

# NEWSLETTER

## ELKHART HUMAN RELATIONS COMMISSION THE FAIR HOUSING ACT AND DESIGN AND CONSTRUCTION

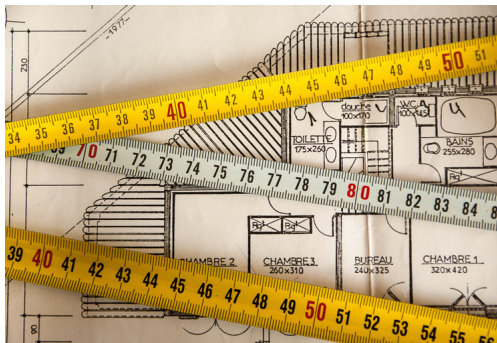
### BACKGROUND

Title VIII of the Civil Rights Act of 1968, as amended, (42 U.S.C. 3601 et seq.) (the “Fair Housing Act” or “Act”) prohibits discrimination in housing and housing-related transactions based on race, color, religion, national origin, sex, disability and familial status.

The Act provides that unlawful discrimination against persons with disabilities includes the failure to design and construct covered multifamily dwellings for first occupancy after March 13, 1991.

### ADOPTION OF ADDITIONAL SAFE HARBORS

This rule amends HUD’s Fair Housing Act design and construction regulations by incorporating by reference the 2009 edition of International Code Council (ICC) Accessible and Usable Building and Facilities (ICC A117.1-2009) standard, as a safe harbor. The Accessible and Usable Buildings and Facilities standard is a technical standard for the design of facilities that are accessible to persons with disabilities. HUD has determined that compliance with ICC A117.1-2009 satisfies the design and construction requirements of the Fair Housing Act and its amendments. This rule also designates the 2009, 2012, 2015 and 2018 editions of the International Building Code (IBC) as safe harbors under the Fair Housing Act. The IBC is a model building code and not law, but it has been adopted as law by various states and localities. The IBC provides minimum standards for public safety, health, and welfare as they are affected by building construction.





## THE FAIR HOUSING ACT DESIGN AND CONSTRUCTION REQUIREMENTS

**BY FAIR HOUSING ACCESSIBILITY FIRST**  
[HTTPS://WWW.HUD.GOV/PROGRAM\\_OFFICES/FAIR\\_HOUSING\\_EQUAL\\_OPP/ACCESSIBILITY\\_COMMON\\_VIOLATIONS](https://www.hud.gov/program_offices/fair_housing_equal_opp/accessibility_common_violations)

Successful accessibility is often measured in inches, so attention to detail can make the difference between achieving access and excluding or injuring someone. When the minimum requirements are not met, the results can limit access for a person with a disability or exclude them from the housing altogether. Sometimes lack of access can even be dangerous.

There are seven design and construction requirements; any failure to comply with the requirements violates the Fair Housing Act.

- Requirement 1: Accessible Building Entrance on an Accessible Route
- Requirement 2: Accessible and Usable Public and Commons Use Area
- Requirement 3: Usable Doors
- Requirement 4: Accessible Route Into and Through the Unit
- Requirement 5: Light Switches, Electrical Outlets, Thermostats and Other Environmental Controls in Accessible Locations
- Requirement 6: Reinforcing in Walls for Grab Bars
- Requirement 7: Usable Kitchens and Bathrooms

### TEST HOW MUCH YOU KNOW



### REPORT HOUSING DISCRIMINATION

If you feel like you've experienced housing discrimination based on your Race, Religion, Color, Family Status, Disability, National Origin, or Gender (including sexual orientation and gender identity), please contact our office:

201 S. Second Street  
 Elkhart, Indiana 46516  
 (574) 294-5471  
[human.relations@coei.org](mailto:human.relations@coei.org)  
[elkhartindiana.org/fair-housing](http://elkhartindiana.org/fair-housing)