

**OKLAHOMA HOUSING FINANCE AGENCY
HOME DEPARTMENT**

Chapter 24	
	Reference: 24 CFR, Part 92.251
Subject: Section 504 Requirements	

General Requirements

Notes

The Section 504 regulations impose program accessibility requirements for three types of activity that are often undertaken by HOME Program participants: new construction of rental multifamily projects; rehabilitation (also referred to as “alterations”) of existing multifamily rental projects; and homeownership development.

RENTAL

Under Section 504, a multifamily housing project is defined as a project containing five or more dwelling units. A project is defined as the whole of one or more residential structures and related common spaces (such as parking lots) which are covered by a single contract, or designated as a whole for processing purposes, whether or not all the units are located in the same building, or on a common site.

In accordance with this definition, five single family homes covered by a single contract or a single building with five units each constitute a multifamily housing project.

For new construction of multifamily rental projects, a minimum of five percent of the dwelling units in a project (but not fewer than one unit) must be accessible to individuals with mobility impairments in accordance with the Uniform Federal Accessibility Standards (UFAS). UFAS is the standard that applies to facilities that are designed, built, or altered with Federal funds. An additional two percent of the dwelling units (but not fewer than one unit) must be accessible to individuals with hearing or vision impairments.

For rental housing with substantial alterations the regulations at 24 CFR 8.23(a) state that if alterations are undertaken in a project containing fifteen or more units, and the cost of the alterations is 75 percent or more of the replacement cost of the completed development, then the owner must follow the new construction provisions as stated above.

Rental housing where alterations are not substantial the regulations still apply. Under 24 CFR 8.23(b), alterations to multifamily dwelling units shall, to the maximum extent feasible, be made readily accessible to and usable by individuals with disabilities.

HOMEOWNERSHIP

Newly constructed and rehabilitated homeownership housing must meet the regulations at 24 CFR 8.29. This regulation states that any for-sale housing developed with Federal funds must be made accessible upon the request of the prospective buyer if an expected occupant has a disability that requires accessibility features. Our housing partners must remember that a buyer might request accessible features, and the design must be able to accommodate such a request.

Should a prospective buyer request a modification to make a unit accessible, the developer must work with the buyer to provide the specific features that meet the need(s) of the particular homebuyer or occupant. If the design features are covered in the accessibility standard (UFAS), those features must comply with the standard.

The developer shall be permitted, however, to depart from the standard in order to have the buyer/occupant's needs met. Note, if the design of a housing unit precludes the developer from making requested changes, the developer may be in violation of the Section 504 requirement that the HOME-funded program be made usable and accessible to persons with disabilities. OHFA can also choose to follow the requirements of 24 CFR 8.22 and make five percent of the for-sale units accessible at construction.

Additional Resources:

- CPD 00-9 – Accessibility Notice: Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act and their applicability to housing programs funded by the HOME Investment Partnerships Program and the Community Development Block Grant Program
- CPD 03-13 – Accessibility Notice: Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act and Their Applicability to Housing Programs Funded by HOME and CDBG (Extends CPD Notice 00-9)

- HOMEfires Vol. 1 No. 5 – What are the Section 504 requirements for handicapped accessibility to federally assisted housing activities and programs in general, and the HOME Program in specific?
- Promoting Fair and Accessible Housing Opportunities in HOME Projects
- Uniform Federal Accessibility Standards (UFAS)
- UFAS Pocket Edition Order Form