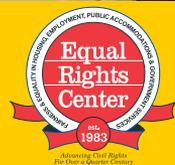


Apartment and Condo Fair Housing Accessibility Toolkit



Equal Rights Center





The Equal Rights Center (“ERC”) is a national non-profit civil rights organization dedicated to identifying, challenging, and eliminating discrimination.

With more than 25 years of protecting civil rights, today, the ERC and our thousands of members address issues of discrimination in six areas: fair housing, fair employment, disability rights, access to public accommodations, access to government services, and immigrant rights through education and outreach, research, testing, counseling, enforcement, and advocacy.

In housing, the ERC works to promote equal opportunity in housing rentals and sales, home warranty coverage, homeowners insurance, predatory lending, redlining and reverse redlining, and accessible housing for persons with disabilities.

EQUAL RIGHTS CENTER

11 Dupont Circle N.W., Suite 450
Washington, D.C. 20036
(202) 234-3062 (Voice)
(866) 719-4372 (Toll Free)
(202) 234-3106 (Fax)
www.equalrightscenter.org
complaints@equalrightscenter.org

Table of Contents



3	I. Introduction
4	II. Accessible Housing and You
4	A. Does the Fair Housing Act apply to your apartment or condo building?
5	B. Are there accessible common and public use areas?
6	C. Are the living units accessible?
6	• Accessible route into and throughout the dwelling unit
7	• Thermostats and other environmental controls, light switches and electrical outlets in accessible locations
7	• Reinforced walls in bathrooms for later installation for grab bars
8	• Usable Bathrooms and Kitchens
10	III. Checklist
11	Complaint Form

I. Introduction

This toolkit is designed to inform you of your rights as a renter or condo purchaser with a disability in multi-family housing. If you, or a family member who lives with you, has a disability, you have the right to live in housing in which your unit and all common use and public use areas are accessible.

Multifamily housing providers must build and make available housing units that meet federal, state, and local accessibility requirements. These requirements mandate accessibility of certain features including: the width of doors; the height of thermostats, light switches, and electrical outlets; the dimensions of the bathroom and kitchen; and the route into and through the units. In addition, all common areas such as the clubhouse, gym, or pool, and all public use areas such as parking lots and rental offices, must be accessible.

Sometimes in order to make a housing unit accessible, a person with a disability must request a further modification or accommodation to a property from the housing provider. Generally, a modification applies to structural changes to the unit or in a common area, whereas an accommodation is a change of rules or policies. Please refer to the ERC's *Reasonable Accommodation and Modifications: An Accessibility Self-Advocacy Toolkit* for steps that will help you request a reasonable modification or accommodation and determine if you or the housing provider is responsible for the cost.

If you have questions or believe you need help dealing with an accessibility issue, please contact the ERC at:

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Washington, D.C. 20036

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II. Accessible Housing and You

A. Does the Fair Housing Act apply to your apartment or condo building?

The Fair Housing Act (“FHA”) requires that newer multi-family dwellings be designed and constructed to include certain minimal features of accessibility.¹

Multi-family dwellings are buildings consisting of four or more residential units, such as apartment complexes, condominiums, cooperatives, and assisted living facilities. The FHA “covers” buildings completed for first occupancy after March 13, 1991. A “covered” property must comply with the FHA’s accessibility regulations explained below.

To determine the first occupancy of a building look for a government issued Certificate of Occupancy.² It should be prominently posted and visible to a person visiting the building. If you cannot find the Certificate of Occupancy ask a manager or leasing agent.

Within a multifamily dwelling some or all of the units may be required to be accessible. In buildings that have elevators all units are “covered units.” Ground floor units in garden style and non-elevator buildings are also covered by the FHA.



¹ Other federal, state, and local laws may require even greater accessibility depending on a variety of factors.

² A Certificate of Occupancy is a document issued by a state or local government agency which states the date on which a building is first suitable for tenants.

B. Are there accessible common and public use areas?

The FHA requires areas that are made available to residents, guests, and the general public be accessible to people with disabilities.³

Common and public use areas include the following examples:

Bathrooms	Sidewalks
Parking Lots	Corridors
Lobbies	Drinking Fountains
Rental Offices	Mailboxes
Clubhouses/Club Rooms	Pools
Fitness Centers	Recreational Areas
Garbage Dumpster Areas	Car Wash Areas
Common Area Kitchens	Laundry Areas
Leasing Offices	Business Centers

All “covered” properties must have: (1) accessible doors and (2) an accessible building entrance on (3) an accessible route.

1. “Accessible doors” for public and common use areas must have a clear opening of 32,” and “accessible doors” in living units must be at least 31 5/8,” and have little to no threshold. All door handles must be operable without tight grasping or twisting. There must be accessible doors into and throughout all common and public areas and leading into units.
2. An “accessible entrance” allows a person who uses a mobility assistive device, such as a wheelchair, cane, walker, or crutches to get into a building without structural barriers such as stairs, steep ramps, or overly heavy doors. This entrance should lead to and from public transit stops, accessible parking, and public streets and sidewalks.

³ The Americans with Disabilities Act imposes additional accessibility requirements on public areas. For example, amenities should have an accessible route leading to and within the area, as well as usable bathrooms.

3. An “accessible route” is a continuous path which allows a person with a mobility assistive device to travel to the property’s amenities, including mailboxes, garbage areas, swimming pools, and clubhouses. An accessible route should be sufficiently wide and have no structural barriers such as steps, uneven paths, or steep ramps.



The accessible entrance to this apartment complex allows a person who uses a wheelchair or other mobility assistive device to get into the building without any structural barriers.

C. Are the living units accessible?

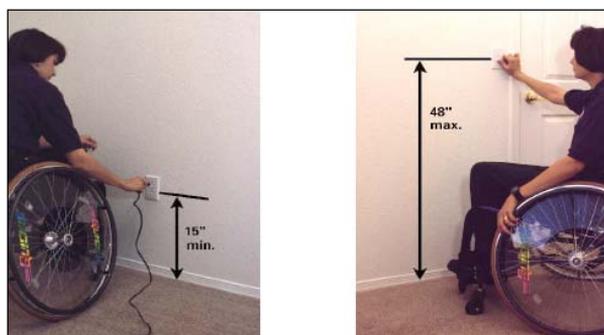
Accessible route into and throughout the dwelling unit

There must be an accessible route into and throughout each “covered” unit. The exterior doors on an accessible route must be accessible, and the route must be unobstructed and wide enough to:

- Pass through the main entry door;
- Continue through all rooms in the unit;
- Adjoin clear floor spaces required for appliances; and
- Connect with all secondary exterior doors, such as patio doors.

Thermostats and other environmental controls, light switches, and electrical outlets in accessible locations.

The controls of thermostats and other environmental controls, light switches, and electrical outlets in a unit may be no higher than 48" off the floor and no lower than 15" above the floor. This ensures that controls are within reach for people with mobility disabilities.



Photos courtesy of the Fair Housing Act Accessibility Requirements Overview participant manual, a resource of Fair Housing Accessibility First and the U.S. Department of Housing and Community Development.

Reinforced walls in bathrooms for later installation of grab bars.

Many people with disabilities need the ability to install grab bars for their toilets and bathtubs in their bathrooms. While units are not required to have grab bars, they are required by the FHA to have bathroom walls reinforced so that grab bars may be easily installed. If you believe that you or a family member may need grab bars, you should ask the housing provider whether the walls are reinforced for grab bars.

Usable Bathrooms and Kitchens

Usable bathrooms must have clear floor space for a person with a wheelchair to: enter; close the door; use the toilet, sink, and bath; reopen the door; and exit.



In the picture on the left, the woman has enough space to enter the bathroom. On the right, the woman again has sufficient space to access and use the sink and toilet. Photos courtesy of Strategies for Compliant Bathrooms participant workbook, a resource of Fair Housing Accessibility First and the U.S. Department of Housing and Urban Development.

Usable kitchens must have sufficient space for a person who uses a wheelchair. A usable kitchen should have sufficient clear floor space in front of appliances and the ability to maneuver about the kitchen. A person in a wheelchair should have sufficient space to move between and among fixtures, appliances, and countertop work spaces. Examples are shown in the following pictures:

1. There should be enough room for a person in a wheelchair to pull sideways to access the sink or stove. A person should be able to set a dish in the sink or a pot on the stove with ease.



2. The dishwasher and the refrigerator must have enough clear floor space so a person facing it can pull forward or sideways to access an item.



3. There must be 40" of clearance between all opposing walls and appliances, even if an appliance protrudes farther than the counter.

4. In "U-shaped" kitchens, in which there is a sink, range, or cooktop at the base of the "U," there must be a 60" circle for a wheelchair to turn around.



III. Checklist

In evaluating accessibility at your current or potential apartment or condo, this checklist will prove helpful.

Does the Fair Housing Act apply to the building and unit?

- ✓ **Four or more units**
- ✓ **Completed after March 13, 1991**
- ✓ **Unit on ground floor if no elevator, or on any floor serviced by an elevator**

If it is covered, does the building or particular covered unit have all of the following accessible design features?

- ✓ **Accessible entrance on an accessible route**
- ✓ **Accessible public and common use areas**
- ✓ **Usable doors**
- ✓ **Accessible route into and through the dwelling unit**
- ✓ **Accessible light switches, electrical outlets, thermostats, and environmental controls**
- ✓ **Reinforced walls in bathrooms for grab bars**
- ✓ **Usable kitchens and bathrooms**

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ERC Initial Complaint Form

If you believe your apartment or condo complex is “covered” by the FHA, but does not have the features described in this toolkit, and you find that you are unable to have equal access to housing and equal enjoyment of your home due to your disability, please complete the ERC complaint form below and send it to the ERC for assistance.

Name (or Anonymous)

Address

City

State

Zip

Home Phone

Cell

E-mail

Summary of Your Complaint:

(Please describe events and facts in chronological order. Include dates and names of persons. You may add additional pages.)

Please read before signing:

I certify that the above information is true. I understand that the Equal Rights Center (ERC) is a private, not-for-profit organization that works to reduce discrimination in housing, employment, public accommodations, and government services by providing confidential and free-of-charge counseling, advocacy, and investigative services. The ERC does not provide legal services or legal advice. If the ERC determines that my complaint has merit, it may take independent action against a party, or refer me to counsel.

Signature

Date