

FAIR HOUSING ACT DESIGN STANDARDS — CURRENT INTERPRETATION

- **HUD**
 - New 2016 Multifamily Accelerated Process (MAP) Guide
 - Effective May 28, 2016
 - Appendix 5B incorporates Mortgagee Letter 2012-25
- **GSE (FANNIE AND FREDDIE)**
 - Applicable guidance requires Accessibility Review
 - References ASTM E2018 – Baselines PCA Process
- **SFHA Standards**
- **Other Financial Institutions?**



MULTI-FAMILY ACCESSIBILITY DESIGN STANDARDS

Fair Housing Act Accessibility Guidelines (FHAAG)

- Projects built prior to March 13, 1991 are exempt
- Regulates multifamily units, common areas, and accessible route.

Americans with Disability Act Accessibility Guide (ADAAG) – Title III

- Regulates publicly accessible areas of a property
- Examples being leasing office, walks and drives

ADA Title II

- Applies to LIHTC Transactions
- Very similar requirements to UFAS

Uniform Federal Accessibility Standards (UFAS)

- Projects subjected to Section 504 requirements / Federal Funds Involvement
- Accessibility standards for resident rooms and commons
- 5% of units are to be fully accessible / 2% of the units A/V



HUD MAP GUIDE APPENDIX 5B – TABLE 4A

ACTIVITY & YEAR BUILT	MARKET RATE APARTMENTS	AFFORDABLE (not assisted, e.g. LIHTC's)	FEDERALLY ASSISTED
Projects built for occupancy** after 3/13/1991	Fair Housing Act Requirements	Fair Housing Act Requirements	Fair Housing Act Requirements & 504 (UFAS or Deeming Notice)
Projects built from 7/11/1988 to 3/13/1991	None	None	504(UFAS or Deeming Notice)
Sub rehab or Refinance of projects built prior to 7/11/1988 or built prior to becoming assisted	None	None	504(UFAS or Deeming Notice) (load bearing wall and financial/administrative burden exceptions)
All Public Accommodations (Designed and built for occupancy or altered after 1/26/1993	ADA Title III	ADA Title III	ADA Title III & 504 (UFAS or Deeming Notice)
State or Local Government Programs or Assistance, e.g, LIHTCs with construction start after 1/26/1992	ADA Title II	ADA Title II + State QAP Requirements	ADA Title II & 504 (UFAS or Deeming Notice)