



RELMAN COLFAX PLLC

1225 19th Street, N.W., Suite 600

Washington, D.C. 20036

202.728.1888

www.relmanlaw.com

The Campaign for Accessible Housing

Advocacy Toolkit

Federal law generally imposes strict accessibility requirements on units built with federal financial assistance or by an entity—like a city—receiving federal financial assistance. Enforcement of these requirements plays a critical role in offering accessible housing for people with disabilities, particularly those who depend on subsidized, rather than market-rate, housing.

Unfortunately, these laws are often either misunderstood or ignored completely by subsidized housing owners, developers, architects, and state and local governments.

What housing must be accessible?

- All “public housing” as defined by the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) built after 1991 must meet basic architectural accessibility requirements and a small number of units must meet heightened requirements. This includes any subsidized housing that receives funding directly or indirectly from the federal government or a local government. It applies to both new construction and rehabilitation. Additionally, Section 504 covers “all the operations of” any entity receiving federal financial assistance, their subgrantees, contractors, and agents. Thus, developers, architects, builders, and subcontractors of housing funded by a city or county housing department all need to comply with the applicable accessibility standards.
- In addition, ADA accessibility requirements apply to places of public accommodation located within residential complexes such as rental offices, parking lots, recreational facilities, daycare centers, etc.
- Under the Fair Housing Act (FHA), multifamily dwellings with four or more units built after 1991 must meet certain basic accessibility requirements. All units served by an elevator must meet those requirements, and in buildings without an elevator, ground floor units must comply. Condominiums, apartment buildings, time-shares, dormitories, transitional housing, homeless shelters that are used as a residence,



student housing, and assisted living housing are all covered by the FHA's design and construction requirements.

What features does accessible housing offer?

- For housing receiving federal financial assistance or developed as part of city-funded affordable housing development project:
 - Mobility Units – apartments with features that enable people using mobility devices like wheelchairs, power chairs, scooters, and walkers to live independently.
 - Hearing/Vision Units – apartments with features and technology that assist people who are deaf, blind, or have hearing or vision disabilities, to live independently.
- For multifamily dwellings with four or more units built after 1991, basic accessibility requirements include an accessible building entrance on an accessible route; accessible and usable public and common use areas; usable doors; accessible routes into and through the covered unit; light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; reinforced walls in bathrooms for later installation of grab bars; and usable kitchens and bathrooms.

Isn't it expensive to build housing that satisfies these legal requirements?

Incorporating universal design in new construction contributes only modestly to its cost. In contrast, renovations to satisfy accessibility requirements can cost between four and thirty-five times more than the cost of incorporating these features into the original construction.¹

How can I help develop a case in my area?

- Clients, consumers, or members seeking housing can help identify what localities offer subsidized housing and the types of subsidized housing currently being built.
- Staff can research and identify Federal financial assistance used to develop affordable housing in your area. For example, HUD's Office of Community Planning

¹ Adolf Ratzka, *A Brief Survey of Studies on Costs and Benefits of Non-handicapping Environments*, INDEPENDENT LIVING INSTITUTE (June 1994), www.independentliving.org/cib/cibrio94access.html.



and Development's Integrated Disbursement System and Information System (IDIS) contains information on HUD assistance (IDIS PR-22 report).

- Some information can be obtained through FOIA or other public records requests.
- Informal testing of available units for accessibility compliance can be done by volunteers.

If I find a jurisdiction has not complied, what is my legal recourse?

A court action under federal and state law or a HUD administrative complaint.

What are examples of prior cases brought in this way?

ILCSC et al. v. City of Los Angeles: The City of Los Angeles received hundreds of millions of dollars in HUD funding, all of which required certification of compliance with Section 504 accessibility requirements. Separately, Los Angeles had obligations under Title II of ADA to make its affordable housing program meaningfully accessible to people with disabilities. None of the units Los Angeles built met the required standards, and City had no program to ensure compliance with these standards. The case began after housing advocates at the Independent Living Center of Southern California, Communities Actively Living Independent, and a fair housing group asked Los Angeles the simple question of whether they could identify for prospective tenants with disabilities which of their units were accessible. The City didn't know. After a suit was filed and extensive discovery demonstrated that the accessible units required by law did not exist, the parties reached a landmark settlement that required new construction of accessible units, rehabilitation of other units, quarterly reporting of the tenants receiving the accessible units, the provision of RA/RM/EC, an independent audit, a grievance process, and funds to ensure people with disabilities received the available units.²

Access Living of Metro. Chicago, Inc. v. City of Chicago: Since 1988, the City of Chicago provided hundreds of millions of dollars of federal funding to private developers to build 45,000 units in its Affordable Rental Housing Program. An expert examined 177 buildings

² Press coverage: Emily Alpert Reyes and David Zahniser, *L.A. to spend more than \$200 million to settle suit on housing for disabled*, L.A. TIMES (Aug. 30, 2016), <http://www.latimes.com/local/lanow/la-me-ln-housing-settlement-disabled-20160828-snap-story.html>; *LA paying \$200M to settle lawsuit over disabled housing*, THE ASSOCIATED PRESS (Aug. 30, 2016), <https://apnews.com/cbec85e8cec447beaa8425fd3da5d927>.



containing these units and concluded none of them satisfied the accessibility requirements of the ADA, Section 504 and the Fair Housing Act. Chicago could not identify the location of any accessible units and had no program to ensure that an accessible unit would be reserved for people with disabilities.³ In 2024, the court denied the City’s Summary Judgment Motion and allowed the case to proceed finding:

- “[T]he City has a regulatory obligation to ensure that the private developments [funded by the City] comply with federal accessibility laws”
- “[If Chicago] could evade liability by simply placing the burden on third parties with which [it] enters into a contract, then [the federal accessibility laws] would lose much of their force.”
- “[The City’s housing] program in its entirety must comply with the federal accessibility laws—even those developments that do not directly receive federal funds via the City.”
- “[T]he City need not determine which individual buildings must comply with Section 504—because all the buildings that are part of the City’s ‘program’ are swept under Section 504’s purview.”
- A jury could hold the City liable for violations of the FHA “based on the City’s extensive role in the affordable housing scheme.”⁴

Resources

The Fair Housing Act, [42 U.S.C. § 3601 et seq.](#)

The Americans with Disabilities Act of 1990, [42 U.S.C. § 12101 et seq.](#)

Section 504 of the Rehabilitation Act, [29 U.S.C. § 794](#)

[Uniform Federal Accessibility Standards](#)

³ Press coverage; Daisy Feidt and Amber Smock, *When is Chicago going to make affordable housing accessible to people with disabilities?*, CHICAGO SUN-TIMES (May 2, 2024), <https://chicago.suntimes.com/other-views/2024/05/01/affordable-housing-accessibility-disabled-people-mayor-brandon-johnson-daisy-feidt-amber-smock>; William Goren, *Direct Liability for a Title II Entity Delegating Their ADA Responsibilities Redux*, UNDERSTANDING THE ADA (Oct. 5, 2024), <https://www.understandingtheada.com/?s=Access+Living>.

⁴ *Access Living of Metro. Chicago, Inc. v. City of Chicago*, 752 F. Supp. 3d 922, 932 (N.D. Ill. 2024).



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2010 ADA Standards for Accessible Design

HUD Deeming Memo (allowing entities that receive Federal funds from HUD the option of using the 2010 ADA standards as an acceptable alternative to UFAS, excluding those provisions that provide less accessibility than is currently required by UFAS and/or HUD's Section 504 regulation)

How Local & State Governments Can Better Ensure Accessible Homes Reach Disabled Tenants, The Kelsey: Learn Center, <https://thekelsey.org/learn-center/how-local-state-governments-can-better-ensure-accessible-homes-reach-disabled-tenants/>

Disability and Housing Storytelling Guide, The Kelsey: Learn Center (2025), <https://thekelsey.org/wp-content/uploads/2025/05/Disability-Housing-Storytelling-Guide.pdf> (provides step-by-step assistance on crafting a personal housing narrative for disabled persons)