



January 16, 2020

EDITOR'S NOTE

Due to technical difficulties we experienced over the last two weeks, some subscribers may have received the PIH Alert late or may have received more than one copy during that time. We have resolved the issue, and you should now be receiving them as usual. We apologize for any confusion or inconvenience this error may have caused.

GENERAL NEWS

HUD Proposes to Amend the Fair Housing Act Design and Construction Requirements

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

The proposed regulation would incorporate by reference the 2009 edition of the International Code Council ([ICC](#)) Accessible and Usable Building and Facilities (ICC A117.1-2009) standard, which would serve as 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 proposes to designate 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 that 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.

Additionally, HUD is proposing to amend [24 CFR 100.205\(e\)\(3\)](#) to establish that, in the future, it may recommend new safe harbors by *Federal Register* notice. The proposed rule, however, would not change the existing accessible design and construction requirements contained in the Fair Housing Act.

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.

Comments on the proposed rule are due no later than **March 16, 2020**.



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