



## THE CAMPAIGN FOR ACCESSIBLE HOUSING

Authored by Tim Lambert and Michael Allen. May 9, 2025.

### **It's long past time to develop the accessible housing federal law requires.**

For decades, the federal Fair Housing Act has required new multifamily developments, including apartment buildings, to be accessible to people with disabilities. Developments receiving government funding must also provide a set number of highly accessible units meeting the needs of people with mobility, hearing and vision disabilities.

The promise of housing accessibility has often remained unfulfilled.

Relman Colfax works with local Centers for Independent Living (CILs) and other disability advocates to combat the lack of accessible housing. CILs experience this problem every day, know where it is occurring, and can sue to demand that developers follow the law.

### ***The national accessible housing crisis***

Approximately 26% of Americans have a disability but less than 5% of housing in the U.S. is accessible to people with disabilities.<sup>1</sup> Due to this shortage, many with disabilities are homeless or reside in housing that inhibits their ability to perform daily life activities.

It is critical that accessible housing be affordable. People with disabilities living in the United States have lower average incomes and are less likely to work than the nondisabled population. Twenty-two percent of people with disabilities have “extremely low” incomes, as defined by the US Department of Housing and Urban Development (HUD). Only 23% of people with disabilities were working in 2021, compared with 69% of the nondisabled population. The median earnings of those ages 16 and above with a disability were \$30,885 a year. At least 31% of individuals experiencing homelessness in 2023 had a disability.<sup>2</sup>

Older Americans are significantly more likely than younger adults to have a disability. Some 46% of Americans ages 75 and older and 24% of those ages 65 to 74 report having a disability, compared with 13% of adults ages 35 to 64 and 8% of adults under 35.<sup>3</sup>





### *The human face of this crisis*

In 1988, Steven was electrocuted in a work accident requiring the amputation of his leg above the knee. He now uses a wheelchair and has limited mobility in his arms. In February 2008, after failing to find affordable, accessible housing, Steven moved into an apartment with stairs and no accessible features.

There was no way for Steven to bring his wheelchair up the stairs, so he was forced to leave it outside and use crutches to try to move about.

Later, he fell down the stairs and injured his leg, this injury required him to use his wheelchair and left him unable to access his apartment. He subsequently lived in two different support centers that cost nearly his entire income and then became homeless after an extended hospitalization. He applied for an accessible unit managed by the city's Housing Authority and, four years later, was still in the bottom of the waitlist.

Laura was born with cerebral palsy and has used a wheelchair since she was young. Despite her deep ties to the city in which she was born and raised, she has experienced homelessness many times because of its lack of affordable, accessible housing. She tried to put herself on accessible housing waitlists, but some were closed completely to new applicants and others had moved very slowly. For years, she moved between shelters and the homes of relatives while searching for affordable housing, without results. She found that some accessible units were available for seniors, but she was too young to apply.

### *Federal law requires housing providers create accessible units*

Section 504 of the Rehabilitation Act of 1973 prohibits any program or activity that receives federal financial assistance from discriminating against people with disabilities. To comply with this requirement, recipients of HUD funding that develop housing must ensure that their project is accessible to people with disabilities. Specifically, HUD regulations require a minimum of 5% of new multifamily housing units to be accessible for those with mobility impairments and an additional 2% accessible for those with hearing or vision impairments.

For new multifamily housing construction that is not federally funded, both the Fair Housing Act (FHA) and the Americans with Disabilities Act of 1990 (ADA) impose minimum requirements for accessible design and construction. For example, the FHA sets minimum accessibility standards for covered units for the building entrance; common and public use areas; doors; routes into and through the unit; light switches, electrical outlets, thermostats and environmental controls; reinforced walls for grab bars; and usable kitchens and bathrooms. The ADA requires that public use areas—such as rental offices—are accessible.



### *Prior housing accessibility litigation has begun to solve this problem*

#### *Chicago*

For years, [Access Living of Metropolitan Chicago](#) has received tens of thousands of requests for accessible, affordable housing. After many years of advocating for more such housing and assisting people with disabilities to locate the few available units, Access Living began an investigation to determine whether Chicago was complying with federal accessibility laws.

Its investigation confirmed that the City of Chicago failed to ensure that rental properties built with City assistance include required accessibility features and that accessible units are reserved for people with disabilities. At multiple sites within the City's Affordable Rental Housing Program, the investigation found significant barriers to accessibility including front entrances with steps or other barriers blocking wheelchair access, doors that are too narrow for wheelchair passage, and kitchens and bathrooms that were too small for wheelchair users or where appliances and facilities were unusable.

#### *Los Angeles*

The [Independent Living Center of Southern California](#), [Communities Actively Living Independent and Free](#), and the Fair Housing Council of the San Fernando all advocate for people with disabilities. They found that affordable housing funded by the City of Los Angeles has consistently failed to meet federal accessibility requirements since those requirements came into effect in 1988. City-funded developments lacked thousands of required accessible units, and the City lacked policies to ensure that available accessible units were rented to people with disabilities. As a result, thousands of people with disabilities were consigned to inaccessible housing, nursing homes, cars, homeless shelters, or the streets of Los Angeles.

### *How to bring about lasting change*

Local disability advocacy groups know first-hand the harm done by the lack of accessible housing and directly feel the effects of lax housing accessibility enforcement. Relman Colfax can work with such groups to analyze data and help identify housing programs that do not comply with federal accessibility requirements, including tracking accessibility requirements for new apartment buildings.

For buildings that fail to meet federal requirements, we can bring legal action that results in real change for those in need of accessible dwellings.



## RELMAN COLFAX

### *Some of our cases*

#### *National Fair Housing Alliance v. Ovation Development Corp.*

In 2009, Relman Colfax filed a complaint against Ovation Development Corp. alleging that more than 1500 covered multifamily units in eleven apartment complexes failed to provide the accessible features required by the FHA and ADA. The settlement agreement required units to be made compliant, model units to be placed on the first floor, and payment of \$750,000 in damages.

#### *National Fair Housing Alliance Inc. v. A.G. Spanos Companies*

In 2008, Relman Colfax represented five fair housing agencies alleging design and construction defects in 82 multi-family projects constructed around the country since 1991. The case settlement was valued at \$15 million.

### *About us*

Relman Colfax PLLC is a national civil rights law firm with a litigation practice focused on combating discrimination. The firm's [disability rights practice](#) is driven by a commitment to secure the promises of housing choice and community integration embodied in federal disability rights laws. For more information, contact [Tim Lambert](#).

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