

[New Construction Accessibility Guidelines](#)

In regards to accessibility for persons with disabilities, the Fair Housing Act (FHA) should not be confused with the Americans with Disabilities Act (ADA).

The ADA covers public accommodations, for example: movie theaters, hotels, government buildings and restaurants. However, the FHA covers private housing. Many builders and developers believe that if they are meeting the guidelines of the ADA than they have fulfilled all their responsibilities. This is not necessarily true. The following information should help guide you in all the areas you must consider and research.

Under the FHA, the accessibility provisions apply to the following types of housing:

- New buildings designed for first occupancy after March 13, 1991
- All housing, including privately financed housing
- Buildings with four or more units
- All units in elevator buildings; ground floor units in non-elevator buildings
- Single-story townhouses/patio homes
- Timeshares; dormitories; homeless shelters
- Existing buildings with additions of four or more units

Buildings covered by the law must comply with the following requirements:

- The building entrance must be on an accessible route.
- All public and common use areas of the building must be accessible.
- All the doors must be designed sufficiently wide to allow passage by wheelchair users into and within the premises.
- There must be an accessible route into and through the dwelling unit.
- Light switches and other environmental controls must be located in accessible locations.
- Reinforcements in bathroom walls are required to allow later installation of grab bars.
- Kitchen and bathrooms must be designed so that an individual in a wheelchair can maneuver about the space.

Generally, the ADA does not apply to residential housing. However, certain ADA issues arise with the accessibility of common use areas in residential developments if the facilities are open to persons other than owners, residents, and their guests. Examples include: sales and rental offices, sales areas in model homes, pools and clubs open to the general public, and reception rooms that can be rented to non-residents.

When determining what laws apply to your building, it is important to remember that many codes, federal, state and local, may cover your building. In order to avoid confusion regarding which accessibility standards apply to multi-family and other residential projects, architects, builders and developers should remember the following:

- Don't count on having just one code or law apply.

- If there is a conflict between codes and laws, the most stringent design and technical requirements generally apply.
- Local governments are not responsible for interpreting or enforcing the ADA, FHA or other federal accessibility requirements. Their building departments and inspectors only enforce state and local accessibility codes or laws.
- Architects and builders are still responsible for following all applicable federal and state laws.
- A building permit or certificate of occupancy from a local government does not shield a builder from enforcement action under federal laws.