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ACCESSIBILITY / ADAPTABILITY IN HOUSING

Description:

The purpose of this section is to describe the features of a dwelling unit that are designed to provide optimal usage by an individual with a disability, whether that disability be a mobility impairment or a sensory impairment (i.e., deafness and/or blindness). Such features include: no-step entrances; sufficient width of hallways and doorways; appropriate heights for counters, appliances, and cabinets; grab-bars, or supports for grab-bars, in bathrooms; size of bathrooms and kitchens; auditory, visual, or other sensory alerts (i.e., a strobe light fire alarm as well as an auditory alarm), and others.

An accessible home is one that is designed with special *permanent* features for persons with disabilities. An adaptable home is one where these features can easily be *added or removed*, based on the individual's needs. Accessibility or adaptability requirements are determined by the law that governs each apartment unit, and two major laws are the Fair Housing Act as Amended (FHAA) and Section 504 of the 1973 Rehabilitation Act. The essential difference between these two classes of housing is that the FHAA requires adaptability while Section 504 of the Rehabilitation Act requires full accessibility.

The FHAA applies to a significant proportion of the housing in our communities. All multifamily dwellings with four or more units that were designed and constructed for first occupancy after March 13, 1991, are covered under this law. If the building has an elevator, all living units are covered; if not, all ground floor units are covered. Multistory townhouses are exempt.

The FHAA has seven basic standards, and living units falling under these standards are often defined as *adaptable* rather than *accessible*:

- The building entrance has an accessible route (no stairs!);
- Public-use and common-use areas are readily accessible and usable by people with disabilities;
- Doorways are sufficiently wide to allow passage by persons using a wheelchair;
- There is an accessible route into and through each living unit;
- Light switches, electrical outlets, and environmental controls are positioned in accessible locations (not too high);
- Bathroom walls are reinforced to allow installation of grab bars;

- Size and design of kitchens and bathrooms allow for maneuverability by persons using a wheelchair (minimum area size, adequate leg room, height of work surfaces, etc.).

Section 504 of the 1973 Rehabilitation Act applies to multiunit housing for rent or sale, commercial space, areas of employment, and areas of service or program provision that receive federal financial assistance. For multiunit housing, a minimum of five per cent of the dwelling units, or at least one unit, must be accessible to persons with mobility impairments; and an additional two per cent must be accessible to persons with vision or hearing impairments. The law also applies to renovations where alterations cost 75 per cent or more of the value of the facility.

Single-family homes and structures that have three or fewer living units have no accessibility requirements. However, increasingly, states and localities are considering requiring "universal design" and "visitability" requirements, both of which expand the concept of accessibility to maximize the usability of dwellings for people of all ages and functional abilities (see *Walkability/Visitability* and *Universal Design in Housing* in the *Resource Manual*).

Benefits:

- *For older people:*
 - Accessible and adaptable housing units allow older people to age in place rather than having to move into a more costly supportive facility when frailty compromises their ability to continue living independently.
 - Such features allow older residents to remain independent and self-managing for longer periods of time; help them retain a sense of competence and self-worth, which has an impact on mental and emotional health; reduce or delays the need for costly formal in-home services; and keep older residents active and participating in their communities.
- *For people with disabilities:*
 - Accessible and adaptable living units allow people with disabilities to live as an integrated member of the community, with greater ability to participate in employment, recreation, and civic engagement opportunities, as well as greater access to amenities and commerce venues in their communities.
 - Enhanced visibility within a community environment facilitates acceptance of people with disabilities by other community members and improves the general community's awareness of and understanding of the abilities, characteristics, and potential contributions of residents with disabilities.
 - Living as an integrated member of the community allows people with disabilities to live in a normalized, diverse environment rather than in an environment that consists only of other people with disabilities.

- *For children and families:*
 - Accessible and adaptable features are beneficial for families with young children; for example, ramps and no-step entrances allow easy navigation of strollers and carriages.
 - Positive modeling—accessible and adaptable living units in the wider community provide children with exposure to people with diverse abilities and needs, increasing their acceptance of people who are different, providing models of successful coping skills for dealing with adversity, and increasing awareness of the diversity that constitutes a normal community environment.
- *For caregivers:*
 - Accessibility and adaptability can reduce levels and intensity of hands-on care required, isolation, stress, and burn-out for caregivers when a family member with a disability (1) can negotiate their home environment more easily and, to a greater extent, by themselves, and (2) can fully access their communities.
 - For both a caregiver and her/his loved one, engaging in recreation and other activities *together* can preserve a relationship that can be more than “care giving.”
- *The wider community:*
 - Accessibility and adaptability principles are one aspect of a livable community, facilitating a community's ability to take advantage of the opportunities and creativity that are inherent in a diverse resident population.
 - Older and younger people with disabilities teach through demonstration about adapting to changes and building upon one's abilities and strengths.
 - Commercial establishments will have a larger clientele, leading to greater economic development.
 - People with disabilities constitute a non-traditional labor pool, from which employers find individuals who are a motivated, dedicated, and skilled workforce.

Impediments or barriers to development or implementation:

The development and implementation of accessible and adaptable housing in our communities have faced challenges and opposition from several sectors:

- While it has been shown that the additional costs of providing adaptable or accessible housing are minimal, real estate developers and real estate agents, in general, have not been supportive of changes to the State Buildings Code that increase accessibility, fearing (1) that these standards will make housing development more expensive, (2) that not all tenants or owners want or prefer the modifications required, including larger kitchens and bathrooms, and (3) that these requirements will either require greater square footage or adjustments that will lead to smaller living rooms and bedrooms.
- Developers of Federally assisted housing express concern that they sometimes cannot find eligible residents for “set-aside” accessible/adaptable apartments.

However, if developers or managers make a good-faith effort to rent a set-aside unit to an eligible applicant and are unable to do so, the federal Department of Housing and Urban Development will allow its rental to a tenant without a disability.

- Many set-aside units have a minimum required household income that is greater than many people with disabilities or seniors have available. For example, many units in New York City have minimum annual eligible-income requirements of about \$25,000. Unfortunately, many low-income seniors and people with disabilities rely upon SSI-level incomes that are below \$10,000 per year.
- Enforcement of accessibility/adaptability standards, particularly those of Section 504 of the Rehabilitation Act, are another challenge. New York State building codes that require adaptability are enforced locally by local Building Inspectors; however, there is no local official who is charged with enforcing the housing accessibility provisions of the Federal Section 504 law.
- Thus far, disability advocates have been unsuccessful in having the language from Section 504 incorporated into New York State Law in order to have it enforced statewide by the NYS Division of Housing and Community Renewal.

Resource—examples:

- *Apartment Seekers*—lists of available housing, in English and seven other languages. The Web site is provided by the New York City Department of Housing Preservation and Development (HPD). The site provides examples of appropriate marketing and publicity for 504 Set aside units:
<http://www.nyc.gov/html/hpd/html/apartment/lotteries.shtml>.
Click on “View Advertisement” for language.
- *Find Your Way Home: NYHousingSearch.gov*—a free statewide registry of accessible housing: <http://nyhousingsearch.gov/>. The registry is provided by the New York State Division of Housing and Community Renewal, New York State Department of Health, and the New York State Office of Mental Retardation and Developmental Disabilities. The registry's site is maintained by <http://www.socialserve.com>, which can be reached at (877) 428-8844.
- *Accessible Apartment Building Guide: A consumer's guide for using Westchester County's accessible buildings*—the guide is divided into five sections: summary of the guide; the accessibility Rating Scale and what it means; locating and using the database of housing developments; Fair Housing Laws and accessibility; and resources for making housing more accessible. Prepared by Westchester Residential Opportunities, Inc. for the Westchester County Department of Planning:
http://www.westchestergov.com/pdfs/HOUSING_AccessibleApartmentBuildingGuide2006.pdf.
Contact Ann Seligsohn, Westchester Residential Opportunities (914) 428-4507.

The database itself can be searched at:
<http://www.westchestergov.com/planning/housing/>. Choose "search" in the top menu.

Resource—written and web:

- The Center for Universal Design, College of Design, North Carolina State University, Campus Box 8613, Raleigh, NC 27695-8613; (919) 515-3082; (800) 647-6777; <http://www.ncsu.edu/www/ncsu/design/sod5/cud/>.
The Center's education program provides courses, workshops and presentations for students, advocates, builders, designers, engineers, service providers, and government agencies:
 - *Design*: we find solutions to specific accessibility needs at various levels of design—e.g., whole houses, buildings, spaces or products—and provide design development services for universally usable products, building components, and spaces.
 - *The Center*:
 - Provides concept development for new products, conducts architectural and product evaluations, plan consultation, and provides design and marketing assistance to business and industry: contact: cud@ncsu.edu.
 - Develops post-secondary curricula, conducts seminars and workshops, develops and conducts training programs, and assists in program development: contact: cud@ncsu.edu.
 - Develops materials and publications; provides telephone information and referral services; maintains a library, referral database, and comprehensive website; and provides informational presentations: contact: cud@ncsu.edu.
 - *Outreach program*: collects, develops, and disseminates information on all aspects of accessibility and universal design.
- United Spinal Association, Accessibility Services, 75-20 Astoria Blvd., Jackson Heights, New York, 11370-1177; (718) 803-3782; info@unitedspinal.org; <http://www.unitedspinal.org/how-we-serve/>.
United Spinal offers its members personalized consultations with professional staff who are knowledgeable in a variety of topic areas. United Spinal provides continuing education and training to architects and building code officials on local, state, and federal access requirements; they also work with developers, owners, and operators to ensure that their facilities meet or exceed applicable accessibility codes and standards.
- New York State Buildings Code:
<http://publicecodes.citation.com/st/ny/st/index.htm>.
- Accessibility Requirements for Buildings:
<http://www.hud.gov/offices/fheo/disabilities/accessibilityR.cfm>.
- Model Buildings Codes:
<http://www.hud.gov/offices/fheo/disabilities/modelcodes/>.

- Fair Housing Accessibility Guidelines:
<http://www.hud.gov/offices/fheo/disabilities/fhefhag.cfm>.
- Questions and Answers About the Fair Housing Accessibility Guidelines:
<http://www.hud.gov/offices/fheo/disabilities/fhefhasp.cfm>.
- Fair Housing Act Design Manual:
<http://www.huduser.org/publications/destech/fairhousing.html>.
- Fair Housing Accessibility FIRST is an initiative designed to promote compliance with the Fair Housing Act design and construction requirements. The program offers comprehensive and detailed instruction programs, useful online Web resources, and a toll-free information line for technical guidance and support:
<http://www.fairhousingfirst.org/>.
- Steven Winter Associates, Inc. (July, 2001), *A Basic Guide to Fair Housing Accessibility : Everything Architects and Builders Need to Know About the Fair Housing Act Accessibility Guidelines*. Hoboken, NJ: Wiley Publishers.

Resource (free or fee-based)—technical assistance contact names:

- *Fair Housing Accessibility First*—toll-free design and construction resource center designed to promote compliance with the Fair Housing Act design and construction requirements, offering comprehensive and detailed instruction programs, useful online web resources, and a toll-free information line for technical guidance and support. Washington, DC: U. S. Department of Housing and Urban Development:
(888) 341-7781 (V/TTY)
<http://www.fairhousingfirst.org/>.
- Center for Inclusive Design and Environmental Access (IDEA Center)
School of Architecture and Planning
University at Buffalo
378 Hayes Hall, 3435 Main Street
Buffalo, New York 14214-3087
(716) 829-5902
idea@ap.buffalo.edu
www.ap.buffalo.edu/idea/
The IDEA Center's fee-based services provide resources and technical expertise in architecture, product design, facilities management, and the social and behavioral sciences; continuing education; home modifications; model homes; post-occupancy evaluation; and universal design education online.