

**Fact Sheet**  
**Units Compliant with the Uniform Federal Accessibility Standards (UFAS)**

September 10, 2009

**Background:**

On December 20, 2004, HABC entered into the “Bailey Consent Decree” with the U.S. Department of Justice and Maryland Disability Law Center. The Bailey Consent Decree provides that HABC will create 755 units that comply with the Uniform Federal Accessibility Standards (“UFAS”), including 120 new construction (or substantial rehab) projects and 19 Section 8 project based units.

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) requires that at least 5% of the units in any housing project that receives federal financial assistance must be UFAS compliant.<sup>1</sup>

**Definitions:**

*Accessible* – Accessible when used with reference to a building, physical structure or a portion of a building or structure, including a dwelling unit, shall mean capable of being approached, entered, exited, and used by individuals with disabilities including persons who use wheelchairs. A building, structure, or portion of a building or structure that is designed, constructed, altered, or adapted and complies with the Uniform Federal Accessibility Standards (“UFAS”), and, where applicable the Americans with Disabilities Act Standards for Accessible Design (“ADA Standards”), and the Fair Housing Act Accessibility Guidelines, meets the minimum standards for compliance and is accessible.

*Accessible Features* – Means specific features added to units for use by a person with a disability. Accessible Features include, but are not limited to, grab bars, hand rails, lever handles on faucets, raised toilet seats, and benches for a shower or bathtub.

*Accessible Route* – Refers to a continuous unobstructed path that connects all accessible elements and spaces in a building or facility and complies with UFAS requirements or the ADA standards. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts.

*Long Term Affordable Units* – Units that shall remain affordable for a minimum of forty (40) years. The units are the equivalent of public housing and, for purposes of the Bailey Consent Decree, constitute long term affordable units only if the households residing in them receive any and all rights, privileges, and benefits that

---

<sup>1</sup> These requirements do not apply to private landlords who accept tenants with Housing Choice Vouchers.

are provided to HABC’s public housing residents or applicants. Housing is affordable if the households pay no more than forty percent (40%) of their monthly adjusted income in rent as participants in the Section 8 Program and no more than thirty percent (30%) of their monthly income as participants in the public housing program. No minimum income shall be required to participate in these housing programs.

**Bailey Consent Decree Requirements:**

Because new construction projects, which receive federal financial assistance, must have a minimum of 5% UFAS compliant units, only those new construction units produced in excess of the 5% requirement will count towards the 120 new construction and 19 project based units required by the Bailey Consent Decree.

***120 New Construction UFAS Units<sup>2</sup>***

- Must be units in excess of the already mandated 5%
- Must be public housing or long term affordable housing
- Must be occupied by people off HABC’s public housing wait list.

***19 Project Based Section 8 UFAS Units***

- Must exceed the required 5%
- May be owned by private landlords
- Must remain available for use by persons who have applied for HABC public housing for not less than 10 years
- Funding agreements with private landlords must provide that households living in these units are provided with the same benefits and lease terms as public housing tenants.
- Must be occupied by people off of HABC’s public housing waiting list.

**Bedroom Distribution:**

The 120 New Construction and 19 Project Based Section 8 Units Planning and Development produces must fit the following bedroom distribution:

<b>1BRs</b>	<b>2BRs</b>	<b>3BRs</b>	<b>4BRs</b>	<b>5BRs</b>	<b>6BRs</b>	<b>Totals</b>
0	39	76	15	5	3	<b>139</b>

**Frequently Asked Questions:**

*What are UFAS compliant units?* UFAS compliant units must meet very precise criteria, which can be found at <http://www.access-board.gov/ufas/ufas-html/ufas.htm>.

---

<sup>2</sup> These units may be in substantially rehabbed buildings.

In addition, for a unit to be UFAS compliant, there must be an accessible route from the unit to the common areas.

*What are common areas?* Common areas are areas in a development that are open to those who live in the development. They include but are not limited to management and service offices, mailboxes, laundry facilities, meeting rooms, recreational facilities, community centers, parking lots, child care centers and public or common use restrooms.

*Who is the certifying architect?* In accordance with the Bailey Consent Decree, HABC hired Steven Winters Design as the certifying architect. The certifying architect verifies that the units and common areas meet all accessibility requirements. In addition, the certifying architect is available to review designs and work in progress to make sure that the accessibility requirements are being met.

*Where should UFAS units be located?* UFAS units should be dispersed throughout a development. To the extent possible, in a single building development, the units should be dispersed throughout the building, and in a multi-building project, the units should be dispersed among the buildings. There may be topographical issues that limit where UFAS units may be located. These limitations should be identified during the design stage. Most likely the certifying architect will be brought in to consult and approve the location of the units.

*What does the term "long term affordable units" really mean?* It means that the owner/manager must afford the tenant the same rights and privileges given to HABC public housing residents (i.e. apply the same admissions and eligibility criteria used by HABC, include HABC lease provisions in the lease with the NEDs, provide the NEDs with grievance procedures required by federal regulations governing the public housing program).