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Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Participant Workbook



Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

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Introduction

The Fair Housing Accessibility FIRST program 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. This training is part of that program.

Purpose

The purpose of the Fair Housing Accessibility FIRST program is to offer training and technical guidance on accessibility requirements of the Fair Housing Act and to increase the supply of accessible multifamily housing units nationwide. The program provides training and guidance to architects, builders, code officials, and others in the housing industry with the accessibility requirements for designing and constructing dwelling units covered by the Fair Housing Act.

Technical Guidance

The Fair Housing Accessibility FIRST program provides a Design and Construction Resource Center, also known as the DCRC, which is staffed Monday through Friday from 8:00 AM to 5:30 PM Eastern. You can reach the DCRC:

- Toll-free at 888-341-7781
- By emailing FairHousingFirst@hud.gov

Subscribe via the website for updates from the Fair Housing Accessibility FIRST program.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Learning Objectives

This agenda includes an introduction, topics, and learning objectives to help you understand FHA Requirement 4, Accessible Route Into and Through the Covered Unit.

The **terminal learning objective** (TLO) is to identify the design and construction guidance provided for FHA Requirement 4 within the Accessibility Guidelines and the Fair Housing Act Design Manual (FHADM).

The topics and **enabling learning objectives** (ELOs) are:

- **Topic 1: Fair Housing Act Overview**
ELO: Identify the history and protections of the Fair Housing Act (FHA).
- **Topic 2: Safe Harbors**
ELO: Understand the purpose of a safe harbor and how to use safe harbors to comply with the FHA.
- **Topic 3: Organization of the Accessibility Guidelines**
ELO: Identify the organization of the content sections in the Accessibility Guidelines.
- **Topic 4: Requirement 4 - The Guidelines**
ELO: Identify the definitions and content of the Accessibility Guidelines regarding Requirement 4.
- **Topic 5: Requirement 4 - The FHADM**
ELO: Identify the scoping and technical specifications in the FHADM regarding Requirement 4.
- **Topic 6: Multistory Dwelling Units**
ELO: Identify the scoping and technical specifications of Requirement 4 that apply to multistory dwelling units.
- **Topic 7: Thresholds and Accessible Routes**
ELO: Identify the scoping and technical specifications of Requirement 4 that apply to thresholds and accessible routes.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 1: Fair Housing Act (FHA) Overview



Fair Housing Act (FHA) History

Over fifty years ago, Congress enacted Title VIII of the Civil Rights Act of 1968. Known as the Fair Housing Act, or the FHA, the landmark legislation outlawed discrimination in public and private housing and prohibited housing discrimination based on race, color, religion, sex, and national origin.

In 1988, Congress amended the coverage of the FHA to also prohibit discriminatory housing practices based on familial status and disability. The FHA protects not only buyers or renters who are disabled themselves but also households that include a person with a disability as a member of the household and people who are not disabled but are associated with people who are disabled.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Legal Protections

Providing accessible housing is required by law and helps ensure equal housing opportunities for persons with disabilities. To ensure that people with disabilities have full use and enjoyment of their dwellings, the law established two essential mandates:

1. It is unlawful to deny the rental or sale of a dwelling unit to a person because that person has a disability.
2. It is unlawful to fail to design and construct certain multifamily dwellings to include certain features of accessible design.



Covered Dwellings

The legal protections of the FHA cover certain types of public and private dwelling units. Coverage applies to:

- All dwelling units in buildings containing four or more dwelling units if the buildings have one or more elevators.
- All ground floor units in buildings containing four or more units without an elevator.



This includes, but is not limited to:

- Apartments
- Condominiums
- Student Dormitories
- Assisted Living
- Nursing Homes
- Cooperatives
- Other housing types (e.g., transitional and homeless shelters used as a residence)

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

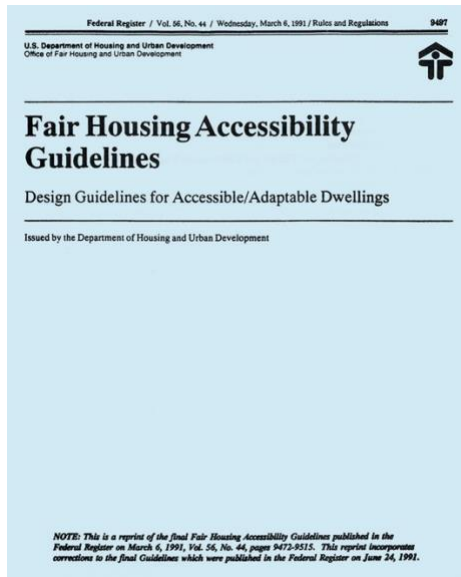
First Occupancy

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

It is important to note that a building was not designed or constructed for first occupancy if:



- It was occupied on or before March 13, 1991.
- The last building permit or renewal of a building permit was issued on or before June 15, 1990.
- Rehabilitation occurs after March 13, 1991, even if it is substantial rehabilitation.



Fair Housing Accessibility Guidelines: Authority

The authority to compose the Fair Housing Accessibility Guidelines—also referred to as the Guidelines—was bestowed to HUD by Congress as a result of the enactment of the 1988 amendments to the FHA directed the Secretary of the Department of Housing and Urban Development (HUD) to provide technical assistance to states, local governments, and other stakeholders involved with implementing the accessibility requirements of the FHA.

HUD’s technical assistance was developed into seven technical requirements for the Guidelines.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Seven Requirements

The Guidelines established the minimum levels of accessibility and clarified which areas of a multifamily development would have accessibility obligations.

The seven basic requirements are:

1. Accessible Building Entrance on an Accessible Route
2. Accessible and Usable Public and Common Use Areas
3. Usable Doors
4. Accessible Route Into and Through the Covered Dwelling Unit
5. Light Switches, Electrical Outlets, Thermostats, and Other Environmental Controls in Accessible Locations
6. Reinforced Walls for Grab Bars
7. Usable Kitchen and Bathrooms

- 1 Accessible building entrance on an accessible route
- 2 Accessible and usable public and common use areas
- 3 Usable doors
- 4 Accessible routes into and through covered unit
- 5 Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
- 6 Reinforced walls in bathrooms for later installation of grab bars
- 7 Usable kitchens and bathrooms

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 1: Key Takeaways

- Title VIII of the Civil Rights Act of 1968, also known as the FHA, prohibited discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, and national origin.
- In 1988, Congress amended the coverage of the FHA to also prohibit discriminatory housing practices based on familial status and disability.
- It is unlawful to deny the rental or sale of a dwelling unit to a person because that person has a disability.
- It is unlawful to fail to design and construct certain multifamily dwellings to include certain features of accessible design.
- The legal protections of the FHA cover all dwelling units in buildings containing four or more dwelling units if the buildings have one or more elevators.
- The FHA also covers all ground floor units in buildings containing four or more units without an elevator.
- The Guidelines only apply to “covered multifamily dwellings” designed and constructed “for first occupancy” after March 13, 1991.
 - A building is not covered even if substantial rehabilitation occurs after March 13, 1991.
- HUD’s technical assistance was developed into seven technical requirements for the Guidelines.
- Requirement 4 of the Guidelines states that there must be an accessible route into and through the covered unit.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 2: Safe Harbors

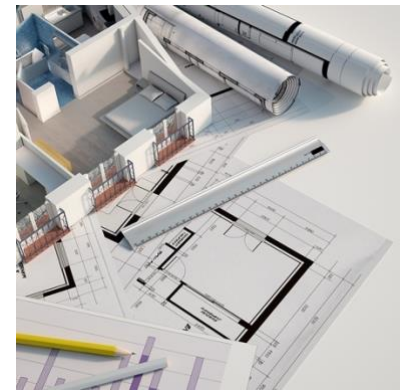


What is a Safe Harbor?

The FHA does not establish a single accessibility standard. However, it is important to note that the Guidelines were developed to provide a safe harbor for compliance with the FHA.

A safe harbor is an objective and recognized standard, guideline, or code that, if followed without deviation, ensures compliance with the Act's design and construction requirements.

Approved safe harbors have been reviewed by HUD and meet or exceed the building construction requirements in the FHA.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Selecting a Safe Harbor

Early planning is essential when constructing multifamily housing that is accessible by individuals who may use wheelchairs or other mobility devices. It is critical that developers select the right safe harbor document for their project. The selection of a safe harbor may depend upon the state and locality of a project.

Once a specific safe harbor document has been selected, the building in question must comply with all the provisions in that document that address the FHA design and construction requirements to ensure the full benefit of the safe harbor.

It is critical to recognize that the benefit of safe harbor status may be lost if a designer or builder chooses to select provisions from more than one of the safe harbor documents, from a variety of sources, or if waivers of provisions are requested and received.

If it is shown that the designers and builders departed from the provisions of a safe harbor document, they bear the burden of demonstrating that the dwelling units nonetheless comply with the Act's requirements.

The adoption of a HUD recognized safe harbor does not change HUD's responsibility to investigate if it receives a complaint.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

HUD Approved Safe Harbors for Compliance

There are currently 15 HUD approved safe harbors; 10 were implemented before 2021, and five were added after 2021.

These are the 15 standards that HUD has identified as safe harbors:

1. Fair Housing Accessibility Guidelines and the Supplemental Notice
2. ANSI A117.1 (1986), used with the FHA, HUD's regulations, and the Guidelines
3. CABO/ANSI A117.1 (1992) used with the FHA, HUD's regulations, and the Guidelines
4. ICC/ANSI A117.1 (1998) used with the FHA, HUD's regulations, and the Guidelines
5. The FHADM (1998) based on ANSI A117.1 (1986)
6. Code Requirements for Housing Accessibility 2000 (ICC/CRHA)
7. IBC 2000 with 2001 Supplement
8. IBC 2003, with one condition*
9. ICC/ANSI A117.1 (2003) used with the FHA, HUD's regulations, and the Guidelines
10. IBC 2006, with January 31, 2007, Errata
11. ICC A117.1 (2009), used with the FHA, HUD's regulations, and the Guidelines.
12. IBC 2009
13. IBC 2012
14. IBC 2015
15. IBC 2018

Safe harbor standards constitute safe harbors only when adopted and implemented in accordance with the policy statement that HUD published in the Federal Register on March 23, 2000.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit



Safe Harbors Used in This Training

This training relies on the provisions of the Fair Housing Act and its regulations, the Fair Housing Accessibility Guidelines and the Supplemental Questions and Answers, the American National Standards Institute (ANSI) A117.1-1986, additional sources, and the FHA Design Manual for the guidance it provides about compliance with the technical design and construction requirements in the Act.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 2: Key Takeaways

- The Guidelines were developed to provide a safe harbor for compliance with the FHA.
- A safe harbor is an objective and recognized standard, guideline, or code.
- Approved safe harbors have been reviewed by HUD and meet or exceed the building construction requirements in the FHA.
- The benefit of safe harbor status may be lost if a designer or builder chooses to select provisions from more than one of the safe harbor documents, from a variety of sources, or if waivers of provisions are requested and received.
- The adoption of a HUD recognized safe harbor does not change HUD's responsibility to investigate if it receives a complaint.
- There are currently 15 HUD approved safe harbors.
- Safe harbor standards constitute safe harbors only when adopted and implemented in accordance with the policy statement HUD published in the Federal Register on March 23, 2000.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 3: Organization of the Guidelines



Organization of the Guidelines

The Fair Housing Accessibility Guidelines are in Appendix B, Section 5 of the Fair Housing Act Design Manual (FHADM). The Guidelines are organized into 5 sections. The first four sections of the Guidelines provide background and explanatory information. The fifth section provides comprehensive compliance guidance for each of the seven FHA Requirements.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit



Section 1: Purpose, Scope, and Organization

Section 1, the introduction, describes the purpose, scope, and organization of the Guidelines.

The purpose of the Guidelines is to provide developers and builders with the technical guidance to design dwelling units that are usable by persons with disabilities. They are not mandatory. Builders and developers may depart from the Guidelines and use alternative methods to demonstrate compliance with the FHA.

The scope of the Guidelines only applies to the design and construction requirements of 24 CFR 100.205. Compliance with the Guidelines does not relieve persons participating in Federal or Federally assisted programs or activities from additional requirements.

For each design, builders should know if the additional requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or the Architectural Barriers Act (ABA) of 1968 (42 U.S.C. 4151-4157) need to be met.

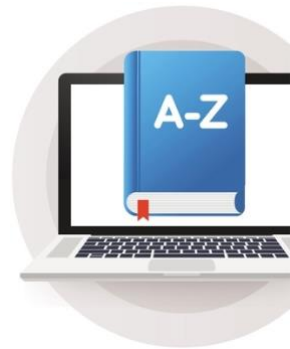
Section 1 also explains that only those sections of the ANSI A117.1 (1986) Standard cited in the Guidelines are required for compliance with the accessibility requirements of the FHA.

Section 2: Definitions

Section 2 defines the relevant terms used within the Guidelines.

This section incorporates appropriate definitions from §100.201 of HUD's Fair Housing regulations and provides additional definitions for the terms used.

We will discuss these definitions in more detail later in this training.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Section 3: Reprint of the Final Rule

Section 3 reprints the text of 24 CFR 100.205, Design and Construction Requirements, from the Department's final rule implementing the FHA.

It consists of details related to the rule-making process, notices of intent, and public comments. It reveals the evolution of the Guidelines and the stages of development that led to the adoption of the final version of the Guidelines.

The reprint was included to provide easy reference to:

1. The Act's accessibility requirements, as codified by § 100.205.
2. The additional examples of methods of compliance with the requirements presented in the regulation.



Section 4: Application of the Guidelines



Section 4 describes the application of the Guidelines and states that the design specifications that comprise the final Guidelines apply to all "covered multifamily dwellings" as defined in Section 2 of the Guidelines. Section 4 also clarifies that the Guidelines are "recommended" for designing dwelling units that comply with the requirements of the FHA of 1988.

Section 4 is significant to this training.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Section 5: Seven Areas of Accessible Design

Section 5, the final section, presents the design specifications recommended by the Department for meeting the Act's accessibility requirements, as codified in 24 CFR 100.205.

Section 5 is subdivided into seven areas that address each of the seven areas of accessible design required by the Act. It describes each of the FHA's seven requirements and highlights any changes that have been made to each of the requirements.

- 1 Accessible building entrance on an accessible route
- 2 Accessible and usable public and common use areas
- 3 Usable doors
- 4 Accessible routes into and through covered unit
- 5 Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
- 6 Reinforced walls in bathrooms for later installation of grab bars
- 7 Usable kitchens and bathrooms

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 3: Key Takeaways

- The Fair Housing Accessibility Guidelines are in Appendix B, Section 5 of the Fair Housing Act Design Manual (FHADM).
- The Guidelines are organized into 5 sections.
- Section 1, the introduction, describes the purpose, scope, and organization of the Guidelines.
- Section 2 defines the relevant terms used within the Guidelines.
- Section 3 reprints the text of 24 CFR 100.205.
- Section 4 describes the application of the Guidelines.
- Section 5 presents the design specifications recommended by the Department for meeting the Act's accessibility requirements.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 4: Requirement 4 – The Guidelines



Requirement 4 – The Guidelines: Definitions

The terms and definitions used within the Guidelines relevant to Requirement 4 are:

Accessible Route: A continuous unobstructed path and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair and is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, doors, ramps, elevators, and lifts.

ANSI A117.1-1986: The 1986 edition of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit



Bathroom: A bathroom includes a water closet (toilet), a lavatory (sink), and a bathtub or shower. It does not include single-fixture facilities or those with only a water closet and lavatory. It does include compartmented bathrooms. A compartmented bathroom is one in which the fixtures are distributed among interconnected rooms. A compartmented bathroom is considered a single unit.

Dwelling unit: A single unit of residence for a household of one or more people. This includes dwellings in which sleeping accommodations are provided, but toileting or cooking facilities are shared by occupants of more than one room or portion of the dwelling. Examples are student dormitory rooms and sleeping accommodations in shelters intended for occupancy as a residence for unhoused persons.

Entrance: Any exterior access point to a building or portion of a building used by a resident for entry. It does not include a door to a loading dock or service entrance.

Ground Floor: A floor of a building with a building entrance on an accessible route. A building may have one or more ground floors.

Loft: An intermediate level between the floor and ceiling of any story located within a room or rooms of a dwelling.

Multistory Dwelling Unit: A dwelling unit with finished living space located on one floor and the floor(s) immediately above or below it.

Single-story Dwelling Unit: A dwelling unit with all finished living spaces located on one floor.

Story: A portion of a dwelling unit between the upper surface of any floor and the upper surface of the floor next above or the roof of the unit. The terms story and floor are synonymous.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Requirement 4 – The Guidelines

Section 100.205(c)(3)(i) provides that all covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain an accessible route into and through the covered dwelling unit.

The Guideline requires:

1. A minimum clear width of 36” for an accessible route.
2. In single-story dwelling units, changes in level within the dwelling unit with heights between 1/4 inch and 1/2 inch are beveled with a slope no greater than 1:2.



Except for design features, such as a loft or an area on a different level within a room (e.g., a sunken living room), changes in level greater than 1/2 inch are ramped or have other means of access. Where a single-story dwelling unit has special design features, all portions of the single-story unit, except the loft or the sunken or raised area, are on an accessible route.

- In single-story dwelling units with lofts, all spaces other than the loft are on an accessible route.
- Design features such as sunken or raised functional areas cannot interrupt the accessible route through the remainder of the dwelling unit.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

In multistory dwelling units in buildings with elevators, the story of the unit that is served by the building elevator is the primary entry to the unit and must comply with Requirements 2 through 7 for the rooms located on the entry/accessible floor and must contain a bathroom or powder room which complies with Requirement 7.

Multistory dwelling units in non-elevator buildings are not covered by the FHA because there is no ground floor unit.

Thresholds at exterior doors, including sliding door tracks, can be no higher than $\frac{3}{4}$ ". Thresholds and changes in level at these locations are beveled with a slope no greater than 1:2. There are exceptions to this allowance.



Exterior deck, patio, or balcony surfaces can be no more than $\frac{1}{2}$ " below the floor level of the interior of the dwelling unit unless they are constructed of impervious material such as concrete, brick, or flagstone. In such cases, the surface can be no more than 4" below the floor level of the interior of the dwelling unit, or lower if required by local building code.

At the primary entry door to dwelling units with direct exterior access, outside landing surfaces constructed of impervious materials such as concrete, brick, or flagstone can be no more than 1/2 inch below the floor level of the interior of the dwelling unit. The finished surface of the area located immediately outside the entry may be sloped, up to 1/8 inch per foot, for drainage.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 4: Key Takeaways

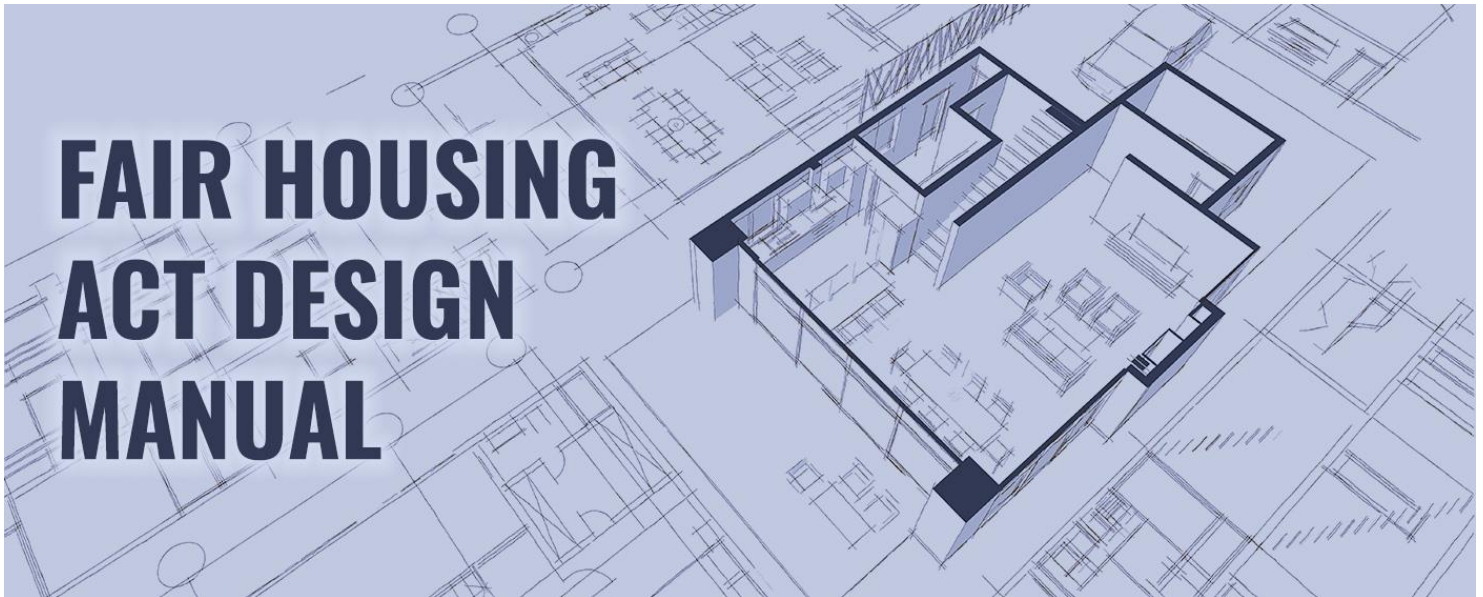
- The Guidelines require a minimum clear width of 36" for an accessible route.
- In single-story dwelling units, changes in level within the dwelling unit with heights between 1/4 inch and 1/2 inch are beveled with a slope no greater than 1:2.
- Where a single-story dwelling unit has special design features, all portions of the single-story unit, except the loft or the sunken or raised area, are on an accessible route.
- In multistory dwelling units in buildings with elevators, the story of the unit that is served by the building elevator is the primary entry to the unit and must comply with Requirements 2 through 7 for the rooms located on the entry floor and must contain a bathroom or powder room which complies with Requirement 7.
- Multistory dwelling units in non-elevator buildings are not covered by the FHA.
- Thresholds at exterior doors, including sliding door tracks, can be no higher than 3/4", and changes in level are beveled with a slope no greater than 1:2.
- Exterior deck, patio, or balcony surfaces can be no more than 1/2" below the floor level of the interior of the dwelling unit unless it is constructed of impervious material.
- In such cases, the surface can be no more than 4" below the floor level of the interior of the unit or lower if required by local building code.
- At the primary entry door to dwelling units with direct exterior access, outside landing surfaces constructed of impervious materials can be no more than 1/2 inch below the floor level of the interior of the dwelling.
- The finished surface of the area that is located immediately outside the entry may be sloped, up to 1/8 inch per foot, for drainage.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 5: Requirement 4 – FHADM



Requirement 4 – FHADM

The Fair Housing Act Design Manual, or FHADM, provides scoping and technical guidance so designers and builders can create dwelling units that comply with Requirement 4. The diagrams included within the design manual show examples to assist with the correct application of the recommendation. The content of the FHADM consistently references the Guidelines.

Like the Guidelines, the FHADM specifies that an accessible route must be provided into and throughout the entire covered dwelling unit.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit



The accessible route must pass through the main entry door, continue through all rooms in the unit, adjoin required clear floor spaces at all kitchen appliances and all bathroom fixtures, and connect with all secondary exterior doors.

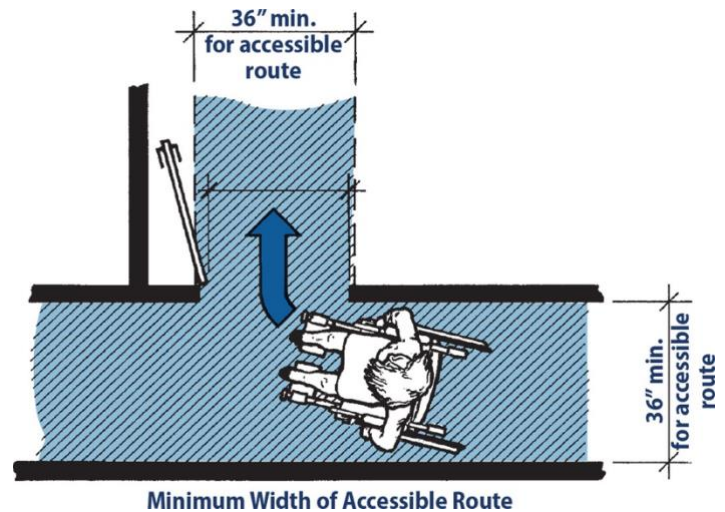
The accessible route must be sufficiently wide and have no abrupt changes in level so residents with disabilities and their guests can safely use all rooms and spaces, including storage areas and, under most circumstances, exterior balconies and patios that may be part of their dwelling unit.

An accessible route is not required into a basement or garage. However, doors from the interior of the dwelling unit to an unfinished basement or a garage attached to a single-story dwelling unit must be usable.

Providing an accessible route and a usable door in these circumstances will allow a resident to make later modifications, such as installing a ramp from the dwelling unit into the garage, thereby increasing the usability of the unit.

Width

The 36" wide, fully accessible route described in Requirements 1 and 2 must connect with the clear floor space outside the primary entry door of each covered dwelling unit. The 36" allows many people using wheelchairs to make a 90 degree turn into or out of a 32" door opening. Throughout the unit the accessible route must be 36" wide or wider, except as it extends through passage doors, where it may be reduced to a 32" nominal clear width. A nominal clear width is 31 5/8".



Wider hall widths are preferred in longer hallways to increase ease of use and reduce damage to door frames and walls caused by bumping and scraping of wheelchair footrests and handrims.

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Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

There is no specification for headroom. Protruding objects also are not addressed within the interior of the dwelling unit, but they should be avoided in all cases.

Changes in Level

Changes in level can be dangerous for people with mobility impairments. Even small abrupt changes of level in the surface of an accessible route pose a tripping hazard for many people and can be a significant obstacle for people using wheelchairs. People who walk wearing braces and/or have difficulty maintaining balance are particularly susceptible to catching their toes on small changes in level.

Small abrupt changes in level often occur when floor material changes and at door thresholds. Within the interior of the dwelling unit, thresholds should not be used. If used, they should be thin and installed flush with the flooring surface.

Within single-story dwelling units and on the primary entry level of multistory dwelling units in buildings with elevators, the maximum vertical floor level change is $\frac{1}{4}$ ".

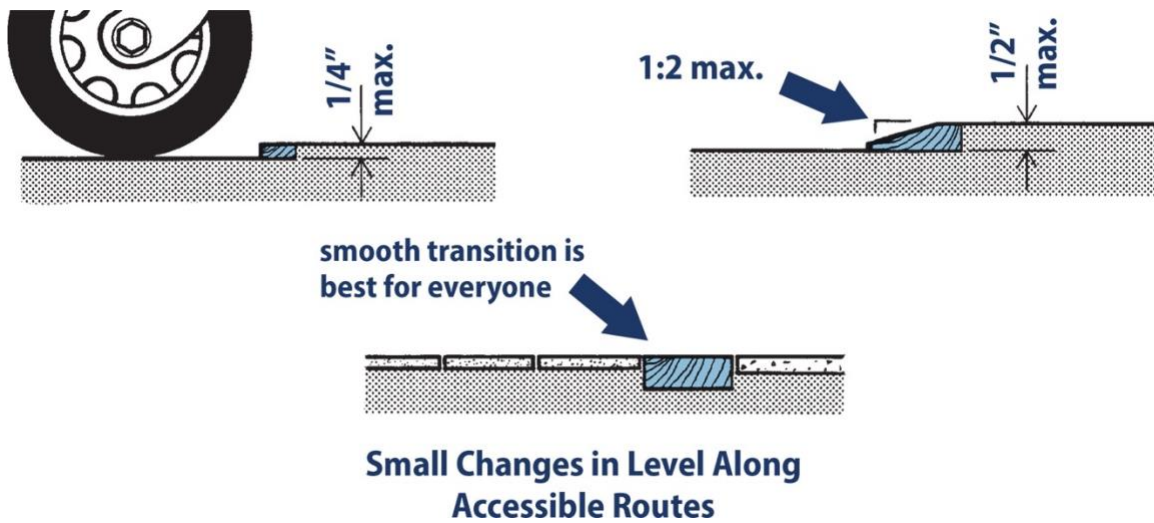
If a threshold must be used, it must not have a level change of more than $\frac{1}{4}$ " without being beveled or tapered. When a tapered threshold is used, the level change may be a maximum of $\frac{1}{2}$ ".

If an interior door threshold has a change in level greater than $\frac{1}{2}$ ", it must be ramped, and the ramp must slope at a ratio of 1" in 12" maximum (1:12). This means that for every inch of vertical rise, there must be 12 horizontal inches (one foot) of ramp.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit



Special Design Features

Single-story dwelling units can have special design features, such as a split-level entry, sunken living room, or loft area, but each has restrictions.

Where a single-story dwelling unit has such a design feature, all portions of the unit, except the loft or the sunken or raised area, must be on an accessible route. In other words, the accessible route must be a continuous pathway throughout the dwelling unit, and it must not be interrupted by the design feature.

The Guidelines specify that kitchens and all bathrooms, including powder rooms, must be on an accessible route; therefore, no part of kitchens or bathrooms may be in a raised or sunken area unless an accessible route can be provided.



Notes:

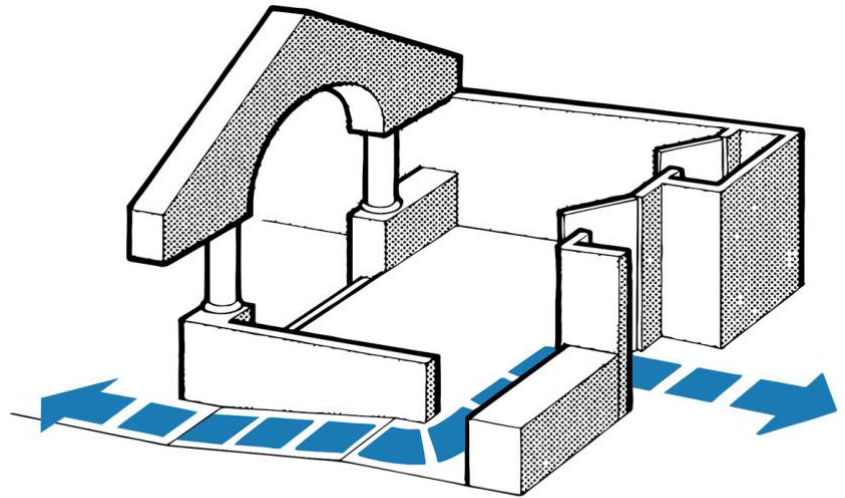
Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

However, a wet bar on a loft or in a sunken area without an accessible route is permissible since the wet bar is not part of a kitchen.

The combination of a loft and a sunken area within the same dwelling unit prohibits residents with mobility impairments from using a significant percentage of their units and is not permitted under the Guidelines.

Split-Level Entries

A split-level entry foyer, where the foyer is on one level, and the remainder of the unit is down a few steps, does not exempt the unit from coverage by the FHA. The entry is critical to providing an accessible route into and through the dwelling unit; therefore, an accessible route to the lower area must be provided by a ramp with a maximum slope of 1:12 or by another means of access. The ramp is recommended to comply with the other ramp requirements of ANSI A117.1 - 1986 or an equal or more strict accessibility standard.



**Units with Split-Entry Foyers
Are Covered**

ANSI ramps require a width of 36", and handrails are not required for slopes at 1:20 or less.

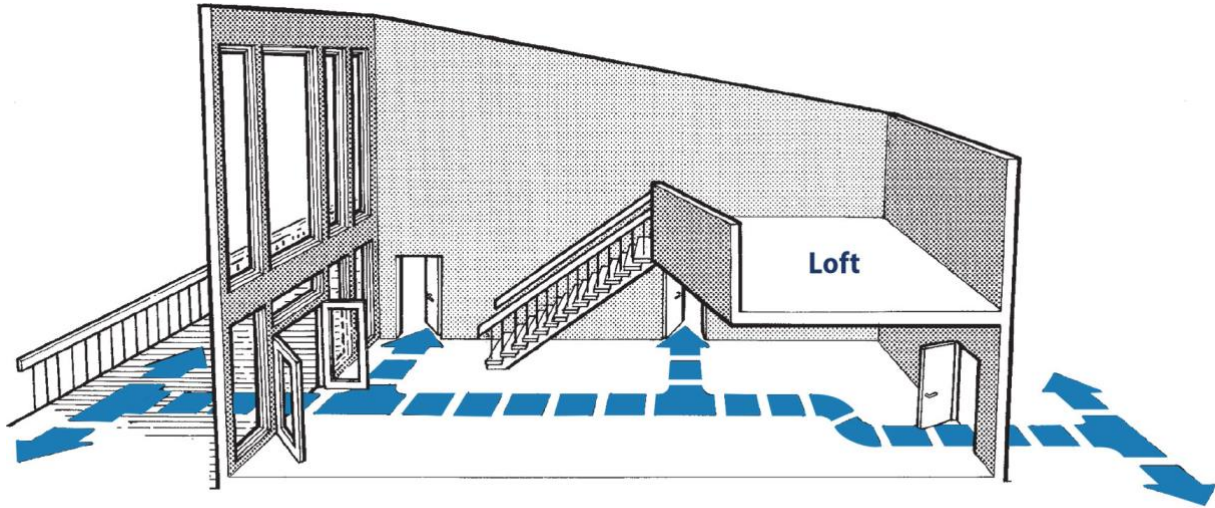
Lofts

Dwelling units containing a loft are distinguished from multistory units in that a loft is open to the surrounding space and does not exceed 33-1/3 percent of the floor area of the room in which it is located. Each story (or floor) in a multistory unit is enclosed and contains finished living space with its own ceiling and floor.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Because a loft is an intermediate level between the floor and ceiling of the unit, it is not considered a second story. Therefore, a dwelling unit with a loft is a single-story unit covered by the Guidelines. Since all primary or functional living spaces must be on an accessible route, secondary living spaces—such as a den, play area, or an additional bedroom—are the only spaces that can be on a loft unless an accessible route can be taken to the loft.



Loft Areas

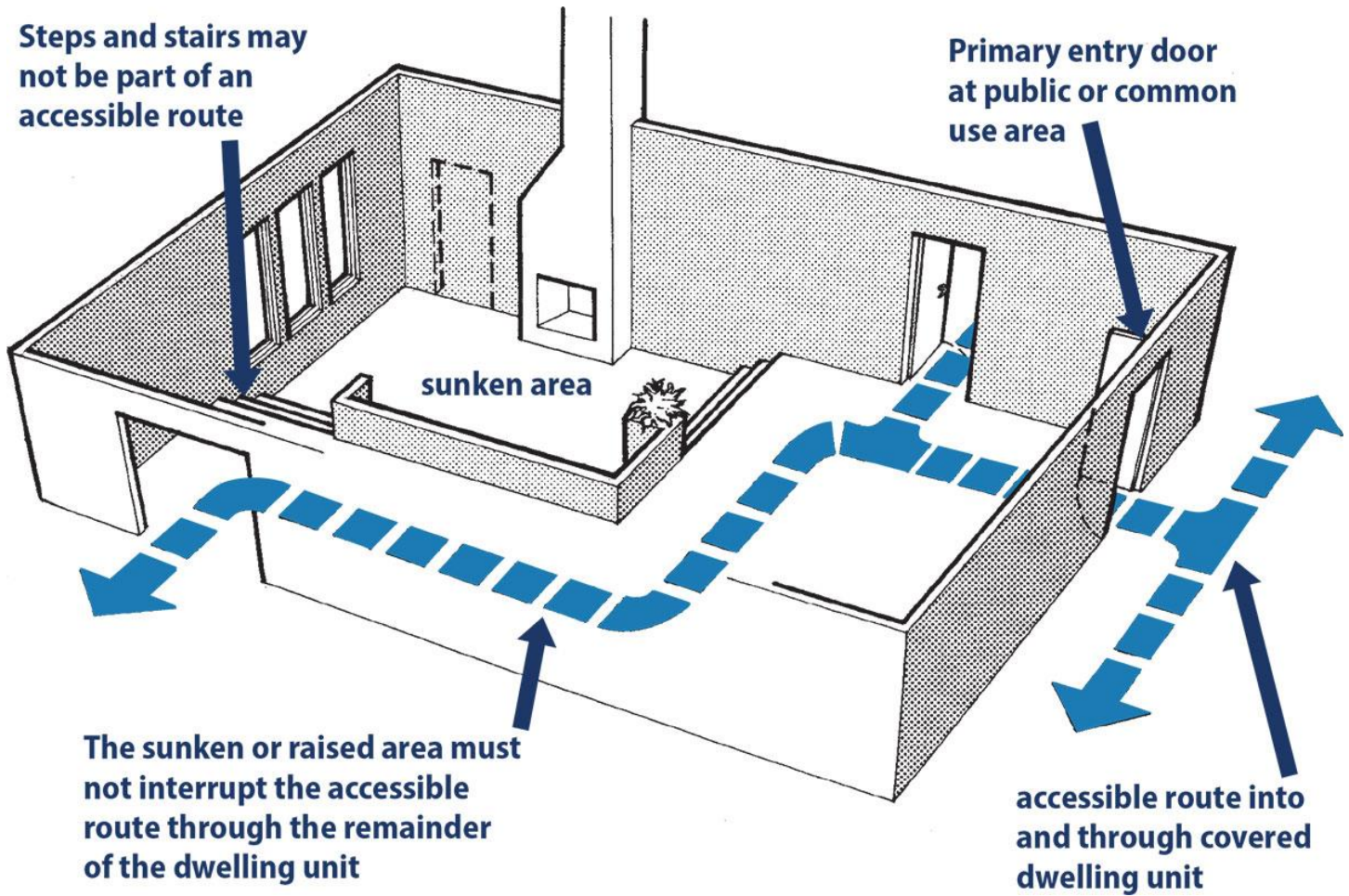
Raised or Sunken Areas

A raised or sunken area is usually limited to a few steps maximum and has less of a change in level than a loft. These special design features may not contain a functional space in its entirety. For example, the entire living room must not be sunken; however, an auxiliary feature such as a second sitting area could have several steps down to that level that is not served by an accessible route.

The raised or sunken area must not interrupt the accessible route through the dwelling. Steps and stairs may not be a part of an accessible route. If there were a door located in the raised or sunken area that could not be reached on the accessible route, then the raised or sunken area would have to be either eliminated or made accessible.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 5: Key Takeaways

- The FHADM provides scoping and technical guidance so designers and builders can create dwelling units that comply with Requirement 4.
- The accessible route must pass through the main entry door, continue through all rooms in the unit, adjoin required clear floor spaces at all kitchen appliances and all bathroom fixtures, and connect with all secondary exterior doors.
- The accessible route must be sufficiently wide and have no abrupt changes in level.
- The 36" wide fully accessible route described in Requirements 1 and 2 must connect with the clear floor space outside the primary entry door of each covered dwelling unit.
 - As the accessible route passes into the unit, it may be reduced to a 32" nominal clear width at the passage door.
 - A nominal clear width is 31 5/8".
 - Wider hall widths are preferred in longer hallways to increase ease of use and reduce damage to door frames and walls.
- Small abrupt changes in level often occur when floor material changes and at door thresholds.
- Within single-story dwelling units and on the primary entry level of multistory dwelling units in buildings with elevators, the maximum vertical floor level change is 1/4".
- Single-story dwelling units can have special design features, such as a split-level entry, a sunken living room, or a loft area.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 5: Key Takeaways (continued)

- No part of kitchens or bathrooms may be located in a raised or sunken area unless an accessible route can be provided to that area.
- The Guidelines do not permit the combination of a loft and a sunken area within the same dwelling unit.
- A split-level entry foyer, where the foyer is on one level and the remainder of the unit is down a few steps, does not exempt the unit from coverage by the FHA.
- A dwelling unit with a loft is a single-story unit covered by the Guidelines.
- Steps and stairs may not be a part of an accessible route.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

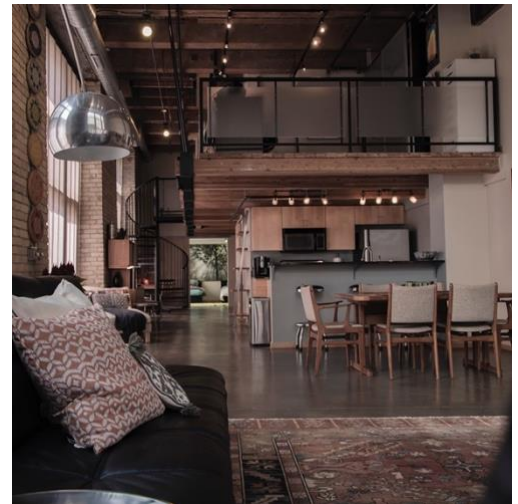
Topic 6: Multistory Dwelling Units



Accessible Routes in Multistory Dwelling Units

A multistory dwelling unit has finished living space located on one floor and the floor or floors immediately above or below it. Multistory dwelling units in buildings without an elevator are not covered by the FHA.

However, when multistory dwelling units are in buildings with elevators, the dwelling unit is covered, and the story that is served by the building elevator must be the primary entry to the unit and must meet the requirements. Where the primary entry level of a covered multistory dwelling unit contains either a raised or sunken area, that floor level is subject to the same requirements as discussed in “Lofts” and “Raised and Sunken Areas.”



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

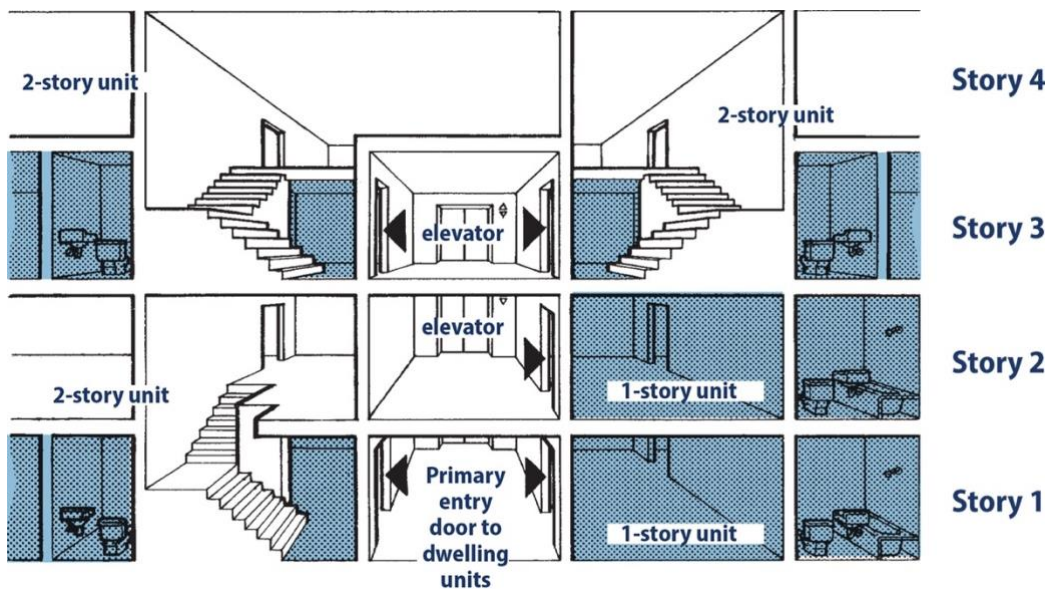
Even though many people with significant mobility impairments may choose not to live in a multistory unit, a resident with a disability may choose to live in such a unit and add a lift at their own expense. Multistory units where the primary entry level meets the Guidelines allow people with disabilities to visit with friends and relatives who may choose to live in a unit with more than one floor.

In multistory units, the story that is served by the elevator must:

1. Be the primary entry to the unit,
2. Comply with Requirements 3 through 7 of the Guidelines for all rooms located on the entry floor level and
3. Contain a usable bathroom or powder room.



If there is both a bathroom and a powder room on the entry level of a multistory unit, then the bathroom must meet Requirement 7 of the Guidelines, and the powder room needs to meet only Requirements 3, 4, and 5.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

When only a powder room is provided on the entry level, it is treated as a bathroom and must:

1. Be on the accessible route,
2. Have a door with a 32-inch nominal clear width,
3. Meet the maneuvering and clear floor space requirements at toilets and lavatories,
4. Allow the user to enter the room, close the door, use the facilities, and reopen the door to exit,
5. Have reinforcing around the toilet for future installation of grab bars and
6. Have switches, outlets, and controls in accessible locations.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 6: Key Takeaways

- A multistory dwelling unit has finished living space located on one floor and the floor or floors immediately above or below it.
- The FHA does not cover multistory dwelling units in buildings without an elevator.
- When multistory dwelling units are in buildings with elevators, the dwelling unit is covered, and the story served by the building elevator must be the primary entry to the unit and must meet the requirements.
- Where the primary entry level of a covered multistory dwelling unit contains either a raised or sunken area, that floor level is subject to the requirements discussed in “Lofts” and “Raised and Sunken Areas.”
- A resident with a disability may choose to live in a multistory unit and add a lift at their own expense.
- Multistory units where the primary entry level meets the Guidelines allow people with disabilities to visit with friends and relatives who may choose to live in a unit with more than one floor.
- In multistory units, the story served by the elevator must be the primary entry to the unit, comply with Requirements 3 through 7 of the Guidelines for all rooms located on the entry floor level, and contain a usable bathroom or powder room.
- If there is both a bathroom and a powder room on the entry level of a multistory unit, then the bathroom must meet Requirement 7 of the Guidelines, and the powder room must meet only Requirements 3, 4, and 5.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 6: Key Takeaways (continued)

- When only a powder room is provided on the entry level, it is treated as a bathroom and must be on the accessible route, have a door with a 32" nominal clear width, meet the maneuvering and clear floor space requirements at toilets and lavatories, and allow the user to enter the room, close the door, use the facilities, and reopen the door to exit. It must also have switches, outlets, controls in accessible locations, and reinforcing around the toilet for future installation of grab bars.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 7: Thresholds and Accessible Routes



Thresholds and Accessible Routes at Primary Exterior Doors

The Guidelines allow a change in level between the interior floor level of the dwelling unit and an outside surface or platform to vary somewhat, depending upon whether the door is a primary or secondary door and the construction material of the outside landing surface.

If the primary entry door to a dwelling unit has direct exterior access, the landing surface outside the door, as part of the accessible route, must be level with the interior floor unless the landing is constructed of impervious material, such as concrete; in which case, the landing may be up to 1/2" inch (but no more than 1/2") below the interior floor of the dwelling unit.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

However, to prevent water damage, the finished surface outside the primary entry door may be sloped at a maximum of 1/8" for every 12".

Thresholds and Accessible Routes at Secondary Exterior Doors

When a secondary exterior door exits onto decks, patios, or balcony surfaces constructed of impervious materials, the accessible route may be interrupted. In this case, the outside landing surface may be dropped a maximum of 4" below the floor level of the interior of the dwelling unit (or lower if required by local building code) to prevent water infiltration at door sills.

If the exterior surface is constructed of pervious material, such as a wood deck that will drain adequately, that surface must be maintained to within 1/2" of the interior floor level.

When measuring the distance between the floor inside and the outside surface, the interior floor level must be calculated from the finished floor and not from the subfloor. If carpet is to be installed, the measurement should be calculated with a fully compressed carpet and, if present, the pad.

Thresholds at Exterior Doors

The concept of an accessible route is intended to ensure the maintenance of a continuous path of travel with no abrupt changes in level so people with disabilities who use wheelchairs or scooters and those who walk are not impeded.

However, changes in level are inevitable at exterior doors because thresholds and changes in level are needed to control and/or prevent water infiltration.

The Guidelines allow limited changes in levels at exterior doors along accessible routes and specify that thresholds at these exterior doors, including sliding door tracks, shall be no higher than 3/4".



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

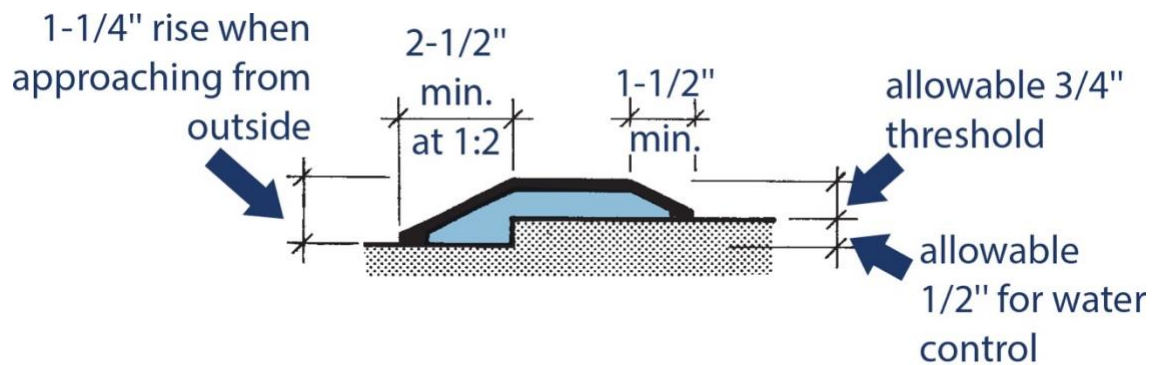
Changes in level at these locations must be beveled with a slope no greater than 1:2.

At primary entry doors where the exterior landing surface is impervious, the exterior landing surface is permitted to be below the finish floor level by $\frac{1}{2}$ ". The Guidelines allow for a $\frac{3}{4}$ " threshold with a $\frac{1}{2}$ " change in level to the exterior that totals $1\frac{1}{4}$ ".

On the interior side of an entry door to a dwelling unit, a $\frac{3}{4}$ " threshold is permitted, with a $1\frac{1}{2}$ " slope beveled at 1:2, allowing a $\frac{1}{2}$ " for water control.

Exterior door thresholds of $\frac{3}{4}$ ", even when beveled, can be extremely difficult to navigate for some persons who use wheelchairs, and the additional change in level when outside landing surfaces are impervious adds to this difficulty.

It is recommended that solutions be considered that provide less of a change in level and also prevent water infiltration.



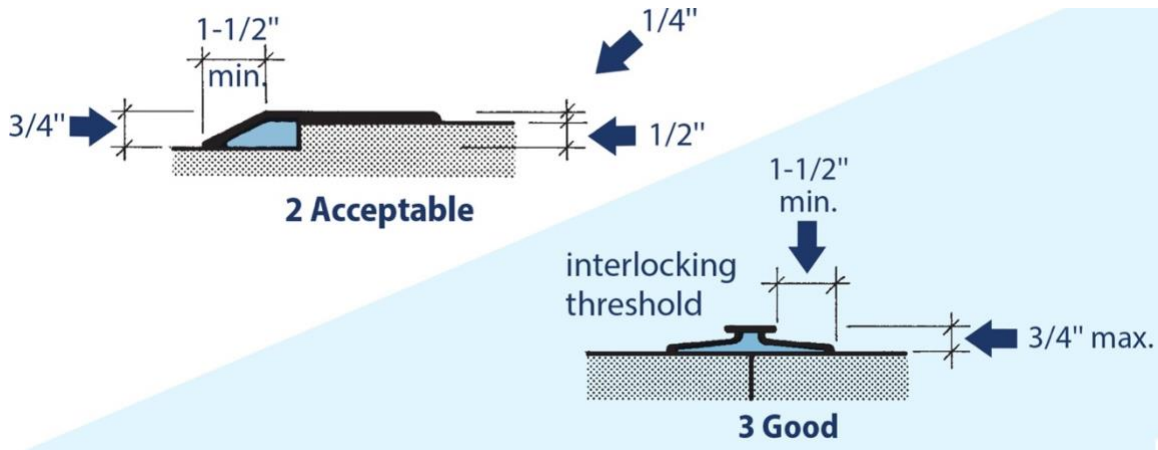
1 Acceptable

(Not Preferred: 1-1/4" Height is Difficult for Many People Who Use Wheelchairs)

Notes:

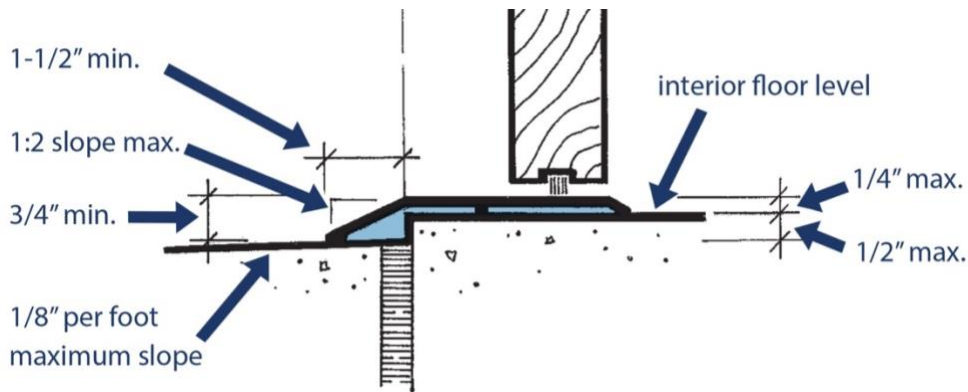
Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

One solution is to use a threshold that rises a maximum of 1/4" on the inside and drops 3/4" at a slope of 1:2 at the exterior. This is shown in Illustration 2 on the screen. An even better solution is to bring the exterior surface up to the same level as the interior floor using an interlocking threshold shown in Illustration 3.



Thresholds at Exterior Doors: Swinging Primary Doors

This illustration shows a swinging primary entry door at a concrete landing. Note the allowable changes in level at primary entry doors with direct exterior access onto concrete or another impervious landing surface where 1/2" maximum changes in level are permitted.

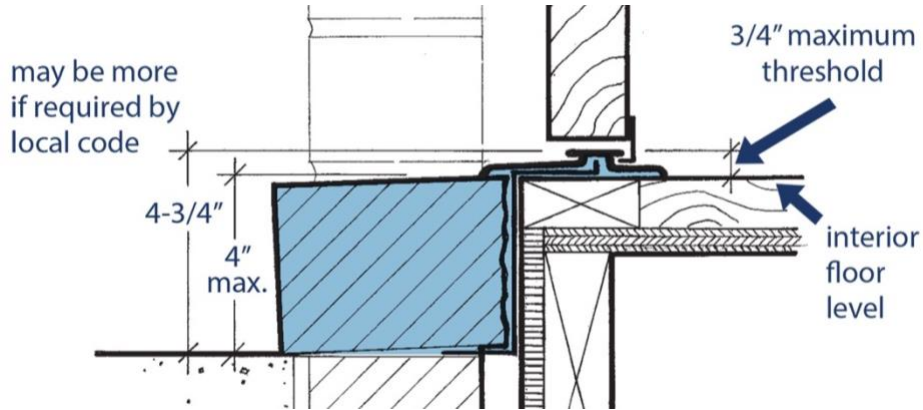


Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Thresholds at Exterior Doors: Swinging Secondary Doors

When a swinging secondary door leads out onto a concrete landing, 4" changes in level are permitted. This may be more if required by the local code.



Thresholds at Exterior Doors: Sliding Secondary Doors

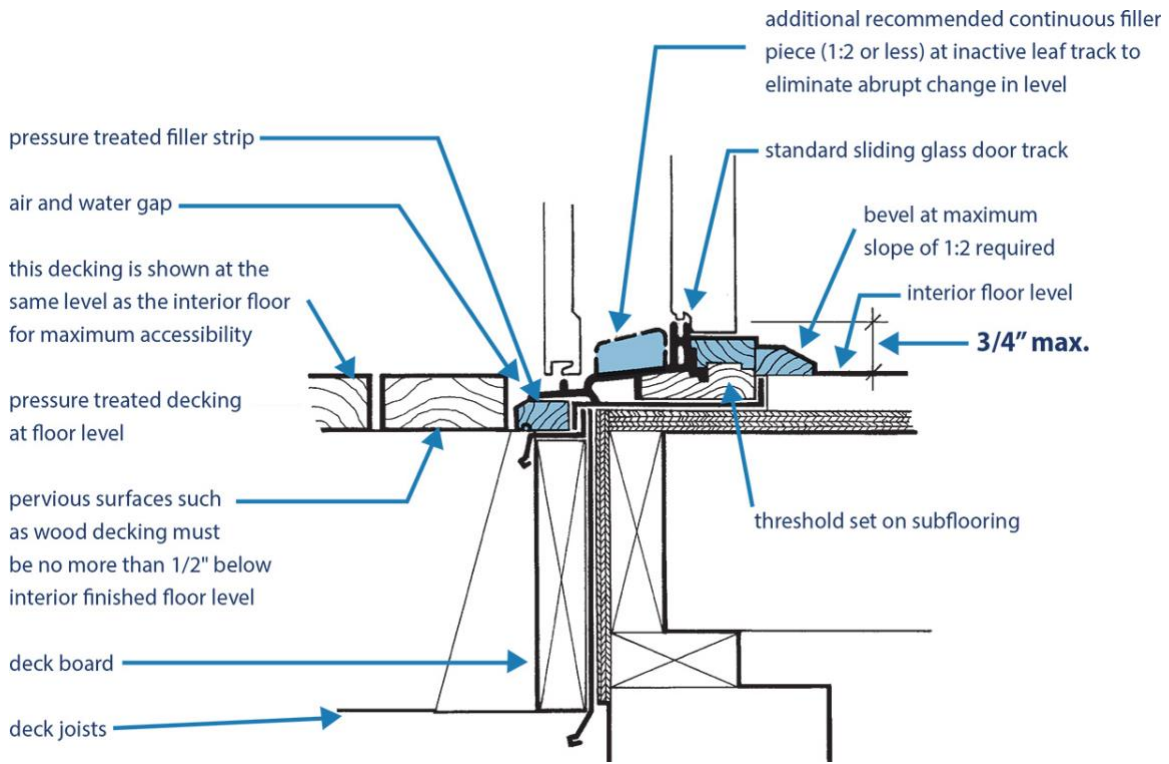
When a sliding secondary door leads to a balcony or a patio with a wood deck, a 1/2" maximum change in level is permitted. As shown in the following illustration, the deck board and joist are set to support the decking at the same level as the interior floor for maximum accessibility. The threshold is set on the subflooring of the unit and allows a 3/4" change in level with a bevel slope of 1:2 required.

To avoid water infiltration, pressure-treated wood is combined with a pressure-treated filler strip and an air and water gap.

An additional recommendation includes using a continuous filler piece (beveled at 1:2 or less) at the inactive leaf track to eliminate an abrupt change in level. A 3/4" maximum change is permitted with a beveled slope of 1:2.

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

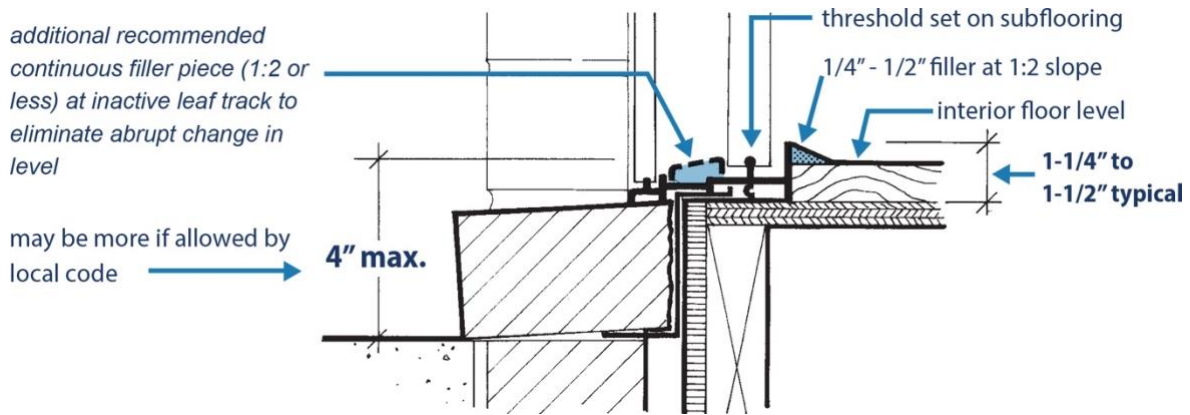


Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

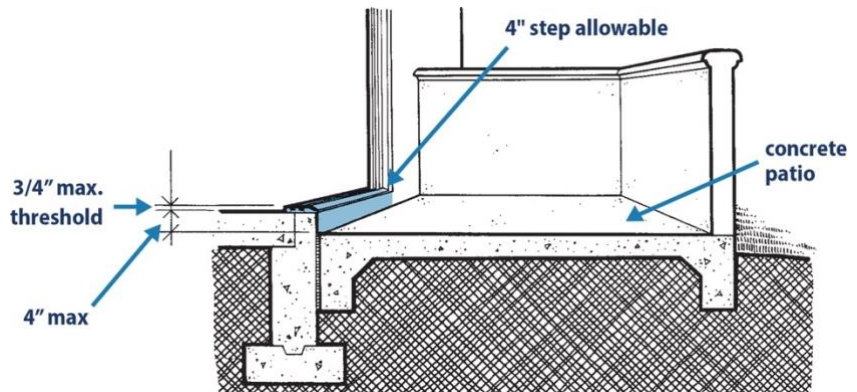
Thresholds at Exterior Doors: Sliding Secondary Doors at Concrete Landing

This illustration shows allowable changes in level on the exterior side of sliding glass doors to a balcony or patio where 4" changes in level are permitted. Depending on the local code, this 4" maximum may be increased. There is an additional recommendation for a continuous filler piece (beveled at 1:2 or less) at the inactive leaf track to eliminate an abrupt change in level. The threshold is set on the unit's subflooring. There is a 1/4" – 1/2" of filler installed at a maximum 1:2 slope, and the interior side shows a 1- 1/4" -1 1/2" typical height for flooring assembly.



Accessible Route onto an Impervious Balcony

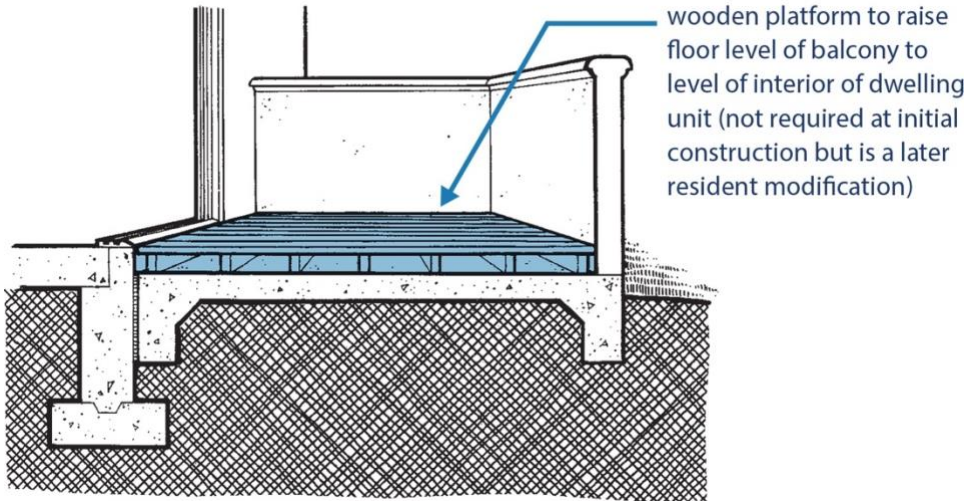
When an accessible route into and through the unit extends to a balcony made with impervious materials, e.g., concrete, brick, or flagstone, the change in level may be interrupted by a 4" step.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Accessible Route onto a Platform Balcony



To create an accessible route onto a balcony, a raised wooden platform that brings the floor level of the balcony to the level of the interior of the dwelling unit may be added. A raised platform is not required at initial construction but may be requested by the resident as a reasonable modification to their unit.

Benefits of Requirement 4

FHA Requirement 4 allows residents with mobility impairments to safely maneuver into and through their units and comfortably access the fixtures in their units. Designers and builders who comply with Requirement 4, the Guidelines, the FHADM, or other HUD-approved safe harbors help to increase the number of accessible units available in the nation while adding to the actualization of the civil rights protections of the FHA.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 7: Key Takeaways

- The Guidelines allow a change in level between the interior floor level of the dwelling unit and an outside surface or platform to vary somewhat, depending upon whether the door is a primary or secondary door and the construction material of the outside landing surface.
- To prevent water damage, the finished surface outside a primary entry door may be sloped at a maximum of 1/8" every 12".
- When a secondary exterior door exits onto decks, patios, or balcony surfaces constructed of impervious materials, the accessible route may be interrupted.
- If the exterior surface is constructed of pervious material, such as a wood deck that will drain adequately, that surface must be maintained to within 1/2" of the interior floor level.
- The Guidelines allow limited changes in levels at exterior doors along accessible routes and specify that thresholds at these exterior doors, including sliding door tracks, shall be no higher than 3/4".
 - Changes in level at these locations must be beveled with a slope no greater than 1:2.
- The Guidelines allow an overall change in level of 1-1/4" when approaching the exterior side of the primary entry door with a 2 1/2" slope beveled at 1:2.
- On the interior side of an entry door to a dwelling unit, a 3/4" threshold is permitted, with a 1 1/2" slope beveled at 1:2, allowing a 1/2" for water control.
- A swinging primary entry door that opens onto concrete or other impervious landing surface is permitted a 1/2" maximum change in level.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Topic 7: Key Takeaways (continued)

- When a swinging secondary door leads out onto a concrete landing, 4” changes in level are permitted.
- When a sliding secondary door leads to a balcony or a patio with a wood deck, a ½” maximum change in level is permitted.
- When an accessible route into and through the unit extends to a balcony made with impervious materials, the change in level may be interrupted by a 4” step and depending on the local code, this 4” maximum may be increased.
- FHA Requirement 4 allows residents with mobility impairments to safely maneuver into and through their units and comfortably access the fixtures in their units.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

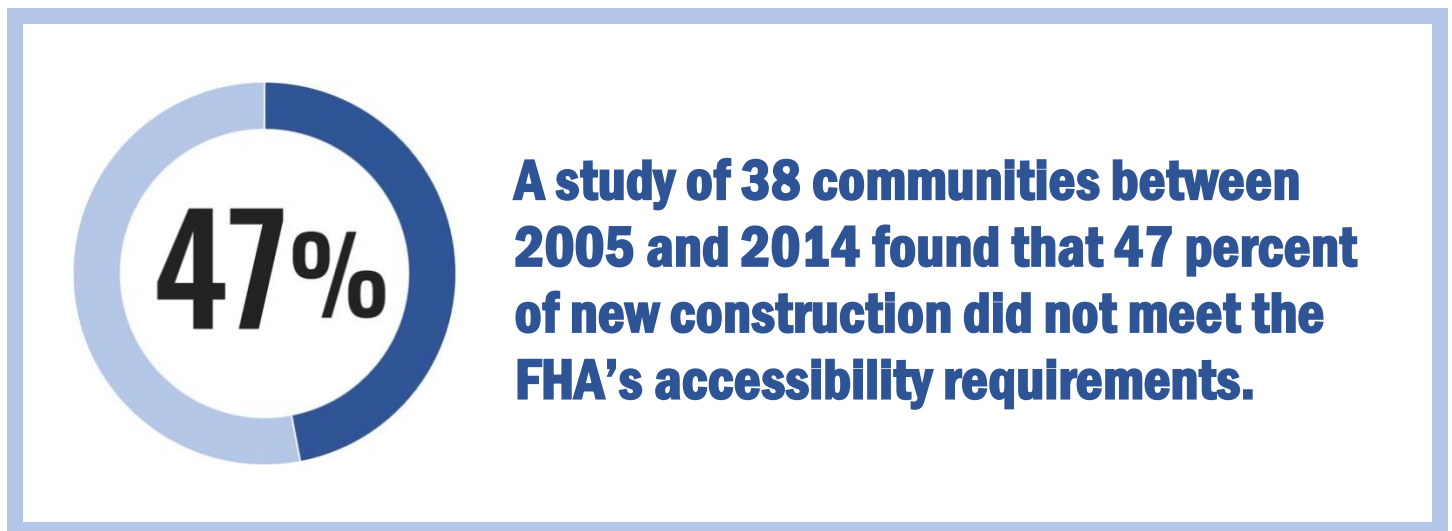
Additional Research

A study conducted by the Housing Equality Center analyzed compliance in 38 apartment and condominium communities in Pennsylvania between 2005 and 2014 and found that 47 percent of covered new construction did not meet the Fair Housing Act’s design and construction requirements.

The non-compliant features related to Requirement 4 were:

- Steps at the entrance to ground floor units.
- Interior doorways smaller than the required minimum.
- Inaccessible bathroom design.

It is important to be vigilant in new construction plans, so as not to risk being in a vulnerable position of non-compliance.



Source: Housing Equality Center

Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Maximizing Accessibility

You may wonder if you can maximize accessibility with your construction project or property? Yes, you can maximize accessibility. Once you meet the specifications of the HUD approved safe harbor that you have selected, you can increase accessibility in several ways.

- Eliminating steps at the entrance to ground floor units.
- Designing wider doorways.
- Installing doors that are easy to open and close.
- Increasing clear floor space and maneuverability in kitchens and bathrooms.

Developers, designers, builders, and others involved in the planning and construction of accessible housing continually add to their knowledge base to construct covered multifamily dwelling units that not only meet minimal standards but that maximize accessibility.



Notes:

Fair Housing Act Requirement 4: Accessible Route Into and Through the Dwelling Unit

Contacts

The Fair Housing Accessibility FIRST program provides a Design and Construction Resource Center, also known as the DCRC, which is staffed Monday through Friday from 8 AM to 5:30 PM Eastern. You can reach the DCRC toll-free at 888-341-7781.

Or you can reach the DCRC at FairHousingFirst@hud.gov.

You can also subscribe via the website for updates from the Fair Housing Accessibility FIRST program.

Notes:
