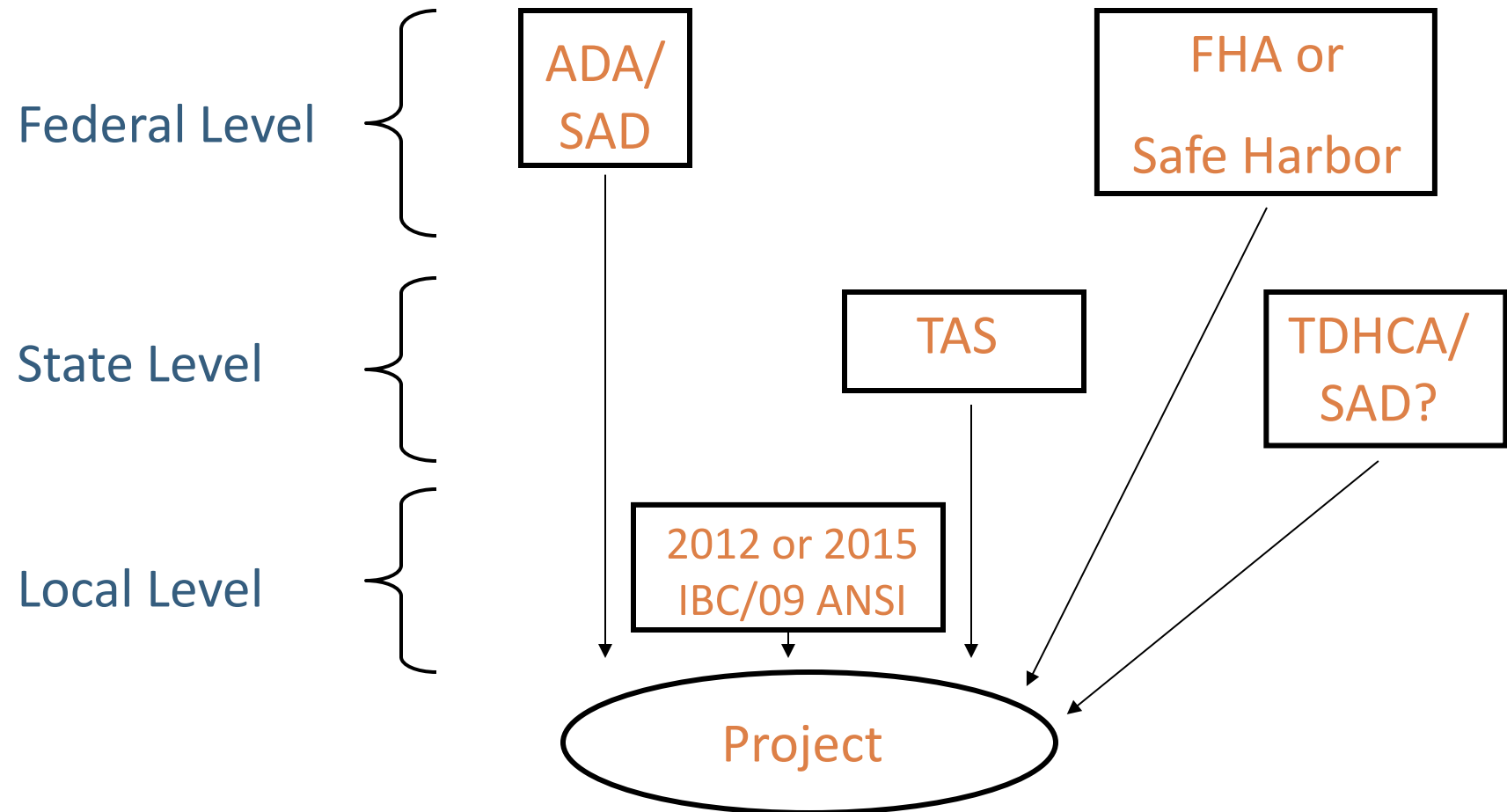
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## Public Accommodations

- Leasing Office
- Employee work areas
- Drinking fountains/restrooms
- Amenities if open to the public
  - Pool
  - Trails
  - Parking at public accommodations



# EXAMPLE OF ACCESSIBILITY COMPLIANCE LAYERS



# COMMON TERMINOLOGY

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- Accessible vs Adaptable vs Useable
  - Accessible
  - Adaptable
  - Useable
- Type A Units and Type B Units
  - IBC & ANSI
- Option A vs Option B Bathrooms
  - ANSI Type B Units
- Specification A vs Specification B Bathrooms
  - FHADM

# SAFE HARBORS FOR FHA COMPLIANCE

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- FHA Design Manual with 1986 ANSI A117.1
- IBC 2000 with 2001 Supplement to the International Codes
- IBC 2003, with one condition
- IBC 2006

# FHA COMPLIANCE TRIGGERS

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In general,

- Multi-family construction after March 1991
- Buildings with 4 or more dwelling units
  - Ground floor units in buildings without elevators
  - All units in buildings with elevators
- On-site amenities and common areas





# IS YOUR PROJECT EXEMPT FROM FHA?

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- Buildings constructed for first occupancy previous to March 1991
- A single building with less than four units
- A building without an elevator-only the ground floor units must comply
- Multi-story townhomes without elevator access to every level
  - Where all of the finished living space is not on the same level

# WHAT IS A TOWNHOME?

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Abbreviated from : <http://www.fairhousingfirst.org/faq/townhouses.html>

## **Are multistory townhouses required to comply with the Fair Housing Act?**

Multistory townhouses, provided that they [meet the definition of "multistory" in the Guidelines](#), are not covered multifamily dwellings [if the building does not have an elevator](#).

## **What constitutes finished living space that would permit a unit to be a multi- story unit?**

A multistory dwelling unit is one in which there [is finished living space located on one floor and on the floor or floors immediately above or below it](#). An area is considered to have finished living space if it has interior partitions, wall finishes, electrical, heating and cooling systems and other building systems installed and if it complies with local building code requirements for [habitable spaces](#). Habitable space is a space for living, sleeping, eating, or cooking. Habitable space does not include bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas. [To qualify as a habitable space, a space may be required to meet all code criteria for a habitable space including the provisions for height, means of egress, light and ventilation, and interior finishes.](#)

# WHO REVIEWS FOR FHA COMPLIANCE?

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- No formal plan review or inspection process
- Design professionals are on the honor system
- Consultants
  - No certification process

# THE FHA HONOR SYSTEM

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“Under the Fair Housing Act, HUD is not required to review builders’ plans or issue a certification of compliance with the Fair Housing Act.”

“With respect to the design, complaints could be filed at any time”

*-FHA Design Manual*

# WHO IS RESPONSIBLE?

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“The burden of compliance rests with the person or persons who design and construct covered multifamily dwellings.”

*-FHA Design Manual*

# WHO GETS SUED?

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“HUD or an individual who thinks he or she may have been discriminated against may file a complaint against the building owner, the architect, the contractor, and any other persons involved in the design and construction of the building.”

*-FHA Design Manual*

# IBC COMPLIANCE

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- Mandated by local city/municipality
  - Local amendments can alter accessibility requirements
- Chapter 11 contains accessibility requirements
- Dwelling units covered by Group Type
- References ANSI

# WHO REVIEWS FOR IBC COMPLIANCE?

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- City review process
- City inspection process
- Consultants



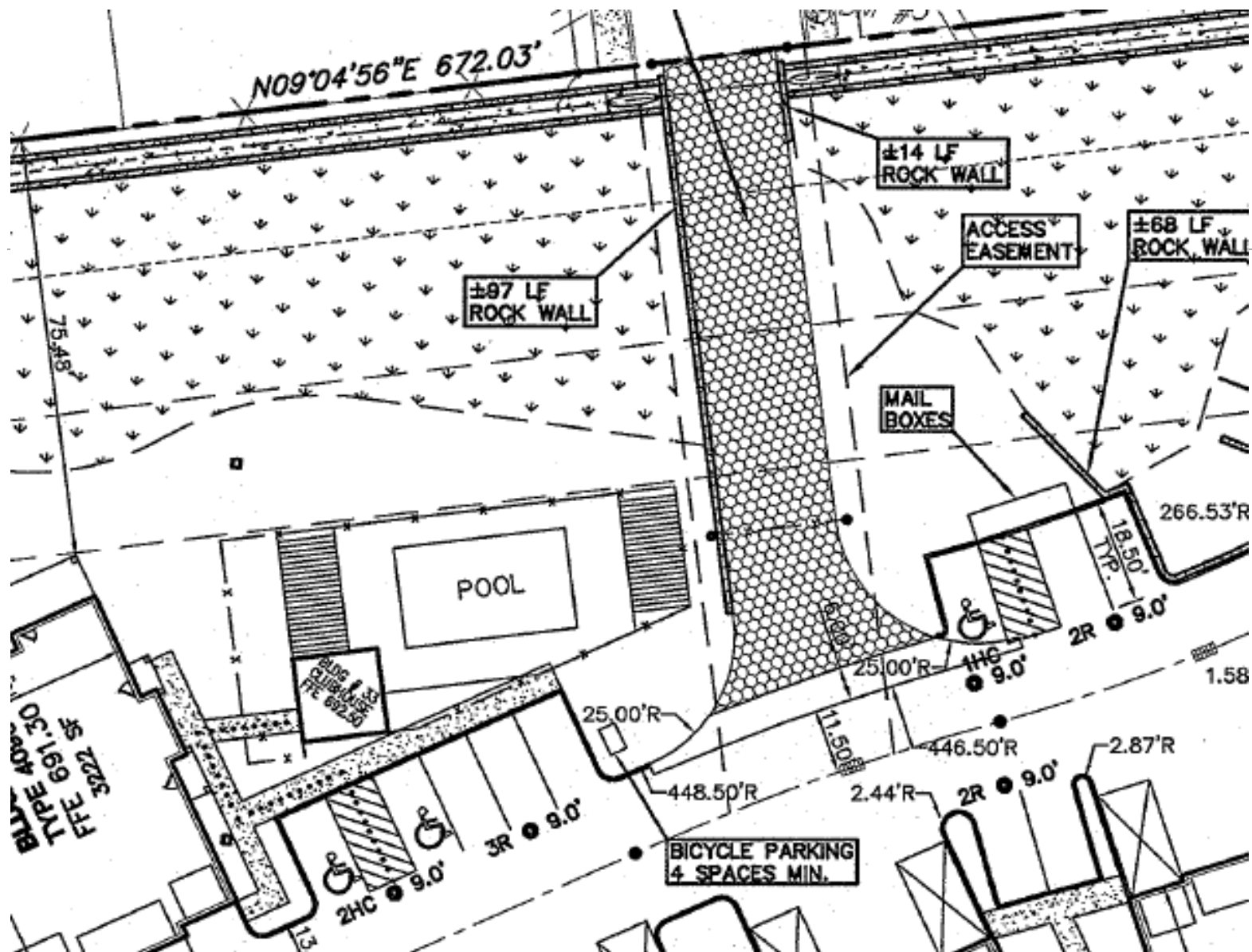
# MULTI-FAMILY EXAMPLE OF LAYERING

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## Three Typical Components:

1. **ROW** – *sidewalks, curb ramps, driveways*
2. **Public Accommodation** - *leasing office*
3. **Residential** – *dwelling units and amenities*





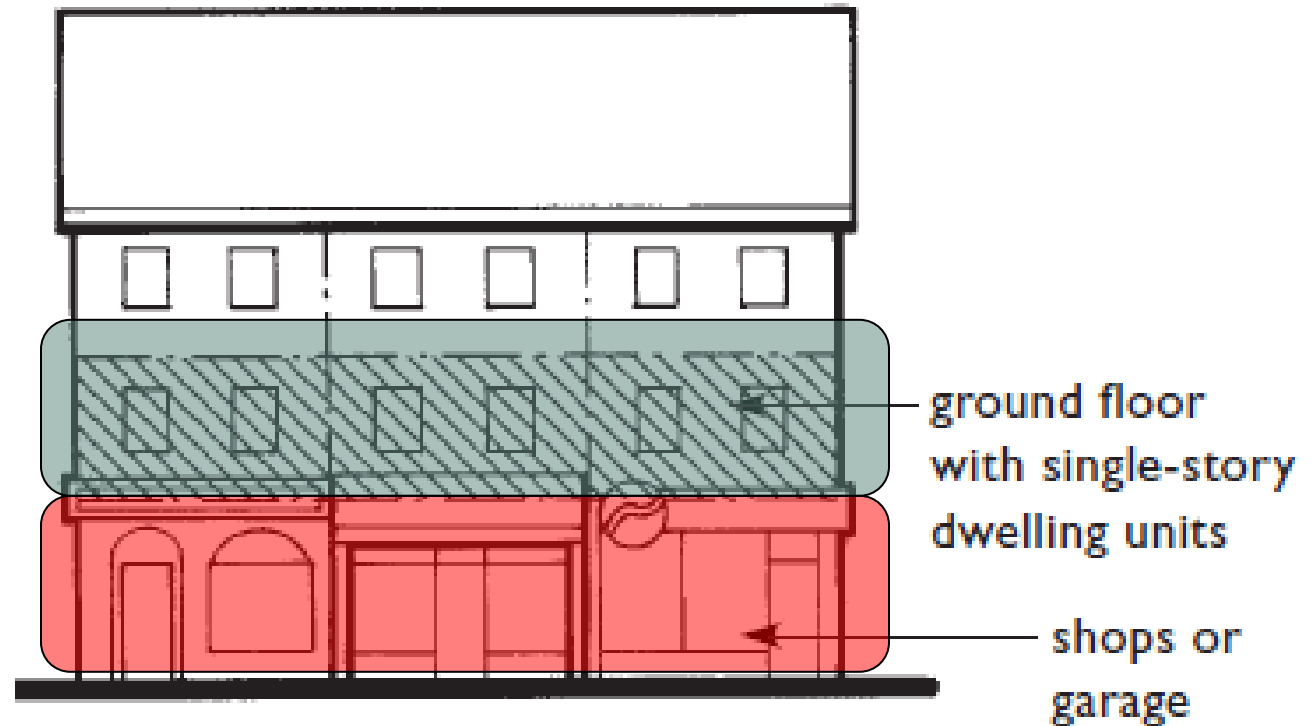
# Multi-Family

PA

# LAYERING

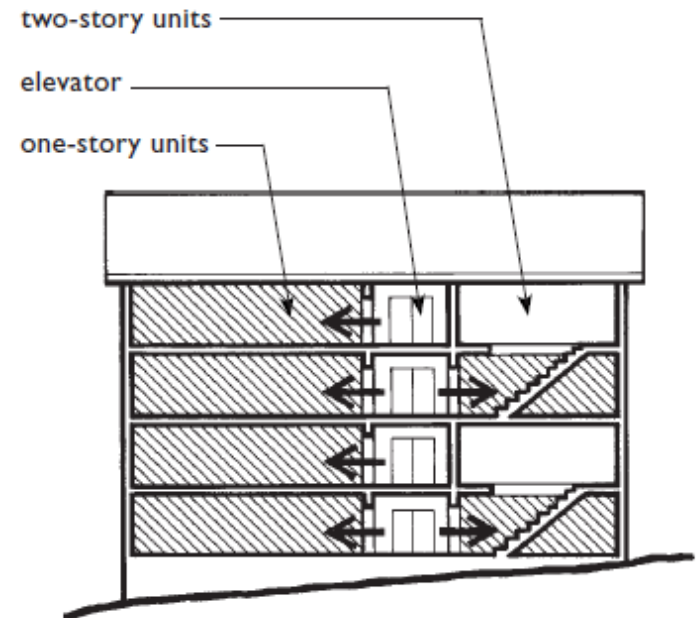
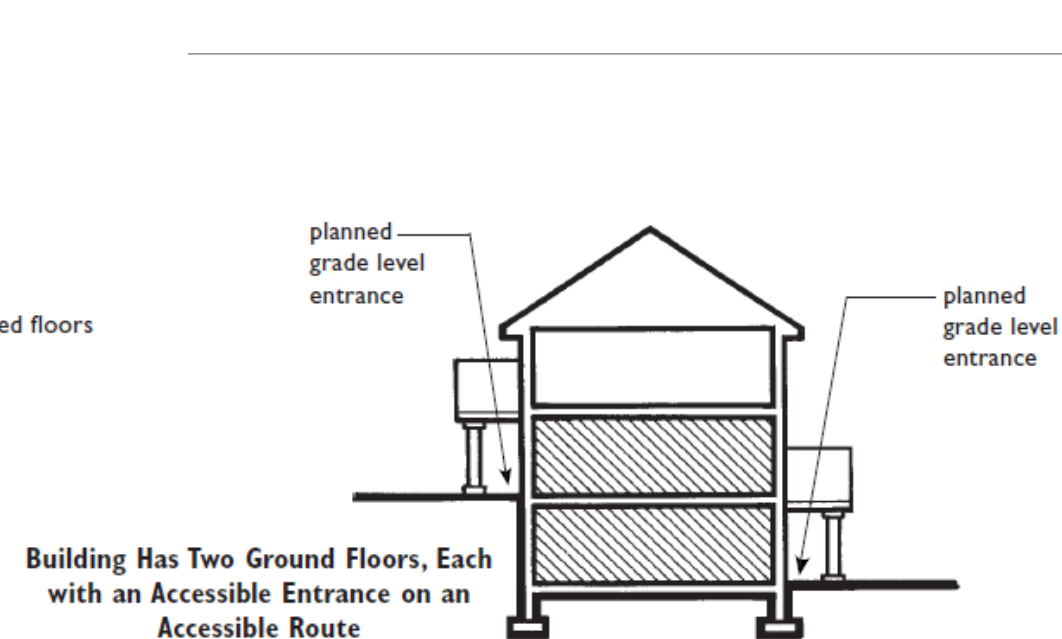
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FHA/Safe Harbor  
ADA & TAS &  
FHA




Covered Dwelling Units Over  
Shops and Garages

# WHICH UNITS ARE COVERED?



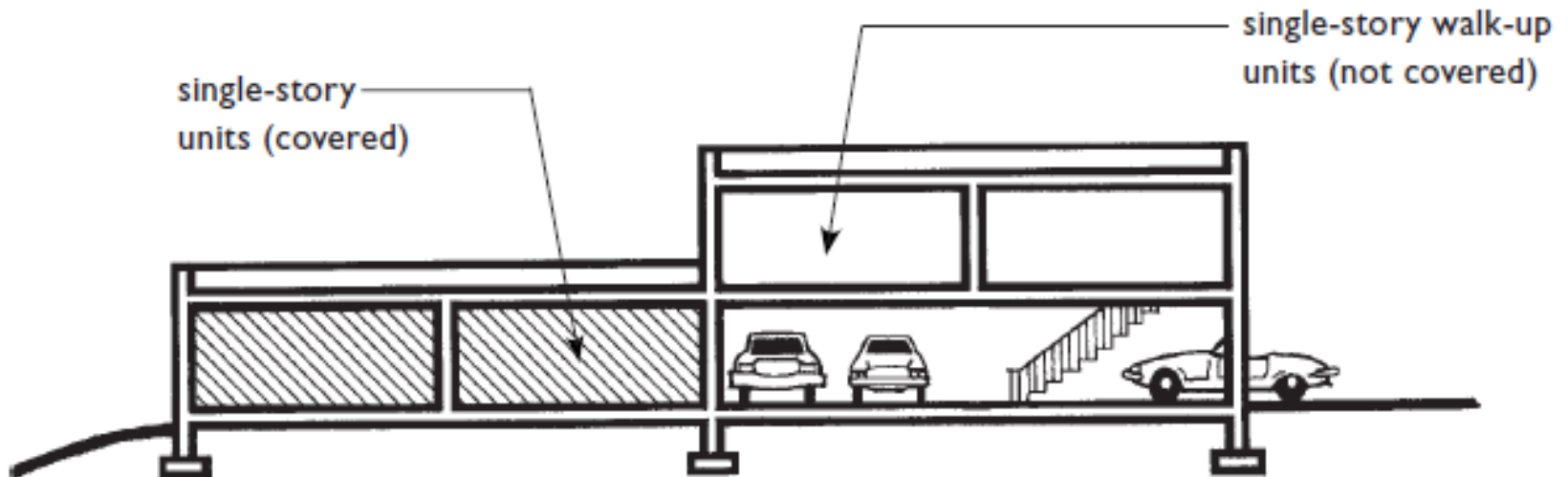
**Buildings with Elevator(s):  
All Single-Story Units and the Primary Entry  
Level of Multistory Units Are Covered**

 = covered floors

 primary entry

# WHICH UNITS ARE COVERED?

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**Dwelling Units on the Ground Floor Are Covered**  
(the Guidelines Do Not Require that There Be a Second Ground Floor)



# TECHNICAL CODE DIFFERENCES

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# TYPE A AND TYPE B UNITS- General Requirements

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## Type A Units

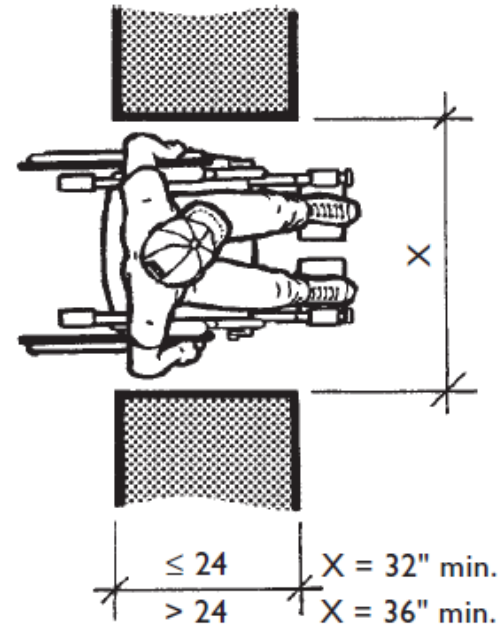
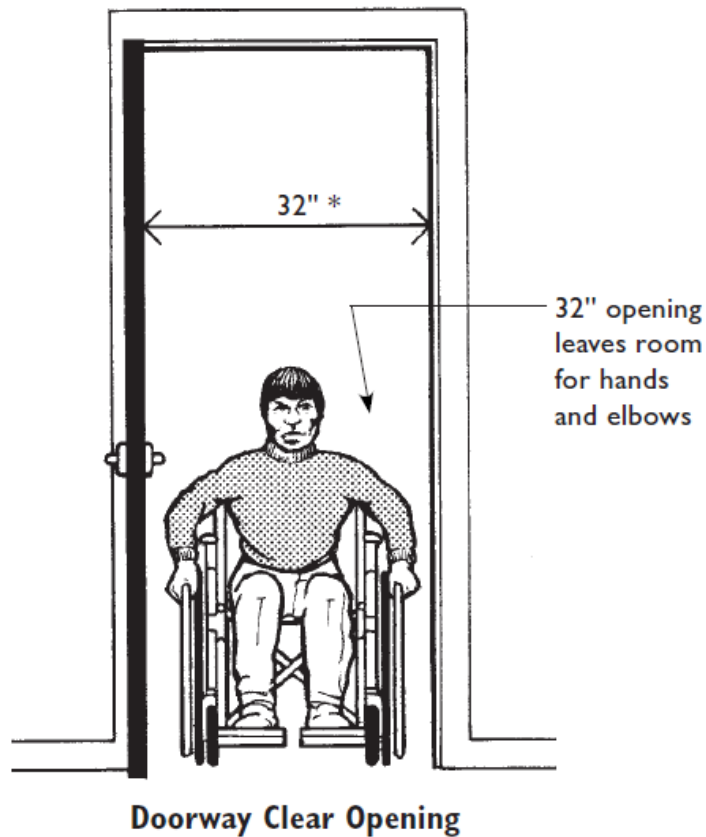
- Door maneuvering clearances
- Kitchen Work Surface
- Knee Space at sinks/lavatories
  - Removable cabinetry allowed
- Hardware at windows
- Turning Spaces
- Controls-oven, microwave, hood
- Laundry machines

## Type B Units

- Door maneuvering on entry
  - 2003 exempts inside
  - 2009 does not
- Door widths
- No work surface
- Parallel approach at sinks/lavatories
- No window requirements
- User passage only
- No controls in kitchen



# EXAMPLES OF FHA REQUIREMENTS

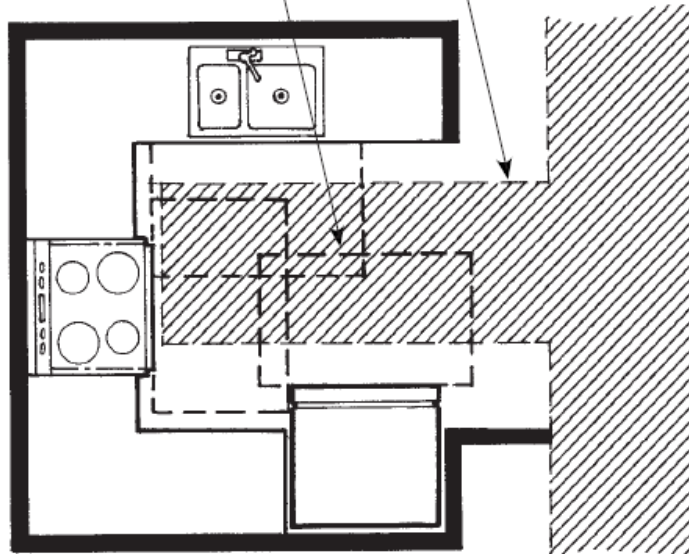


**Doorway Depth**

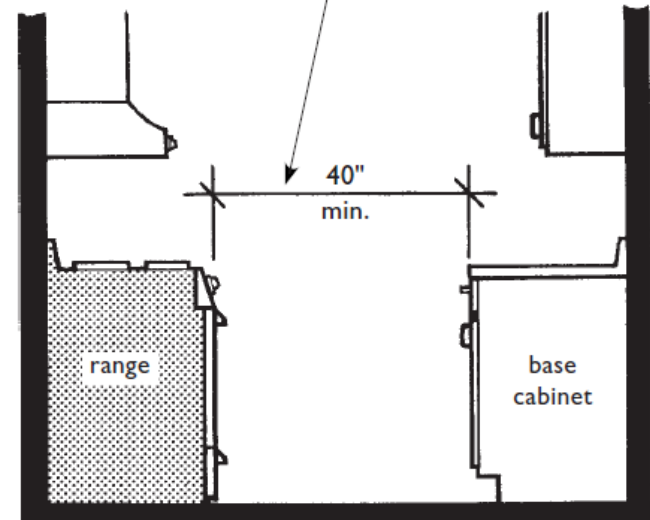
# FHADM KITCHENS

one 30" X 48"  
clear floor space  
at each fixture  
and appliance (not  
required at sink if  
base cabinets are  
removable)

clear floor  
spaces adjoining  
accessible route  
into kitchen



dimension must  
be measured from  
front face of range  
or refrigerator to  
countertop edge  
(excluding cabinet  
and appliance  
handles)



**Minimum Clearance between Range  
and Opposing Base Cabinet**

# WASHER/DRYERS

In Common Areas-must comply always

In Units

- Type A ANSI
  - Must comply with c.f.s.
  - Must comply with height
- Type B ANSI
  - 2003 requires c.f.s. to be centered
  - 2009 allows c.f.s. offset permitted
- FHADM-no requirements

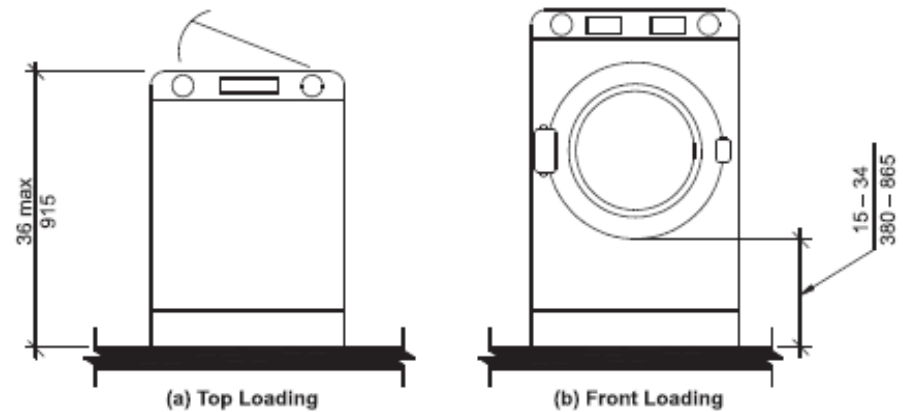


Fig. 611.4  
Height of Laundry Equipment

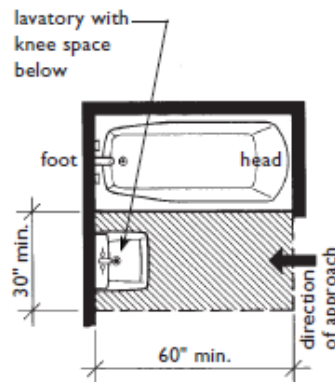
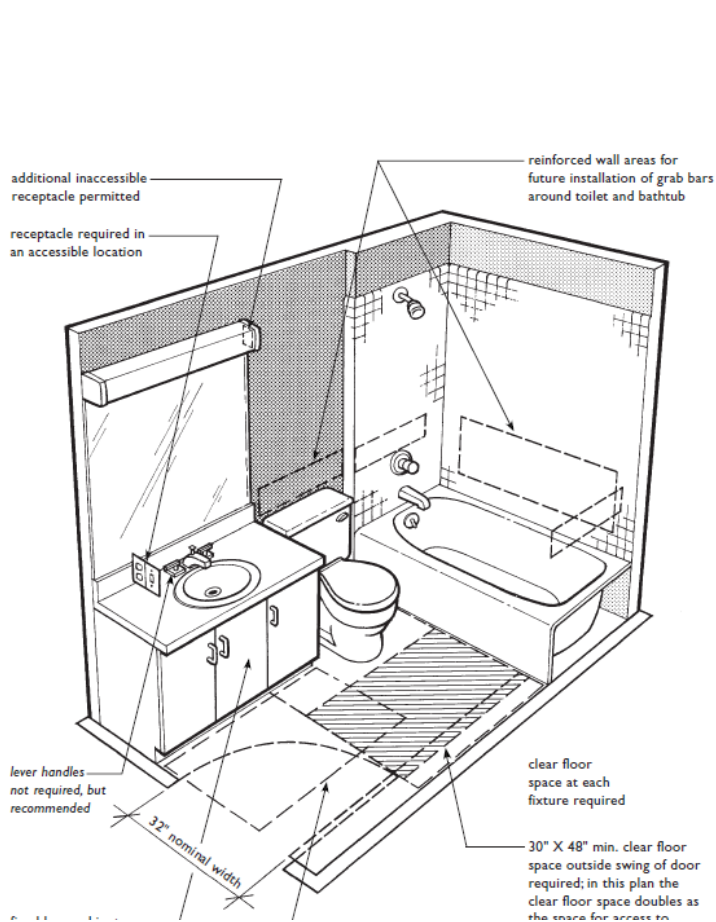
# REFRIGERATOR/FREEZERS

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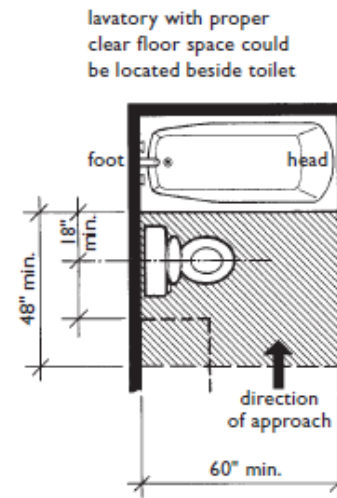
## In Units

- Type A ANSI
  - Clear floor space can be offset
- Type B ANSI
  - Clear floor space can be offset
- FHADM
  - Clear floor space must be centered

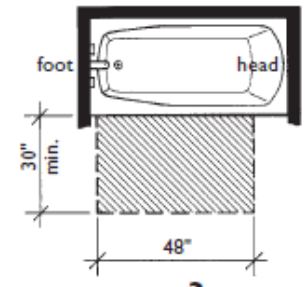
# FHADM BATHROOMS



**1**  
**Specification "A"**  
**Bathrooms**  
**30" X 60"**



**2**  
**Specification "A"**  
**Bathrooms**  
**48" X 60"**



**3**  
**Specification "B"**  
**Bathrooms**  
**30" X 48"**

# TYPE B ANSI BATHROOMS

- Option A
  - All bathrooms must comply with requirements
- Option B
  - One bathroom must comply with different requirements
    - 2009 ANSI requires lav. at 34"
    - 2003 ANSI-no height req't.

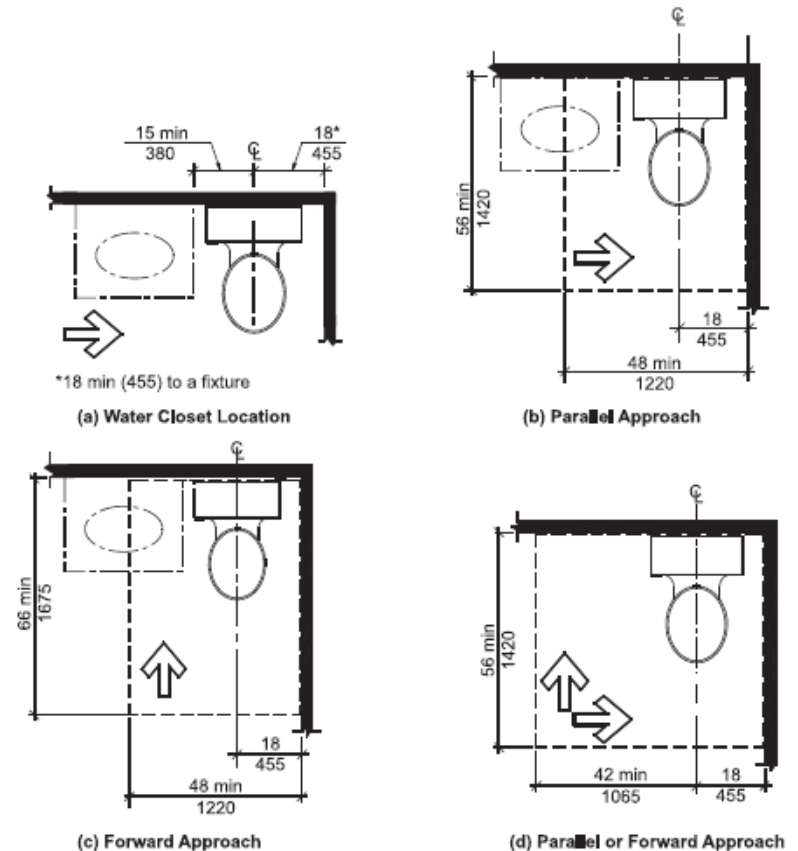


Fig. 1004.11.3.1.2  
Water Closets in Type B Units

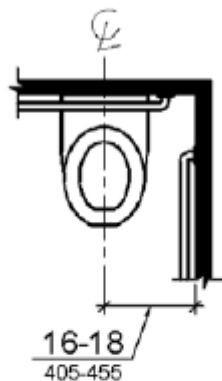
# IT DEPENDS WHICH CODE

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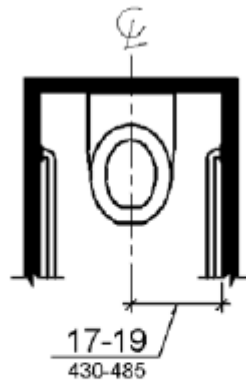
- Clear floor space centered on the lavatory?
  - ANSI
  - FHA
- Clear floor space not specifically required to be centered?
  - TAS
  - SAD (ADA)

# TOLERANCES

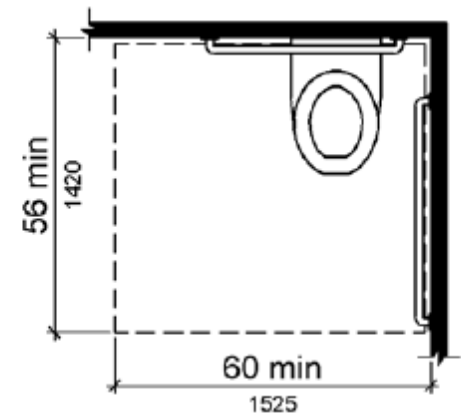
- If a dimension is exact-there is a construction tolerance
- If a dimension is a range-the tolerance is built in
- If a dimension is a min or max-the tolerance is built in



(a)  
wheelchair  
accessible  
water closets



(b)  
ambulatory  
accessible water  
closets





# TOLERANCES IN YOUR DESIGN

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- When possible, don't design to the minimums
  - Dimension the lavatory at 33" AFF
  - Dimension the centerline of the water closet at 17"
  - Dimension your pull side door maneuvering clearance at 20"
- Think ahead for construction issues
  - Make the accessible stall wider than it needs to be
  - Don't limit your stall door maneuvering clearance depth to 42"

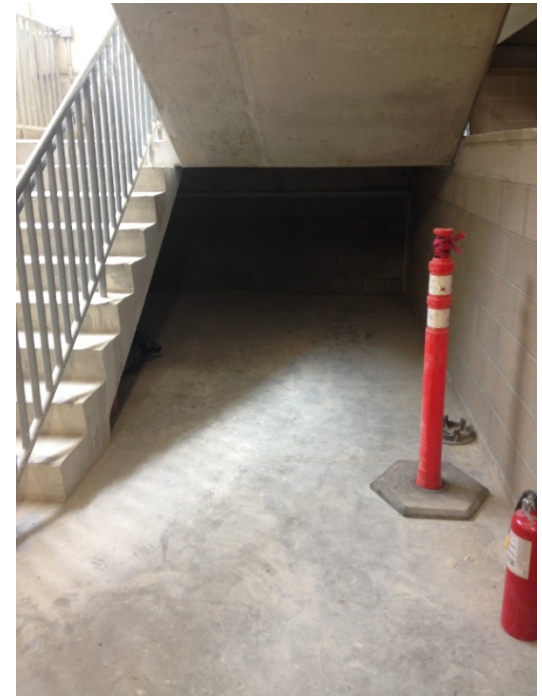
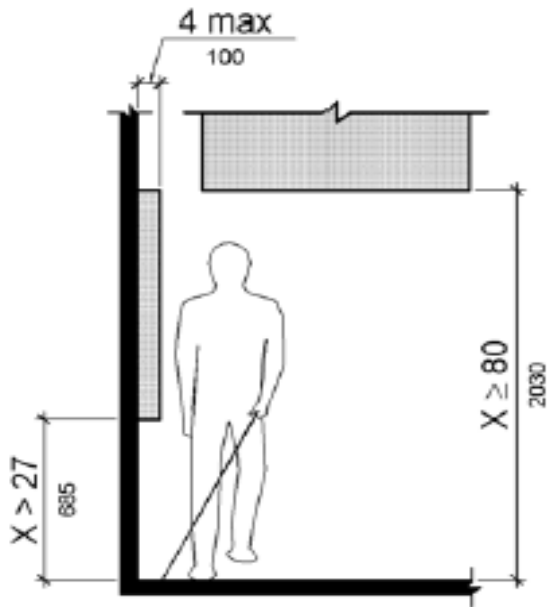
# COMMON MISTAKES

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- Designing to the wrong standard
- Designing to only one standard
- Designing to the minimums and maximums
- Relying on standard details
- Relying on the City to review for all codes

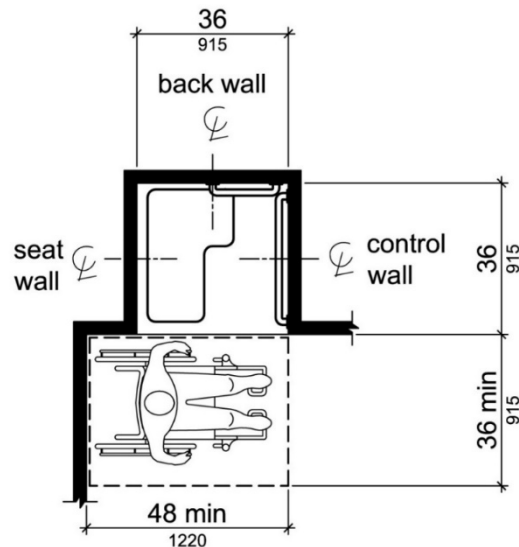
# PROTRUDING OBJECTS

Intended to maintain elements within cane detectable ranges.



# SHOWERS

- Shower is an exact dimension in TAS/SAD
- Shower is a minimum dimension in ANSI



Note: inside finished dimensions measured at the center points of opposing sides

floor drain at the entrance to the shower and  
 shower curtain.  
 must be set on a level grout or mortar bed.



MANUFACTURER  
 CLAIMS THIS LINE  
 OF SHOWER PANS  
 IS ACCESSIBLE



NOTE THAT THIS  
 SHOWER PAN  
 HAS SLOPE >2%  
 \*\*ACCESSIBLE??

C  
 TYPE  
 FOR  
 USED—

MODEL	SIZE	MODEL	SIZE	MODEL	SIZE
WDA-3605	40X38	WDA-3660	64X38	WDA-3630	64X32

# REACH RANGES

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- Maximum 48" reach to the top of the highest operable part



# REACH RANGES

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- Maximum 48" reach to the top of the highest operable part
  - Not the centerline



# BEST PRACTICES VS REQUIREMENTS

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Dimensions are a minimum and not always the most usable for persons with disabilities.

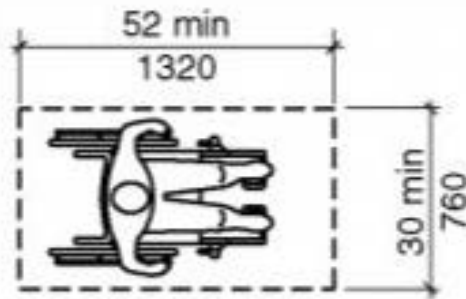
Dimensions were developed based on the majority needs of people with disabilities and as a compromise between:

- People with Disabilities
- Designers
- Developers
- Owners
- Manufacturers
- Etc.

# BEST PRACTICE DIMENSIONS

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The bigger the better. As a guide, the below dimensions will be required in the 2017 ANSI, already approved for publication.



Clear Floor Space



Turning Space





# Thank You!

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