

# COMPARING AND CONTRASTING LEGALLY-MANDATED HOUSING ACCESSIBILITY STANDARDS WITH THE CONCEPTS OF "VISITABILITY" AND UNIVERSAL DESIGN

## **Differentiating between legally mandated accessibility standards and design concepts that will further enhance housing accessibility.**

**LEGALLY MANDATED ACCESSIBILITY STANDARDS.** The 1950's brought the barrier free movement. It was spearheaded by veterans with disabilities and other advocates for people with disabilities who called for increased opportunities in education and employment that would lead to greater independence for people with disabilities. They would be able to support themselves and live in the community as opposed to institutional settings. The Civil Rights Movement of the 1960s inspired the rise of the Disability Civil Rights Movement. Over time, new laws prohibited discrimination against people with disabilities and provided access to education, places of public accommodation, telecommunications, and transportation.

In 1961, the American Standards Association (later known as The American National Standards Institute, or ANSI), published the first accessibility standard titled, "A 117.1 - Making Buildings Accessible to and Usable by the Physically Handicapped." These standards were not enforceable, however, until adopted by state or local legislative entities.

A number of states responded with their own accessibility standards. The result was a mix of many different accessibility requirements. An attempt to "standardize" these federal guidelines (A 117.1) occurred in 1984 when the ANSI specifications were incorporated into the Uniform Federal Accessibility Standard (UFAS).

Significant federal legislation began to be passed in the late 1960s, some which are accompanied by specific accessibility standards:

- **The Architectural Barriers Act of 1968** mandated the removal of accessibility barriers in all buildings designed, constructed, altered, or leased with federal funds to be accessible.
- **Section 504 of the Rehabilitation Act of 1973** made it illegal to discriminate on the basis of disability and applied to federal agencies, public universities, federal contractors, and any other institution or activity receiving federal funds. Regulations were issued in 1977.
- **The Education for Handicapped Children Act of 1975** (now known as the Individuals with Disabilities Education Act, or IDEA) guaranteed a free, appropriate education for all children with disabilities. This Act had an effect on educational programs as well as on the facilities in which they were conducted.
- **The Fair Housing Amendments Act of 1988** expanded the coverage of the Civil Rights Act of 1968 to include families with children and people with disabilities. The Act required that accessible units be created in all new multi-family housing with four or more units, both public and private, not just those receiving federal funds. Accessibility Guidelines were issued by the U.S. Department of Housing and Urban Development in 1991 to facilitate compliance.
- **The Americans with Disabilities Act of 1990 (ADA)** The law prohibited discrimination in employment, access to places of public accommodation, services, programs, public transportation, and telecommunications. Physical barriers that impede access must be removed wherever they exist. The ADA ensures a basic level of accessibility nationwide, regardless of local attitudes. The Architectural and Transportation Barriers Compliance Board (US Access Board) issued Accessibility Guidelines for accessible design in 1991. These guidelines were adopted with modifications by the U.S. Department of Justice and became the enforceable ADA Standards for Accessible Design.

- **The Telecommunications Act of 1996** mandates that telecommunications services and equipment and customer premises equipment be "designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable."

Currently, in Massachusetts, when housing with four (4) or more units is being designed and constructed, there are four sets of standards that architects, contractors, building inspectors and others may need to consult **depending upon the type(s) of funding that the development receives:**

- 1. Massachusetts Architectural Access Board Regulations (MAABR/521 CMR)
- 2. Fair Housing Act Design Manual (FHA DM-1998) or ten HUD-approved safe harbors (see FairHousingFirst website)
- 3. Uniform Federal Accessibility Standards (UFAS-1988)
- 4. Standards for Accessible Design (ADAAG-1994) as required by the American with Disabilities Act (ADA)

**VISITABILITY.** Visitability (from Concrete Change) is a movement to change home construction practices so that virtually all new homes — not merely those custom-built for occupants who currently have disabilities — offer a few specific features that make the home easier for people who develop mobility impairments to live in and visit. , however, a set of visitability standards has not been adopted by the federal government. Individual organizations, states, localities may have different definitions of visitability. Typically, however, the following features are considered basic to visitable design:

- At least one zero-step entrance approached by an accessible route on a firm surface no steeper than 1:12, proceeding from a driveway or public sidewalk
- Wide passage doors
- At least a half bath/powder room on the main floor

Visitability reaches a step beyond legally mandated accessibility standards because its goal is to have these standards apply to all new homes, single family or multi-family, regardless of whether or not the owner has received any type of public funding to develop the home(s). Those who support the proliferation of visitability do so in large part because the basic features associated with visitability may be applied rapidly and broadly thus having a great impact within a short period of time. However, visitability standards are in no way meant as a substitute for legally-mandated accessibility standards listed previously.

**UNIVERSAL DESIGN:** Ron Mace, the acknowledged founder of the universal design concept defines it as: "The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design."

**PRINCIPLE ONE: Equitable Use**-The design is useful and marketable to people with diverse abilities.

**PRINCIPLE TWO: Flexibility in Use**-The design accommodates a wide range of individual preferences and abilities.

**PRINCIPLE THREE: Simple and Intuitive Use**- Use of design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

**PRINCIPLE FOUR: Perceptible Information**-The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

**PRINCIPLE FIVE: Tolerance for Error**- the design minimizes hazards and the adverse consequences of accidental or unintended actions.

**PRINCIPLE SIX: Low Physical Effort**-The design can be used efficiently and comfortably and with a minimum of fatigue.

**PRINCIPLE SEVEN: Size and Space for Approach and Use**-Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.