

# GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS ACCESSIBILITY MANUAL

This Manual contains the following:

- I. DCA Accessibility Policy
- II. DCA Threshold Requirements
- III. State Fair Housing Laws
- IV. Layered Properties
- V. Federal Fair Housing Amendments Act of 1988
- VI. Section 504 of the Rehabilitation Act of 1973
- VII. Visitability
- VIII. The American with Disabilities Act
- IX. Additional Resources
- X. Common Errors and Omissions
- XI. Increasing Accessibility

**(Accessibility Design and Construction Standards for properties funded with HOME and / or Low Income Housing Tax Credits)**

The 2015 Qualified Allocation Plan (Plan) requires that all projects funded under the Plan meet all federal and state accessibility standards as well as all DCA accessibility requirements. Because accessibility requirements may differ depending on the funding sources of a particular project as well as the type of construction contemplated for a project, identifying the correct standards may require a determination of the most restrictive requirements. The following is an overview of the primary accessibility laws and requirements that are applicable to projects funded under the Plan, a summary of the 2015 DCA threshold criteria for accessibility and a chart that summarizes the accessibility laws and standards.

**Failure to comply with applicable accessibility, adaptive design and construction requirements of these laws may result in loss of tax credits and/or the loss of HUD program loan funds. The Applicant should consult an attorney and/or design professional to ensure that the rehabilitation and/or construction of the multi-family development complies with the accessible and adaptive design and construction requirements of each applicable law. These additional accessibility modifications will be incorporated in the Declaration of Land Use Restrictive Covenants for Low-Income**

## **Housing Tax Credits (LURC) for the project.**

**Each project selected for allocation is required to retain a qualified consultant to monitor the project for accessibility compliance.** The consultant must perform a pre-construction plan review and inspect the project at least 3 times during construction, presumably to monitor grading operations, framing, and final compliance. DCA must be provided each report. Projects must submit a certificate of compliance issued by the consultant prior to issuance of 8609s or final HUD program loan funds disbursement, whichever is later.

Any exemptions to the applicable federal, state and local accessibility laws must be supported by a legal opinion that supports such exemptions. In addition, DCA will review requests for exemptions from DCA's accessibility standards set forth in the Accessibility Standards section of the Application Manual.

The 2015 QAP has additional accessibility requirements for Senior projects (Elderly & Housing for Older Persons) that are more stringent than the requirements for family projects. Elevators must be installed for access to all units above the ground floor and 100% of Senior units must be accessible and adaptable, as defined by the HUD Fair Housing Design Manual waiver may be available for properties built prior to 1991.

The attached chart, Summary of Accessibility Laws and Standards, can be used to initially determine the appropriate design standards that should be incorporated into a project. Project Architects, Engineers and Contractors should be familiar with the requirements of each standard to ensure that the appropriate requirements are met. DCA's preconstruction approval of the plans should not be construed as conclusive that the project is in compliance with state and federal accessibility laws. Each Project Owner is required to contract with a third party Accessibility Consultant to make that determination.

### **I. DCA Accessibility Policy**

DCA requires that all projects which receive funding under the 2015 Qualified Allocation Plan be designed and constructed in a manner so that the units, common areas, facilities and services are readily accessible to and usable by disabled persons. All projects that receive allocations or funding under the Plan must comply with all applicable federal and state accessibility laws. When two or more accessibility standards apply, the provider is required to follow and apply

both standards so that a maximum accessibility is obtained. In addition, **DCA requires that the accessibility requirements of Section 504 be incorporated into the design and construction of all new construction and/or rehabilitation projects funded under the 2015 Qualified Allocation Plan regardless of whether or not the project will receive federal financing assistance. This constitutes a higher standard of accessibility than what may be required under federal laws.** This means that all projects including those financed with tax exempt bonds which receive an allocation of 4% tax credits, and 9% tax credit only projects, must incorporate at a minimum the requirements of the UFAS into the design and construction of the project.

DCA will not waive these requirements for *any* new construction project. Waivers for rehabilitation projects will be considered in accordance with the requirements set forth in Section 504. Section 504 provides that a recipient is not required to make a dwelling unit, common area, facility or element accessible if doing so would impose undue financial and administrative burden on the operation of the project and if the rehabilitation is not substantial. Therefore, recipients are required to provide access for covered alterations up to the point of being infeasible or an undue financial and administration burden. Any project that claims such an exception must submit documentation from the project architect which outlines the basis for the waiver request. Supporting documentation regarding the feasibility of the modification must also be submitted.

**DCA requires that all accessibility modifications be “in place” upon completion of new construction and/or completion of substantial rehabilitation, including kitchen and closet shelving, grab bars, and appliances.** The ability of the applicant to “adapt” a unit to the required standard upon request is generally not sufficient to meet this requirement. However, “removable” or “adaptable” base cabinets will be permitted under kitchen and bathroom sinks and under kitchen work surfaces, provided that written instructions for the removal and adaptation of these cabinets is on file in the leasing office. In addition, the following equipment may be stored onsite for installation at the tenant’s request: under-sink pipe guards, visual/hearing impaired equipment, and tub seats. Refer to Uniform Federal Accessibility Standards 4.34 for additional design standards for dwelling units and consumer information that must be made available to the tenant in an accessible unit.

## II. DCA Threshold Requirements



Regardless of whether a project anticipates using federal funds as a funding source, all proposed projects must include the following DCA requirements:

- At least 5% of the total units (but no less than one unit) must be equipped for the mobility disabled, including wheelchair restricted residents. Roll-in showers must be incorporated into 40% of these units (but no fewer than one unit); and
- At least an additional 2% of the total units (but no less than one unit) must be equipped for hearing and sight-impaired residents. To provide hearing and sight-impaired accessibility, HUD recommends compliance with ICC/ANSI A117.1-2009 Section 1006, including audible and visual notification on fire alarms and audio and visual notification system at the primary unit entrance.
- DCA does not distinguish between new construction and rehabilitation regarding accessibility requirements. This may include moving partitions to accommodate required clearances.
- The same unit cannot be used to satisfy the 5% and 2% requirement.

### **III. State Fair Housing Laws**

#### **Georgia Fair Housing Law**

(O.C.G.A. §8-3-200 to §8-3-223)

The Georgia Fair Law contains substantially the same requirements as the Federal Fair Housing Law. It requires that the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991 be designed and constructed to have at least one building entrance on an accessible route unless it is impractical to do so because of the terrain or unusual characteristics of the site.

#### **Georgia Access Law**

(O.C.G.A. §30-3 et. seq.)

The Georgia Access Law contains substantially the same requirements as the Federal American with Disabilities Act. It was enacted to further the policy of the State of Georgia to encourage and enable persons with disabilities or elderly persons to participate fully in the social and economic life of Georgia and to encourage and promote their education and rehabilitation. It is the intent of the law to eliminate, insofar as possible, unnecessary physical barriers encountered by persons with disabilities or elderly persons whose ability to participate

in the social and economic life of this state is needlessly restricted when such persons cannot readily use government buildings, public buildings, and other facilities used by the public.

### **Georgia Single Family Accessibility**

(O.C.G.A. §8-3-172)

Georgia Law requires single-family affordable housing projects awarded state or federal funds and constructed for individuals and families of low and very low incomes be constructed to be accessible. Specifically, at least one entrance door, whether it is located at the front, side, or back of the building, has to be on an accessible route served by a ramp or no-step entrance and has to have at least a standard 36-inch door. In addition, on the first floor of the building, each interior door must be at least a standard 32 inch door, unless the door provides access only to a closet of less than 15 square feet in area; each hallway has a width of at least 36 inches and is level, with ramped or beveled changes at each door threshold; each bathroom wall is reinforced for potential installation of grab bars; each electrical panel or breaker box, light switch, or thermostat is not higher than 48 inches above the floor; each electrical plug or other receptacle is at least 15 inches above the floor; and the main breaker box is located inside the building on the first floor. A person who builds single-family affordable housing to which this code section applies may obtain a waiver from the requirement that one entrance door be on an accessible route served by a ramp or no-step entrance if the cost of grading and other improvements to the terrain which are required in order to meet the requirement of such subparagraph is unreasonably expensive.

**DCA considers all single family detached units which are part of a multifamily project funded under HUD programs to be covered under this statute. In addition, DCA requires that a single family detached project also meet the requirements of Section 504.**

#### **IV. Layered Properties**

In many projects, multiple sources of funding may mean the projects must meet both the Fair Housing and Section 504 new construction requirements. Where two or more accessibility standards apply, the Project Owner is required to follow and apply both standards so that maximum accessibility is obtained. HUD has provided the following examples illustrating how these requirements would apply:

- A project building with an elevator constructed with HUD program funding would be required to have 5% of its dwelling units meet the Section 504 accessibility requirements. The remaining 95% of its units would be required to comply with the Fair Housing design and construction requirements.
- A newly constructed 100 unit two story garden apartment development with no elevator construction with HUD program assistance with half (50) of its dwelling units on the ground floor and half (50) on the second floor would be required to have 5 of its ground floor dwelling units built to comply with Section 504 accessibility requirements and the remaining 45 ground floor dwellings built to comply with the Fair Housing Act design and construction standards.
- A development consisting entirely of multistory rental townhouses constructed with federal financial assistance is not a covered multifamily dwelling for purposes of the design and construction requirements of the Fair Housing Act. However, it would still have to meet the Section 504 5% accessibility requirements.

#### **V. Federal Fair Housing Amendments Act of 1988**

(A) **Applicability.** The Fair Housing Amendments Act of 1988 (the Fair Housing Act) amended title VIII of the Civil Rights Act of 1968 (Fair Housing Act) to add prohibitions against discrimination in housing on the basis of disability and familial status. The Fair Housing Amendments Act requires that covered public and private multifamily dwelling units designed and constructed for first occupancy after March 13, 1991, shall be designed and constructed in a manner that the public and common use portions of such dwellings are readily accessible to and usable by disabled persons. First occupancy is defined as a building that has never before been used for any purpose. The Amendments Act's construction and design requirements apply on a building by building basis. **Under the 2015 Qualified Allocation Plan, all new construction projects applying for 9% or 4% tax credits and/or HUD program funds must be built in accordance with the accessibility requirements of the Fair Housing Act. In addition, rehabilitation projects applying for credits and/or HUD program funds must also meet the design and construction standards of the Fair Housing Act if the first use of the building was after March 13, 1991.** Section 100.205 of the United States Department of Housing and Urban Development (HUD) regulations at 24 CFR part 100 implements the Fair Housing Act's design and construction requirements. These specific design and construction standards can also be found in the appropriate requirements of the American National Standards Institute (ANSI), Fair Housing Accessibility Guidelines (FHAG) and in HUD's Fair

Housing Act Design Manual. If a project is built in compliance with HUD's FHAG requirements, a safe harbor for compliance purposes is created.

In determining which units of a proposed project must meet the Fair Housing Act accessibility standards the following guidelines can be utilized:

- Development has buildings containing 4 or more units and was designed and constructed for first occupancy on or after March 13, 1991
- Acceptable evidence of "first occupancy" is made on a building by building basis. The Fair Housing Act regulations provide that covered multifamily dwellings shall be deemed to be designed and constructed for first occupancy on or before March 13, 1991 (and therefore exempt from the Act's accessibility requirements) if they are occupied by that date or if the last building permit or renewal thereof for the covered multifamily dwellings is issued by a State, county or local government on or before June 15, 1990. For buildings that did not obtain the final building permit on or before June 15, 1990, proof of the date of first occupancy consists of (1) a certificate of occupancy, and (2) a showing that at least one dwelling unit in the building actually was occupied by March 13, 1991.
- Building contains elevator so all units in building are "covered units"
- All units in buildings with elevators are designed and constructed with features required by the Act
- Building does not contain elevator so only ground-floor units in building are "covered units"
- All ground-floor units in buildings without elevators are designed and constructed with features required by the Act
- Development contains "covered units," so the public and common use facilities must be designed and constructed with features required by the Act.

**NOTE:** The Fair Housing Act Accessibility Guidelines contain a narrow "Site Impracticality Exception" which provides that first floor units do not have to meet all of the Act's requirements if it is impractical to have an accessible entrance to the building because of the natural hilly terrain or other unusual characteristics of the site. Any project that claims such an exception must submit documentation from the project architect outlining the basis for the site exception. Supporting documentation of the "site impracticality" must also be submitted. DCA may also request the Owner to provide a legal opinion that the project falls with the requirements of the

Site Impracticality Exception. DCA's acceptance of such documentation should not be construed as conclusive that the project meets the legal requirements of the exception. Each Project Owner should consult their attorney to make that determination.

**(B) Accessibility Checklist.** The following checklist represents some, but not all of the accessible and adaptive design and construction requirements of the Fair Housing Act. The Internal Revenue Service (IRS), Department of Justice (DOJ) and HUD have jointly prepared it. Adoption of these items into the design and construction of a project will not guarantee that the project complies with all applicable FHA accessibility requirements. The project architect must utilize all requirements set forth in the Fair Housing Act, regulations and FHAG to ensure that the project is accessible in accordance with the law.

#### 1. ACCESSIBLE BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE

- The accessible route is a continuous, unobstructed path (no stairs) through the development that connects all buildings containing covered units and all public and common use facilities.
- The accessible route also connects to parking lots and to at least one public street, public sidewalk, and to a public transportation stop, when provided.
- All slopes on the accessible route are no steeper than 8.33%.
- All slopes on the accessible route between 5% and 8.33% have handrails.
- Covered units have at least one entrance on an accessible route.
- There are sufficient numbers of curb cut ramps for a person using a wheelchair to reach every building in the development.
- Ramp slope and cross slope specifications.

#### 2. ACCESSIBLE COMMON AND PUBLIC USE AREA

- At least 2 percent of all parking spaces serving covered units are designated as accessible handicapped parking spaces.
- At least one parking space at each common and public use amenity is designated as handicapped accessible parking.
- All handicapped accessible parking spaces have adequate signage.
- All handicapped accessible parking spaces are at least 96" wide with a 60" wide access aisle that can be shared between two spaces.

- The accessible aisle is adjacent to the accessible route.
- The rental or sales office is readily accessible and usable by persons with disabilities as required by both the Fair Housing Act and the Americans with Disabilities Act.
- A sufficient number of mailboxes, swimming pools, tennis courts, clubhouses, rest rooms, showers, laundry facilities, trash facilities, drinking fountains, public telephones, and other common and public use amenities offered by the development that are readily accessible and usable by persons with disabilities.

### 3. USABLE DOORS

- All doors into and through covered units and common use facilities provide a clear opening of at least 32" nominal width.
- All doors leading into common use facilities have lever door handles or other operating hardware that does not require grasping and twisting.
- Thresholds at doors to common use facilities are no greater than ½".
- All primary entrance doors to covered units have lever door handles or other operating hardware that does not require grasping and twisting.
- Thresholds at exterior primary entrance doors to covered units are beveled and no greater than ¾".

### 4. ACCESSIBLE ROUTE INTO AND THROUGH THE COVERED UNIT

- All routes through all rooms in the covered units are no less than 36" wide.

### 5. ACCESSIBLE ENVIRONMENTAL CONTROLS

- All light switches, electrical outlets, thermostats, and other environmental controls are no less than 15" and no greater than 48" from the floor.

### 6. REINFORCED BATHROOM WALLS FOR GRAB BARS

- Reinforcements are built into the bathroom walls surrounding toilets, showers, and bathtubs for the later installation of grab bars.

### 7. USABLE KITCHEN AND BATHROOMS

#### USABLE KITCHENS

- 30 x 48" clear floor space centered at each fixture and appliance

- 40" of clear floor space between opposing elements (i.e. cabinets, appliances, etc.)
- U-shaped kitchens with sink or cooktop at end have 60" diameter turning space or have sink or cooktop base with removable cabinets
- Appliances and controls shall conform to the required accessibility design standards.

## 8. USABLE BATHROOMS

### Type A Bathroom

- 30 x 48" clear floor space outside the swing of the door
- 30 x 48" clear floor space at lavatory (if centered for parallel approach cabinet may be fixed)
- Toilet next to the tub allowing a perpendicular approach
- Centerline of toilet is 18" from bathtub and 15" from lavatory
- Toilets shall comply with the required design standards for height and location.

### Type B Bathroom

- 30 x 48" of clear floor space outside swing of door
- 30 x 48" of clear floor space centered in front of sink
- 30 x 48" of clear floor space adjacent to the bathtub
- If at least one Type B bathroom is included the other bathroom(s) is exempt from only the maneuvering space requirements
- Toilets shall comply with the required design standards for height and location.

## **VI. Section 504 of the Rehabilitation Act of 1973**

(A) **Applicability.** Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination against persons with disabilities in the operation of programs receiving federal financial assistance. Specifically, Section 504 governs the design and construction of housing to ensure that federal programs are operated to be accessible to persons with disabilities, and to ensure that a portion of housing developed with federal funds is accessible to those with mobility, visual, and hearing impairments. These programs include, but are not limited to HOME, CDBG, and other programs under the jurisdiction of the HUD Office of Multifamily Housing Program. HUD regulations implementing Section 504 contain accessibility requirements for new construction and rehabilitation of housing as well as requirements for ensuring that the programs themselves are operated in a manner that is accessible to and usable by persons with

disabilities. Both individual units and the common areas of buildings must be accessible under Section 504. **All projects funded under the 2015 QAP which provide for the new construction or rehabilitation of multifamily housing projects must be designed and built in accordance with the appropriate accessibility requirements of Section 504 if the projects will receive tax credit, HUD/HOME Program or other federal funding.** These specific design and construction standards can be found in the Uniform Federal Accessibility Standards (UFAS).

## (B) **Specific 504 Requirements**

New Construction – A minimum of 5% or at least one unit (whichever is greater) of the total units in the project must be accessible to individuals with mobility impairments. In addition to the 5% of units made accessible to individuals with mobility impairments, a minimum of 2% or at least one unit (whichever is greater) of the total units in the project must be accessible to individuals with sensory impairments (hearing or vision)<sup>1</sup>.

Substantial Rehabilitation – If alterations are undertaken to a project that has 15 or more units and the cost of the alteration is 75% or more of the replacement cost of the completed facility, then the accessibility requirements for the projects are the same as for newly constructed projects.

Other Alterations- When other alterations are undertaken, including but not limited to modernization and rehabilitation which does not meet the Threshold of “substantial” rehab under the Act, such alterations are required to be accessible to the maximum extent feasible up to the point where at least 5% or the units in a project are accessible. If alterations of single elements or spaces of a dwelling unit when considered together amount to an alteration of a dwelling unit, then the entire dwelling unit shall be made accessible.

In some cases, Section 504 requirements may be stricter than requirements under the Fair Housing Act. For instance, in regard to townhome development, Section 504 would be applicable to a new construction project composed of all two story townhomes. HUD Notices

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<sup>1</sup> Section 504 does not specify what constitutes compliant dwelling units for individuals with hearing and visual impairments. HUD recommends following ICC/ANSI A117.1-2009 Section 1006, including audible and visual notification on fire alarms and audio and visual notification system at the primary unit entrance.

CPD 00-09 and PIH 99-52 (HA) states that, "a development consisting entirely of multistory townhouses constructed with federal financial assistance is not a covered multifamily dwelling for purposes of the design and construction requirements at 24 CFR §100.205 (FHAG), but would still have to meet the Section 504 5% + 2% accessibility requirements at 24 CFR §8.22 (Section 504). A townhouse development of five (5) or more single story units would still have to comply with the Fair Housing Act design and construction requirements. Whether or not the rehab of a development of two story townhouses would need to meet the 504 requirements would depend on the extent of the rehabilitation and whether the applicant could present documentation that the modifications would not be feasible.

**NOTE:** Section 504 contains a narrow exception in circumstances where alterations that do not meet the standard of "substantial rehabilitation" are undertaken. This exception provides that a recipient is not required to make a dwelling unit, common area, facility or element accessible if doing so would impose undue financial and administrative burden on the operation of the project. Therefore recipients are required to provide access for covered alterations up to the point of being infeasible or an undue financial and administrative burden. Any project that claims such an exception must submit documentation from the project architect which outlines the basis for the site exception. Supporting documentation regarding the feasibility of the modification must also be submitted. DCA may also request the Owner to provide a legal opinion that the project falls within the requirements of the exception. DCA's acceptance of such documentation should not be construed as conclusive that the project meets the legal requirements of the exception. Each Project Owner should consult their attorney to make that determination.

### **Increasing Program Accessibility**

Section 504 regulations also require that a recipient of federal funds ensure that its project, when viewed in its entirety, is accessible to persons with disabilities. In order to meet this obligation, Section 504 requires that the Project Owner must:

- To the maximum extent feasible, distribute accessible units through the projects and sites, and make them available in a sufficient range of sizes and amenities so as to not to limit choice.
- Adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities. Reasonable nondiscriminatory steps to maximize use of such units by eligible individuals must also be taken.

- When an accessible unit becomes vacant, before offering the unit to an individual without a disability, offer the unit: first, to a current occupant of the project requiring the accessibility feature; and second, to an eligible qualified applicant on the waiting list requiring the accessibility features.
- When an applicant or tenant requires an accessible feature or policy modification to accommodate a disability, a federally assisted project must provide such feature or policy modification unless doing so would result in a fundamental alteration in the nature of its program or an undue financial and administrative burden.
- Project Owners are required to ensure that information about their project is disseminated in a manner that is accessible to persons with disabilities.
- Include a lease provision that requires a non-disabled family occupying an accessible unit to move if a family with a disability needing that size unit applies and there is an appropriately sized non-accessible unit available for the relocating family.

## **VII. Visitability**

HUD recommends that all design, construction and alterations for multifamily units, incorporate, whenever practical, the concept of visitability in addition to the requirements under Section 504 and the Fair Housing Act. Housing that is "visitable" has a very basic level of accessibility. Visitability is a design concept, which, for very little or no additional cost, enables persons with disabilities to visit relatives, friends, and neighbors in their homes within a community. DCA has also adopted the concept of visitability as a recommended practice for all projects that receive funding under the 2015 Qualified Allocation Plan. Visitability design incorporates the following basic visitability design requirements in all construction or alterations, in addition to the applicable requirements of Section 504 and the Fair Housing Act, whenever practical and possible for as many units as possible within a development:

- Provide 32 inch clear openings in all bathrooms and interior doorways
- Provide at least one accessible means of egress/egress for each unit.

Visitability also expands the availability of housing options for individuals who may not require full accessibility. It will assist project owners in making reasonable accommodations and reduce, in some cases, the need for structural modifications or transfers when individuals become disabled in place.

## **VIII. The American with Disabilities Act**

A summary of the 1991 ADA is below:

(A) **Applicability.** The American with Disabilities Act guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services and telecommunication. It is divided into five titles. Two of which are primarily applicable to multifamily housing agencies.

**Title II.** Public services, which include state and local government instrumentalities, cannot deny people with disabilities from participating in programs or activities which are available to people without disabilities.

**Title III.** Prohibits disability based discrimination and requires privately owned "places of public accommodation" be designed, constructed and altered in compliance with certain accessibility standards.

**Under the 2015 Qualified Allocation Plan, the ADA is applicable to all new construction projects that are selected for funding. In rehabilitation projects, existing facilities must comply to the extent readily achievable.** Please note that generally the requirements of the ADA are not as restrictive as the requirements under Section 504. Projects financed through an allocation of 4% or 9% tax credits need to closely review the requirements of the ADA Standards for Accessible Design or UFAS as it pertains to these areas of public accommodation.

### **(B) Basic ADA Requirements**

For all DCA new construction projects the following requirements are applicable:

- The common areas that are for public use at "covered multifamily dwellings" under the Act must meet the ADAAG. For example, a rental office in a multifamily residential development or a convenience store located in that development would be covered under Title III of the ADA.
- Public accommodations does not include portions of privately owned rental housing used exclusively as residences, but does include areas within such facilities that are available to the general public such as rental offices, parking areas and community rooms for rent by non-residents.

- Specifically, rental offices that serve the public must comply with the access requirements of the ADA, Title III (that is, if they are constructed for first occupancy after January 26, 1993), and they must be constructed to comply with ADAAG. If constructed before that date, architectural barriers must be removed if doing so is "readily achievable."
- Social service programs operated by a housing provider that are available to non-residents would be considered public accommodations and must be accessible under Title III.

Note: Design, construction or alteration of facilities in conformance with ADAAG shall be deemed to comply with requirements of the ADA.

For rehabilitation projects, the following requirements are applicable to those areas covered by the ADA:

- All architectural barriers in existing facilities must be removed where such removal is readily achievable that is easily accomplished and able to be carried out. This would include adding grab bars, ramping a few steps and lowering telephones. If barrier removal is not readily achievable then services must be made available through alternative methods.

Note: Any project that claims a required modification is not readily achievable must submit documentation from the project architect which outlines the basis for the exception. Supporting documentation regarding the achievability of the modification must also be submitted. DCA may also request the Owner to provide a legal opinion that the project falls with the requirements of the exception. DCA's acceptance of such documentation should not be construed as conclusive that the project meets the legal requirements of the exception. Each Project Owner should consult his own attorney to make that determination.

## **IX. Additional Resources**

The below referenced links may be used to access different accessibility standards and information:

*Georgia Housing Search:*

[www.GeorgiaHousingSearch.org](http://www.GeorgiaHousingSearch.org)

This website provides information on our tax credit, Section 8, and affordable housing units available across the state. Affordable housing property managers must list their available units with detailed unit information and property amenities, so prospective tenants can quickly locate affordable housing units based upon their individual requirements, including accessibility features in the event of a physical disability. All projects selected for funding under the 2015 QAP must list all available affordable housing units funded by DCA on the Georgia Housing Search website.

*Supplement to Notice of Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines:*

<http://www.hud.gov/offices/fheo/disabilities/fhefhasp.cfm>

*HUD Fair Housing Design Manual:*

<http://www.huduser.org/publications/destech/fairhousing.html>

*HUD Section 504 Website:*

<http://www.hud.gov/offices/fheo/disabilities/sect504.cfm>

*HUD Section 504 Checklist for Public Housing Authorities:*

<http://www.hud.gov/offices/fheo/library/UFASAccessibilityChecklistforPHAs-5-7-08.pdf>

*Fair Housing Accessibility Guidelines (FHAG):*

<http://www.hud.gov/offices/fheo/disabilities/fhefhag.cfm>

*Uniform Federal Accessibility Standards (UFAS):*

<http://www.access-board.gov/ufas/ufas-html/ufas.htm>

*ADA Standards for Accessible Design (includes Title II and ADAAG):*

<http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm>

*Official Code of Georgia Unannotated:*

<http://www.lexis-nexis.com/hottopics/gacode/default.asp>

*Fair Housing Accessibility First:*

<http://www.FairHousingFIRST.org>

*Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities: Play Areas:*

<http://www.access-board.gov/ada-aba/final.cfm#a1008>

*Guide to the ADA Accessibility Guidelines for Play Areas - an on-line guide by the U.S. Access Board:*

<http://www.access-board.gov/play/guide/intro.htm>

*Access to Play Areas – a publication of the National Center on Accessibility:*

<http://www.indiana.edu/~nca/playgrounds/play-areas.shtml>

Please note that DCA does not endorse any of the above sites, but provides them as a resource only. Please consult with your Project Architects, Engineers, Contractors and Attorneys to determine how the requirements of each standard will be met.

## X. Common Errors or Omissions

The following list reflects items commonly found out of compliance at DCA's final construction inspection. Since this list is not intended to be comprehensive of all accessibility regulations, please read the Accessibility Manual thoroughly.

- Mailboxes are not coordinated with handicap-designed units such that all mailboxes for the mobility impaired are within accessible reach ranges.
- **A Clear floor space of 30"x48" is not provided at mailbox for forward or parallel approach.**
- Community gardens do not provide an accessible route into the garden space nor provide any planting beds within accessible reach ranges.
- Accessible routes (concrete sidewalks, ramps, and curb cuts) exceed maximum slopes and distances.
- Trash dumpsters not on an accessible route or do not provide a disposal opening that meets requirements for ease of operation to open are within accessible reach ranges.
- Opposing kitchen elements (cabinets and refrigerators) do not have adequate clearance.
- Showers and tubs are not equipped with the proper number or location of grab bars.
- Showers and tubs are missing shower seat, handheld shower, offset controls.
- **Location of shower controls in roll-in shower when a seat is provided on a side wall.**
- Clear space is not centered on appliance (range).
- Closet rods not placed within accessible reach range (clothes and laundry closets).
- Toilet flush handle not placed on the outside (not in the corner against the wall) for accessible reach.
- **Back grab bar at toilet is not the correct length.**
- **Highest control at thermostat is too high.**
- **Top of bottom shelf at the cabinet over work counter is too high.**
- **An accessible surface for door maneuvering clearance at exterior door is not provided.**
- **Width of linen and pantry closet doors is less than the minimum width.**
- **Protection panels provided at bathroom and kitchen sinks do not provide the correct profile for knee/toe clearance.**
- Accessible route not extended beyond the property to the public street or sidewalk.
- **An accessible route to a bench or bench area at playground is not provided.**
- **Depth of "shallow" closet is greater than what's allowed for a door that does not allow user passage.**
- **Door maneuvering clearances at door not provided per latch approach or hinge approach.**
- **Threshold height at primary entrance door exceeds 1/2"**
- **Wall outlets lower than minimum allowed to lowest receptacle.**
- **Wall outlets over counter with top receptacle higher than maximum allowed.**
- **Centerline of bathroom sink does not allow sink to be centered on clear floor space.**
- **Doors to back porches and patios are not accessible.**

## **XI. Increasing Accessibility**

Projects funded with Low Income Housing Tax Credits are encouraged to go beyond federal, state, and local regulations and provide further low-cost accommodations for mobility, sight, and hearing impaired tenants. Consider incorporating the following:

**Entrance doors:** Install two peep holes--one for use by ambulatory people and one for use by wheelchair users. For the lowered one, install a wide lens peep hole. It has a much wider range of view which increases safety for user.

**Kitchen electrical outlets and switches:** The requirements for switches and outlets above counter often do not actually meet the needs of people in wheelchairs (reach range), even when the counter width does not exceed the maximum 28". Consider the following to make these switches more accessible:

- Place outlets toward the front on a side wall at the end of counter where it can be more readily reached.
- Place two switches for garbage disposal and stove hood: Under the sink in the area which has knee space and on wall (as low as possible) where it can be accessed from area in front of sink.

**Bathrooms:** Consider installing a vertical grab bar (minimum 18") in the shower per ICC/ANSI A117.1-2009 where it can be held onto while entering the tub or shower.

**Parking spaces:** Parking should be laid out so that the access aisle is NOT an end space. When there is a parking space on both sides of the access aisle, it provides an opportunity for two vehicles to utilize the access aisle.

**Playgrounds:** Specific guidance on what constitutes an accessible playground is not provided in Section 504 or Fair Housing regulations. The Architectural Barriers Act (ABA) has published standards that are not specifically applicable to tax credit projects. These standards are the basis for what DCA considers best practice in playground accessibility. A summary of the recommended design features is as follows:

1. At least one of each type of ground structure/equipment should be accessible. The accessibility of a piece of equipment includes the following:

- a. **Accessible Route.** An accessible route shall extend from the play components to the rest of the accessible route on the property
  - i. **Clear width.** The accessible routes connecting shall provide a clear width of 36 inches.
  - ii. **Turning Space.** At least one turning space shall be provided on the same level as play components. Where swings are provided, the turning space shall be located immediately adjacent to the swing.
- b. **Clear Floor or Ground Space.** Clear floor or ground space shall be provided at play components.

**\*Note:** Clear floor or ground spaces, turning spaces, and accessible routes are permitted to overlap within play areas. A specific location has not been designated for the clear floor or ground spaces or turning spaces, except swings, because each play component may require that the spaces be placed in a unique location. Where play components include a seat or entry point, designs that provide for an unobstructed transfer from a wheelchair or other mobility device are recommended. This will enhance the ability of children with disabilities to independently use the play component.

- i. When designing play components with manipulative or interactive features, consider appropriate reach ranges for children seated in wheelchairs.

ii. Children's Reach Ranges Forward or Side Reach

	Ages 3 - 4	Ages 5 - 8	Ages 9 - 12
High (maximum)	36"	40"	44"
Low (minimum)	20"	18"	16"

- c. **Ground Surfaces.** Ground surfaces shall comply with:
  - i. ASTM F 1951 Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment. Ground surfaces shall be inspected and maintained regularly and frequently to ensure continued compliance with ASTM F 1951.
  - ii. ASTM F 1292 Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment.
- d. **Play Tables.** Where play tables are provided, knee clearance 24 inches high minimum, 17 inches deep minimum, and 30 inches wide minimum shall be

provided. The tops of rims, curbs, or other obstructions shall be 31 inches high maximum. EXCEPTION: Play tables designed and constructed primarily for children 5 years and younger shall not be required to provide knee clearance where the clear floor or ground space required by is arranged for a parallel approach.

- e. **Entry Points and Seats.** Where play components require transfer to entry points or seats, the entry points or seats shall be 11 inches minimum and 24 inches maximum from the clear floor or ground space. EXCEPTION: Entry points of slides shall not be required to comply with above.
- f. **Transfer Supports.** Where play components require transfer to entry points or seats, at least one means of support for transferring shall be provided. Examples of supports include a rope loop, a loop type handle, a slot in the edge of a flat horizontal or vertical member, poles or bars, or D rings on the corner posts.

2. At least one of each type of elevated structure should be accessible. Consider transfer stations or ramps. Transfer systems are a means of accessing composite play structures. Transfer systems generally include a transfer platform and a series of transfer steps. Children who use wheelchairs or other mobility devices transfer from their wheelchair or mobility devices onto the transfer platform and lift themselves up or down the transfer steps and scoot along the decks or platforms to access elevated play components. Some children may be unable or may choose not to use transfer systems. Where transfer systems are provided, consideration should be given to the distance between the transfer system and the elevated play components. Moving between a transfer platform and a series of transfer steps requires extensive exertion for some children. Designers should minimize the distance between the points where a child transfers from a wheelchair or mobility device and where the elevated play components are located.

- a. **Transfer Platforms.** Transfer platforms should be provided where transfer is intended from wheelchairs or other mobility aids.
  - i. Transfer platforms should have level surfaces 14 inches deep minimum and 24 inches wide minimum.

- ii. The height of transfer platforms should be 11 inches minimum and 18 inches maximum measured to the top of the surface from the ground or floor surface.
- iii. A transfer space complying with 305.2 and 305.3 should be provided adjacent to the transfer platform. The 48 inch long minimum dimension of the transfer space should be centered on and parallel to the 24 inch long minimum side of the transfer platform. The side of the transfer platform serving the transfer space should be unobstructed.
- iv. At least one means of support for transferring should be provided. Examples of supports include a rope loop, a loop type handle, a slot in the edge of a flat horizontal or vertical member, poles or bars, or D rings on the corner posts.

**b. Transfer Steps.** Transfer steps should be provided where movement is intended from transfer platforms to levels with elevated play components required to be on accessible routes.

- i. Transfer steps should have level surfaces 14 inches deep minimum and 24 inches wide minimum.
- ii. Each transfer step shall be 8 inches high maximum.
- iii. At least one means of support for transferring shall be provided. Examples of supports include a rope loop, a loop type handle, a slot in the edge of a flat horizontal or vertical member, poles or bars, or D rings on the corner posts.