



**Fair Housing & Equal Opportunity-FHEO Certification**  
**(Multifamily, Single-Family, Group Home Housing Projects)**  
*(Construction, Rehabilitation, Acquisition, Disposition)*

The Department of Housing and Community Development (DHCD) requires that each applicant or recipient of federal and/or District of Columbia funds or benefits sign the “Fair Housing and Equal Opportunity Certification Form”.

The certification stipulates that *neither the Applicant nor its contractors, for which these funds/benefits are being granted*, have any pending or civil rights legal proceedings against them. Further, neither Applicant nor its contractors have “Probable Cause” civil rights findings “*for fair housing and/or equal opportunity violations in the delivery of its programs and/or services*” for which a remediation has not been completed.

The Applicant is responsible for any and all costs associated with implementing and maintaining records to comply with and allow for DHCD monitoring. Applicants receiving federal or local financial assistance or benefits through DHCD agree to become informed of pertinent federal and local civil rights laws and regulations which affect the execution of their services and activities (see attachment).

**Signature and Certification:**

The undersigned certifies to DHCD that it has read and understands all of its obligations under the FHEO certification requirements and its Addendums. The undersigned acknowledges that this certification will be relied upon by DHCD in its review and approval of benefits and or funding proposals. Any misrepresentation of information or failure to comply with any conditions proposed in this certification could result in penalties, including the disbarment of Applicant for a period of time from participation in DHCD administered programs.

\_\_\_\_\_  
Name and address of Project

\_\_\_\_\_  
Applicant (Organization Name)

\_\_\_\_\_  
Executive Director Name & Signature

Date \_\_\_\_\_

\_\_\_\_\_  
Project Manager/Developer - Name and Signature

Date \_\_\_\_\_

\_\_\_\_\_  
Architect/General Contractor – Name & Signature (If applicable)

Date \_\_\_\_\_



**Notice of Non-Discrimination:** In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.





## FHEO Certification

### Multifamily and Single-Family Home Housing Projects

The Department of Housing and Community Development enforces all the fair housing and equal opportunity regulations as applicable to its funded programs and projects.

The federal Fair Housing Act as Amended (FHAA) and the District of Columbia Human Rights Act of 1977 (HRA) as amended make it illegal to refuse to rent or sell to a person or discourage a person from renting or buying based on a person's federal protected basis, i.e. race, color, national origin, disability, familial status, sex or religion. In addition, the HRA also make it illegal to discriminate on the basis of source of income, marital status, and sexual orientation, among others.

The funding recipient certifies that:

- \_\_\_ All rental/sales agents, Management Company and or employees directly or indirectly related to the project adhere to all the fair housing regulations.
- \_\_\_ All rental and/or sales business offices on premises will have an accessible route to and from the office, if built after March 13, 1991.
- \_\_\_ Recipient will have an alternative accessible plan design for wheel chair accessibility for new construction of single family homes and single family townhouses, where applicable.
- \_\_\_ Recipient and or its agents will offer equal terms and conditions to prospective renters or buyers and will not limit anyone's privileges and/or amenities in the sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith.
- \_\_\_ Recipient and or its agents will not misrepresent the availability of units to prospective renters or buyers due to their protected class.
- \_\_\_ Recipient and or its agents will not print or publish or cause to be made, printed or published any notice, statements, or advertisement for the rental or sale of the Project's units that indicated any preference, limitation, or discrimination based upon any of the protected categories. All printed advertisement is expected to have a visible Equal Housing Opportunity Logo (See cover page).
- \_\_\_ All new construction developments are affirmatively marketed to persons with disabilities.

\_\_\_\_\_  
**Signature of Applicant/Authorized Representative:**

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Date:



## Applicability of the Fair Housing Act as Amended

\_\_\_\_\_  
Project Name

\_\_\_\_\_  
Project Address

This form is to be used as a guide for compliance with the **Fair Housing Accessibility** Requirements.

The Fair Housing Act as Amended (FHAA) covers private and publicly funded residential multi-family dwellings. Section 100.205 of the Fair Housing regulations incorporates the Act's design and construction requirements, including the requirement that multifamily dwellings for first occupancy after March 13, 1991 be designed and constructed in accordance with the Act's accessibility requirements. Covered multi-family dwellings are **all** types of buildings (scattered site included) with four or more units. Dwelling unit means a single unit of residence for a household of one or more persons.

Examples of dwelling units covered by these guidelines include: condominiums; an apartment unit within an apartment building; single story town houses, duplexes, garden apartments, vacation timeshares, dormitories, boat houses, residential housing hotels, and homeless shelters as well as other types of 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.

To determine if the compliance checklist applies to your project, please answer the following questions.

**A: THE FHAA APPLIES IF:** (Please check all that apply)

1.  Project site is New Construction and contains four (4) or more units.
2.  Project was designed and constructed for "first occupancy" and has a Certificate of Occupancy **AFTER** March 13, 1991?

**SIGN below and proceed to the Multifamily Accessibility Compliance Checklist, page3.**

**B: THE FHAA DOES NOT APPLY IF:**

1.  Project is Single Family homes/ Townhomes/ Row houses/ Duplex or if Project was designed and constructed for "first occupancy" or "occupied" **ON** or **BEFORE** March 13, 1991.  
If requested, you must submit the Date of Certification.
2.  The last building permit or renewal for the covered multifamily dwelling(s) was issued on or before January 15, 1990. If requested, you must submit the date of the Building Permit Renewal.

**SIGN below and go directly to Page 8.**

Signature below attests to the accuracy of the information provided above.

\_\_\_\_\_  
**Recipient Representative: Name (Print) and Signature**

\_\_\_\_\_  
**Date**



# FHAA Multifamily Accessibility Compliance Checklist

Applicable to **NEW CONSTRUCTION** multifamily buildings of four or more units, and projects designed and constructed for "first occupancy" **AFTER** March 13, 1991

Project Name: \_\_\_\_\_

1. Type of Development: \_\_\_\_\_ Multifamily Building \_\_\_\_\_ Townhouse/Duplex \_\_\_\_\_ SRO/Residential Group Home

Total # of buildings: \_\_\_\_\_ Total # of Units: \_\_\_\_\_ Scattered Site: Y/N \_\_\_\_\_

2. Type of Multifamily Building:

a. \_\_\_\_\_ Garden Style (2-4 Floors) b. \_\_\_\_\_ High Rise (5+ floors) Elevator: Y/N \_\_\_\_\_

4. FHAA Accessibility

ALL **ground-floor units** in a **Non-Elevator** multifamily building(s) and **ALL units** in a multifamily **Elevator** building(s) must be designed and constructed with FHAA accessibility/adaptability features as required by the Act.

a. Have all ground floor units in a non-elevator building been designed and/or constructed with the accessibility features as required by the Act? Y/N \_\_\_\_\_

If not, please explain: \_\_\_\_\_

b. Have all units in an elevator building been designed and/or constructed with the accessibility features as required by the Act? Y/N \_\_\_\_\_

If not, please explain: \_\_\_\_\_

c. Have all **public and common** use facilities and amenities in buildings containing "covered units," been designed and/or constructed with accessibility features as required by the Guidelines? Y/N \_\_\_\_\_

If not, please explain: \_\_\_\_\_

5. Purpose of housing project:

The project is: \_\_\_\_\_ Rental \_\_\_\_\_ Sales \_\_\_\_\_ Both \_\_\_\_\_ Co-op \_\_\_\_\_ Group home/Transitional Housing

Does the project provide a Leasing/Sales Office on-site? Y/N \_\_\_\_\_

Is the Leasing Office & Community space accessible from: \_\_\_\_\_ Outside \_\_\_\_\_ Inside \_\_\_\_\_ Both

If not, provide address of alternate wheelchair accessible location \_\_\_\_\_

Does the project provide for Retail space on the premises? Y/N \_\_\_\_\_

If yes, what type? \_\_\_\_\_

***Fair Housing Act Accessibility Guidelines contain a narrow "Site Impracticability Exception" which provides that a non-elevator building does not have to meet all of the Act's requirements if it is impractical to have an accessible entrance because of the natural hilly terrain or other unusual characteristic of the site. You will be required to provide architectural and geographical documentation for a site impracticability claim.***

## The FHAA - Seven (7) Technical Requirements Accessibility Guidelines

*Fair Housing Act Accessibility Guidelines- Design Guidelines for Accessible/Adaptable Dwellings provides builders and developers with technical guidance on how to comply with the specific accessibility requirements of the Fair Housing Amendments Act of 1988*

**New construction** multifamily buildings **must be** in compliance with the following guidelines. This checklist represents many, but not all, of the accessible and adaptive design and construction requirements of the FHAA. **This checklist is NOT a safe harbor for compliance with the Fair Housing Act, nor does it act in lieu of the accessibility requirements under Sec. 504 of the Rehabilitation Act of 1973.**

### 1. AN ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE (Please check all that apply)

An accessible entrance must be located on a route that a person in a wheelchair can easily travel, leading to and from meaningful locations; e.g., parking, public transportation, other buildings in the complex, amenities such as laundry room, and recreational facilities.

- The accessible route is a continuous, unobstructed path (no stairs) through the development that connects all buildings containing covered units and all public and common use facilities.
- The accessible route also connects to parking lots and to at least one public street, public sidewalk, and to a public transportation stop, when provided.
- All slopes on the accessible route are no steeper than 8.33%.
- All slopes on the accessible route between 5% and 8.33% have handrails.
- Covered units have at least one entrance on an accessible route.
- There are sufficient numbers of curb ramp cuts for a person using a wheelchair to reach every building in the development.
- Curb ramp cuts slope and cross slope specifications.
- If separate entrances for ground-floor units, each entrance must be accessible.
- If common entrances to a multi-unit building, at least one entrance—typically used by residents for entering the building—must be accessible.

**If any of the above criteria for an accessible entrance on an accessible route is not met, please provide an attached explanation and date when criteria will be completed.**

### 2. ACCESSIBLE PUBLIC AND COMMON-USE AREAS (Please check all that apply)

- At least two percent (2%) of all parking spaces serving covered units are designated as accessible handicapped parking spaces.
- At least one parking space at each common and public use amenity is designated as handicapped accessible parking.
- All handicapped accessible parking spaces have adequate signage.
- All handicapped accessible parking spaces are at least 96” wide with a 60” wide access aisle which can be shared between two spaces.
- The rental or sales office is readily accessible and usable by persons with disabilities as required by both the Fair Housing Act and the Americans with Disabilities Act.
- A sufficient number of mailboxes, swimming pools, tennis courts, clubhouses, rest rooms, showers, laundry facilities, trash facilities, drinking fountains/water coolers, public telephones, and other common and public use amenities offered by the development are readily accessible and usable by persons with disabilities.
- Parking areas, passenger loading areas, curb ramps, building lobbies, lounges, halls and corridors, elevators, public use restrooms, and rental or sales offices must be accessible to people with disabilities. Included are community and exercise rooms, swimming pools, playgrounds, recreation facilities, nature trails.

**If any of the above criteria for accessible public & common areas is not met, please provide an attached explanation and date when criteria will be completed.**

3. USABLE DOORS (Please check all that apply)

- All doors into and through covered units and common use facilities provide a clear opening of at least 32" nominal width to enable a person in a wheelchair to maneuver through them *easily*. Included are public and common-use doors, doors leading into an individual dwelling unit, and all doors within the dwelling unit itself.
- All doors leading into common use facilities have lever door handles operating hardware that does not require grasping and twisting.
- Thresholds at doors to common use facilities are no greater than 1/2".
- All primary entrance doors to covered units have lever door handles operating hardware that does not require grasping and twisting.
- Thresholds at exterior primary entrance doors to covered units are no greater than 3/4" and beveled.

**If any of the above criteria for ‘usable doors’ is not met, please provide an attached explanation and date when criteria will be completed.**

4. ACCESSIBLE ROUTES INTO AND THROUGH DWELLING UNIT

- Thresholds of unit’s exterior doors may not exceed 3/4" (also applies to sliding door tracks).
- In single-story units, changes in height of 1/4 to 1/2" must be beveled. Those greater than 1/2" must be ramped or have other means of access.
- All routes through all rooms in the covered units have a minimum **clear** width for accessible route inside the unit of 36".
- Hallways, passages, and corridors must be wide enough to allow room to maneuver a wheelchair throughout the unit.

**If any of the above criteria for ‘accessible routes into and through the dwelling unit,’ is not met, please provide an attached explanation and date when criteria will be completed.**

5. ACCESSIBLE LIGHT SWITCHES, ELECTRICAL OUTLETS, AND ENVIRONMENTAL CONTROLS

- All light switches, electrical outlets, thermostats, and other environmental controls are no less than 15" and no greater than 54" from the floor.
- Operable parts of controls must be no lower than 15" and no higher than 48" from the floor.
- Switches, outlets, thermostats, and controls must be accessible to people in wheelchairs.

**If any of the above criteria for ‘accessible light switches, electrical outlets, thermostats, and other environmental controls’ is not met, please provide an attached explanation and date when criteria will be completed.**

6. REINFORCED WALLS IN BATHROOM

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:

- Reinforcements in bathroom walls to allow later installation of grab bars around toilet, tub, shower stall and shower seat, where such facilities are provided.

**If the above criteria for ‘reinforced bathroom(s) walls’ is not met, please provide an attached explanation and date when criteria will be completed.**

## 7. USABLE KITCHENS AND BATHROOMS

- 30" x 48" clear floor space centered at each fixture and appliance.
- A minimum of 40" of clear floor space between opposing elements to allow a person in a wheelchair to maneuver between opposing base cabinets, countertops, appliances, or walls.
- A U-shaped kitchen with sink or cooktop at end have 60" diameter clear turning space or have sink or cooktop base with removable cabinets. Appliances must be located so they can be used by a person in a wheelchair. A 30" x 40" clear floor space is required for a parallel or forward approach.
- Adequate maneuvering space is required in bathroom so that a person in a wheelchair can easily enter, close the door, use the facilities and fixtures, and exit.

**If any of the above criteria for ‘design and construction of all kitchen and bathrooms in covered multifamily dwelling units’ is not met, please provide an attached explanation and date when criteria will be completed.**

USABLE BATHROOMS: (check type)

### Type A Bathroom

30 x 48" clear floor space outside the swing of the door

30 x 48" clear floor space at lavatory (if centered for parallel approach, cabinet may be fixed)

Toilet next to the tub allowing a perpendicular approach

Centerline of toilet is 18" from bathtub and 15" from lavatory

### Type B Bathroom

30 x 48" of clear floor space outside swing of door;

30 x 48" of clear floor space centered in front of sink;

30 x 48" of clear floor space adjacent to the bathtub

If at least one Type B bathroom is included the other bathroom(s) is exempt from only the maneuvering space requirements.

“The Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines” can be found on line at <http://www.hud.gov/offices/fheo/disabilities/fhefhasp.cfm>.

### **Note to All Funding Recipients:**

Failure to comply with *all* of the accessible and adaptive design and construction requirements for new construction of the Fair Housing Act may result in loss of funding from DHCD through the: (1) Housing Production Trust Fund; (2) Community Development Block Grant Program; (3) HOME Investment Partnership Program; (4) Neighborhood Stabilization Program; (5) The Low Income Housing Tax Credit and/or (6) any other source of local or federal funding that may be generated at the time of the grant/loan.

The Applicant should consult an attorney and/or design professional to ensure that the construction of the multi-family development complies with the accessible and adaptive design and construction requirements of the Fair Housing Act.



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## VISITABILITY- Addendum

*New Construction Single-Family Home/Townhomes/Duplex/Row Houses*

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Visitability design allows wheelchair users to move around the complex and visit neighbors' homes without facing obstacles. It is a design concept, which for *very little or no additional cost* enables persons with disabilities to integrate into their community with relative ease by being able to visit with relatives, friends, and neighbors at their homes.

Visitability expands the availability of housing options for individuals who may not require full accessibility. It also assists project owners in making reasonable accommodations and reduces, in some cases, the need for structural modifications or transfers when individuals become disabled in place. Visitability will also improve the marketability of units for both single-family homes and multifamily buildings.

DHCD encourages its funding recipients to incorporate in their design, construction and alterations, the concept of visitability **in addition** to the requirements of the Fair Housing Act and Section 504.

### Minimum Design Considerations

Visitability design incorporates the following in **all** new construction or substantial rehabilitation whenever practical and possible for as many units within a development:

1. Include at least one accessible (“zero step”) entrance into the home.
2. Ensure all doorways on the main level of the home or unit have a minimum 32" of clear passage space.
3. Build at least one wheelchair accessible on the main level of the home or unit.
4. Place electrical and climate controls (such as light switches and thermostats) at heights determined to be reachable from a wheelchair

\_\_\_\_\_ The project development is new construction (single family or multifamily) and has been constructed to allow for easy wheelchair maneuverability from individual homes/ground level units to neighboring houses or units within the development.

\_\_\_\_\_ Project is a multifamily substantial rehabilitation development and it meets the Sec504 of the Rehabilitation Act of 1973 requirements.

**Signature of Applicant:** \_\_\_\_\_

Date \_\_\_\_\_

Print Name and Title: \_\_\_\_\_



# For Information Purposes ONLY

Do Not Print/Fax/Mail/Scan Back to DHCD

## FHEO DEFINITION OF LAWS

### THE FAIR HOUSING ACT

Title VIII of the Civil Rights Act of 1968 (**Fair Housing Act**) prohibits discrimination in the **sale, rental and financing of dwellings based on race, color, religion, sex or national origin**. Title VIII was amended in 1988 (effective March 12, 1989) by the Fair Housing Amendments Act to prohibit discrimination based on **disability or on familial status** (presence of child under age of 18, and pregnant women). The 1988 Amendments also established new administrative enforcement mechanisms with HUD bringing actions before administrative law judges on behalf of victims of housing discrimination; and revised and expanded Justice Department jurisdiction to bring suit on behalf of victims in Federal district courts. In connection with prohibitions on discrimination against individuals with disabilities, the **Act contains design and construction accessibility provisions for certain new multifamily dwellings developed for first occupancy after March 13, 1991**.

### FHA: ACCESSIBILITY GUIDELINES -SAFE HARBORS

HUD and the Department of Justice recognize the following standards as safe harbors when used **in conjunction** with the Fair Housing Act, regulations, and Fair Housing Act Accessibility Guidelines (i.e. scoping requirements). HUD recognizes ten safe harbors for compliance with the Fair Housing Act's design and construction requirements. They are:

1. [HUD Fair Housing Accessibility Guidelines](#) published 3/6/91 and the [Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines](#), published 6/28/94.
2. [HUD Fair Housing Act Design Manual](#) -FHA Design Manual: A Manual to Assist Designers and Builders in Meeting the Accessibility Requirements of the Fair Housing Act (*Revised April 1998, 130 p.*)
3. [ANSI A117.1 \(1986\)](#), used with the [Fair Housing Act](#), HUD's regulations, and [the Guidelines](#).
4. [CABO/ANSI A117.1 \(1992\)](#), used with the Fair Housing Act, HUD's regulations, and the Guidelines.
5. [ICC/ANSI A117.1 \(1998\)](#), used with the Fair Housing Act, HUD's regulations, and the Guidelines. ICC-international Code Council
6. [Code Requirements for Housing Accessibility 2000 \(CRHA\)](#).
7. [International Building Code 2000](#) as amended by the 2001 Supplement to the International Codes.
8. [International Building Code 2003](#), with one condition\*.
9. [ICC/ANSI A117.1 \(2003\)](#) used with the [Fair Housing Act](#), HUD's regulations, and [the Guidelines](#)
10. [ICC/ANSI A117.1 \(1998\)](#), used with the Fair Housing Act, HUD's regulations, and the Guidelines.

Information about these safe harbors as well as HUD's policy with respect to their use may be found in the HUD Review of the Fair Housing Accessibility Requirements in the 2006 International Building Code (HUD [Docket No. FR-5136-N-01])

**THE ARCHITECTURAL BARRIERS ACT OF 1968 (ABA)** - Requires buildings and facilities that are constructed by or on behalf of, or leased by the United States, or buildings financed, in whole or in part, by a grant or loan made by federal funding to be **accessible to persons with mobility impairments**. The Architectural and Transportation Barriers Board has coordination authority for the ABA. 42 USC 4151, et seq; 24 CFR Parts 40 and 41.

**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (TITLE VI)** - Prohibits discrimination on the basis of race, color or national origin in programs and activities receiving "Federal financial assistance". Complaints must be filed within 180 days of the alleged act of discrimination. Complaints received from a program participant or service recipient will be forwarded to HUD FHEO Unit. 42 USC 2000d; 24 CFR Part 1.

**EXECUTIVE ORDER 13166** - Eliminates, to the greatest extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted conducted programs and activities.

**EXECUTIVE ORDER 11063, NON-DISCRIMINATION - (Non-Discrimination and Equal Opportunity in Housing)** directs HUD and all other executive departments and agencies to take appropriate action to promote the abandonment of discriminatory practices with respect to property or facilities owned or operated by the Federal Government or provided with Federal financial assistance in the sale, leasing, rental, or other disposition of such property or facilities. **Legal Authority:** Issued Nov. 20, 1962, 27 FR 11527; 24 CFR Part 107.

**AGE DISCRIMINATION ACT OF 1975** - Prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance directly or through contractual, licensing, or other arrangements, use age distinctions or take any other actions which have the effect, on the basis of age, of:

- Excluding individuals from denying them the benefits subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or
- Denying or limiting individuals their opportunity to participate in any program or activity receiving Federal financial assistance. 42 USC 6101 et seq. and 24 CFR Part 146.

**SECTION 109, HOUSING & COMMUNITY DEVELOPMENT ACT OF 1974** - Requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions against discrimination on the basis of age under the Age Discrimination Act and the prohibitions on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs. 24 CFR Part 6.

**EXECUTIVE ORDER 11246 – (as amended)** Bars discrimination in federal employment because of race, color, religion, sex, or national origin. This order was superseded by Executive Order 11478 (Sec 401: 1101), which called for affirmative-action programs for equal opportunity at the agency level under general supervision of the Civil Service Commission. 41 CFR Chapter 60 (DOL)

**EXECUTIVE ORDER 12892** - As amended, requires federal agencies [and their subrecipients] to affirmatively further fair housing in their programs and activities.

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