

**ABILITY
HOUSING**
abilityhousing.org
Serving Northeast
and Central Florida

January 12, 2018

FLORIDA HOUSING FINANCE CORPORATION
c/o Marisa Button
via email: marisa.button@floridahousing.org

RE: RFA 2018-101 Accessibility Requirements

We are writing to request clarification with regard to the Level 1 and Level 2 Accessibility Requirements as they relate to Federal requirements and State building code requirements.

The RFA notes – and this language seems to be identical to all RFAs referencing Level 1 and Level 2 Accessibility Requirements – that the Applicant must:

1. Set aside a minimum of 25% (Level 1) or 5% (Level 2) of the total units, rounded up, as fully accessible units in accordance with the 2010 ADA Standards for Accessible Design (“ADA”). These fully accessible units must: (a) be on an accessible route and provide mobility features that comply with the residential dwelling units provision of ADA; and (b) be equally distributed among different unit sizes and Development types and dispersed throughout the Development (not located in the same area, or on a single floor); and
 2. Set aside at least an additional 10% of the total units (Level 1) or one unit (Level 2) to be accessible to persons with visual and hearing impairments in accordance with ADA. The units that are accessible to persons with visual and hearing impairments shall comply with the communication features described for Residential Dwelling units with Communication Features in ADA.
- The RFA then goes on to note the following Federal requirements and State building code requirements for all Developments:
- Florida Accessibility Code for Building Construction as adopted pursuant to Section 553.503, Florida Statutes (“FAC”);
 - Fair Housing Act as implemented by 24 CFR 100 (“FHA”);
 - Section 504 of the Rehabilitation Act of 1973 (“Section 504”); and
 - Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR 35, incorporating the most recent amendments, regulations and rules.

For our purposes here – and with the understanding that this RFA has unit limitations below those of this example – let's use an example development with 100 units that selected the Level 1 Accessibility Requirements. Is it FHFC's intent and expectation that the Applicant:

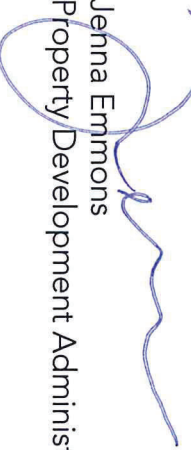
1. Set aside 25 units (25%) as fully accessible per ADA, which includes the 5 units (5%) accessible per Section 504; and
2. Set aside an additional 10 units (10%) as accessible to persons with visual and hearing impairments per ADA, which includes the 2 units (2%) accessible to persons with visual and hearing impairments per Section 504.

We would like to verify whether the accessibility requirements of ADA (Level 1 and 2) overlap with those of Section 504 (per set asides in the example above); or whether the accessibility requirements of ADA are separate and in addition to those of Section 504.

If the accessibility requirements are separate (per example above), the Applicant would need to set aside 30 units (25% ADA and 5% Section 504) as fully accessible, and an additional 12 units (10% ADA and 2% Section 504) as accessible to persons with visual and hearing impairments.

Thank you for the opportunity to provide comments regarding the above referenced RFA. If you have any questions or require further clarification, please feel free to contact me via email (jemmons@abilityhousing.org) or phone (904-359-9650 ext. 103).

Sincerely,


Jenna Emmons
Property Development Administrator

Cc: Michelle Tappouni | via email: mtappouni@abilityhousing.org