



# Access Housing

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## Your Guide to Accessible Housing in New York City

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# Contents

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|  |    |
|--|----|
| Contact List . . . . .                     | 2  |
| Ch 1. What are the Facts? . . . . .        | 3  |
| Ch 2. Where Can I Find It? . . . . .       | 9  |
| Ch 3. Can I Request It? . . . . .          | 14 |
| Ch 4. Where Can I Find Out More? . . . . . | 16 |

# Contact List

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MOPD Website: [nyc.gov/disability](https://nyc.gov/disability)

Voice Phone: 212-788-2830

ASL Video Calls: [nyc.gov/asl](https://nyc.gov/asl)

## MOPD Information and Email Contacts

### Housing

[nyc.gov/disabilityhousing](https://nyc.gov/disabilityhousing)

[housing@mopd.nyc.gov](mailto:housing@mopd.nyc.gov)

### Transportation

[nyc.gov/disabilitytransportation](https://nyc.gov/disabilitytransportation)

[transportation@mopd.nyc.gov](mailto:transportation@mopd.nyc.gov)

### Benefits

[nyc.gov/disabilitybenefits](https://nyc.gov/disabilitybenefits)

[benefits@mopd.nyc.gov](mailto:benefits@mopd.nyc.gov)

### Employment:

[nyc.gov/atwork](https://nyc.gov/atwork)

[nycatwork@mopd.nyc.gov](mailto:nycatwork@mopd.nyc.gov)

# **Chapter 1: What are the Facts?**

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## **Fair Housing Act of 1968**

In addition to the anti-discrimination provisions of the Act, it also requires that new, multi-family dwellings (four units or more) built for first occupancy after March 13, 1991 meet basic levels of accessibility. In buildings with an elevator, all of the units and all common use areas must be accessible and usable by people with disabilities. In buildings without an elevator, all ground floor units and common use areas must be accessible and usable by people with disabilities.

The Act requires the following:

- The public and common use areas must be readily accessible to and usable by persons with disabilities;
- All doors designed to allow passage into and within all apartment units must be wide enough to allow passage by persons who use wheelchairs;
- All apartment units must contain the following features:
  - An accessible route into and through the unit;
  - Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

- Reinforcements in bathroom walls to allow the later installation of grab bars;
- Usable kitchens and bathrooms so that an individual using a wheelchair can maneuver about and use the space.

## **Section 504 of the Rehabilitation Act of 1973**

This is the Federal regulation that mandates disability-specific set asides (5% for mobility and 2% for hearing/vision). These requirements apply to residential buildings designed after July 11, 1988 that received Federal funds to build or finance them. A detailed explanation of these set asides can be found in Chapter 2, under *Affordable Housing Lotteries*.

## **New York City Human Rights Law**

There are several places where you will find protections against housing discrimination for people with disabilities. In New York City, the strongest protections against housing discrimination are found in the City's Human Rights Law. The City's Human Rights Law prohibits discrimination against individuals with disabilities in housing and requires that landlords and other housing providers, including brokers and other agents of landlords, accommodate the needs of individuals with disabilities unless the accommodation poses an undue hardship on the housing provider. Under City law, **the burden is placed on the housing provider to demonstrate that an accommodation poses an undue hardship** and it is a very

high burden. Even when the proposed accommodation places an undue hardship on the housing provider, they have the additional burden of considering alternative accommodations that might alleviate the burden while still accommodating the needs of individual. Most landlords must comply with the City's Human Rights Law, unless they fall into the limited exemptions under the law. For more information, see Chapter 3.

## **New York City Building Code**

In 1987 the City Council passed Local Law 58 (LL58), which went into effect on September 1, 1987, so all plans for new construction submitted after that date were subject to its provisions. Any building with major alterations costing 50% or more of



the replacement cost of the building were required to comply with the new construction provisions. All other renovations were subject to LL58, to the extent of the work being performed—with some exceptions.

The City updated the Building Code in 2008 to adopt the International Building Code's (IBC) accessibility provisions in order to harmonize the Building Code with the Fair Housing Act and other federal laws. The Building Code was amended in 2014 to keep it updated with the IBC and is currently undergoing another revision.

## **Chapter 2: Where Can I Find It?**

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### **Market-Rate Apartments**

Since Local Law 58 of 1987 mandated basic accessibility and usability by people with disabilities, building whose plans were submitted after September 1987 should be accessible. **The newer the building, the more likely it will be accessible.** In particular, accessibility guidelines and technical standards began to be widely distributed in the mid 1990's.

### **Affordable Housing Lotteries**

The City's Department of Housing, Preservation, and Development (HPD) and the Housing Development Corporation (HDC) fund and market affordable housing developments in all five boroughs. These

developments are often times a combination of affordable and market-rate units in a mix of old and new buildings. Each lottery has a set aside for people with mobility, hearing, and vision disabilities.

Five percent (5%) of the total units (at least 1) will be built to fully comply with 504 accessibility standards for those with a mobility disability. The accessible features include grab bars, an adjustable shower head, and a shower seat in the bathroom and open space under sinks in the kitchen and bathroom, plus others.

Two percent (2%) of the units (at least 1) will be built to full 504 accessibility standards for those with a hearing or vision disability. These features include environmental controls, communication

systems, and appliances that are usable by a person with a sensory disability.

It is important to note that these 5% and 2% set asides are building wide. This means that there will be both market-rate and affordable units with pre-built accessibility. Additionally, all of the units will be built to a basic level of accessibility and adaptability, so that they can be easily modified to meet the needs of a tenant with a disability.

Here is an example of the numbers. The ABC Development is a 100-unit building with 80% of the units at market rate and 20% affordable. This would mean that 80 units are market rate and 20 units are affordable; 5 of the units would be set aside for those with a mobility disability

and 2 would be set aside for those with a hearing or vision disability. Of these disability set asides, one in each category will be affordable, because the 5% and 2% set asides also apply to the affordable units.

To apply for the affordable housing lotteries, go to the Housing Connect website ([nyc.gov/housingconnect](http://nyc.gov/housingconnect)). Once there, simply create an account and complete your profile. This profile becomes your application each time you click 'Apply', so be sure to update your info each time you return—before submitting new applications, as once submitted an application **cannot** be modified.

## **HUD Subsidized Buildings**

The US Department of Housing and Urban Development (HUD) subsidizes apartments in buildings around the city. A number of these buildings are designated for those with disabilities. You can get a listing of these buildings online ([hud.gov](http://hud.gov) > Resources > 'Subsidized Apartment Search') or by calling the Multi-Family Clearinghouse at 800-685-8470. You will need to contact each building directly to request an application.

## **HPD Project-Based Section 8**

HPD maintains a list of Project-Based Section 8 developments. To get this list, go to [nyc.gov/hpd-pbv](http://nyc.gov/hpd-pbv). You will need to contact each building directly to request an application.

## **Chapter 3: Can I Request It?**

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### **Who's Responsible?**

Your landlord is responsible for providing reasonable accommodations to physical barriers as well as policies for people with disabilities. Barrier removal, as a reasonable accommodation, is a common reasonable accommodation. This is not dependent on when the building was built. The key here, however, is reasonability.

### **Reasonable Accommodation Request**

To have a barrier removed, or any reasonable accommodation to policy to be made, you generally have to request it, although under the City's Human Rights law, if the disability is apparent, a landlord

may be on notice and thus incur liability for its failure to remove such barrier.

To request the removal of a barrier, the best way to do this is in writing. This request will initiate the process of a cooperative dialog between you and your landlord, after which your landlord must provide you with written notice stating if the barrier will be removed or not.

If your landlord is not willing to engage with you to find a solution, or if they tell you that your requested accommodation will pose an undue hardship on them, you should contact the City Commission on Human Rights. Their Project Equal Access can help you to facilitate the cooperative dialog process with your landlord.



## **Chapter 4: Where Can I Find Out More?**

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### **NYC Building Code**

[nyc.gov/buildingcode](http://nyc.gov/buildingcode)

### **CCHR Disability Discrimination Legal Enforcement Guidance**

[www1.nyc.gov/assets/cchr/downloads/pdf/NYCC HR\\_LegalGuide-DisabilityFinal.pdf](http://www1.nyc.gov/assets/cchr/downloads/pdf/NYCC%20HR_LegalGuide-DisabilityFinal.pdf)

### **The ADA National Center**

[www.ADA.gov](http://www.ADA.gov)

### **US Access Board**

[www.access-board.gov](http://www.access-board.gov)

### **HUD Fair Housing and Section 504**

[www.hud.gov](http://www.hud.gov) > Topics > People with Disabilities



Mayor's Office for  
People with Disabilities

Working to make NYC the most accessible city in the world. The Mayor's Office for People with Disabilities (MOPD), in operation since 1972, works to ensure that New Yorkers with disabilities can lead happy, healthy, and productive lives. MOPD works closely with other City offices and over 50 agencies to provide information on accessible programs, transportation, employment, health services, activities, and other resources to the over 948,000 New Yorkers with disabilities and the millions of people with disabilities visiting New York City every year. In addition, MOPD works with organizations on specific issues affecting people with disabilities, bringing about dialogue that leads to meaningful outcomes. Call us at: 212-788-2830.

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