

Public Law 336 of the 101st Congress, was enacted July 26, 1990. The Americans with Disabilities Act (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services.

The ADA is a groundbreaking civil rights law modeled directly on the 1964 Civil Rights Act and significantly extended the provisions of previous equal rights legislation such as Section 504 of the Rehabilitation Act of 1978 which focused only on non-discrimination in federal grants and programs. For the first time, it required equal consideration to disabilities that were brain-based to those that were physically based. It articulated rights to equal opportunity for people who met its definition of disability and a set of responsibilities for a wide array of other entities. Legal obligations are met via voluntary compliance. Failure to comply with the provisions of the ADA is most commonly addressed via complaints.

Service providers who receive direct federal funding are required to meet the mandates of Section 504 of the Rehabilitation Act of 1973. Similar to the Fair Housing Accessibility Amendments, this happens in two major ways. One is the physical accessibility mandates. This requires that 5% of the total dwelling units must be fully accessible for persons with physical disabilities and 2% of the units must be accessible for persons with hearing or vision loss. This would cover new construction after 8/11/88 (24 CFR 40). It would also cover major rehabilitation if the project has more than 15 units and exceeds 75% of the replacement cost of the building or it is an alteration to a common use area. If an entire dwelling unit (bedroom) is being altered, then it must be made accessible.

Sec. 504 also requires the provision of *reasonable accommodations* as requested by individuals with disabilities. *Reasonable modifications* would be covered under the Sec. 504 reasonable accommodation provision with the cost assumed by the housing provider. Sec. 504 uses the [Uniform Federal Accessibility Standard \(UFAS\)](#)  as its accessibility compliance standard. UFAS standards are to be applied during the design, construction, and alteration of buildings and facilities that are Federal facilities or facilities that receive federal funds.

Sec. 504 also mandates that services, including but not limited to communications, publications and service delivery, be accessible for persons with disabilities. For example; sign language interpreters should be provided as requested, available for support group members and provided at community meetings or outreach events. Agency materials should be provided in alternative formats such as large print, accessible digital versions or audio tape. Counseling sessions should be in accessible locations.

Federally funded service providers must have a Sec. 504 transition plan that outlines how they will achieve full compliance. If a shelter is not accessible, the Sec. 504 plan could state that at the

end of the present leasing period, the service provider will locate to an accessible site or undertake renovations. Reasonable accommodations must also be provided as requested by the individual client with disabilities to provide greater accessibility and use of the agency services.

Overview

There are civil rights laws, generally referred collectively as fair housing, on federal and state levels as well as local ordinances that cover equal opportunity and access to housing for protected classes. A 'protected class' is a category of individuals who historically have been denied full access to resources such as housing. Persons with disabilities have been designated as a protected housing class under the federal Fair Housing Amendments Act of 1988 (FHAA), [Sec. 504 of the Rehabilitation Act of 1973 \(Rehab Act\)](#) and the [Americans with Disabilities Act of 1990 \(ADA\)](#). Many states, municipalities and counties have designated persons with disabilities as a protected class within their laws or ordinances.

Purpose

The purpose of fair housing for persons with disabilities is to provide both access to housing opportunities and mandatory baselines of architectural accessibility. Access to housing opportunities would cover eligibility criteria to rental properties, mortgages and home buying. As long as the person with the disability is financially eligible, they cannot be denied the opportunity to apply for housing and mortgages, cannot be barred from full participation in all housing activities and cannot be restricted to a particular type of housing or to a specific geographic region.

Fair housing laws and ordinances guarantee that a baseline of physical accessibility be provided to allow persons with disabilities to inhabit dwelling units. Depending on which fair housing law or ordinance, this physical accessibility can be mandated at the time of design and construction based on occupancy and/or conditionally on degree of housing rehabilitation.

Scoping and Coverage

"Scoping" and coverage will also vary. Scoping defines the circumstances in which the law applies. Scoping and coverage establish what type of housing, number of units, number of covered units and relevant date specifications that will trigger compliance for that specific fair housing law. For example:

Fair Housing Amendments Act (FHAA) scoping and coverage states that only multi-family dwelling units of 4 or more, first occupied after 3/13/91 will be covered.

Sec. 504 of the Rehab Act will only cover directly subsidized housing of 15 or more units.

The ADA will only cover housing units built strictly with state or local funds.

Technical Specifications

In addition to varying scoping and coverage requirements, fair housing laws use different technical specifications. Technical specifications are the detailed requirements of how the physical accessibility will be met. For example, the FHAA uses 8 different “Safe Harbors” as technical specifications. Sec. 504 and the ADA use the Uniform Federal Accessibility Standard (UFAS) as its technical specification. Many states have developed accessibility scoping/coverage and technical specifications under their building codes.

Reasonable Accommodations and Modifications

Other valuable components under fair housing laws and ordinances are the Reasonable Accommodation and Reasonable Modification provisions. The extent of protection and conditions of these provisions will vary by federal/ state laws and local ordinance.

Reasonable Accommodation

A reasonable accommodation is a request to waive or change policies, practices, procedures or services to allow greater accessibility and use of the premises by a person with a disability. Reasonable accommodations could mean allowing an assistive animal in a no-pets building, constructing additional handicap parking spaces or relocating a tenant to a more accessible unit. A reasonable accommodation can only be denied if it causes an undue administrative/financial burden or changes the basic nature of the program.

Reasonable Modification

A reasonable modification is a physical alteration to the unit or residential common use area to allow greater accessibility and use of the building by a person with a disability. Responsibility for payment for the reasonable modification will depend on which fair housing law or ordinance offers the higher standard of accessibility. Some states mandate that property owners assume all costs for the reasonable modification depending on the number of units in the building or development. Sec. 504 and the ADA mandate that the property owner assumes the costs. FHAA mandates that the costs for a reasonable modification lie with the resident making the request.

If a person with a disability feels that their rights have been violated they can file a fair housing complaint. Most states have a civil rights agency designated to investigate and enforce state fair housing law. Oftentimes this is the state Office of the Attorney General.

Some municipalities have local fair housing commissions that investigate and enforce their ordinances. Those offices would be listed in the government section of your telephone directory. On a federal level, HUD has the authority to investigate and enforce FHAA and Sec. 504 of the Rehab Act. HUD does this through their regional Fair Housing and Equal Opportunity office (FHEO) or through their network of Fair Housing Assistance Programs (FHAPS).

Overview

Many of us go through our days not realizing how small accommodations in design can greatly improve the way we communicate; details in the physical, information, communication and social environment matter – the inaccessible exam table, the glare of a light, a brochure in small font, or the person that speaks too fast. For many people who experience disabilities or are who are Deaf, it is impossible to ignore the importance of well-functioning environments. Thus, a necessary step in developing accessible and welcoming services for survivors is to design environments for all.

The Four Environments

Changing the environment is easy to accept as desirable but daunting to tackle. Where do you start? Refining different types of environments and the way in which survivors interact with them breaks a big idea into discrete chunks. The following is a core set of environments:

Communication Environment

Information Environment

Physical Environment

Social and Policy

Designing Environments for All

The new definition of disability "mainstreams" the experience of disability and recognizes it as a universal human experience. If we assume variation in ability is ordinary, that is can be anticipated and addressed, we are more likely to succeed. We can design environments to accommodate a range of possible needs rather than the "average" experience. This is user-centered design. The word "design" is used broadly. Everyone designs who devises courses of action aimed at changing existing situations into preferred ones.

There are many terms for user-centered design. Universal, Inclusive and Design-for-All refer to a framework for the design of places, things, information, communications, services and policy that focuses on the user, on the widest range of people operating in the widest range of situations without special or separate design.

Benefits

The new approach moves us toward a way of thinking that avoids the pitfalls of assuming that disability is easily identified and categorized. Some people embrace an identity as a person with a disability and derive a sense of affirmation and community from identifying with disability culture. Far more people, however, with the same functional limitation see their identity as a person with a

disability well down the list of ways in which they define themselves. They may not identify as having a disability and may not even respond affirmatively to a direct question about disability. The goal of improving access to services and support can still be met by creating environments that anticipate and prepare to accommodate a broad diversity of ability among survivors.

A Process for Change

To create welcoming and accessible environments that meet the needs of all you will need to assess your own environments and note where you can make changes. A crucial element of this process is to invite survivors with disabilities and those who are Deaf, advocates, and collaborators to weigh in on the assessment process and to make suggestions for how to improve the environment. The first step is to consider the suggestions presented in this section. Ask questions about what improvements to the environment, big or small, would improve their experience. Finally, review the status of your programs and services and develop a strategic plan for creating welcoming environments.

Do you want to learn more about what kind of accommodations service providers and law enforcement officers are required by law to provide to meet the needs of people with disabilities and those who are Deaf? If so, contact the ADA Information Line. The ADA Information Line can provide you with information about the rights of persons with disabilities and Deaf people under the law.

ADA Info Line

1-800-514-0301 (voice)

1-800-514-0383 (TTY)

M-F 10:30AM-4:30PM, except on Thursday when it is available 12:30PM-4:30PM EST

Spanish language service is also available.