



Furthering Fair Housing Compliance

Thursday, January 17, 2019

8:30 a.m. – 10:00 a.m.

- 1. How are the “New” Best Practices affecting 2019-2020 and the future QAP’s**
- 2. What progress are we seeing out in the field**
- 3. Update on Enforcement Actions**
- 4. Reasonable Accommodation & Accessibility**



NCSHA Board of Directors *Recommended Best Practices*

(Approved December 2017)

NCSHA Board of Directors published its “Recommended Practices in Housing Credit Administration” in December and 4 out of 46 of those practices directly relate to Accessibility.



NCSHA Board of Directors *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 DIRECTORS RECOMMENDED BEST PRACTICES

(APPROVED DECEMBER 2017)

- **Item 23. Capital Needs Assessment**
(Necessary improvements to physical accessibility)



NCSHA BOARD OF DIRECTORS RECOMMENDED BEST PRACTICES

(APPROVED DECEMBER 2017)

- **Item 28.** Construction Monitoring (evaluate compliance with Fair Housing and accessibility rules)
- Part 1
- Part 2



Part 1: Plan and Specification Review



Recommended that 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.

This review should include an analysis for all:

1. **Site**
2. **Architectural**
3. **Engineering drawings**
4. **Specifications**, reviewing them for compliance with applicable **accessibility regulations and standards.**



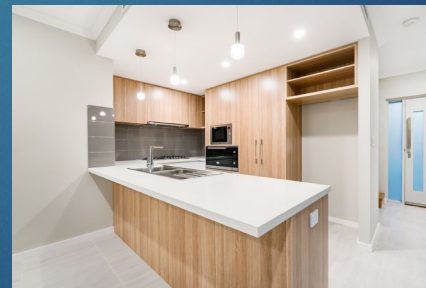
Part 2: Accessibility Construction Inspections

- 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)





NCSHA BOARD OF DIRECTORS RECOMMENDED BEST PRACTICES

(APPROVED DECEMBER 2017)

- **Item 34.** Training (Fair Housing and Accessibility Rules)



Accessibility Training Seminars

- A **required** 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**

- 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.





NCSHA Board of Directors Recommended Best Practices

(Approved December 2017)

- **Item 41.** Encouraging Fair Housing Compliance
 - Housing Credit property owners are required to certify annually to the state agency any findings of discrimination under the Fair Housing Act, including both disparate treatment and disparate impact of protected classes



NCSHA Board of Directors Recommended Best Practices

(Approved December 2017)

FACT: It is not reasonable to think that a review of a property from 3,5,10,15 years ago, identifies all the Accessibility deficiencies that exist **today.**

FACT: Contractors, subcontractors, maintenance persons, and the majority of RD, HUD, State HFA employees never receive any Accessibility training.

FACT: Do to their lack of Accessibility training, sometimes they suggest a “correction” of an issue, and not only give you bad information, but most times their solutions create new accessibility issues in the process.

FACT: You must acknowledge changes that have happened over time: ground shifts and moves, freezes / thaws, repairs / replacements occur. All of these can create new Accessibility issues.

To ignore these facts and still think your property will be Accessibility Compliant after all of this time is unrealistic.

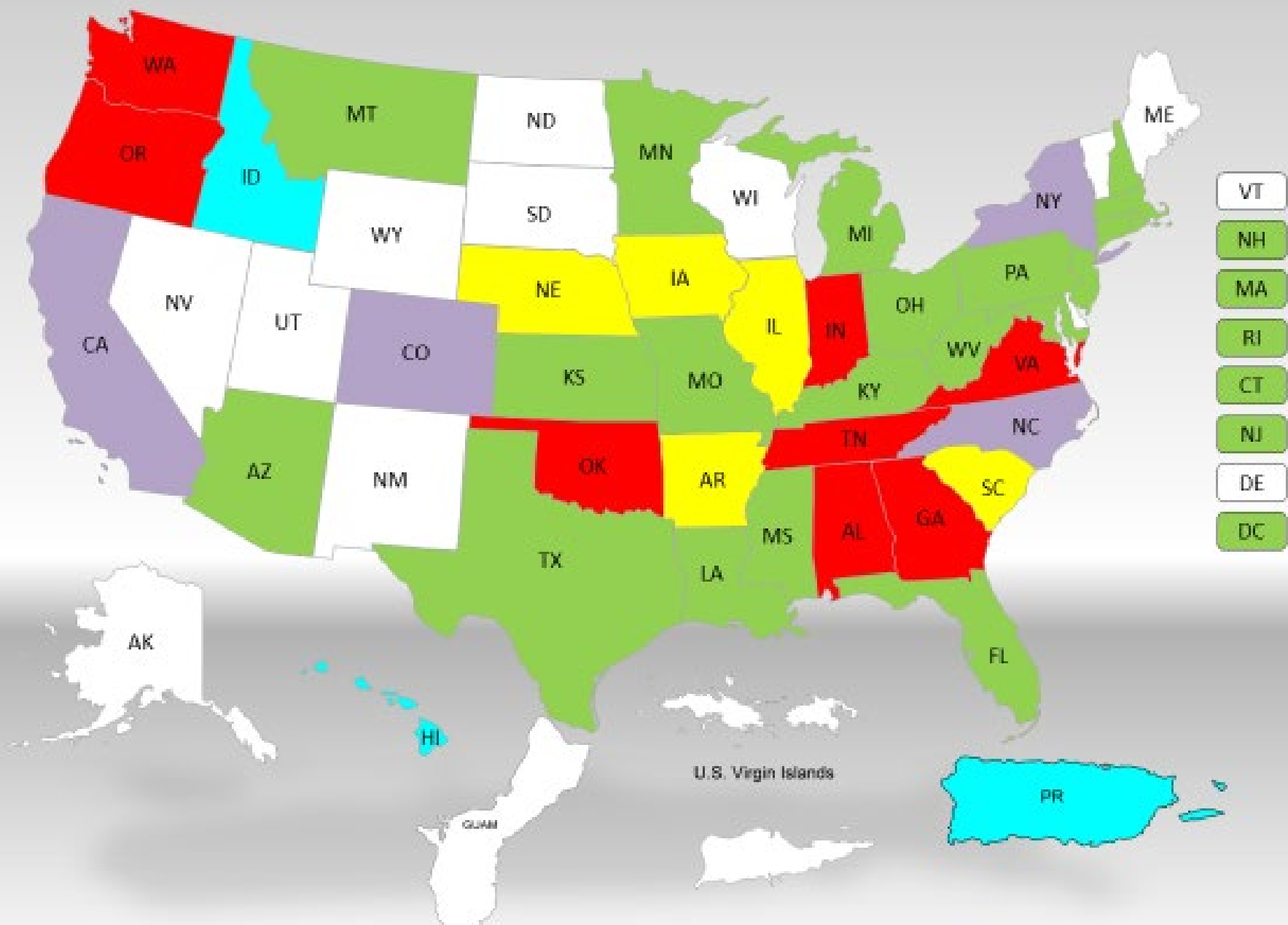
Department of Justice “Accessibility Initiative”

- Proactive vs Reactive
 - Having your plans & specs reviewed
 - Accessibility Construction Inspections
 - Training your Development Team
 - Architect, Contractor, Job Superintendent, plus all the trades





Recent Settlements Concerning Design & Construction



- DOJ
- Fair Housing Agency
- DOJ & Fair Housing Agency
- HUD
- DOJ, Fair Housing & HUD



Recent Settlements

Friday, April 13, 2018

Justice Department Obtains Settlement of Case Alleging Disability-Based Discrimination in Housing in Ellensburg, Washington

The Justice Department announced today that it has settled a federal civil rights lawsuit against the owners, builder, and designer of the Ashlynn Estates, a three-building dormitory-style property near Central Washington University in Ellensburg, Washington

Wednesday, November 21, 2018

Justice Department Obtains \$11.3 Million Settlement of Disability-Based Housing Discrimination Lawsuit in District of Columbia

The Justice Department today announced that it has settled a Fair Housing Act and Americans with Disabilities Act lawsuit against Defendants Mid-America Apartment Communities, Inc. and Mid-America Apartments, L.P. for \$11.3 million to resolve allegations that these property owners failed to build 50 apartment complexes in six states and the District of Columbia with accessible features for persons with disabilities.

Reasonable Accommodation & Accessibility



If you are a State Housing Agency and are interested in receiving some DRAFT QAP Language

email me at:

mark@EandATeam.com

Remember:

This symbol
does not
automatically
imply accessibility
for all codes





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