

## Instructions for Completing Architect's Pre-construction & Post-construction Accessibility Statements

- **Project Name:** The "Project" is defined as the whole of one or more residential structures/properties covered by a single contract (i.e. land disposition, regulatory agreement, loan) or are treated as a whole for processing purposes, regardless of whether located on a common site.
  - **HPD Program(s):** Indicate all applicable HPD finance, land disposition, or regulatory programs.
  - **Project Address(es):** Provide the Project Address(es) including the corresponding Borough, Block, and Lot for each; if the project addresses do not fit in the form, contact HPD BLDS for an extended form.
  - **Statement 1:** Choose either "architect" or "engineer," as appropriate.
  - **Statement 2:** Provide a brief description of the project. Include number of floors, number of dwelling units (if rehabilitation project, indicate existing vs. proposed unit count), whether new construction or substantial/moderate rehabilitation, and other uses (e.g. commercial, community facility, etc.).
  - **Statement 3 (Law/Code):** Check the box to indicate compliance. Select from the drop-down menu either Local Law 58/87 if the project was approved prior to the enactment of the 2008 Code or select Chapter 11 of the 2008 or 2014 New York City Building Code.
  - **Statement 3 (FHA):** Check the box to indicate compliance with requirements of the Fair Housing Act, if applicable. FHA applies unless the buildings/projects (1) were first occupied prior to March 13, 1991 or (2) contain fewer than 4 units. Review the "10 Safe Harbors for Compliance with the Fair Housing Act" in this document and select the applicable design standard in the drop-down menu. Indicate the safe harbor applied to the Project. For reference, the electronic code of federal regulations is available online: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=9ff1fd2d5e39139f86a8eb3825a1b2>
  - **Statement 3 (Section 504):** For reference, the electronic code of federal regulations is available online: [http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title24/24cfr8\\_main\\_0](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title24/24cfr8_main_0). To comply with Section 504 of the *Rehabilitation of 1973*, refer to the Uniform Federal Accessibility Standards (UFAS) for the technical standards, also available online: <http://www.access-board.gov/ufas/ufas-html/ufas.htm>. Alternately, refer to the 2010 ADA Standards for Accessible Design, available at [http://www.ada.gov/reg2010/2010ADASTandards/2010ADASTandards\\_prt.pdf](http://www.ada.gov/reg2010/2010ADASTandards/2010ADASTandards_prt.pdf), noting the distinction between Housing and Dwelling Unit sections and requirements. For more information and instructions for use the 2010 ADA Standards for Accessible Design, please refer to the HUD notice: <http://www.regulations.gov/#!documentDetail;D=HUD-2014-0042-0001>.
- \*Designated Units:** List dwelling units designated for the mobility-impaired and hearing/vision impaired. If the project includes multiple buildings, indicate corresponding building addresses.

## 10 Safe Harbors for Compliance with the Fair Housing Act

- 1) HUD Fair Housing Accessibility Guidelines published on March 6, 1991 and the Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines, published on June 28, 1994.
- 2) The HUD Fair Housing Act Design Manual
- 3) ANSI A117.1 (1986), used with the Fair Housing Act, HUD's regulations, and the Guidelines.
- 4) CABO/ANSI A117.1 (1992), used with the Fair Housing Act, HUD's regulations, and the Guidelines.
- 5) ICC/ANSI A117.1 (1998), used with the Fair Housing Act, HUD's regulations, and the Guidelines.
- 6) The Code Requirements for Housing Accessibility 2000 (CRHA).
- 7) The International Building Code 2000 as amended by the 2001 Supplement to the International Codes.
- 8) International Building Code 2003, with one condition\*.
- 9) ICC/ANSI A117.1 - 2003 (Accessible and Usable Buildings and Facilities), used with the Fair Housing Act, HUD's regulations, and the Guidelines.
- 10) 2006 International Building Code® ,published by ICC January 2006, with the 2007 erratum (to correct the missing text from Section 1107.7.5), interpreted in accordance with relevant 2006 IBC Commentary

\* Effective February 28, 2005 HUD determined that the IBC 2003 is a safe harbor, conditioned upon ICC publishing and distributing a statement to jurisdictions and past and future purchasers of the 2003 IBC stating, "ICC interprets Section 1104.1, and specifically, the exception to Section 1104.1, to be read together with Section 1107.4, and that the Code requires an accessible pedestrian route from site arrival points to accessible building entrances, unless site impracticality applies. Exception 1 to Section 1107.4 is not applicable to site arrival points for any Type B dwelling units because site impracticality is addressed under Section 1107.7".

## Architect's Pre-construction Accessibility Statement

Project Name \_\_\_\_\_

HPD Program(s) \_\_\_\_\_

Project Address(es) \_\_\_\_\_ Borough \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

The undersigned states as follows:

- 1) I am the \_\_\_\_\_..of record for the Project.
- 2) The Drawings and Specifications are for the construction of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3) In my professional opinion, if the Project is constructed in accordance with the drawings and Specifications, the completed building(s) in the Project will be in compliance with the requirements contained in the following laws and regulations:

- ☐
- ☐ Section 804(f)(3)(C) of the federal *Fair Housing Act* (42 U.S.C. 3604(f)(3)(C)) and implementing regulations at 24 CFR 100.205 (collectively "FHA"). Compliance is based on the Drawings and Specifications meeting the following architectural standards set forth in 24 CFR 100.205:
- ☐ Section 504 of the *Rehabilitation Act of 1973* (29 U.S.C. 794) and implementing regulations at 24 part CFR 8. Compliance is based on the Drawings and Specifications meeting the following architectural standards:

The following units have been designated to meet the requirements of Section 504 of the *Rehabilitation Act of 1973*:

(Mobility-impaired): \_\_\_\_\_

(Hearing/Vision-impaired): \_\_\_\_\_

Name: \_\_\_\_\_

**Professional Seal**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Architect's Post-construction Accessibility Statement

Project Name \_\_\_\_\_

HPD Program(s) \_\_\_\_\_

Project Address(es) \_\_\_\_\_ Borough \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

The undersigned states as follows:

- 1) I am the \_\_\_\_\_ of record for the Project.
- 2) The Drawings and Specifications are for the construction of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3) In my professional opinion, based on periodic inspections of the construction of the Project, including my observation(s) following substantial completion of construction, the building(s) in the Project are in compliance with the requirements contained in the following laws and regulations:
  - ☐
  - ☐ Section 804(f)(3)(C) of the federal *Fair Housing Act* (42 U.S.C. 3604(f)(3)(C)) and implementing regulations at 24 CFR 100.205 (collectively "FHA"). Compliance is based on the Project meeting the following architectural standards set forth in 24 CFR 100.205:
  - ☐ Section 504 of the *Rehabilitation Act of 1973* (29 U.S.C. 794) and implementing regulations at 24 part CFR 8. Compliance is based on the Project meeting the following architectural standards:

The following units have been designated to meet the requirements of Section 504 of the *Rehabilitation Act of 1973*:

(Mobility-impaired): \_\_\_\_\_

(Hearing/Vision-impaired): \_\_\_\_\_

Name: \_\_\_\_\_

**Professional Seal**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_