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Access

New England

A project of Adaptive Environments, Inc.
www.AdaptiveEnvironments.org

A publication of the New England ADA & Accessible IT Center

This Issue Highlights Fair Housing and Universal Design

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Feature Stories

Designing A User-Friendly Home

Universal design features increase the usability of a home for people of all ages, sizes, and abilities and enhance the ability of all residents to live independently in their own homes for as long as possible. Many times, it's the home itself that causes people to leave it – because, over time, it hasn't remained "user-friendly."



Trash compactor with foot pedal for easy use.

Universal design is a framework for design so that the results work well for the widest spectrum of users without separate or special design. It applies



Pull out shelves in kitchens for easy reach of items.

to the design of places, things and information. Sometimes called design-for-all, lifespan design or inclusive design, it is a worldwide movement. Universal design responds to the fact that humans are more diverse in ability and age today than at any other time in history. It goes beyond 'accessibility' for a limited number of disabling

conditions, emphasizes flexible solutions and promotes the integration of features that enhance the experience of all users. *Continues on pg. 13*

Federal Civil Rights Laws and Housing

A variety of laws and public policies at each level of government address accessibility for people with disabilities in housing. This article is intended as a brief primer to help you make your way through the maze. On the federal front, there is the Fair Housing Act, the ADA, Section 504 of the Rehabilitation Act of 1973, and the Olmstead decision. Many states and local municipalities also have fair housing laws and access ordinances that affect persons with disabilities.

Fair Housing

Fair housing is equal access to housing opportunities, as well as the prohibition of discriminatory practices. The federal Fair Housing Act protects the rights of persons with disabilities from discrimination in housing. The Department of Housing and Urban Development (HUD) is responsible for the enforcement of the Fair Housing Act. Activities covered by the Fair Housing Act include selling, renting or mortgage lending. In the sale or rental of property, property owners and their agents may not engage in discriminatory practices by refusing to rent, sell or negotiate housing, establish different terms, conditions or privileges for renting, steer persons to other housing or deny

Continues on pg. 14

Introducing Fair Housing Accessibility First



Oce Harrison,
Project Director

I would like to introduce a new project of Adaptive Environments, Fair Housing Accessibility FIRST (FHAF). Ms. Barbara

Chandler is the Project Director of Fair Housing Accessibility FIRST. I interviewed Barbara so that our readers could learn more about the project.

Q. What is the service that Fair Housing Accessibility FIRST provides to the public?

A. FHAF promotes compliance with the Fair Housing Act design and construction requirements through a comprehensive training curriculum, a website (www.fairhousingfirst.org) and a Design and Construction Resource Center toll-free nationwide technical assistance number (888) 341-7781 (v/tty) Monday – Friday, 9-5 EST. The services help architects, developers and builders construct housing that is usable and accessible for people with disabilities. Anybody is welcome to use our services.

Q. How is technical assistance provided?

A. FHAF's Design and Construction Resource Center staff respond to our caller's questions. We have access to an attorney and architect on a case-by-case consulting basis to assist staff when questions get complex.

Q. What is the most frequent question you are asked by callers?

A. Most callers want to know "what housing is covered by the Fair Housing Amendments Act of 1988 (FHAA) and what are the basic design and construction requirements of the Act?" The FHAA covers multi-family housing of four or more units built for first occupancy after March 13, 1991. If there is an elevator in the

building, all units must be built according to the seven design & construction requirements using one of the HUD designated "safe harbors" as the access standard. If there is no elevator only those units on the ground floor are covered.

Q. Does the Fair Housing Amendments Act only cover design and construction?

A. The FHAA covers many other issues for people with disabilities besides the design and construction of multi-family housing. The mission of the Act is to provide equal opportunity and access to housing for people with disabilities. The Act prohibits such discriminatory practices as refusal to rent or sell to a person with a disability; refusal or reduction of access to housing services and amenities; and denial of reasonable accommodations, etc.

Q. Is there a relationship between the ADA & Fair Housing?

A. The ADA has requirements for state and local government housing under Title II and for places of public accommodation under Title III (dormitories, assisted living facilities, group homes, apartment rental offices). But regular, private housing is not covered under the ADA because it is covered under the Fair Housing Amendments Act of 1988 which preceded the ADA (1990).

Q. Is there a connection between Fair Housing & universal design?

A. The FHAA, through its safe harbors is an access standard, similar to building codes. It establishes a baseline of accessibility in order to be compliant. The design and construction requirements do not establish a very high standard of accessibility and focus mostly on the needs of wheelchair users. Universal design is a framework for meeting the needs and enhancing the convenience and

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Access **New England** is published quarterly by the New England ADA & Accessible IT Center. The center is one of ten Regional Disability and Business Technical Assistance Centers funded by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials and technical assistance to individuals and entities that are covered by the Americans with Disabilities Act (ADA). However, please be aware that NIDRR is not responsible for enforcement of the ADA. The information, materials and/or technical assistance are intended solely as informational guidance and are neither a determination of your legal responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.

Access **New England** is available in large print, Braille, audiocassette, computer disk, and e-mail upon request and online at <http://www.NewEnglandADA.org>.

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Status Update on the New ADA and ABA Accessibility Guidelines

Last September, the Access Board approved a final rule that would overhaul and update the ADA Accessibility Guidelines (ADAAG). This rule would also revise guidelines for federally funded facilities required to be accessible under the Architectural Barriers Act of 1968 (ABA). While that Board action marked the end of its deliberations on the substance of the new guidelines, remaining steps have yet to be completed before the new ADA and ABA guidelines can be published.

These steps, common to federal rule-making, include completion of a cost assessment and clearance by the Office of Management and Budget (OMB). Currently, the Board is completing an analysis of the estimated costs and savings of the new guidelines in relation to existing requirements. This assessment must be completed before the Board can submit the rule to OMB for its review. OMB, which serves as a clearinghouse for federal regulations, will have 90 days to complete its review. The Board will proceed to publish the final guidelines once approved by OMB.

With new guidelines on the horizon, the Board has received many inquiries on when the updated requirements will take effect. Designers have expressed concern about specific projects that may be well underway by the time the updated guidelines are issued. An additional step, this one by other federal agencies, must be taken into consideration. The Board's guidelines, by themselves, are not enforceable or mandatory for entities covered by the ADA or ABA. Other agencies, such as the departments of Justice

and Transportation under the ADA, and several others under the ABA, are authorized to set the design standards that must be met. Their standards are to be consistent with the Board's guidelines. These agencies will update their enforceable standards based on the Board's eventual final rule. As part of this action, the agencies will specify when the updated standards take effect.

Estimates on when any of these remaining steps may be completed remain fluid. However, interested persons can receive updates by e-mail on the progress of this and other Board rulemakings. To be added to the list, send e-mail to news@access-board.gov with "updates" in the subject field or visit the Board's website at www.access-board.gov/news/updates.htm.

(Source: Access Currents, Volume 9, No. 3 May/June 2003)

Workshop to Explore Use of Elevators in Emergencies

As a result of the terrorist attacks on the World Trade Center, the building, engineering, and life safety communities are re-examining various aspects of emergency egress from high rise buildings. One issue under consideration is the use of elevators in emergencies. Typically, elevators are programmed so that they cannot be used during an emergency except in limited cases by fire fighters and rescue personnel. However, the challenges posed by egress from tall buildings have renewed interest in the ways in which elevators can be safely used to evacuate building occupants during fires and other emergencies.

The American Society of Mechanical Engineers (ASME) International will hold a workshop on this subject next

March in Atlanta. ASME International maintains and distributes various codes and standards for the design, manufacture and installation of mechanical devices, including elevators. Workshop cosponsors include the Board, the National Institute of Standards and Technology (NIST), the International Code Council (ICC), the National Fire Protection Association (NFPA), and the International Association of Fire Fighters (IAFF).

The workshop will focus on the use of elevators by building occupants and fire fighters during emergencies. The goal is to develop specific proposals that can be submitted to various codes and standard-setting organizations for consideration in improving national and local codes and standards. The workshop will consist of plenary sessions at which selected papers will be presented and breakout sessions where attendees can discuss and prepare recommendations. Following the workshop, a steering committee comprised of representatives from each of the sponsoring organizations will convene to review the proposals.

Those encouraged to participate include representatives from building, fire, and elevator code organizations, code enforcement officials, elevator and fire alarm manufacturers, fire protection engineers, fire fighters and emergency personnel, architects and structural engineers, and building owners and operators, among others. For further information, visit ASME's website at www.asme.org/cns/elevators/.

Workshop on the Use of Elevators in Fires & Other Emergencies

March 2 - 4, 2004
Atlanta, Georgia

(Source: Access Currents, Volume 9, No. 4 July/August 2003)

Recent DOJ Settlements Under the Fair Housing Act

The Department of Justice (DOJ) has announced a settlement with the owners and managers of Riverview Villa, a retirement community in Forsyth, MT. The proposed consent decree, filed in the US District Court for the District of Montana, alleges that the defendants violated the federal Fair Housing Act by discriminating on the basis of disability.

Specifically, the consent decree alleges that the defendants - Tamarack Property Management Co.; Forsyth Development Foundation, Inc.; the city of Forsyth; as well as individuals involved in the management of the property - refused to allow a disabled resident to make reasonable modifications to his unit. The defendants also refused to grant the resident reasonable accommodations, even though such reasonable modifications and accommodations were necessary to comply with the Fair Housing Act.

"Enforcement of the Fair Housing Act is critical to ensuring that persons with disabilities have adequate access to housing throughout the US," said J. Michael Wiggins, Acting Assistant Attorney General for Civil Rights.

Under the terms of the settlement, the defendants have agreed to:

- pay \$98,000 in monetary damages;
- permit reasonable modifications of any rental unit;
- make reasonable accommodations in rules, policies, practices or services which may be necessary to afford residents the full enjoyment of the units; and,
- establish non-discriminatory policies and procedures for receiving and handling requests for reasonable accommodations and/or reasonable modifications.

DOJ has also settled a lawsuit with the architectural firm of Hite/MSM, P.C. The lawsuit alleged that the firm designed two multi-family residential developments in Greenville, NC, 92 condominiums at Breezewood Condominiums and 96 apartments at Hyde Park Apartments, without including accessibility features for persons with disabilities. The consent decree, filed in the US District Court for the Eastern District of North Carolina, resolves a lawsuit against Hite.

Under the consent decree, Hite will pay \$415,000 toward making retrofits to add accessibility features to the complexes and \$20,000 to four individuals who were harmed by the lack of accessibility features. In addition, Hite will provide training to its employees on the requirements of the Fair Housing Act and will certify to the Justice Department that future design plans are in compliance with the Fair Housing Act.

DOJ has settled another lawsuit regarding alleged violations of the Fair Housing Act. The complaint alleged that the developer, architect, and civil engineer of the Homestead Apartment Homes and Wyncroft Hill Apartments in Olathe, KS violated the Fair Housing Act's requirement that multifamily housing built since 1991 be accessible to persons with disabilities.

Under the consent decree, defendants will perform more than \$350,000 in retrofits at the two apartment complexes in order to make them accessible, establish a \$214,443 fund that will be available to make accessibility retrofits to other housing in the community, pay \$130,000 to a fund for the compensation of persons with disabilities who experienced difficulty living at or vis-

iting the inaccessible apartment complexes, and pay a \$20,000 civil penalty. Any individuals who had difficulty living in, attempting to rent, or visiting Homestead Apartment Homes, Wyncroft Hill Apartments, Indian Meadows Apartments, or Ridgeview Apartments because of the lack of accessible features, should contact the Justice Department at (800) 896-7743.

Under the Fair Housing Act, apartment complexes and condominiums with four or more units that are built for first occupancy after March 13, 1991, must include accessible common and public use areas - such as parking, walkways, recreational areas, and clubhouses. In addition, ground-floor units in non-elevator buildings in such housing must include accessible routes that allow wheelchair users to get into and move around apartments, doors wide enough to accommodate persons who use wheelchairs, outlets and environmental controls at accessible heights, bathroom walls that have reinforcements for the installation of grab bars, as well as kitchens and bathrooms with enough space to allow those in wheelchairs to maneuver and use the appliances, sinks, toilets, and bathtubs. In buildings with elevators, all of the units must contain these features.

Individuals who believe that their apartment complex or condominium development was not designed or constructed in accordance with the Fair Housing Act, or who believe that they have been otherwise discriminated against on the basis of disability, may contact the Department of Justice at (800) 896-7743 or the Department of Housing of Urban Development (HUD) at (800) 669-9777.

UPS Settles Employment Discrimination Lawsuit

United Parcel Service Inc. has agreed to pay \$10 million and improve working conditions for deaf employees to settle the nation's first class-action employment discrimination lawsuit on behalf of hearing-impaired workers. The package delivery company – the nation's fourth-largest employer, with more than 320,000 workers – admitted no wrongdoing in agreeing to the proposed settlement of the suit, which was filed in 1999 in federal court in San Francisco.

"UPS is proud of the outstanding record we have of providing accommodations for deaf and hard-of-hearing employees," spokeswoman Peggy Gardner said. "In most instances, UPS has gone far beyond what the law requires because of the company's desire to create a positive work environment."

“UPS believes people who cannot meet those minimum standards should not be driving a package car”

The Atlanta-based company chose to settle the suit to promote goodwill among employees and because of the estimated cost of continuing with the trial, which began in April and was expected to last the rest of the year, Gardner said. UPS has refused to settle the suit's final demand, that it drop its hearing requirement for delivery car and van drivers, which is based on a standard set by the Department of Transportation for drivers of vehicles weighing more than 10,000 pounds.

"UPS believes people who cannot meet those minimum standards should not be driving a package car,"

Gardner said. "It is a safety issue. It is not a disability or discrimination issue."

The lawsuit claimed that UPS discriminated against deaf applicants for jobs and promotions. It was settled on behalf of about 1000 deaf or hearing-impaired people who have worked for or applied for jobs with UPS since 1997. The settlement is believed to be the largest in a deaf employment case. Previous suits were filed on behalf of individuals and smaller groups. The \$10-million settlement, which amounts to less than two days' profit for UPS, based on its 2002 earnings of \$3.2 billion, was not covered by the company's insurance carriers.

"This had been a hard-fought battle to get UPS to recognize that deaf people have the right to equal treatment and opportunities," said Bert Enos, one of two workers whose complaints triggered the suit. "I am pleased that this giant company has now committed itself to correcting the many barriers that I and other deaf people throughout the country have faced in the workplace."

According to the plaintiffs, UPS failed to take steps to communicate with its deaf workers, leaving them isolated and without means of advancement and access to other opportunities. As a result, some plaintiffs struggled for years, working in part-time positions, to provide for their families, said Caroline Jacobs, a lawyer with Oakland-based Disability Rights Advocates, who represented the workers.

"Some asked to apply for supervisory and management positions," she said, "and were told, 'You can't because you are deaf. You can't use the walkie-talkie.' Or, 'What would you do in an emergency?'"

The lawsuit also alleged that deaf workers at UPS were left out of safety training programs. Employee Barbaranti Oloyede testified that UPS refused to provide him with an interpreter during company-wide training sessions on anthrax after the deaths of postal workers who had handled contaminated mail. UPS agreed to

“This had been a hard-fought battle to get UPS to recognize that deaf people have the right to equal treatment and opportunities”

make many changes, including providing deaf and hearing-impaired workers with vibrating pagers, equipping job sites with text telephones and providing interpreters as needed during employee interviews, emergency evacuation drills and other company meetings and events.

Under the settlement, plaintiffs would receive as much as \$60,000 each depending on their tenure with UPS and their involvement in the suit. In the suit against UPS, settlement talks began last fall but got hung up on a number of issues. The case went to trial in April, and plaintiffs presented evidence for six weeks, including the testimony of 30 workers. The agreement was reached after the trial judge encouraged the sides to resume talks. If the two sides cannot settle the issue of UPS' hearing requirement for delivery drivers, the case will go back into court later this year.

Source: "UPS Settles Lawsuit with Deaf Workers," by Lisa Girion, Los Angeles Times, July 22, 2003.

Regional Advisory Board

The Regional Advisory Board meets twice a year. The members' input and commitment greatly assists the New England ADA & Accessible IT Center in its mission.

Connecticut

John Ficarro, Ph.D.
Connecticut Tech Act Project

Michael Kurs
Pullman & Comley, LLC

Suzanne Liquerman
Connecticut Department of
Administrative Services

Candace Low
ADA Coalition of Connecticut

Maine

Kathy Powers
Maine Consumer Information and
Technology Training Exchange (CITE)

Steve Tremblay
Alpha One

Massachusetts

Richard Arcangeli
Massachusetts Rehabilitation
Commission

Myra Berloff
Massachusetts Office on Disability

Chuck Hitchcock
CAST

William Kelley
Massachusetts DMR Regional
Assistive Technology Center

Kerim M. Munir, M.D., D.Sc.

Children's Hospital

Kathy Petkauskus
Resource Partnership

Cathy Taylor
Cape Organization for Rights of the
Disabled (CORD)

New Hampshire

Carol Nadeau
New Hampshire Governor's
Commission on Disability

Therese Willkomm, Ph.D.
ATECH Services

Rhode Island

Bob Cooper
Rhode Island Governor's Commission
on Disabilities

Vermont

James P. Dorsey
Vermont Department of Employment
and Training

Deborah Lisi-Baker
Vermont Center for Independent
Living

David Sagi
Vermont Division of Vocational
Rehabilitation

Build Boston 2003 Nov. 18, 19, & 20, 2003

Workshops on universal design or the
ADA sponsored by Adaptive
Environments and other organizations.

Tuesday 11/18

9:00 am-noon A10 The ADA and
Massachusetts Architectural Access
Board Regulations: understanding the
differences

1:00-2:30 pm A35 Construction mate-
rials, IAQ and health

1:30-3:00 pm A36 Universal design in
housing – strategies for design and
construction

3:30-5:00 pm A61 Indoor air quality
problems – how to find them, how to
evaluate them

4:00-5:30 pm A62 ADA Updates 2003

6:00-7:30 pm A84 Indoor air quality
insurance and legal problems – and
how to prevent them

6:30-8:00 pm A85 Understanding
signs, egress and the new ADA guide-
lines

Wednesday 11/19

8:00 am-noon B04 Kids, outdoor play,
ADA and accessibility standards

10:00 am-noon B13 Air barriers in the
building envelope

Thursday 11/20

9:00 am-noon C04 Cities fit for people
– international models

9:00 am-noon C21 Understanding the
state's accessibility requirements and
variance process

1:00-2:30 pm C44 International
Commission on Technology and
Accessibility (ICTA) meeting

5:45-7:15 pm C84 When accessibility
compliance is (really) impracticable

2020 Vision - A Diversity Conference for Design Professionals

Sponsored by the American Institute
of Architects Diversity Committee and
the Boston Society of Architects/AIA
in conjunction with Build Boston

The following workshops are co-
sponsored by Adaptive Environments.
For the full schedule go to
www.buildboston.com/diversity.

Wednesday 11/19

1:30-3:00 pm B36 Everything you
always wanted to know but were
afraid to ask about hiring, firing and all
that stuff in between

Thursday 11/20

10:30 am-noon C14 Debunking the typ-
ical consumer myth: expanding the def-
inition of the user

1:00-3:00 pm C35 NAAB (National
Architectural Accrediting Board) –
where and how does diversity fit?

Wednesday 11/19

6:00 – 7:00 PM

Great Places Fit for People:
Excellence in Universal Design
Design Awards Reception
Design Gallery

Adaptive Environments is celebrating
its 25th anniversary with an interna-
tional design awards program jointly
sponsored with the Boston Society of
Architects and the New York AIA.

News from Around the Region

Accessible Housing Promoted in NH

The Housing Committee of the NH Governor's Commission on Disability (GCD) is committed to promoting housing that is available to and usable by people of ALL abilities! The Committee has been closely monitoring the progress of HR 2353 (find it at <http://thomas.loc.gov>, type "inclusive home" in the word search field). HR 2353 is the Federal Inclusive Home Design Act that requires a basic level of architectural access, whenever practical, in the 95% of Federally assisted new homes not currently covered by law. Several states and cities have adopted laws requiring varying degrees of accommodations to make homes more accommodating for people of all abilities.

The GCD Housing Committee provided information at the NH Housing Finance Authority's October conference to educate developers, bankers and housing authorities about the need for housing that will allow people to age in place. The Committee has been working with Granite State Independent Living (GSIL), the Institute on Disability, NH Housing Finance Authority, and the USDA Rural Development to get a better handle on the availability of accessible apartments in NH. A new Accessible Housing Registry is now available on the GSIL website at <http://www.gsil.org/Housing/Housing.htm>. Property managers may now list their available accessible apartments and potential tenants may search for those apartments on line. The Housing Committee meets monthly and welcomes input from interested parties. For further information, contact Maureen Stimpson at the Governor's Commission on Disability, mstimpson@gov.state.nh.us, (603) 271-6483 V, (603) 271-2774 TTY, or NH toll-free (800) 852-3405.

Massachusetts Office on Disability Housing Survey Team

State and Federal Fair Housing Laws, including the Massachusetts Architectural Access Board Regulations, require that all newly constructed multi-family housing developments incorporate accessible common areas and adaptable features into their design. Despite these requirements, many housing developers throughout Massachusetts continue to build new developments without such features.

The Massachusetts Office on Disability (MOD) has received numerous complaints about this issue. One such complaint came from a person who had been promised an accessible unit in a newly constructed complex. When she moved in she found access problems. Although her apartment didn't work for her, she was not able to explain just what the problems were. A team from MOD went out to survey the site and found features that were not compliant with state and federal regulations. Kitchen counters were too high. The oven was placed too high and the controls were out of reach. A roll-in shower was too small. There was a step at the patio entrance, and although she could get to the laundry room, once there, she found only top-loading washers and dryers. The survey team found that sidewalks and curb cuts had the wrong slopes, making it difficult for her to get around, and the route to the clubhouse and swimming pool contained steps. MOD's advocates worked with both the resident and the property management; the modifications and repairs were subsequently made.

This is one of many stories that come into the office regularly. MOD continues to work with this developer. They have been constructing other hous-

ing developments across the state, and continue to request technical assistance on access issues at other sites. They learned from the above experience how non-compliant housing features impact people with disabilities. They also learned that it is easier and more cost effective to build compliant housing than to retrofit newly built developments to meet the regulations. MOD regularly works on issues with individuals who have problems with their housing and with housing developments that are undergoing major renovation and need assistance in complying with accessibility requirements. For more information, contact MOD at (800) 322-2020.

In Vermont, Universal Design and Independent Living: A Partnership for the Future

Adaptive Environments and the New England ADA & Accessible IT Center are partnering with the Vermont Center for Independent Living (VCIL) to bring universal design strategies to community planning in Vermont. Valerie Fletcher of Adaptive Environments gave the keynote speech at Vermont's Department of Aging and Disabilities' Successful Aging and Independent Living conference and was a presenter at VCIL's Designing for the Ages Conference cosponsored by the Vermont Housing Finance Agency and Fannie Mae. The symposium brought universal design experts from all over the country to Vermont to share their experiences and knowledge with architects, homebuilders, housing finance agencies, realtors, and disability advocates. The conference was a resounding success and VCIL and Adaptive Environments are organizing a follow up strategy session with housing and policy leaders in Vermont.

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Universal Design Continued from Pg. 7

“The goal is to bring the common sense and beauty of universal design to housing development in Vermont,” said VCIL’s Executive Director, Deborah Lisi-Baker. “When we bring the issues of aging and disability into housing design and community planning, we will begin to build not just houses, but communities that work for the ages.”

Other projects the two organizations are working on include training access review teams in different areas of Vermont, sponsoring accessible information technology trainings for Vermont’s educational organizations, municipalities and state agencies and exploring ways to bring the principles and perspectives of universal design and the independent living movement to health and medical programs. For more information, contact VCIL at 1-800-639-1522.

ADA Coalition of Connecticut Events

This fall and winter the ADA Coalition of Connecticut sponsored a number of different events. From September 15 — October 3, the Coalition conducted LifeWork: Self-Exploration for Youth With Disabilities. This program, funded by the New England ADA & Accessible IT Center, consists of three 2-hour workshops that encourage youth with disabilities to explore who they are and what they can be. The program includes civil rights education. Future programs will be hosted by the Bridgeport, Shelton and Stratford school systems. This project is implemented in collaboration with the Disability Resource Center of Fairfield County, Inc.

On September 18 and September 23, the Coalition, in conjunction with other local organizations, sponsored

“Open the Windows! A Workshop on Accessible Information Technology.” The workshops were conducted by Kathy Gips and Rachel Tanenhaus from the ADA Center. On September 30, we convened the first meeting of our “Second Time Around Task Force,” which will plan strategy for the continuation of our ADA codification campaign. More meetings will be held in October and November.

“The goal is to bring the common sense and beauty of universal design to housing development in Vermont.”

The Coalition’s Annual Meeting took place on October 16 in Farmington, CT. On November 3 and November 5, the Coalition will conduct an Access Monitor Training at the Office of Protection and Advocacy. On December 3, the Coalition returns to the subject of codification with: “The Second Time Around: An Open Discussion Group on the Upcoming Legislative Campaign.”

Alpha One Access Design Active in Housing Sector

Alpha One’s Access Design division has been active in the housing sector in recent months and the trend appears to be accelerating. Current activities include accessibility assessments for three elderly housing projects in central and eastern Maine for USDA Rural Development, one and two family housing complexes, a large luxury apartment complex in southern New Hampshire, and nearly a dozen additions or modifications to privately-owned homes in both states.

Access Design’s assessments of the USDA Rural Development projects are expected to lead to much-needed physical improvements to access con-

ditions within designated apartments and common areas. The work is being conducted under the requirements of the Uniform Federal Accessibility Standards (UFAS) and The Fair Housing Amendments Act (FHAA). These requirements have recently been mandated by USDA Rural Development, and specifically apply to projects constructed after 1982 but prior to the adoption of more rigid accessibility standards in the late 1980’s.

RI Commission on Disabilities Gets Federal Grant

The Rhode Island Governor’s Commission on Disabilities has been awarded the State Grant for Election Assistance for Individuals with Disabilities from the Department of Health and Human Services. This grant, a subsection of the Help America Vote Act, will pay \$100,000 per year to help ensure accessibility of all polling places and to increase awareness about the importance of accessible elections.

In 2000, Rhode Island made all its polling sites fully accessible, thus becoming the first state in the country to reach such a milestone. The bulk of the new election grant money will be used to maintain full compliance, train election workers on the use of accessible voting technology, and conduct informational outreach to people with disabilities about accessibility in voting. The Commission has partnered with the Rhode Island Disability Law Center, the Board of Elections, and the Secretary of State to ensure that the HAVA money is fully and effectively distributed throughout the state to ensure both access to and awareness of the upcoming elections.

Recommended Books on Residential Universal Design:

Prescription for a Healthy House: A Practical Guide for Architects, Builders, and Homeowners

Paula Baker, AIA; Erica Elliott, MD; and John Banta, Inword Press, 1998. [\$29.95]

Products and Plans for Universal Homes

Home Planners, LLC., January 2000. [\$15.95]

Gracious Spaces: Universal Design in the Home

Mary Jo Peterson and Irma Dobkin, McGraw Hill, 1999. [\$49.95]

Universal Kitchen & Bathroom Planning: Design That Adapts to People

Mary Jo Peterson, McGraw Hill, 1998. [\$79.95]

Universal Design Handbook

Wolfgang Preisler, Editor in Chief; Elaine Ostroff, Senior Editor, McGraw Hill, 2000. [\$125.00]

Accessible Housing by Design: Universal Principles in Practice

Steven Winter, McGraw Hill, 1997. [\$49.95]

These publications are available for review in the Adaptive Environments library or for purchase from Amazon.com.

Bazon Center Publications on Housing Rights

The 2003 edition of "What 'Fair Housing' Means for People with Disabilities" has updated references to judicial decisions and federal laws in question-and-answer format. The 52-page booklet is addressed directly to people with mental or physical disabilities who want to rent or buy a home—an apartment or house, condominium

or co-op—whether privately or publicly owned or operated. The booklet is also useful for landlords, housing developers and administrators, real estate agents and advocates for people with disabilities.

The 94-page "Digest of Cases and Other Resources on Fair Housing for People with Disabilities," updated in August 2003, includes abstracts and analyses of more than 50 new housing cases.

Authored by Bazon Center staff attorney Michael Allen, both publications explain how people with disabilities are protected from housing discrimination under three federal statutes: the Fair Housing Act as amended in 1988, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

The cost of the booklet is \$4; of the digest, \$13.50. Shipping and handling are extra (\$2 for the booklet alone, \$4 for the digest or for both together). Both can be ordered online through the Bazon Center's online bookstore at <http://store.bazon.org/> or contact the publications desk at 202-467-5730 ext. 110.

Fair Housing Act Design Manual

Fair Housing Act Design Manual: A Manual to Assist Designers and Builders in Meeting the Accessibility Requirements of The Fair Housing Act – provides clear and helpful guidance about ways to design and construct housing that complies with the Fair Housing Act. Includes the Fair Housing Accessibility Guidelines and Questions and Answers about the Fair Housing Accessibility Guidelines. Download the manual at www.huduser.org/publications/destech/fairhousing.html. Please contact HUD USER at 800-245-2691 if you need assistance downloading the document or to order a CD for \$5.

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comfort of a much wider spectrum of users across differences in age and ability. Universal design is voluntary in nature, not a regulatory code such as FHAA. Universal design can and must incorporate fair housing standards, but it is not limited to the Act's minimum accessibility standards.

Q. What are some of the trends in the housing industry?

A. There are two trends that concern me. One of the most troubling is the prevalence of townhouses in new developments. Multi-level townhouses, which do not have elevators, are exempt from FHAA coverage. That means that they do not have to meet the FHAA design and construction standards. This design trend will result in less accessible housing being built. The second trend, especially in the New England metropolitan areas is the lack of affordable housing in general and the lack of accessible affordable housing in particular.

Q. Is there anyway to influence these trends?

A. Municipalities and states must develop master housing plans, which are called Consolidated Plans, to receive HUD funding. These plans must include how the state or municipality intends to address the housing needs of persons with disabilities and elders. Advocates should take a more proactive role in this planning process to assist the states and municipalities to identify and address these housing needs.

Q. Do people with disabilities use your service?

A. Yes, we frequently get calls from people with disabilities regarding reasonable modification and reasonable accommodation needs. Reasonable modifications and reasonable accommodations are

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Frequently Asked Questions

Visitability

Q: *What is 'Visitability?'*

A: Visitability is an idea born of the frustration that only a small number of housing units are accessible. Thus, people who need those accessibility features are excluded from the ordinary opportunity to visit friends and family. To change that reality three essential features are needed in all housing:

- at least one level or zero-step entrance,
- all main floor interior doors—including bathrooms—with 32 inches of clear passage space, and
- a half bathroom or preferably a full bathroom on the main floor.

Visitability shares with universal design a conviction that variation in ability is ordinary and that features that work for people with disabilities offer advantages for everyone.

Q: *What's at stake with Visitability?*

A: Inaccessible houses impede the lives of people who use wheelchairs, walkers or have some other mobility impairment. Being a visitor in an inaccessible house means the dangerous possibility of being dropped down the steps, the worry and embarrassment of being kept from using the bathroom, the social awkwardness of being carried, and the frustration of not being able to knock on the door to see if someone's home.

Inaccessibility makes friendships harder to create and cuts people off from meetings where information is exchanged and decisions made; it causes people with disabilities not to be invited places, or to have to turn down invitations. If they have low incomes, inaccessibility often forces people with disabilities to live in a house where they may literally have to crawl to use the bathroom, or stay inside because of steps.

Q: *What are the benefits of Visitability?*

A: Homes in the community can welcome guests who use wheelchairs or walkers or have some other form of

mobility impairment. Residents are more likely to be able to remain in their existing homes, rather than having to move out or do extensive renovation, if a family member develops a disability. Sale and resale of homes is enhanced in an era when the senior demographic is growing rapidly and baby boomers are attracted to homes that welcome their aging parents and provide easy-use for themselves.

Visitability features cost little up front – unlike higher after-the-fact costs of renovation for widening doors and adding ramps. Visitability features are easy to construct on most terrain and are visually unnoticeable. In new construction, a zero-step entrance can usually be incorporated without a "ramp" by grading so that the sidewalk meets the porch.

Q: *How simple is it to create zero-step entrances?*

A: Easy, low-cost zero-step entrances can be made on at least 90% of housing lots. In general, the only type of lot where a zero-step entrance is not feasible is one that presents all three of the following problems:

- the lot rises or falls so steeply from the street that a maximum 1:12 slope cannot be created without extensive grading,
- the lot will not have a driveway, and
- there is no vehicular access to the back of the home by an alley or other roadway.

In lots that do not present the above set of problems, it should be developed and the home sited so that at least one zero-step entrance can be approached by a slope no steeper than 1:12 (less steep when possible). This entrance can be approached by a sidewalk, driveway, garage floor, or other usable route. When lots are so steep they can't as a whole be graded to a 1:12 slope in a cost-effective way, the driveway may have to exceed 1:12. In those cases the builder can construct a 1:12 (or less steep) route leading from the driveway to the no-step entrance.

Ways to Make Zero-Step Entrances on Sloping Lots:

If a home includes an attached garage or carport, the floor of the garage or carport can be constructed in such a way that a no-step entrance leads to the room adjacent to the garage or carport.

If a particular lot rises from the street (the lot is higher at the back than the front), the no-step entrance may be constructed at a front, side or back door, with a sidewalk or driveway leading to the entrance.

If a lot slopes down from the street (the lot is lower at the back than the front), a no-step entrance may be constructed at the front door by means of a sidewalk running from the street or driveway. If the lot slopes down very steeply, a bridge-type walkway may lead from the front sidewalk to the porch.

If a lot is higher on one side than the other, the driveway or sidewalk leading to the no-step entrance should be constructed on the higher side of the lot. This facilitates the construction of a ramp or walkway that is short and does not exceed the 1:12 ratio.

Reversing the house plan to its mirror image may facilitate locating the driveway on the higher side.

If a lot rises steeply from the street and at the same time there is no driveway, access may be available to the back of the home by means of an alley or other roadway. In that case, a no-step entrance may be constructed at the back of the home.

Q: *What about doors?*

A: All interior doors need to be a minimum of 2' 8", which leaves 30 inches clear space. 2' 10" doors are much better, leaving 32 inches of clear passage space, and are increasingly available because that is the width required by the Fair Housing Amendments Act in new multi-family dwellings. 3' 0" doors are excellent where space permits. Special attention needs to be paid to the bathroom door because this is the one typically smaller than other doors on house plans.

Continues next pg.

Great Web Sites/Building Your Rolodex

Q: Do any developments incorporate visitability?

A: Yes. For more information, contact Eleanor Smith at (404) 378-7455 or info@concretechange.org. See the website at www.concretechange.org.

(Source: *Concrete Change*, www.concretechange.org.)

Universal Design Web Sites

Adaptive Environments & Universal Design

www.adaptiveenvironments.org/universal

Adaptive Environments has established a niche in the international spectrum of organizations and individuals that share a vision of design-for-all/universal design. We funnel the depth and breadth of worldwide information about universal design, and disseminate the wealth of ideas and best examples to two audiences: decision makers (academics, design practitioners, and leaders from business and government) and the general public.

Center for Universal Design

www.design.ncsu.edu/cud

The Center for Universal Design is a national research, information, and technical assistance center that evaluates, develops, and promotes universal design in housing, public and commercial facilities, and related products.

American Association of Retired Persons (AARP)

www.aarp.org/universalhome

Explore universal design and find out how to make each room of your home better for you—now and in the years to come.

Universal Design Demonstration and Research Facility (UDF)

www.ksu.edu/humec/atid/UDF

UDF's overall goal is to better prepare students and practicing designers to become change agents who routinely create environments that are usable by everyone.

Iowa State University

www.extension.iastate.edu/Pages/housing/other/housing/elderly/universal-design.html

Information about universal design and housing.

Center for Inclusive Design & Environmental Access (IDEA)

design6.ap.buffalo.edu/idea

IDEA is dedicated to improving the design of environments and products by making them more usable, safer and appealing to people with a wide range of abilities, throughout their life spans.

Fair Housing Web Sites

Fair Housing Accessibility FIRST

www.FairHousingFirst.org

Fair Housing Accessibility FIRST is sponsored by the US Department of Housing and Urban Development (HUD) to promote compliance with the Fair Housing Act design and construction requirements. The program consists of a comprehensive training curriculum, as well as a toll-free information line and website designed to provide technical guidance to the public. Website includes links to Fair Housing Accessibility Guidelines, Fair Housing Act Design Manual and other publications.

Fair Housing National Multimedia Campaign

www.fairhousinglaw.org

The Fair Housing National Multimedia Campaign is designed to increase public awareness of the Fair Housing Act and its protections, encourage the reporting of fair housing discrimination to the appropriate agencies, and provide information and resources to help communities and institutions support individuals and families who exercise their fair housing rights.

National Fair Housing Advocate Online

www.fairhousing.com

The National Fair Housing Advocate Online is a resource designed to serve both the fair housing advocacy community and the general public with timely news and information regarding the issues of housing discrimination.

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provisions of the FHAA that allow persons with disabilities to negotiate to get their individualized housing access needs addressed.

Q. What can a person with a disability do if they feel that they have been discriminated against in housing based on their disability?

A. People in New England who feel that they have been discriminated against can contact the HUD Region I office in Boston (800) 827-5005 (v/tty) or one of their local HUD-funded Fair Housing Assistance Programs (FHAP). Readers can call our office if they need that information.

Q. Where does your funding come from?

A. The Department of Housing and Urban Development directly funds BearingPoint to develop and administer Fair Housing Accessibility FIRST. BearingPoint manages the website and the training components of the project. They subcontracted the Design and Construction Resource Center to Adaptive Environments. We have just completed our first year of operation and have been funded for a second year.

Q. Do you have any future events that readers should know about?

A. In New England, the FH Accessibility Team will be staffing a table at Build Boston, November 18-20 at the World Trade Center. Also, our website regularly posts upcoming trainings throughout the country.

Thank You,
Oce Harrison, Project Director
New England ADA &
Accessible IT Center

Can PDF Files Be Made Accessible?

Portable Document Format (PDF) is a file format developed by Adobe Systems. PDF makes it possible to send documents with original formatting intact. PDF files are created by scanning an original print document or by using a variety of popular software applications. In order to read PDF files, the user must have Adobe Acrobat Reader, a free application distributed by Adobe Systems.

The growing popularity of PDF has created concerns about accessibility, particularly for users of screen readers. With the release of Adobe Acrobat 5.0, Adobe took significant steps toward improving PDF accessibility. Among other improvements, PDF was able to communicate more effectively with screen readers, and PDF text could reflow when magnified, or when viewed on a handheld computing device. Adobe has made available a complete summary of Acrobat's Accessibility Features (www.adobe.com/products/acrobat/solutionsacc.html). A complete set of Adobe documents regarding accessibility is also available at access.adobe.com/.

Adobe's progress is one step toward PDF accessibility, but barriers still exist. Most notably, of the three types of PDF documents — unstructured, structured, and tagged — only tagged PDF files are optimized for accessibility. Few authors are currently creating tagged PDF files, either because this requires additional effort or because of lack of awareness. Adobe has two free training documents available: *How To Create Accessible Adobe® PDF Files* (www.adobe.com/products/acrobat/access_booklet.html) and *Advanced Techniques for Creating Accessible Adobe® PDF Files*

(www.adobe.com/products/acrobat/pdfs/CreateAccessibleAdvanced.pdf) (available only as a PDF file).

Additionally, PDF documents can be encrypted for security purposes in a way that locks out users of assistive technologies, despite the document's being visible on the screen. Acrobat 5.0 and higher warns authors of this unwanted side effect as they are selecting security options.

PDF accessibility also requires that assistive technology (AT) vendors build support into their products and that consumers purchase current upgrades of AT that supports accessible PDF. Two of the most popular screen readers, JAWS and Window-Eyes, currently claim to support the new PDF. Freedom Scientific has built PDF support into JAWS 3.7 and higher, and GW Micro has built PDF support into Window-Eyes 4.1 and higher. Currently, there is no accessibility support for PDF in non-Windows operating systems.

Although it is possible to create an accessible PDF document, and possible for a Windows user to read the document if equipped with the appropriate software, many users and advocacy groups continue to recommend more universally accessible alternatives to PDF, such as text, HTML, or XML, for all web-delivered documents. In April 2002, the American Foundation for the Blind issued a white paper titled "PDF and Public Documents: A White Paper" (www.afb.org/info_document_view.asp?documentid=1706) that outlines the problems of PDF and concludes that "alternative, accessible formats must always accompany PDF versions of information and data that are made available to the public."

(Source: "Is PDF Accessible?," Access IT, www.washington.edu/accessit/articles?2.)

DOJ Publication on Accessibility of Title II Websites

The Department of Justice (DOJ) has produced a new publication regarding the importance of accessible websites for state and local government entities. The document is entitled "Accessibility of State and Local Government Websites to People with Disabilities". The Internet is playing a vital role in allowing government to better serve all of its citizens. The Americans with Disabilities Act (ADA) and, if the government entities receive Federal funding, the Rehabilitation Act of 1973, generally require that state and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. One way to help meet these requirements is to ensure that government websites have accessible features for people with disabilities, using the simple steps described in this document. An agency with an inaccessible website may also meet its legal obligations by providing an alternative accessible way for citizens to use the programs or services, such as a staffed telephone information line. These alternatives, however, are unlikely to provide an equal degree of access in terms of hours of operation and the range of options and programs available. For example, job announcements and application forms, if posted on an accessible website, would be available to people with disabilities 24 hours a day, 7 days a week. The publication is available at the DOJ website at the following URLs: www.usdoj.gov/crt/ada/websites2.htm or www.usdoj.gov/crt/ada/w

User Friendly Homes Continued from pg. 1

Principles of Universal Design*

1) **Equitable Use:** The design does not disadvantage or stigmatize any group of users.

2) **Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities.

3) **Simple, Intuitive Use:** Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

4) **Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

5) **Tolerance for Error:** The design minimizes hazards and the adverse consequences of accidental or unintended actions.

6) **Low Physical Effort:** The design can be used efficiently and comfortably, and with a minimum of fatigue.

7) **Size and Space for Approach & Use:** Appropriate size and space is provided for approach, reach, manipulation, and use, regardless of the user's body size, posture, or mobility.

**The principles were developed by a group of American advocates in 1997 and are copyrighted to the Center for Universal Design, School of Design, North Carolina State University at Raleigh.*

How does universal design differ from other types of accessible design?

Accessible design focuses on ensuring that design does not limit use by people with some kinds of disabilities, most often mobility limitations. In the US and an increasing number of nations, accessibility in the built environment is viewed through regulation and code. The most common accessibility requirements for housing are in the Fair Housing Act, Section 504 of the Rehabilitation Act and, to a lesser extent, the ADA. Many state



Doors with glass side panels allow for natural light and make it easy to see someone at the door.

building codes also stipulate accessibility in housing. The variety of requirements is often confusing, but they are limited in scope: some only apply to a small percentage of housing units and all mandate a modest level of accessibility. Universal design in housing presumes a wide diversity of users and the power of design to enhance comfort and independence for all.

What type of housing would incorporate universal design?

Universal design can be used for single-family homes, apartment buildings, public housing, residential programs, and assisted living facilities – any kind of housing. Universal design principles have been used in expensive architect-designed housing, renovations and additions, and Habitat for Humanity homes.

How does universal design benefit persons with cognitive, neurological or developmental disabilities?

Many building professionals use designs that may be confusing. For example, thermostats that are difficult to read or are complicated. A universally designed thermostat uses easy-to-read icons, numbers in large font and contrasting colors to show the range from cold to warm. Contrasting colors and texture can orient users simply and unconsciously.

Appliances with automatic shut-offs, easily manipulated controls on appliances, lighting that has automatic controls, and open or windowed cabinets are all good choices that are universally beneficial.

Does universal design apply to home modifications and renovations?

Only a small percentage

of housing is newly constructed. Universal design is a useful framework for renovations that improve usability and safety but that don't look 'special' and don't reduce the value of the home. Small changes such as using lever door handles; applying non-slip rubber strips in the bathtub; adding flexible, high-intensity, low-volt lighting; changing faucets to paddle handles; adding a shelf outside the front door, are features that can enhance one's living space.

Some examples of large and small universal design details:

Exterior

- Front door with a long glass panel or sidelight to brighten interiors and make it easy to see who is at the door. Textured glass or a shade can provide privacy.
- A reflective circle around the keyhole.
- A lighted doorbell with a ringer and a small light that blinks on an interior room wall visible from high-use areas.
- Stick-on appliques on glass sliding doors at 36" and 60" to prevent adults and children from walking into the glass.
- A shelf near the entry door to place bags, etc. while opening the door.
- Low solar lights along the driveway to make it easier to position cars into a garage.

Kitchen

- Cabinets with pullout trays; corner cabinets with lazy susans.
- Adjustable intensity under-cabinet lighting.
- Trash compactor that opens with a foot or hand pull.
- Dishwashers installed 8-12" higher than typical to make loading and unloading easier.
- Double sink with a high and low side and a spray faucet easily operable with a closed fist.

Bathroom

- Walls reinforced during construction to allow grab bars to be installed in the future.
- Strip of tile or edging to contrast the floor from the walls and distinguish edges of counters.
- Under-sink cabinet with bi-fold doors and removable cabinet floor to permit use with a stool or wheelchair at the sink.
- Exhaust vents to minimize water and mold.
- Non-skid flooring.

Floors

- Carpets resistant to static, flame, mildew, abrasion, permanent staining, and fading. Opt for low pile (1/2" max.) single loop installed without padding. Choose one with a biological guard to prevent bacterial growth.
- Hard surface, non-glare, easy clean flooring.

General

- Paint chosen for minimal off-gassing and washability.
- Electrical outlets mounted at 18" from the floor.
- Doors with 32" minimum clear opening.
- Front-loading laundry appliances installed on raised floor.
- All lights, even lamps, with rocker switches.
- Adjustable task lighting.

For more information on universal design:

www.adaptiveenvironments.org/universal/index.php

Civil Rights Laws Continued from pg. 1

that housing is available based on one's protected class status. The Fair Housing Act discrimination protections are also extended to someone who is associated with a person with a disability, such as a family member, roommate or personal care attendant.

Under the Fair Housing Act, a property owner may not refuse a person with a disability from making necessary reasonable modifications to their dwelling or common areas at the tenant's expense. A property owner can request that the tenant remove such modifications when they move from the property. Reasonable modifications can cover such things as the installation of a flashing light for a person with hearing loss or grab bars in the bathroom.

Reasonable accommodations are also covered under the Fair Housing Act. Reasonable accommodations are alterations to rules, policies, procedures and services that are necessary for an individual with a disability to enjoy the full benefits of the housing. For example, reasonable accommodations can be used to establish a "rent due" reminder for a person with a cognitive disability or in making an exception to a no pets policy for a blind person with an assistive animal.

New Construction Requirements The Fair Housing Act has seven requirements:

Requirement 1. An accessible building entrance on an accessible route.

Requirement 2. Accessible public and common use areas.

Requirement 3. Usable doors (usable by a person in a wheelchair).

Requirement 4. Accessible route into and through the dwelling unit.

Requirement 5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.

Requirement 6. Reinforced walls in bathrooms for later installation of grab bars.

Requirement 7. Usable kitchens and bathrooms.

Under the Fair Housing Act, a property owner may not refuse a person with a disability from making necessary reasonable modifications to their dwelling or common areas at the tenant's expense.

To meet these seven requirements, HUD published Fair Housing Accessibility Guidelines on March 6, 1991, and supplemented those Guidelines with a Supplemental Notice: Questions and Answers About the Guidelines published on June 28, 1994.

HUD has recognized seven safe harbors for compliance with the Fair Housing Act's design and construction requirements. They are:

- HUD Fair Housing Accessibility Guidelines published on March 6, 1991, used with the Supplemental Notice to Fair Housing Accessibility Guidelines Questions and Answers about the Guidelines, published on June 28, 1994
- Fair Housing Act Design Manual
- ANSI A117.1 (1986)
- CABO/ANSI A117.1 (1992)
- ICC/ANSI A117.1 (1998)
- Code Requirements for Housing Accessibility 2000 (CRHA)
- International Building Code 2000 as amended by the 2001 Supplement to the International Codes

Other Civil Rights Laws

Property owners who receive federal funding are required to meet the mandates of Section 504 of the Rehabilitation Act of 1973. In new construction 5% of the dwelling units must be accessible for people with mobility impairments and 2% of the units must be accessible for people with hearing or vision impairments. Major alterations to federally funded housing are as well. Housing covered by Section 504 must meet the accessibility standards outlined in the Uniform Federal Accessibility Standards (UFAS). Existing housing programs or activities receiving federal financial assistance must operate so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

ADA is limited in its scope on housing. Title II of the ADA requires that state and local government programs, services and activities provide an equal opportunity for people with disabilities. New construction by public entities as well as major alterations must be in compliance. This includes the dwelling units, offices, recreational and all general and common use areas. UFAS or the ADA Standards for Accessible Design can be used as the design standard. As with Section 504, existing housing programs must ensure access to people with disabilities. Private housing is generally not covered under Title III of the ADA (because it's covered under the Fair Housing Act), unless the housing includes places of public accommodation. Examples of public accommodations in housing would be rental offices, community rooms used by the public, dormitories, group homes and assisted living facilities where social services are provid-

ed. The ADA Standards for Accessible Design are the design standard under Title III.

A 1999 Supreme Court decision, *Olmstead vs. L.C.*, established housing policy for persons with disabilities residing in institutions who should be placed in community settings. This lawsuit applied the ADA to community placements. With certain restrictions, the Supreme Court ruled that it is a violation of the ADA and discriminatory to have an individual capable of living in the community placed or left in institutional settings. These settings include but are not limited to state hospitals, state schools, skilled nursing facilities, and nursing homes. Housing providers should anticipate that individuals covered under the *Olmstead* decision will be applying for housing. Providers should be prepared to offer flexibility in their application and screening process, as well as in the terms and conditions of tenancy.

To learn more about accessibility and fair housing:

US Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
Region I New England Office
Thomas P. O'Neill Building
10 Causeway Street
Boston, MA 02222-1092
(617) 565-5304 voice
(617) 565-5453 tty
www.hud.gov/offices/fheo/disabilities/index.cfm

Fair Housing Accessibility First
Adaptive Environments
374 Congress St., Suite 301
Boston, MA 0221
(888) 341-7781 V/TTY
www.FairHousingFirst.org
contact@fairhousingfirst.org