



A Pro-Active Approach to Accessibility in Construction



PROVIDING SOLUTIONS IN AFFORDABLE HOUSING



PROFILE INFO _____

One of the nation’s leading training specialist regarding accessibility issues that involve ADA, Section 504, and The Fair Housing Amendments Act.

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ABOUT MARK _____

Mark English, President of E&A Team, brings decades of experience and expertise to the field of multifamily housing programs. With a focus on LIHTC and federal housing programs, he has led E&A Team, Inc. in providing accessibility site inspections, capital needs assessments, blueprint plan reviews, and accessibility construction inspections for multifamily housing complexes to ensure compliance with Section 504, the Fair Housing Act and ADA accessibility requirements. Since 1992, E&A Team, Inc. has served clients in all 50 states, the U.S. Virgin Islands, Guam, Saipan, and Puerto Rico, building a reputation for quality service and expertise.

As a leading voice in the field, Mark has taught over 680 Accessibility Educational seminars, and has worked with a variety of organizations, including NCSHA, NAHB, the National Council for Affordable & Rural Housing, both national offices of USDA Rural Development (RD), and HUD and the Department of Justice. His expertise is sought after by architects, developers, and other construction-related organizations seeking to navigate Federal Civil Rights Accessibility Regulations.

Mark's commitment to expanding public awareness and compliance in the areas of Accessibility and Fair Housing is reflected in the growing line of services and products offered by E&A Team, Inc. He is the co-author of the Uniform Accessibility Standards (UFAS) Pocket Edition Manual, and a co-author of the Fair Housing Act Design Manual Multimedia eBook, and a co-creator of the remote accessibility inspection technology InSite, a virtual accessibility inspection service. His leadership and expertise have earned the endorsement of the National Apartment Association Education Institute (NAAEI) for E&A Team's four Fair Housing Courses.

Overall, Mark English's vast experience and expertise, coupled with E&A Team, Inc.'s commitment to excellence, make them a trusted partner for anyone seeking to ensure compliance with federal accessibility regulations in the multifamily housing industry.



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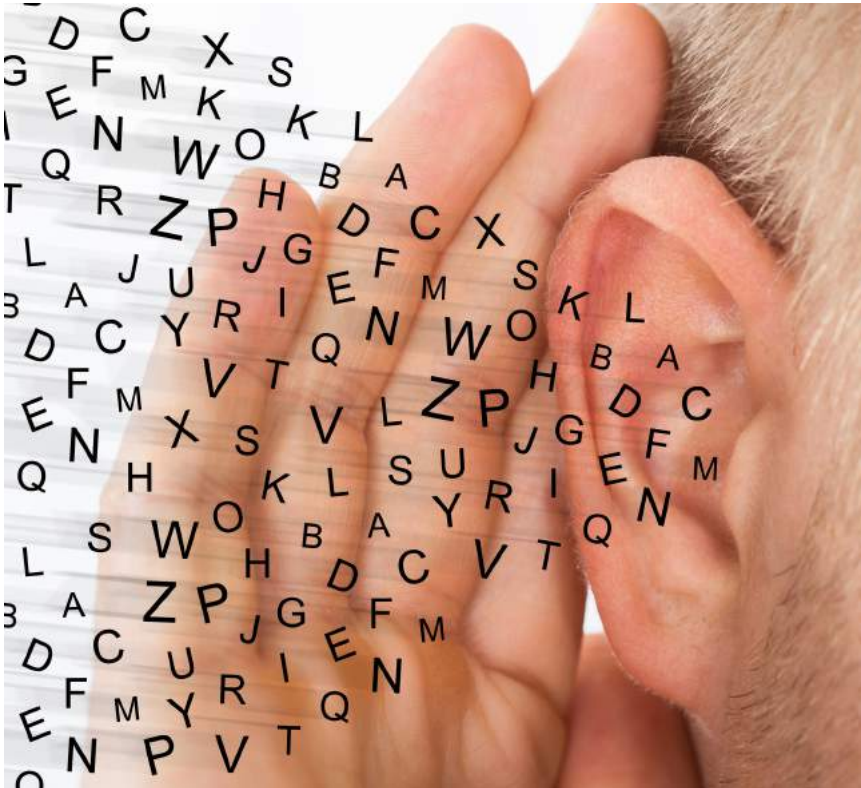


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Handicap Units
ADA Units
Covered Units
Accessible Units
Adaptable Units
Type A Units
Type B Units
Universal Design & Visitability

**It's like there is a
Secret Language of
Accessibility**

Section 504 of the Rehabilitation Act of 1973

Typical Agencies (HUD, RD, State
Hsg Finance Agencies) typically use
504 as their accessibility guidance
with UFAS as the Standard

HUD is the only exception, and they
allow either UFAS or ADA 2010 to be
utilized.

Requirement:

Section 504 requires under HUD
and RD that 5% of all units be
“**accessible**” units.

Plus, HUD has an additional
requirement on
properties they provide funds for
that an additional 2% of the units
need to accessible for the visually
or hearing impaired.

The Fair Housing Act Accessibility Requirements

The design and construction requirements apply to **“covered” multifamily dwellings “designed and constructed for first occupancy on or after March 13, 1991.”**

“Covered” multifamily dwellings units include:

All ground floor dwelling units in buildings containing four or more units, **without an elevator**



Units covered by the Fair Housing Act



“Covered” multifamily dwellings units include

All dwelling units in buildings containing **four or more units, with an elevator**

WHAT ARE “TYPE A” UNITS?

“Type A” units are basically the same as “accessible”, “UFAS”, “Section 504”, “fully accessible”, or “ADA” units.

In revising the ANSI standard, “Type A” units were intended to train building code departments on the requirements of “accessible units”.

WHAT IS A “COVERED” UNIT?

The Regulation that applies is The Fair Housing Act

The FHA defines “covered” units as buildings that received their CO on or after March 13, 1991:

Those in a multifamily building of four or more units

All ground floor units are considered “covered”

and if in an elevator building, then all units are considered “covered”.

WHEN DO WE USE THE TERM “ADAPTABLE” UNIT”?

An “**adaptable** unit” is not accessible today but can be made easily accessible in the future.

It contains the major components of accessibility (the costly items) - accessible route to, into, and thru unit; (example: wider doorways; controls in reach range, etc.)

WHAT ARE “TYPE B” UNITS?

“Type B” units are basically the same as “Fair Housing Act (FHA) covered units” or “adaptable” units.


“Type B” units were intended to train building code departments on the requirements of “FHA covered units”.



Three Federal Laws Regarding Accessibility

- ADA (Americans with Disabilities Act)
- Fair Housing Amendments Act
- Section 504 of the Rehabilitation Act of 1973

Each of the laws relating to accessibility has its own set of standards to uphold that particular regulation.


Americans with Disability Act (ADA)



 Applies to *areas of public accommodations*

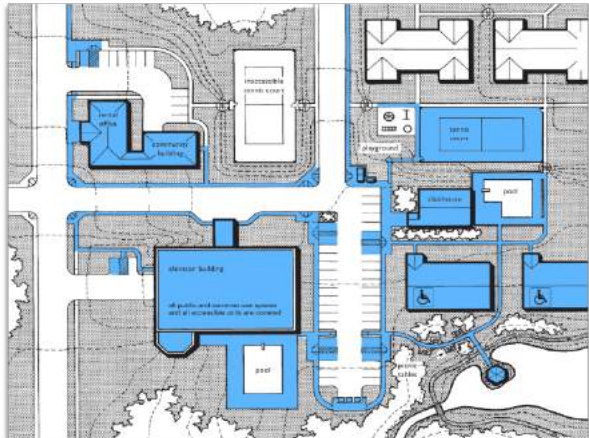
-  This means an on-site office and its parking spaces *must* comply with ADA requirements. **(Red Circle)**
-  It also means that *if* there are places that are open to the public, like tennis courts, clubhouse, pool, etc., then they *must* comply with ADA also. **(Purple Circle)**



Section 504 Federally Funded (Accessible Units, 504 Units (RD, HOME, HUD, CDBG) UFAS Units, Type A Units, 5% Units)

 Section 504 requires accessibility in all common areas, Accessible Units, and accessible parking spaces at the office and the 5% Accessible Units.

-  Required to have 5% of units Accessible for persons with mobility impairments plus 2% for persons with sensory impairments (2% for HUD, not RD)
-  For Accessible units- units must be dispersed among unit types. (Ex. 1BR, 2BR, 3BR)



Fair Housing Act (FHA)

(Covered Units, Adaptable Units, Type B Units)



FHA requirements apply regardless of funding source



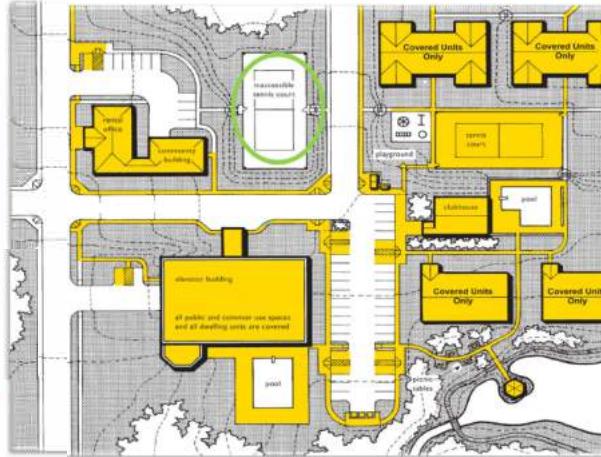
Applicable to units designed and constructed for first occupancy on or after March 13, 1991, with 4 or more units per building.



FHA will apply to all ground floor units in buildings with no elevator, and if the building has an elevator, then all units will be covered.



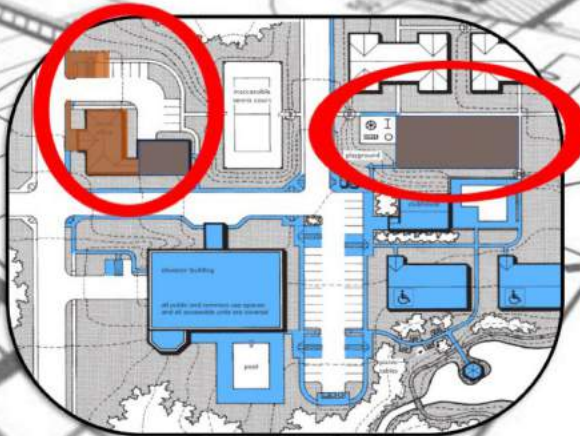
For amenities- a "sufficient" number, at least 1 of each, must be accessible.



ADA and Section 504:

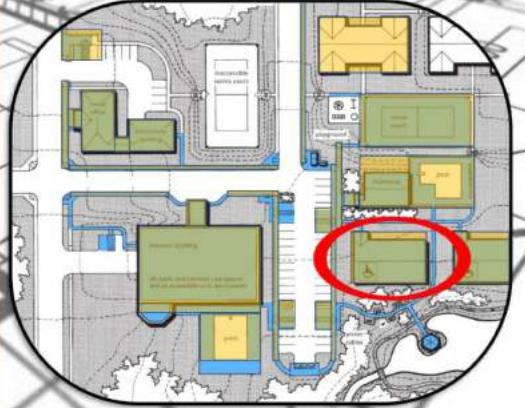
• Which areas of this property would be covered by ADA? By Section 504?

- *Section 504 (blue):* The rental office/common areas, the units and parking.
- *ADA (orange shaded):* Also covers the rental office, the parking and accessible routes serving the office.
- *Conditional (Striped):* ADA covers if available for use by the public.
- You would apply the regulations that provide for the greatest accessibility for these overlapping spaces. **(Red Circles)**



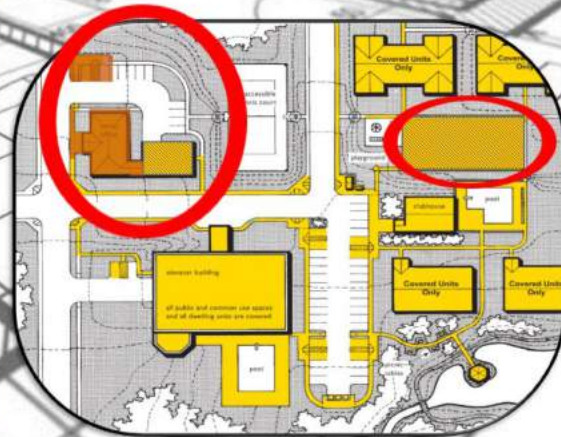
Section 504 and Fair Housing Act (FHA):

- Which areas of this property would be covered by Section 504? By FHA?
 - *Section 504 (blue)*: The rental office/amenities, the accessible parking for office/amenities and 5% Accessible Units and accessible routes.
 - *FHA (yellow shaded)*: Rental office/amenities, Covered units, Type B units and accessible routes.
 - Could have both Type A and Type B units in the same buildings. **(Red Circle)**
 - In areas that overlap, you would apply the regulation that provides the greatest accessibility. (rental office/common areas etc.)



ADA and Fair Housing Act (FHA):

- Which areas of this property would be covered by ADA? By Fair Housing?
 - *ADA (orange shaded)*: The rental office, parking, and accessible routes serving them.
 - *FHA (yellow)*: The rental office/amenities, the Covered/Type B units, the parking and accessible routes that serve them.
 - *Conditional (Striped)*: Covered also by ADA ONLY if available for use by the public. **(Red Circles)**
 - In areas that overlap, you would apply the regulation that provides the greatest accessibility. (rental office/common areas etc.)



Section 504, FHA and ADA:

- Which areas of this property would be covered by ADA? By Section 504? By FHA?
- *Section 504 (blue)*: The rental office/common areas, accessible routes, the Type A/Accessible units and parking.
- *FHA (yellow shaded)*: Rental office/amenities, Covered units/Type B units and accessible routes.
- *ADA (orange shaded)*: Covers the rental office, the parking and accessible routes serving the office.
- *Conditional (Striped)*: Covered also by ADA ONLY if available for use by the public.
- In areas that overlap, you would apply the regulation that provides the greatest accessibility. (rental office/common areas etc.)



Additionally, there may be locations on a property where all three laws overlap, such as an on-site community building that may be rented to the public. Where there are multiple overlapping laws, you would accommodate the most stringent of the laws to provide maximum accessibility. In order to determine which of the law(s) applies, you would need to know the funding source, whether there is public access and/or use, presence of an elevator, and the presence of other accessible units or areas within the property.



The Department of
Justice
"Accessibility Initiative"
&
NCSHA Best Practices



Recommended Best Practices

Housing Credit property owners are required to certify annually to the state agency any findings of discrimination under the Fair Housing Act, including both disparate treatment and disparate impact of protected classes.

Bringing an Accessibility Specialist onto your Team

1. Having your complete set of plans & specs reviewed by an Accessibility specialist
2. Having your Team go through an Accessibility 4-hour training for Architect, Contractor, Job superintendent, and representative from all trades (except painter and roofer)
3. Contract with an Accessibility Specialist for Accessibility construction inspections
(1st Inspection -rough in framing complete, electrical & plumbing complete
(2nd Inspection -Insulation/drywall compete, cabinets, counters, fixtures & appliances installed)
3rd Inspection –Project substantially completed; exterior flatwork (sidewalks, parking) complete
4th Inspection – Final physical clearance inspection
4. Your Accessibility provider can write a Certification and Clearance letter)
5. We recommend a Fair Housing Attorney with background in accessibility take these reports and documentation and then write a legal opinion that the project is in compliance
6. Because ground shifts and moves, freezes and thaws, and because maintenance staff is not regularly trained on accessibility, you should have an Accessibility elevation every 3-4 years on your properties

GIE18ETH

GE Appliances ENERGY STAR® 18.2 Cu. Ft. Top-Freezer Refrigerator

FEATURES AND BENEFITS

2014 ENERGY STAR® qualified

29-1/2" wide

Upfront dual temperature controls - Separate controls for the freezer and fresh food compartments regulate interior temperatures

Adjustable glass and wire shelves - Flexible shelving options can be arranged to handle all your foods

Factory-installed icemaker - Refrigerator comes ready to automatically create ice

Snack drawer - Conveniently stores favorite foods and allows for quick, easy access

Clear drawers - Transparent drawers make finding your favorite items quick and easy

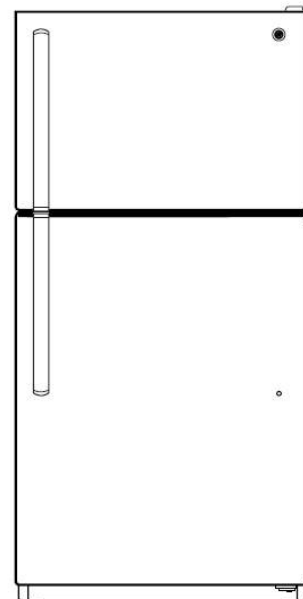
Gallon door storage - Larger items are easily accommodated in the door

Wire freezer shelf - Provides additional storage for frozen foods

Spillproof freezer floor - Seamless design of the freezer floor wipes up easily for quick cleanup

Model GIE1SETHWW - White

Model GIE1SETHBB - Black



As an ENERGY STAR® partner, GE has determined that this product meets the ENERGY STAR guidelines for energy efficiency.

Specification Revised 1/16

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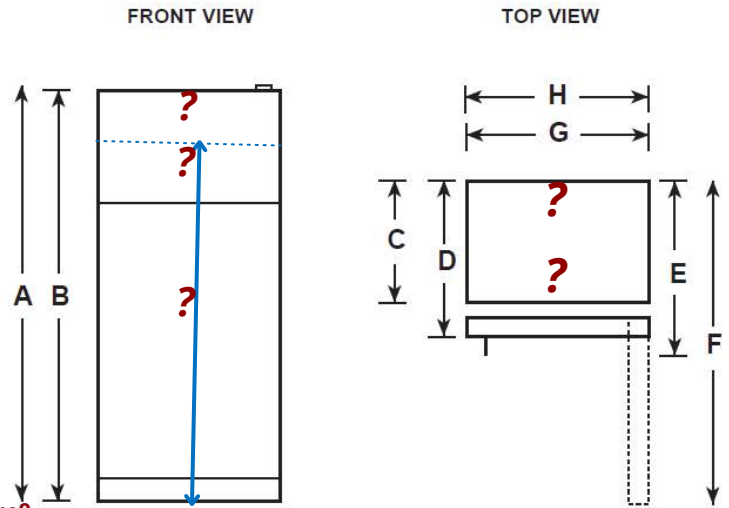
GE Appliances ENERGY STAR® 18.2 Cu. Ft. Top-Freezer Refrigerator DIMENSIONS AND INSTALLATION INFORMATION (IN INCHES)

GIE18ETH

GE Appliances ENERGY STAR® 18.2 Cu. Ft. Top-Freezer Refrigerator

DIMENSIONS AND INSTALLATION INFORMATION (IN INCHES)

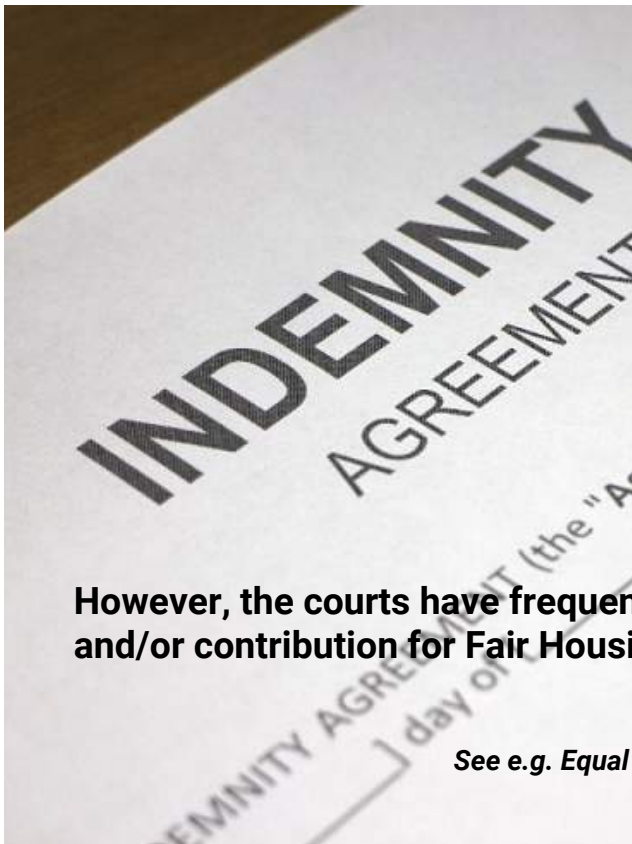
OVERALL DIMENSIONS	Height to top of hinge (in.) A	66-5/8
	Height to top of case (in.) B	65-7/8
	Case depth without door (in.) C	28-3/8
	Case depth less door handle (in.) D	32-1/8
	Case depth with door handle (in.) E	34-1/4
	Depth with fresh food door open 90° (in.) F	60
	Width (in.) G	29-1/2
	Width with door open 90° with door handle (in.) H	32
AIR CLEARANCES	Each side (in.)	1/8
	Top (in.)	1
	Back (in.)	2



Does it show us that 50% of the freezer volume is within the 54" reach range?

Does it show us that the Controls are within the 54" reach range?

Does it show us the control shape?



There is consideration by owners of having architects and other professionals execute documents indemnifying their organization or the investor partners from liability in the event of noncompliance.

However, the courts have frequently held that there is "no right" to indemnification and/or contribution for Fair Housing Act and ADA claims.

See e.g. *Equal Rights Center v. Niles Bolton Assocs.*, 602 F.3d 597 (4th Cir. 2010)

Your Takeaway Today

Make sure you have the right people on your team and put processes in place that mirror both the *DOJ Accessibility Initiative* and NCSHA's Recommended Best Practices.

Have your plans and specs reviewed for ALL accessibility standards that apply to your project (new construction and rehab construction)

Get your Team trained on all accessibility standards that apply to your project

Arrange for an accessibility Pre-Construction Conference BEFORE construction begins

So that the day you get your CO, you can have in hand a Certification/Clearance Letter, saying that as of today, this property is in compliance with all applicable regs

Go the extra mile-consider engaging a knowledgeable fair housing attorney to write a legal opinion and

Arrange for a follow-up accessibility elevation every 3-4 years to identify items

Mark English

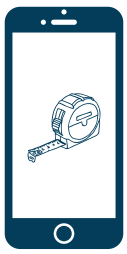
President

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“Providing Solutions in Affordable Housing”



InSite

By: E&A Team, Inc.

We believe when top professionals have access to the right tools and information, they become unstoppable.

REMOTE ACCESSIBILITY & UPCS INSPECTIONS



SUBMIT REQUEST

Our online form makes it quick and easy for your team to request a remote inspection and schedule your time slot. All remote inspections are typically conducted within one week of sign-up.



REMOTE INSPECTION

After reviewing your form, we conduct the remote inspection. With our technology, all you need is a two-person team and a smart phone on-site. We walk through and assess whatever issue your team is facing.



RECEIVE REPORT

Throughout your remote inspection, our team will utilize the software to capture images and measurements to create your final report. Your team will have the information and confidence needed to move forward in your project.

WHY INSITE?

- Fast, easy requesting and scheduling
- Inspectors not limited by geographic location and able to respond quickly
- Expert knowledge at your disposal when you need it
- Work through the problem together in real time - no back and forth emails
- Get answers right away with the documentation you need to keep moving



EandATeam.com/InSite

YOUR TRUSTED PARTNER



ABOUT US:

At E&A Team, we know you want to continue running a successful business in the affordable housing industry. In order to do that, you need expert knowledge, a trusted team, and the right tools and information at your disposal. We understand the demands of the affordable housing industry, which is why we founded E&A Team to serve as your trusted partner. We've been around for 30 years helping businesses like yours proactively manage the complexities of affordable housing through training, file reviews and inspections.



888-504-7483



EandATeam.com



TRAINING

Knowledgeable and professional Fair Housing and Accessibility training.



INSPECTIONS

Services include accessibility blueprint reviews, accessibility construction inspections, accessibility evaluations of existing properties, and remote accessibility or UPCS inspections.



FILE REVIEWS

Remote compliance file audit reviews to help property managers maintain compliance across their portfolio.



CNA/PNA

Extensive and Accurate Capital Needs Assessments or Physical Needs Assessments of your property.