



# Fair Housing & Equal Opportunity (FHEO) Certification (Multifamily Housing Projects)

(Completed form to be submitted at time of application)

The Department of Housing and Community Development (DHCD), under regulations from the U.S. Department of Housing and Urban Development (HUD), requires that each applicant for federal and/or District of Columbia funds sign the “Fair Housing and Equal Opportunity Certification Form” which indicates that *neither the applicant nor its contractors for which these funds are being granted* have any pending fair housing or civil rights legal proceedings against them “for fair housing or for equal opportunity violations in community planning and development programs and/or service” (as defined by HUD, and described in the attached information), and is responsible for any and all costs associated with implementing and maintaining records to comply with and allow for DHCD monitoring. Applicants receiving financial assistance from DHCD need to be knowledgeable of all FHEO laws and regulations which affect the execution of their activities.

### Signature and Certification:

The undersigned certifies to DHCD that it has read and understands all of its obligations under the FHEO requirements. The undersigned acknowledges that this certification will be relied upon by DHCD in its review and approval of proposals for funding, and 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/Engineer – 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, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.*





# FAIR HOUSING ACCESSIBILITY CHECKLIST

(For Residential Housing Projects ONLY- Certificate of occupancy after March 13, 1991)

This form is to be used as a guide for Compliance with the **Fair Housing Act**, as amended effective March 12, 1989 and the Fair Housing Accessibility Requirements (If not applicable, please write N/A and the reason why, e.g., rehabilitation, alteration, etc.)

**Applicant Name:** \_\_\_\_\_ **Date of Preparation:** \_\_\_\_\_  
**Address:** \_\_\_\_\_

## 1. Project Name & Location

Program/Project Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Program Director/ Property Owner: \_\_\_\_\_

## 2. Type of Development

- Apartment Building(s)
  - Townhouse(s)
  - Single Family Home(s)
- No. of Buildings/townhouses/homes \_\_\_\_\_
- Is it a Scattered Site:      Yes       No

### Type of Apartment/Condominium

- |                                                                          |                    |
|--------------------------------------------------------------------------|--------------------|
| <input type="checkbox"/> Garden Style (3-story walk-up- No elevator)     | No. of Units _____ |
| <input type="checkbox"/> Low-Rise (No more than 4 stories - No elevator) | No. of Units _____ |
| <input type="checkbox"/> Elevator Multi-Family Building                  | No. of Units _____ |
| <input type="checkbox"/> Mid-Rise (5 to 8 stories)                       | No. of Units _____ |
| <input type="checkbox"/> High-Rise (9 and above)                         | No. of Units _____ |

Is project Rental or Sales? \_\_\_\_\_

Is there a Rental/Sales office on the premises?      Yes       No

Is there Retail space on the premises:      Yes       No

    If Yes, What type: \_\_\_\_\_

**3. Is the Development Subject to the Fair Housing Act as Amended?** Yes  No

**NOTE:** The Fair Housing Act covers residential multi-family dwellings for first occupancy after March 13, 1991 (covered multi-family dwellings are **all** types of buildings 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; and 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. The Fair Housing Act includes condominiums, single story town houses, garden apartments, vacation timeshares, dormitories, and homeless shelters.

- Development has buildings containing 4 or more units, and was designed and constructed for first occupancy on or after March 13, 1991? Yes  No
- Building(s) contain elevator? Yes  No   
If YES, all units in the building are “covered units under the Act.”  
If No, only ground-floor units in building are “covered units”.
- Have **all** ground-floor units in buildings without elevators been designed and constructed with features required by the Act? Yes  No
- Have public and common use facilities in development containing “covered units,” been designed and constructed with features required by the Act? Yes  No

**NOTE:** *Fair Housing Act Accessibility Guidelines contain a narrow “Site Impracticality 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 to the building because of the natural hilly terrain or other unusual characteristics of the site.*



# ACCESSIBILITY TECHNICAL REQUIREMENTS

## (NEW RESIDENTIAL CONSTRUCTION ONLY)

(24 CFR 100.205)

The Fair Housing Act, as Amended sets seven technical requirements in the Accessibility Guidelines for “covered buildings.” Multifamily buildings, *if new construction*, must be in compliance with the following guidelines:

1. **AN ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE:**

Refer to American National Standards Institute's (ANSI A117.1, Section 4.3)

- 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 rampcuts 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.
- 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.

**Does your building have an accessible entrance on an accessible route? Yes  No**

2. **ACCESSIBLE PUBLIC AND COMMON-USE AREAS:**

*(Doors in public or common-use areas can comply by using ANSI Standards)*

- At least 2 percent 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, curb ramps, passenger loading areas, 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.

**Are public and common areas accessible to persons with disabilities? Yes  No**

**3. USABLE DOORS:**

- 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.

**Does your building have usable doors? Yes  No**

**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.

**Does your building have accessible routes into and through the dwelling unit? Yes  No**   
**If so, are doors and hallways wide enough for wheelchairs? Yes  No**

**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.

**Do your building units have accessible light switches, electrical outlets, thermostats, and other environmental controls?    Yes             No**

**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.

**Do your building units have reinforced bathroom walls to allow later installation of grab bars?  
Yes             No**

**7. USABLE KITCHENS AND BATHROOMS:**

Covered multifamily dwelling units contain usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

- 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 bathrooms so that a person in a wheelchair can easily enter, close the door, use the facilities and fixtures, and exit.

**USABLE BATHROOMS**

**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.

**Are all kitchen and bathrooms in building to be used by people in wheelchairs? Yes  No**

This checklist represents many, but not all, of the accessible and adaptive design and construction requirements of the Fair Housing Act. 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. 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):

1. HUD's March 6, 1991 Fair Housing Accessibility Guidelines (the Guidelines), and the June 28, 1994 Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers About the Guidelines;
2. HUD's Fair Housing Act Accessibility Design Manual;
3. ANSI A117.1-1986, used in conjunction with the Act and HUD's regulations, and the Guidelines;
4. CABO/ANSI A117.1-1992, used in conjunction with the Act, HUD's regulations, and the Guidelines;
5. ICC/ANSI A118. 1-1998, used in conjunction with the Act, HUD's regulations, and the Guidelines;
6. Code Requirements for Housing Accessibility 2000 (CRHA) approved and published by the International Building Code 2000 (IBC) as amended by the IBC 2001 Supplement to the International Codes.

**Failure to comply with all of the accessible and adaptive design and construction requirements 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 and/or**
- (4) The Low Income Housing Tax Credit.**

**Therefore, you 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.**

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

**Name and Title**



## FHEO - DEFINITION OF LAWS

(For Information Purposes ONLY)

### 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 attorneys 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 on or after March 13, 1991*.

#### **Complaint Process:**

Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the complaint is not successfully conciliated then FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge (ALJ). Either party -- complainant or respondent -- may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in Federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil action. Either form of action -- the ALJ proceeding or the civil action in Federal district court -- is subject to review in the U. S. Court of Appeals.

### THE ARCHITECTURAL BARRIERS ACT OF 1968

The Architectural Barriers Act (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. **Legal Authority:** 42 USC 4151, et seq; 24 CFR Parts 40 and 41.

### TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (TITLE VI)

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 the Fair Housing Equal Opportunity division at the U.S. Department of Housing and Urban Development. **Legal Authority:** 42 USC 2000d; 24 CFR Part 1.

## **EXECUTIVE ORDER 13166**

E.O. 13166 eliminates, to the 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**

E.O. 11063 (*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**

The Age of 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. **Legal Authority:** 42 USC 6101 et seq. and 24 CFR Part 146.

## **SECTION 109, HOUSING & COMMUNITY DEVELOPMENT ACT OF 1974**

Sec. 109 of the Act 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. **Legal Authority:** 24 CFR Part 6.

## **EXECUTIVE ORDER 11246**

E.O. 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. **Legal Authority:** 41 CFR Chapter 60 (DOL)

## **EXECUTIVE ORDER 12892**

E.O. 12892, as amended, requires federal agencies [and their subrecipients] to affirmatively further fair housing in their programs and activities.