

The Fair Housing Act



From the well-known blog idighardware.com, Lori Greene brings some much-needed clarity to codes.

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THE FAIR HOUSING ACT WAS FIRST ADOPTED IN 1968 AND WAS AMENDED in 1988. The law is enforced by the United States Department of Housing and Urban Development (HUD) and requires all covered multifamily dwellings ready for first occupancy after March 13, 1991, to be accessible and usable by people with disabilities. Covered multifamily dwellings include dwelling units in buildings containing four or more units if the building has an elevator, or all ground floor units if the building does not have an elevator.

The Fair Housing Act covers many issues affecting discrimination in housing, but this article focuses on the door-related aspects of the law. There are seven basic access requirements of the Fair Housing Act:

1. **An accessible building entrance on an accessible route**
2. **Accessible common and public use areas**
3. **Usable doors (usable by a person in a wheelchair)**
4. **Accessible routes into and through the dwelling unit**
5. **Light switches, electrical outlets, thermostats and other environmental controls in accessible locations**
6. **Reinforced walls in bathrooms for later installation of grab bars**
7. **Usable kitchens and bathrooms**

There are 10 “safe harbors” or sets of guidelines that can be used to design and build multifamily housing that meet the Fair Housing Act requirements, including various editions of the *International Building Code (IBC)*, ICC A117.1, *Accessible and Usable Buildings and Facilities*, the *Fair Housing Accessibility Guidelines* published by HUD, and others. The requirements may vary slightly depending on which set of guidelines is used.

All residential occupancies covered by the Fair Housing Act are required to have public areas that are accessible to people with disabilities, and all dwelling units must have an accessible route into and through the unit. If a building with four or more units has no elevator, these requirements apply only to ground floor units.

According to the HUD guidelines, accessible doors are doors in public and common use areas, as well as the public side of dwelling unit entrance doors. Accessible doors must meet the accessibility standards for doors on an accessible route, including:

- A clear opening width of at least 32 inches, measured between the face of the door open to 90 degrees and the stop on the strike jamb
- A threshold that is limited in height and slope (refer to the design guidelines for specifics)



Clarifying the Fair Housing Act

A common misconception is that the Fair Housing Act applies only to federally funded housing projects, but according to the U.S. Department of Housing and Urban Development, “The Fair Housing Act requires all ‘covered multifamily dwellings’ designed and constructed for first occupancy after March 13, 1991, to be accessible to and usable by people with disabilities. Covered multifamily dwellings are all dwelling units in buildings containing four or more units with one or more elevators, and all ground floor units in buildings containing four or more units, without an elevator.”

- The required amount of maneuvering clearance
- A maximum of 5 pounds of force to open an interior non-fire-rated door (8.5 pounds maximum for exterior doors if the 1986 edition of A117.1 is used)
- A minimum closing speed of five seconds for the door to move from 90 degrees to 12 degrees if equipped with a closer (doors with spring hinges may close more quickly)
- Sliding doors must provide at least 32 inches of clear width, and hardware must be exposed and usable from both sides of the door.
- Operable hardware that is “easy to grasp with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate,” mounted within

the allowable range—either less than 48 inches above the floor or between 34 inches and 48 inches above the floor, depending on which standard is used

Usable doors are doors within the interior of the dwelling unit, as well as secondary exterior doors to decks, patios, or balconies. These doors are subject to less stringent requirements but must provide at least 32 inches (nominal) clear opening width and have a low threshold or no threshold. Hardware for sliding doors should be exposed and usable from both sides of the door.

The *International Building Code* reflects the Fair Housing Act requirements by stating in Chapter 11 that some units must be Accessible or Type A units (quantity varies by occupancy type), and all of the other

units must be Type B units. With regard to the dwelling unit entrance door hardware, the requirements for Accessible, Type A, and Type B units are the same: they must be operable with no tight grasping, pinching, or twisting of the wrist. The IBC references ICC A117.1 for the detailed requirements of these units.

According to ICC A117.1, Accessible and Usable Buildings and Facilities (2009 edition):

- Accessible (fully accessible) and Type A (easily adaptable) units are required to have doors and hardware that meet the requirements of Section 404 at the primary entrance door and all other doors intended for user passage.
- Type B (partially adaptable) units are required to have doors and hardware that meet the requirements of section 404 on the primary entrance door.
- Type C (visitable) units are not required to have an entrance door that meets A117.1 section 404. However, there is no reference to Type C units in the 2009 edition of the IBC, so currently all units would have to be Type B at minimum (some units would be Accessible and Type A units).

More information about the Fair Housing Act is available at HUD.gov (search “Fair Housing Act”). In addition to the requirements of the referenced standards, the guidelines include many recommendations for elements that will make housing accessible and usable for all occupants, so refer to the HUD documents for detailed information. [HUD](#)

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