



Fair Housing Development and Compliance Primer (Plan Review, Construction Inspections)

Thursday, January 11, 2018
8:30 am-10:00 a.m.



Voltaire once said: *“Perfect is the enemy of good.”*

When was the last time you looked at a typical board of lumber or piece of sheetrock?

Multifamily properties are built over a period of time in many weather conditions. Defects are not only possible, but probable. Yet we expect lumber to be straight and sheetrock to be perfect. At least, that's how we set it up.

Think about it. An architect draws up a perfect set of plans on his computer. ALL of the measurements are to the minimum, so there is NO MARGIN FOR ERROR.





Education and Proper Oversight are the Solution

- The majority of architects aren't trained on Section 504 & Fair Housing Accessibility regulations.
- Contractors, job superintendents, and subcontractors don't understand the consequences of even a small adjustment or a small change from the plans.





How do
we
correct it?

**Amend future Qualified
Allocation Plans (QAP's) to
include:**

- **NCSHA Board of Director's
*Recommended Best Practices***
(Approved December 2017)



NCSHA Board of Director's *Recommended Best Practices*

(Approved December 2017)

- Item 23. Capital Needs Assessment (Necessary improvements to physical accessibility)
- Item 28. Construction Monitoring (evaluate compliance with Fair Housing and Accessibility rules)
- Item 34. Training (Fair Housing and Accessibility Rules)
- Item 41. Encouraging Fair Housing Compliance



NCSHA BOARD OF DIRECTOR'S RECOMMENDED BEST PRACTICES

(APPROVED DECEMBER 2017)

- **Item 28.** Construction Monitoring (evaluate compliance with Fair Housing and accessibility rules)
- **Item 34.** Training (Fair Housing and Accessibility Rules)

Plan and Specification Review



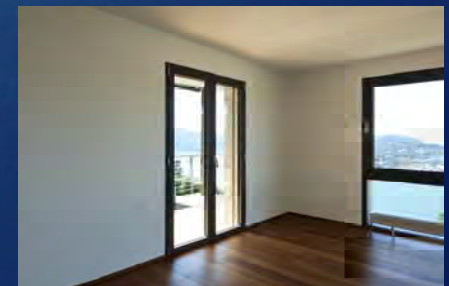
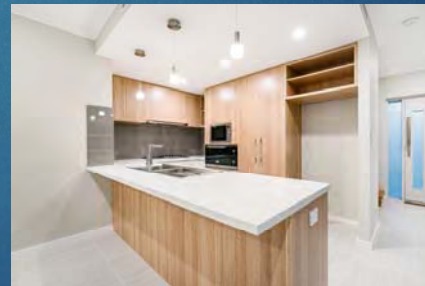
Require that each new and rehab construction project have an Accessibility Plan Review by an Accessibility Specialist based on the project's funding source and the date of occupancy if it is a rehab.

This review should include an analysis for all site, architectural, engineering drawings, and specifications, reviewing them for compliance with applicable accessibility regulations and standards.

Once the corrections have been incorporated into the plans and specs by the architect, then the REVISED plans should be given back to the Accessibility Specialist for a subsequent review. This should continue until all plans and specs are cleared of all accessibility deficiencies.

Accessibility Construction Inspections

- BEFORE construction begins, require a Pre-Con Meeting (either in person or by Video Conference Call) with ALL Team Members
 - At least three site visits:
 - 1st Visit - Framing / Plumbing / Electrical Rough-In
 - 2nd Visit - Full Site inspection (mid-construction)
 - 3rd Visit - A Pre-Final (before sub-contractors move off site)





Accessibility Training Seminars

- A Mandatory training for the Development Team to attend an Accessibility Seminar (approx. 5 hours)
 1. Architect
 2. Developer/Owner
 3. Contractor
 4. Job Superintendent
 5. Representatives from all Trades that affect Accessibility (Grading, Concrete, Framing, Electrical, Plumbing, Sheetrock, Cabinetry, etc.)

- Make attendance for all those trades working on the project a mandatory requirement in the contract for service. This will help ensure that all of the trades have an understanding of all federal, and possibly, state accessibility requirements.





Typical issues we find during Accessibility Construction Inspections

1. Fair Housing Act required Blocking issues

Fair Housing Blocking Issues (Incorrect):

Blocking for the bathtub must cover 32-38" vertical (6" range) on the short sides;
Based on actual width, a 2" x 6" (1-½" x 5-½") cannot be used to cover the full range of 32-38"
2"x8" (1-½" x 7-½") would be required to cover for the use of one piece of lumber.

38-½"

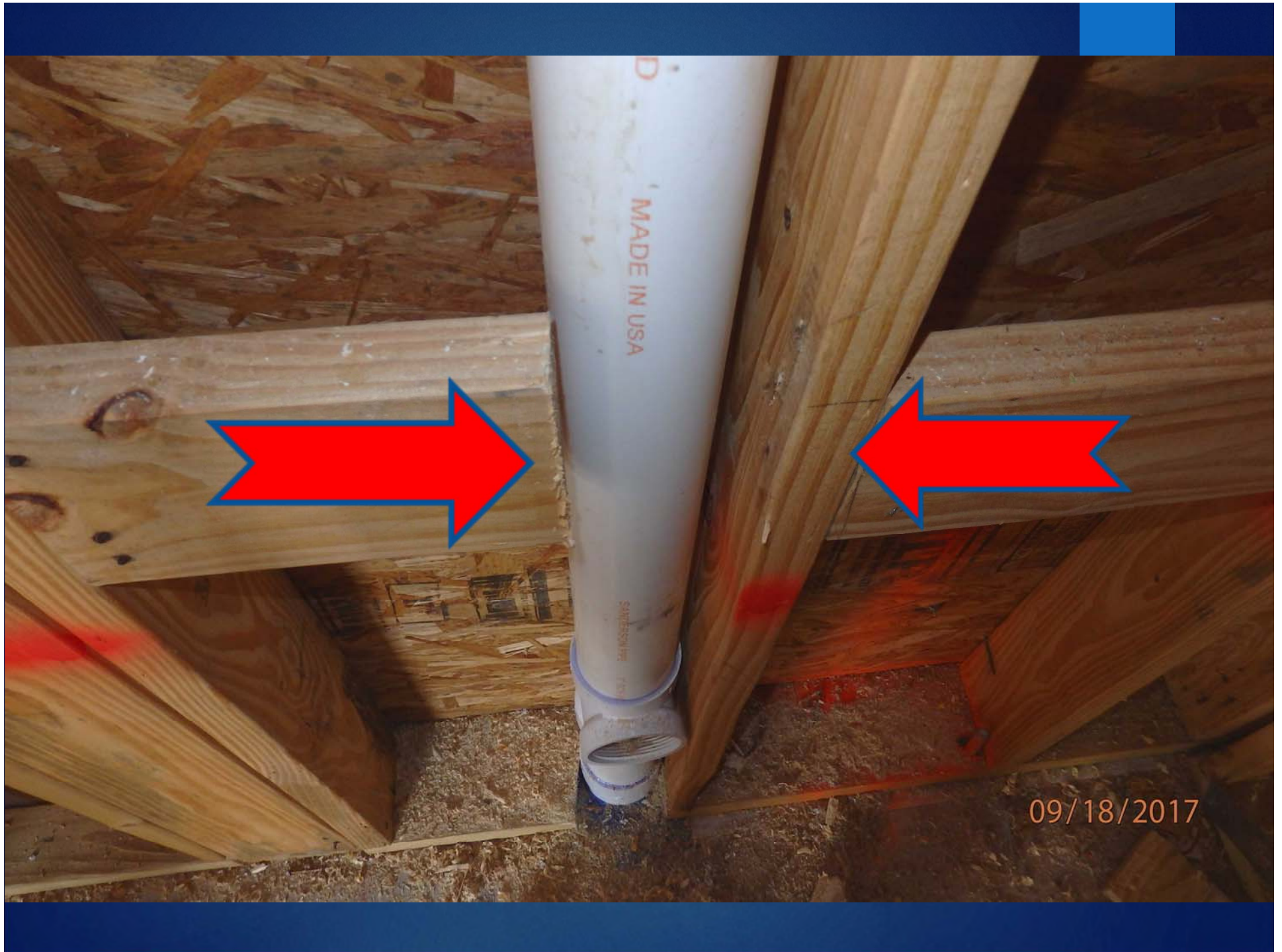
36-½"

31"









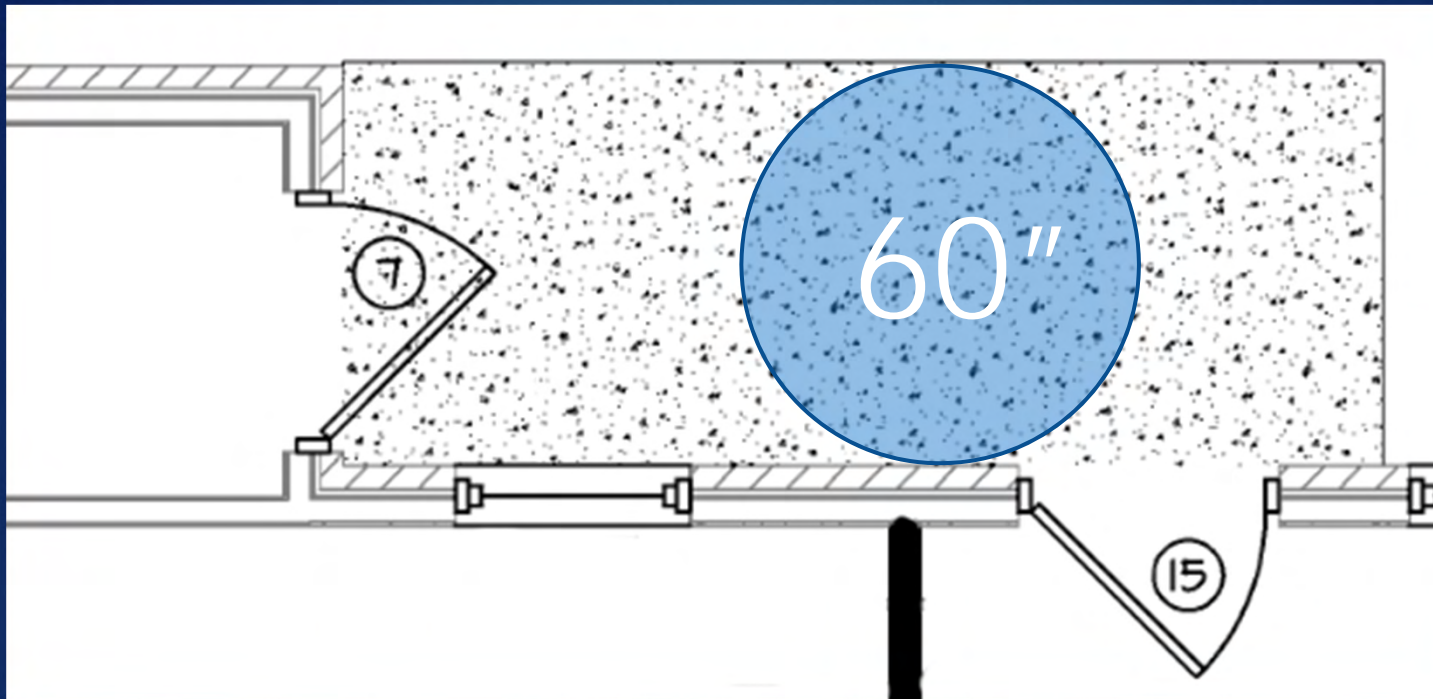
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2. Changes made **after** final construction plans were drawn on a rehab

example: a patio space provided adequate turn-around space at design phase, but choices to later add element (hand rails) causes Accessibility Failure



The patio above does have 60-inches to turn around, But after someone decides to add handrails.



Now the patio doesn't have 60" to turn around space



Take Away Thoughts

Are you vetting your Architects/Engineers/Contractors
Sub-Contractors **BEFORE**
you bring them aboard the Development Team
by asking:

- ▶ What do you know about the Fair Housing Act?
- ▶ What do you know about Section 504?
- ▶ Do you understand the differences and when to apply UFAS vs ADA 2010?
- ▶ What Accessibility training have you had in the last 12 months?
- ▶ What Fair Housing Safe Harbor regs do you use when designing a new property **& do you know which one sits on DOJ's attorney's desk?**



REMEMBER

Do NOT Rely On Local Governments for Accessibility Clearance

- The vast majority of local building inspectors do not inspect for violations of the Fair Housing Act or Section 504
- A local building code may adopt ANSI or other accessibility requirements but that does not ensure FHA compliance

Remember:

This symbol
does not
automatically
imply accessibility
for all codes





**“If you don’t have time to
do it right, when will you
have time to do it over
again?”**

Coach John Wooden



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