



December 8, 2020

GENERAL NEWS

HUD Issues Final Rule on Fair Housing Act Design and Construction

Today in the *Federal Register*, the Department of Housing and Urban Development ([HUD](#)) published a [final rule](#) to amend the design and construction requirements under the [Fair Housing Act](#).

Today's final rule, which is adopting the [proposed rule](#) published on January 15, 2020, with no substantive changes, incorporates by reference the 2009 edition of the International Code Council ([ICC](#)) Accessible and Usable Building and Facilities (ICC A117.1-2009) standard as a safe harbor to meet the accessibility requirements of the Fair Housing Act. The Accessible and Usable Buildings and Facilities is a technical standard for the design of accessible facilities for persons with disabilities.

The rule also designates the 2009, 2012, 2015, and 2018 editions of the International Building Code ([IBC](#)) as safe harbors under the Fair Housing Act. The IBC is a model building code and not a law, but it has been adopted as law by various states and localities. The IBC provides standards for public safety, health, and welfare as they are affected by building construction. In addition, HUD is amending [24 CFR 100.205\(e\)\(3\)](#) to establish that, in the future, it may propose new safe harbors by *Federal Register* notice.

The final rule, which will become effective on **March 8, 2021**, does not change either the scoping requirements or the substance of the existing accessible design and construction requirements contained in the Fair Housing Act or its regulation. The Fair Housing Act requires housing built after March 1991 to contain accessible features for persons with disabilities. Failure to meet these standards it is considered unlawful discrimination.



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