


WHAT IS THE FAIR HOUSING ACT?

Federal, state, and local fair housing law prohibits discrimination on the basis of race, color, religion, sex, disability, familial status, or national origin in the sale, rental, and financing of dwellings. Sexual orientation and gender identity are protected classes under local law. The disability accessibility provisions of the law establish certain design and construction requirements for new multifamily housing built for first occupancy on or after March 13, 1991.

WHAT ARE THE CONSTRUCTION REQUIREMENTS?

Fair Housing Law requires that covered multifamily dwellings built for first occupancy after March 13, 1991 include certain features of accessible design. Therefore, architects, builders, and other persons involved in the design and construction of housing must be aware of the Fair Housing Act design and construction requirements.

WHAT ARE COVERED MULTIFAMILY DWELLINGS?

Covered multifamily dwellings are buildings consisting of four (4) or more dwelling units, if such buildings have one or more elevators, and ground floor dwelling units. This includes apartments, condominiums, single-story townhouses, vacation time-sharing properties, homeless shelters and other, similar residential

WHO MUST COMPLY WITH THE LAW?

Architects; Builders; Building Contractors; Site Engineers; and any other person(s) involved in the design and construction of residential housing.

WHAT ARE FAIR HOUSING ACCESSIBILITY GUIDELINES?

The purpose of the Fair Housing Accessibility Guidelines is to provide technical guidance on designing dwelling units as required by the Fair Housing Law. These Guidelines are not mandatory, but are intended to provide a safe harbor for compliance with the accessibility requirements of the Fair Housing Act when used in conjunction with the Question and Answer Supplement to the Guidelines, the Fair Housing Act Design Manual, and five other documents (for more information visit www.fairhousingfirst.org).

HUD endorsed the International Code Council's Code Requirements Housing Accessibility (CRHA) as another safe harbor design standard. This means that builders who follow these provisions will automatically comply with the Fair Housing Act. The CRHA can be ordered from any of the three model code organizations: BOCA (708-799-2300), ICBO (562-699-0541), or SBCCI (205-591-1853).

In February 2005, HUD approved the conditional use of the 2003 International Building Code (IBC), published by the ICC, as a safe harbor for compliance with the accessibility requirements of the Fair Housing Act. For more information on the conditions go to <http://www.hud.gov/news/release.cfm?content=pr05-022.cfm>

WHAT ARE THE PENALTIES FOR NON-COMPLIANCE?

Responsibility for complying with the law rests with any and all persons involved in the design and construction of covered multifamily dwellings. When the law has been violated, an administrative law judge or a federal or state trial court will order relief. Such relief may include actual and compensatory damages, attorney's fees and costs, and may also include civil penalties ranging from \$10,000 to \$50,000. In the case of buildings which have already been completed, structural changes could be ordered.



WHAT ARE THE REQUIREMENTS ADDRESSED IN THE GUIDELINES?

The Guidelines provide technical guidance on the specific requirements stated in the Fair Housing Amendments Act, which are:

- An accessible building entrance on an accessible route;
- accessible and usable public and common use areas;
- doors designed to be usable by persons in wheelchairs;
- an accessible route into and through the covered dwelling unit;
- light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
- reinforcements in bathroom walls for later installation of grab bars; and
- kitchen and bathroom space organized so an individual in a wheelchair can maneuver about the space.

WHAT OTHER REQUIREMENTS MAY APPLY?

The Fair Housing Law does not invalidate any law of a state or local government that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater accessibility than the requirements of Fair Housing Law. Likewise, other federal laws which require greater accessibility in certain housing, such as Section 504 of the Rehabilitation Act of 1973 or the Architectural Barriers Act of 1968, are not invalidated or replaced by Fair Housing Law.

**WHERE TO GET MORE
INFORMATION:**

Lexington-Fayette Urban County

Human Rights Commission

162 East Main St., Ste. 226

Lexington, KY 40507

Ph: 859-252-4931

Fax/TDD: 859-252-7057

E-Mail: lfuchrc@qx.net

Web Site: www.lfuchrc.org

Kentucky Commission on Human Rights

332 W Broadway, Ste. 700

Louisville, KY 40202

Ph: 800-292-5566

Fax: 502- 595-4801

E-Mail: kchr.mail@state.ky.us

Web Site: www.state.ky.us/agencies2/kchr

U.S. Department of Housing and

Urban Development (HUD)

Kentucky Office

601 W Broadway

Louisville, KY 40202

Ph: 502-582-5250

Fax: 502-582-6549

Web Site: www.hud.gov/local/lou/index.html

www.hud.gov/fhe/modelcodes

www.fairhousingfirst.org



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**ARCHITECTS
AND
BUILDERS**

**Are you in
compliance with
the Fair Housing
Act?**

