

HOUSING FOR PEOPLE WITH DISABILITIES IN OKLAHOMA:

A RESOURCE GUIDE



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Introduction

Housing for People with Disabilities in Oklahoma: A Resource Guide, is an outgrowth of the many consumer inquiries the Office of Disability Concerns has received over a long period of time, dealing with the subject of housing for people with disabilities in the state of Oklahoma. As a result of these numerous inquiries, it was decided that a resource guide be developed so that individuals with disabilities would have housing information compiled into one resource. It is our goal that this publication provides you with the necessary information concerning your future decision in obtaining housing that will meet your needs.

This resource guide was made possible by the hard work and dedication of the entire ODC staff. I would like to thank the agencies and organizations that helped us on this project. Your assistance has been invaluable.

Our agency accepts no liability for the content of this document, or for the consequences of any actions taken on the basis of the information provided, unless that information is subsequently confirmed in writing. Any views or opinions presented are solely those of the author and do not necessarily represent those of the agency.

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Table of Contents

Introduction.....	2
Table of Contents.....	3
CHAPTER 1- BUYING A HOME.....	7
GETTING STARTED	8
FINDING YOUR HOME	10
YOU'VE FOUND IT	11
GENERAL FINANCING QUESTIONS: THE BASICS.....	14
CLOSING - HOW CAN HUD AND THE FHA HELP ME BECOME A HOMEOWNER? ..	15
MORTGAGE INSURANCE	18
CHECKLIST FOR INSPECTING AND BUYING A HOME	20
HOME SAFETY CHECKLIST.....	21
Chapter 2 - OTHER OPTIONS - <i>ALTERNATIVES TO BUYING A HOME</i>	26
RENTAL PROPERTY	27
RENTAL OF HOME OR APARTMENT?	27
FINAL POINTS FOR ANY RENTAL PROPERTY	29
RESIDENTIAL SERVICES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES	31
LONG TERM CARE ALTERNATIVES AND GUIDE TO CHOOSING A NURSING HOME.....	34
NURSING HOME CHECK LIST	40
SPECIAL HOUSING PROGRAMS	44
HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS	44
HOMELESS HOUSING NEEDS	45
FREE BOOKLETS ON MEDICARE AND RELATED TOPICS.....	45
Chapter 3 - FINANCIAL AID AND HOUSING ASSISTANCE PROGRAMS	46
LOANS AND ASSISTANCE	48
SECTION 8 - RENTAL ASSISTANCE PROGRAM	48
SECTION 8 – HOME OWNERSHIP.....	50
AFFORDABLE HOME OWNERSHIP OPPORTUNITIES FOR PEOPLE WITH DISABILITIES (AHOOPD).....	53
COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDO’S).....	54
HABITAT FOR HUMANITY	56
WHAT IS HABITAT FOR HUMANITY?	56
ELIGIBILITY REQUIREMENTS	56
THE HABITAT HOME	57
RURAL DEVELOPMENT OF THE U.S. DEPARTMENT OF AGRICULTURE	59
SINGLE-FAMILY HOUSING PROGRAM.....	59
MULTI-FAMILY HOUSING PROGRAM	60
OKLAHOMA HOUSING FINANCE AGENCY (OHFA).....	62
TO PARTICIPATE IN THE OHFA ADVANTAGE PROGRAM:.....	63
FANNIE MAE, THE HOME CHOICE LOAN PRODUCT.....	64
AVAILABLE LENDERS IN OKLAHOMA FOR HOME CHOICE.....	65
FEDERAL HOUSING ADMINISTRATION (FHA) LOANS	66
FHA SECTION 203(B) LOAN INSURANCE	66
FHA SECTION 203(K) MORTGAGE INSURANCE.....	66

OTHER FHA MORTGAGE INSURANCE PRODUCTS	67
VETERANS AFFAIRS (VA) GUARANTEED HOME LOANS	68
FIVE STEPS TO A VA LOAN	68
VA FINANCING - A GOOD DEAL FOR VETERANS.....	68
WHO IS ELIGIBLE?.....	69
APPLICATION	69
REQUIREMENTS FOR LOAN APPROVAL.....	70
COSTS OF OBTAINING A VA LOAN	70
OTHER CLOSING COSTS	70
FOR MORE INFORMATION?	71
HOUSING LOANS (ASSISTANCE FROM OKLAHOMA ABLE-TECH)	72
THE LOAN PROCESS	72
EXAMPLES OF ARCHITECTURAL MODIFICATIONS	73
MORTGAGE TAX CREDIT	74
ELIGIBILITY REQUIREMENTS:	74
TYPES OF MORTGAGE LOANS	74
CREDIT MATTERS	76
THE CREDIT REPORT	76
HOW TO REPAIR OR ESTABLISH CREDIT	77
HUD HOMES	78
Chapter 4 - AFTER THE PURCHASE	79
UNIVERSAL DESIGN: A MEANS TO LIVE INDEPENDENTLY	80
REBUILDING TOGETHER	81
TAX DEDUCTIONS.....	82
ARCHITECTURAL MODIFICATIONS AND HOUSING REPAIR.....	86
ARCHITECTURAL MODIFICATIONS FOR RENTERS	86
HOME REPAIRS	87
REVERSE MORTGAGES.....	87
RESOURCES	90
UTILITY ASSISTANCE.....	91
SHARE THE WARMTH, LIGHT-A-LIFE AND LEND-A- HAND:	91
OTHER FINANCIAL ASSISTANCE FOR UTILITY BILLS.....	91
TELEPHONE SERVICE DISCOUNTS	94
WHAT YOU SHOULD KNOW BEFORE YOU DIG	97
Chapter 5 - FAIR HOUSING: LAWS, EXECUTIVE ORDERS AND QUESTIONS	98
DISABILITY RIGHTS IN HOUSING	99
FAIR HOUSING--IT'S YOUR RIGHT <u>FAIR HOUSING ACT</u>	102
SIGNIFICANT RECENT CHANGES	102
BASIC FACTS ABOUT THE FAIR HOUSING ACT.....	103
COMPLAINTS	106
HOUSING DISCRIMINATION:	106
LANDLORDS AND RENTAL COMPLAINTS IN FEDERAL HOUSING:	106
MANUFACTURED HOUSING:	107
LAND SALES:	107
DECEPTIVE CONTRACTORS:	108
FRAUD, WASTE, AND ABUSE:	108

FAIR HOUSING LAWS AND PRESIDENTIAL EXECUTIVE ORDERS	109
THE FAIR HOUSING LAWS	109
FAIR HOUSING-RELATED PRESIDENTIAL EXECUTIVE ORDERS:	110
FREQUENTLY ASKED QUESTIONS.....	111
EXAMPLES OF DISCRIMINATORY HOUSING PRACTICES	115
CONCERNING A PERSON WITH A DISABILITY, IT IS UNLAWFUL TO:	115
FAIR HOUSING ACCESSIBILITY GUIDELINES:.....	115
SECTION 1: DWELLINGS SUBJECT TO THE NEW CONSTRUCTION	
REQUIREMENTS OF THE FAIR HOUSING ACT.....	116
SECTION 2: ACCESSIBILITY GUIDELINES	121
REQUIREMENT 1: ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE	121
REQUIREMENT 2: PUBLIC AND COMMON USE AREAS.....	122
REQUIREMENT 3: USABLE DOORS.....	124
REQUIREMENT 4: ACCESSIBLE ROUTE INTO AND THROUGH THE UNIT	125
REQUIREMENT 5 -- ENVIRONMENTAL CONTROLS	126
REQUIREMENT 6 -- REINFORCED WALLS FOR GRAB BARS	127
REQUIREMENT 7 -- USABLE KITCHENS AND BATHROOMS	127
SECTION 504 COMPLAINT PROCESS.....	130
What is a Complaint?.....	130
KEY PROVISIONS AND REGULATIONS IMPLEMENTING SECTION 504 OF THE	
REHABILITATION ACT	131
SECTION 504 COVERAGE.....	132
SECTION 504 GUARANTEES AND PROHIBITIONS AGAINST DISCRIMINATION	
.....	133
SECTION 504 ENFORCEMENT:.....	134
SECTION 504 FREQUENTLY ASKED QUESTIONS	134
FAIR HOUSING ACT: SERVICE ANIMALS	147
Chapter 6 - HOUSING FOR PEOPLE WITH DISABILITIES IN OKLAHOMA: A	
RESOURCE GUIDE	149
WHAT LAWS ARE ENFORCED BY THE OFFICE OF FAIR HOUSING AND EQUAL	
OPPORTUNITY? (a list of web sites).....	149
GENERAL INFORMATION	149
ACCESSIBILITY	150
HOUSING OPTIONS.....	152
YOUR HOUSING RIGHTS.....	153
ORGANIZATIONS PROVIDING ASSISTANCE WITH HOUSING ISSUES	154
FEDERAL HUD IN OKLAHOMA	154
ADDITIONAL SOURCES OF INFORMATION	156
HUD APPROVED HOUSING COUNSELING AGENCIES IN OKLAHOMA.....	159
HOUSING FOR PEOPLE WITH DISABILITIES IN OKLAHOMA:	163
A RESOURCE GUIDE STATE RESOURCES.....	163
TRANSITIONAL HOUSING PILOT PROGRAM	164
CENTERS FOR INDEPENDENT LIVING (CILs).....	165
NONPROFIT HOUSING ORGANIZATIONS IN OKLAHOMA (Listed alphabetically by	
city.)	166
PROTECTION AND ADVOCACY ORGANIZATIONS.....	168

TRIBAL HOUSING PROGRAMS	169
TRIBAL INFORMATION	169
TRIBAL GOVERNMENTS, OFFICIALS AND ADDRESSES	170
APPENDIX A - FAIR HOUSING ACCESSIBILITY GUIDELINES--DESIGN GUIDELINES FOR ACCESSIBLE/ADAPTABLE DWELLINGS	173
INDEX	193





CHAPTER 1- BUYING A HOME

MOVING OUT FOR THE FIRST TIME? MAKING A DECISION ABOUT BUYING OR RENTING? CONSIDERING CHANGING FROM A RENTAL UNIT TO BUYING A HOME OF YOUR OWN? RELOCATING AND YOU WANT TO BE MORE INFORMED THAN YOU WERE BEFORE?

If you absolutely already know that buying isn't for you, you might want to check the sections in **Chapter 2 – Other Options**. If you are undecided about renting or owning, you know you want to purchase a home for the first time, or you want to avoid making mistakes you made before when purchasing a home, the section **Questions and Answers About Buying a New Home** will be of great help in your decision making process.

As you ponder questions like those above, you may find yourself staying awake at night as questions float through your head or you have anxiety about what questions you should be asking and do not know to ask.

Questions and Answers about Buying a New Home will help you become more informed and answer questions you may have had already and some you might not have known were important. If purchasing a home of your own is in the distant future, these questions will help you prepare for home ownership later.

Following the section on **Questions and Answers About Buying a New Home** you will find a very helpful checklist for **Inspecting and Buying a Home**. It is also recommended that you read "*When Considering Either Rental Home or Apartment*" in the **Rental Property** section (**Chapter Two**), for other specific practical considerations for people with disabilities to look for in any type of housing you choose.

The more educated you become about housing options, financing processes, and terminology used, the more confident you will feel in selecting the best choice for your living. To become a first-time homebuyer, you need to know where and how to begin the home buying process. The questions and answers have been carefully selected to give you a foundation of basic knowledge.

GETTING STARTED

1. HOW DO I KNOW IF I'M READY TO BUY A HOME?

Do I have a steady source of income? Have I been employed on a regular basis for the last 2-3 years? Is my current income reliable?

Do I have a good record of paying my bills?

Do I have few outstanding long-term debts, like car payments?

Do I have money saved for a down payment?

Do I have the ability to pay a mortgage every month, plus additional costs?

If you can answer "yes" to these questions, you are probably ready to buy your own home. If your answer is no, see Section on Rental Property **in Chapter 2**.

2. HOW DO I BEGIN THE PROCESS OF BUYING A HOME?

Start by thinking about your situation. Are you ready to buy a home? How much can you afford in a monthly mortgage payment (see Question 4 for help)? How much space do you need? What areas of town do you like? After you answer these questions, make a "To Do" list and start doing casual research. Talk to friends and family, drive through neighborhoods, and look in the "Homes" section of the newspaper.

3. HOW DOES PURCHASING A HOME COMPARE WITH RENTING?

The two don't really compare at all. The one advantage of renting is being generally free of most maintenance responsibilities. But by renting, you lose the chance to build equity, take advantage of tax benefits, and protect yourself against rent increases. Also, you may not be free to decorate without permission and may want additional repairs not required by the Landlord and Tenant Act.

Owning a home also may qualify you for tax breaks that assist you in dealing with your new financial responsibilities—like insurance, real estate taxes, and upkeep—which can be substantial. You may be like many people who enjoy the freedom, stability, and security of owning a home.

4. HOW DOES THE LENDER DECIDE THE MAXIMUM LOAN AMOUNT THAT YOU CAN AFFORD?

The lender considers your debt-to-income ratio, which is a comparison of your gross (pre-tax) income to housing and non-housing expenses. Non-housing expenses include such long-term debts as car or student loan payments, alimony, or child support. According to the FHA, monthly mortgage payments should be no more than 29 percent of gross income, while the mortgage payment, combined with non-housing expenses, should total no more than 41 percent of income. The lender also considers cash available for down payment and closing costs, credit history, etc. when determining your maximum loan amount.

5. HOW DO I SELECT THE RIGHT REAL ESTATE AGENT?

Start by asking family and friends if they can recommend an agent. Compile a list of several agents and talk to each before choosing one. Look for an agent who listens well and understands your needs, and whose judgment you trust. The ideal agent knows the local area well and has resources and contacts to help you in your search. Overall, you want to choose an agent that makes you feel comfortable and can provide all the knowledge and services you need. Keep in mind that no matter how friendly the agent is, they make their living by selling you a house. All negotiations should be kept on a professional level.

6. HOW CAN I DETERMINE MY HOUSING NEEDS BEFORE I BEGIN THE SEARCH?

What accessibility needs do I have or foresee having in the future? What are my access needs for getting in the home, in the bathrooms, living areas and bedrooms? What are the costs involved for your particular access needs that a typical home does not have? Is there access to public transportation if you need to use it for your primary transportation needs? Will you be close to your medical caregivers? (See Rental Section in Chapter 2, for other specific things to look for while making your selection.) Your home should fit the way you need to live, with spaces and features that appeal to the whole family. Before you begin looking at homes, make a list of your priorities - things like accessibility needs, location and size. Should the house be close to certain schools? Your job? To public transportation? How large should the house be? What type of lot do you prefer? What kinds of amenities are you looking for? Establish a set of minimum requirements and a "wish list." Minimum requirements are things that a house must have for you to consider it, while a "wish list" covers things that you'd like to have but aren't essential.



FINDING YOUR HOME

7. WHAT SHOULD I LOOK FOR WHEN DECIDING ON A COMMUNITY?

Select a community that will allow you to best live your daily life. Many people choose communities based on schools. Do you need easy access to shopping? If you require public transportation, check local transportation options. Is access to local facilities like libraries and museums important to you? Or do you prefer the peace and quiet of a rural community? Be aware that as a person with a disability, living in a rural area may make it very difficult to get needed services. When you find places that you like, talk to people that live there. They know the most about the area and will be your future neighbors. More than anything, you want a neighborhood where you feel comfortable.

8. WHAT SHOULD I DO IF I'M FEELING EXCLUDED FROM CERTAIN NEIGHBORHOODS?

Immediately contact the U.S. Department of Housing and Urban Development (HUD) if you ever feel excluded from a neighborhood or particular house. Also, contact HUD if you believe you are being discriminated against on the basis of race, color, religion, sex, nationality, familial status, or disability. HUD's Office of Fair Housing has a hotline for reporting incidents of discrimination: 1-800-669-9777 (and 1-800-927-9275 for the hearing impaired). You may contact the Oklahoma City HUD Office of Fair Housing and Equal Opportunity at 405-609-8435. You may also contact the Oklahoma Human Rights Commission at (405) 521-3441 and 1-888-456-2558, or the Tulsa Office at (918) 581-2733 and 1-888-456-2006.

9. HOW CAN I FIND OUT ABOUT LOCAL SCHOOLS?

You can get information about school systems by contacting the city or county school board or the local schools. Your real estate agent may also be knowledgeable about schools in the area.

10. HOW CAN I FIND OUT ABOUT COMMUNITY RESOURCES?

Contact the local chamber of commerce or talk to your real estate agent about welcome kits, maps, and other information. You may also want to visit the local library.

11. WHAT SHOULD I LOOK FOR WHEN BEING SHOWN A HOME?

In addition to comparing the home to your minimum requirements, access needs requirements and wish lists, consider the following:

Is there enough room for both the present and the future needs?

Are there enough bedrooms and bathrooms?

Is the house structurally sound?

Do the mechanical systems and appliances work?

Is the yard big enough or too big?

Do you like the floor plan?

Will your furniture fit in the space? Is there enough storage space? (Bring a tape measure to better answer these questions.)

Does anything need to be repaired or replaced? Will the seller repair or replace the items?

Imagine the house in good weather and bad, and in each season. Will you be happy with it year-round?

Take your time and think carefully about each house you see. See Checklist for Inspecting and Buying a Home after this section. Ask your real estate agent to point out the pros and cons of each home from a professional standpoint. If you are not hearing any cons, question if your agent is more interested in making a sale than in protecting you as a buyer.

12. WHAT QUESTIONS SHOULD I ASK WHEN LOOKING AT HOMES?

Many of your questions should focus on potential problems and maintenance issues. Does anything need to be replaced? What things require ongoing maintenance (e.g., paint, roof, Heating Ventilation, Air Conditioning (HVAC), appliances, carpet)? Also ask about the house and neighborhood, focusing on quality of life issues. Be sure the seller's or real estate agent's answers are clear and complete. Ask questions until you understand all of the information they've given. Making a list of questions ahead of time will help you organize your thoughts and arrange all of the information you receive.

YOU'VE FOUND IT

13. WHAT DOES A HOME INSPECTOR DO, AND HOW DOES AN INSPECTION FIGURE IN THE PURCHASE OF A HOME?

An inspector checks the safety of your potential new home. Home Inspectors focus especially on the structure, construction, and mechanical systems of the house and will make you aware of only repairs that are needed.

Generally, an inspector checks (and gives prices for repairs on): the electrical system, plumbing and waste disposal, the water heater, insulation and ventilation, the HVAC system, water source and quality, the potential presence of pests, the foundation, doors, windows, ceilings, walls, floors, and roof. Be sure to hire a home inspector that is qualified and experienced. Inspectors are not liable for missed items.

You will want to include an inspection clause in the offer when negotiating for a home. An inspection clause gives you an "out" on buying the house if serious problems are found, or gives you the ability to renegotiate the purchase price if repairs are needed. An inspection clause can also specify that the seller must fix the problem(s) before you purchase the house.

14. DO I NEED TO BE THERE FOR THE INSPECTION?

It's not required, but it's a good idea. Following the inspection, the home inspector will be able to answer questions about the report and any problem areas.

15. ARE OTHER TYPES OF INSPECTIONS REQUIRED?

If your home inspector discovers a serious problem a more specific inspection may be recommended. It's a good idea to consider having your home inspected for the presence of a variety of health-related risks like radon gas, asbestos, mold, or possible problems with the water or waste disposal system.

16. HOW CAN I PROTECT MY FAMILY FROM LEAD IN THE HOME?

If the house you're considering was built before 1978 and you have children under the age of seven, you will want to have an inspection for lead-based paint. It's important to know that lead flakes from paint can be present in both the home and in the soil surrounding the house. A house built prior to 1978 must include a disclosure clause.

17. DO I REALLY NEED HOMEOWNER'S INSURANCE?

If you are financing, yes. A paid homeowner's insurance policy (or a paid receipt for one) is required at closing, so arrangements will have to be made prior to that day. If you are buying a home without financing, insurance is not necessary but is advisable.

18. IS THE HOME LOCATED IN A FLOOD PLAIN?

Your real estate agent or lender can help you answer this question. If you live in a flood plain, the lender will require that you have flood insurance before lending any money to you. But if you live near a flood plain, you may choose whether or not to get flood insurance coverage for your home.

19. WHAT OTHER ISSUES SHOULD I CONSIDER BEFORE I BUY MY HOME?

Always check to see if the house is in a low-lying area, in a high-risk area for natural disasters (like earthquakes, hurricanes, tornadoes, etc.), or in a hazardous materials area. Be sure the house meets building codes. Also consider local zoning laws, which could affect remodeling or making an addition in the future. Your real estate agent should be able to help you with these questions.

20. HOW DO I DETERMINE THE INITIAL OFFER?

Unless you have a buyer's agent, remember that the agent works for the seller. Make a point of asking him or her to keep your discussions and information confidential. Listen to your real estate agent's advice, but follow your own instincts on deciding a fair price. Calculating your offer should involve several factors: what homes sell for in the area, the home's condition, how long it's been on the market, financing terms, and the seller's situation. By the time you're ready to make an offer, you should have a good idea of what the home is worth and what you can afford. And, be prepared for give-and-take negotiation, which is very common when buying a home. The buyer and seller may often go back and forth until they can agree on a price.

21. WHAT IS EARNEST MONEY? HOW MUCH SHOULD I SET ASIDE?

Earnest money is money put down to demonstrate your seriousness about buying a home. It must be substantial enough to demonstrate good faith and is usually between 1-5 percent of the purchase price (though the amount can vary with local customs and conditions). If your offer is accepted, the earnest money becomes part of your down payment or closing costs. If the offer is rejected, your money is returned to you. If you back out of a deal, you may forfeit the entire amount.

22. WHAT ARE "HOME WARRANTIES", AND SHOULD I CONSIDER THEM?

Home warranties offer you protection for a specific period of time (e.g., one year) against potentially costly problems, like unexpected repairs on appliances or home systems, which are not covered by homeowner's insurance. Warranties are becoming more popular but may not be available with the home you are considering.



GENERAL FINANCING QUESTIONS: THE BASICS

23. WHAT IS A MORTGAGE?

Generally speaking, a mortgage is a loan obtained to purchase real estate. The "mortgage" itself is a lien (a legal claim) on the home or property that secures the promise to pay the debt. All mortgages have two features in common: principal and interest.

24. ARE THERE SPECIAL MORTGAGES FOR FIRST-TIME HOMEBUYERS?

Yes. Lenders now offer several affordable mortgage options which can help first-time homebuyers overcome obstacles that made purchasing a home difficult in the past. For additional information see CHAPTER 3 – FINANCIAL AID AND HOUSING ASSISTANCE PROGRAMS.

25. WHAT STEPS NEED TO BE TAKEN TO SECURE A LOAN?

The first step in securing a loan is to complete a loan application. To do so, you'll need the following information.

- Pay stubs for the past 2-3 months
- W-2 forms for the past 2 years
- Information on long-term debts
- Recent bank statements
- Tax returns for the past 2 years
- Proof of any other income (this may include proof of SSI and SSDI assistance from the Social Security Office).
- Address and description of the property you wish to buy
- Sales contract

During the application process, the lender will order a report on your credit history and a professional appraisal of the property you want to purchase. The application process may take up to six weeks.

26. WHAT IS RESPA?

RESPA stands for Real Estate Settlement Procedures Act. It requires lenders to disclose information to potential customers throughout the mortgage process; doing so protects borrowers from abuses by lending institutions. RESPA mandates that lenders fully inform borrowers about all closing costs, lender servicing and escrow account practices, and business relationships between closing service providers and other parties to the transaction.

For more information on **RESPA**, or call 1-800-569-4287 for a local counseling referral.

27. BESIDES RESPA, DOES THE LENDER HAVE ANY ADDITIONAL RESPONSIBILITIES?

Lenders are not allowed to discriminate in any way against potential borrowers. If you believe a lender is refusing to provide his or her services to you on the basis of race, color, nationality, religion, sex, familial status, or disability, contact HUD's Office of Fair Housing at 1-800-669-9777 (or 1-800-927-9275 for the hearing impaired). You may also contact the Oklahoma Human Rights Commission at (405) 521-3441 and 1-888-456-2558, or the Tulsa Office at (918) 581-2733 and 1-888-456-2006.

28. WHAT RESPONSIBILITIES DO I HAVE DURING THE LENDING PROCESS?

To ensure you won't fall victim to loan fraud, be sure to follow all of these steps as you apply for a loan:

- Be sure to read and understand everything before you sign
- Refuse to sign any blank documents
- Do not buy property for someone else
- Do not overstate your income
- Do not overstate how long you have been employed
- Do not overstate your assets
- Accurately report your debts
- Do not change your income tax returns for any reason. Tell the whole truth about gifts. Do not list fake co-borrowers on your loan application.
- Be truthful about your credit problems, past and present.
- Be honest about your intention to occupy the house
- Do not provide false supporting documents.

CLOSING - HOW CAN HUD AND THE FHA HELP ME BECOME A HOMEOWNER?**29. WHAT IS THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT?**

Also known as HUD, the U.S. Department of Housing and Urban Development was established in 1965 to develop national policies and programs to address housing needs in the United States. One of HUD's primary missions is to create a suitable living environment for all Americans by developing and improving the country's communities and enforcing fair housing laws.

30. HOW DOES HUD HELP HOMEBUYERS AND HOMEOWNERS?

HUD helps people by administering a variety of programs that develop and support affordable housing. Specifically, HUD plays a large role in homeownership by making loans available for lower- and moderate-income families through its FHA mortgage insurance program and its HUD Homes program. HUD owns homes in many communities throughout the U.S. and offers them for sale at attractive prices and economical terms. HUD also seeks to protect consumers through education, fair housing laws, and housing rehabilitation initiatives.

31. WHAT IS THE FHA?

Now an agency within HUD, the Federal Housing Administration was established in 1934 to advance opportunities for Americans to own homes. By providing private lenders with mortgage insurance, the FHA gives them the security they need to lend to first-time buyers who might not be able to qualify for conventional loans. The FHA has helped more than 26 million Americans buy a home.

32. HOW CAN THE FHA ASSIST ME IN BUYING A HOME?

The FHA works to make homeownership a possibility for more Americans. With the FHA, you don't need perfect credit or a high-paying job to qualify for a loan. The FHA also makes loans more accessible by requiring smaller down payments than conventional loans. In fact, an FHA down payment could be as little as a few months rent. And your monthly payments may not be much more than rent.

33. WHAT QUALIFIES AS AN INCOME SOURCE FOR THE FHA?

Seasonal pay, child support, retirement pension payments, unemployment compensation, VA benefits, military pay, Social Security income, alimony, and rent paid by family all qualify as income sources. Part-time pay, overtime, and bonus pay also count as long as they are steady. Special savings plans, such as those set up by a church or community association, qualify too. Income type is not as important as income steadiness with the FHA.

34. CAN I CARRY DEBT AND STILL QUALIFY FOR FHA LOANS?

Yes. Short-term debt doesn't count as long as it can be paid off within 10 months. And some regular expenses, like child care costs, are not considered debt. Talk to your lender or real estate agent about meeting the FHA debt-to-income ratio.

35. WHAT IS THE DEBT-TO-INCOME RATIO FOR FHA LOANS?

The FHA allows you to use 29 percent of your income towards housing costs and 41 percent towards housing expenses and other long-term debt. With a conventional loan, this qualifying ratio allows only 28 percent toward housing and 36 percent towards housing and other debt.

36. WHAT SHOULD I DO IF I CAN'T MAKE A PAYMENT ON THE LOAN?

Call or write to your lender as soon as possible. Clearly explain the situation and be prepared to provide him or her with financial information.

37. ARE THERE ANY OPTIONS IF I FALL BEHIND ON MY LOAN PAYMENTS?

Yes. Talk to your lender or a HUD-approved counseling agency for details. Listed below are a few options that may help you get back on track.

For FHA loans:

- a) Keep living in your home to qualify for assistance.
- b) Contact a HUD-approved housing counseling agency (1-800-569-4287 or TDD: 1-800-483-2209) and cooperate with the counselor/lender trying to help you.
- c) HUD has a number of special loss mitigation programs available to help you:
 - *Special Forbearance*: Your lender will arrange for a revised repayment plan which may include temporary reduction or suspension of payments; you can qualify by having an involuntary reduction in your income or increase in living expenses.

- *Mortgage Modification:* Allows refinance debt and/or extend the term of the mortgage loan which may reduce your monthly payments; you can qualify if you have recovered from financial problems, but net income is less than before.
- *Partial Claim:* Your lender maybe able to help you obtain an interest-free loan from HUD to bring your mortgage current.
- *Pre-foreclosure Sale:* Allows you to sell your property and pay off your mortgage loan, to avoid foreclosure.
- *Deed-In-Lieu of Foreclosure:* Lets you voluntarily "give back" your property to the lender; it won't save your house but will help you avoid the costs, time, and effort of the foreclosure process.

If you are having difficulty with an uncooperative lender or feel your loan servicer is not providing you with the most effective loss mitigation options, call the FHA Loss Mitigation Center at 1-888-297-8685 for additional help.

For Conventional Loans:

Talk to your lender about specific loss mitigation options. Work directly with him or her to request a "workout packet." A secondary lender, like Fannie Mae or Freddie Mac, may have purchased your loan. Your lender can follow the appropriate guidelines to determine the best option for your situation.

Fannie Mae does not deal directly with the borrower. They work with the lender to determine the loss mitigation program that best fits your needs.

Freddie Mac, like Fannie Mae, will usually only work with the loan servicer. However, if you encounter problems with your lender during the loss mitigation process, you can call customer service for help at 1-800-FREDDIE (1-800-373-3343).

In any loss mitigation situation, it is important to remember a few helpful hints:

Explore every reasonable alternative to avoid losing your home, but beware of scams. For example, watch out for:

- *Equity skimming:* a buyer offers to repay the mortgage or sell the property if you sign over the deed and move out.
- *Phony counseling agencies:* offer counseling for a fee when it is often given at no charge.



DON'T SIGN UNTILL YOU UNDERSTAND!

MORTGAGE INSURANCE

38. WHAT IS MORTGAGE INSURANCE?

Mortgage insurance is a policy that protects lenders against some or most of the losses that result from defaults on home mortgages. It's required primarily for borrowers making a down payment of less than 20 percent.

39. HOW DOES MORTGAGE INSURANCE WORK? IS IT LIKE HOME OR AUTO INSURANCE?

Like home or auto insurance, mortgage insurance requires payment of a premium, is for protection against loss, and is used in the event of an emergency. If a borrower can't repay an insured mortgage loan as agreed, the lender may foreclose on the property and file a claim with the mortgage insurer for some or most of the total losses.

40. DO I NEED MORTGAGE INSURANCE? HOW DO I GET IT?

You need mortgage insurance only if you plan to make a down payment of less than 20 percent of the purchase price of the home. The FHA offers several loan programs that may meet your needs. Ask your lender for details.

41. HOW CAN I RECEIVE A DISCOUNT ON THE FHA INITIAL MORTGAGE INSURANCE PREMIUM?

Ask your real estate agent or lender for information on the HELP program from the FHA. HELP (Homebuyer Education Learning Program) is structured to help people begin the home buying process. It covers such topics as budgeting, finding a home, getting a loan, and home maintenance. Completion of this program may entitle you to a reduction in the initial FHA mortgage insurance premium from 2.25 percent to 1.75 percent of the purchase price of your new home.

FHA PRODUCTS

42. WHAT IS A 203(b) LOAN?

This is the most commonly used FHA program. It offers a low down payment, flexible qualifying guidelines, limited lender's fees, and a maximum loan amount.

43. WHAT IS A 203(k) LOAN?

This is a loan that enables the homebuyer to finance both the purchase and rehabilitation of a home through a single mortgage. A portion of the loan is used to pay off the seller's existing mortgage and the remainder is placed in an escrow account and released as rehabilitation is completed. Basic guidelines for 203(k) loans are as follows:

- The home must be at least one year old.
- The cost of rehabilitation must be at least \$5,000, but the total property value, including the cost of repairs, must fall within the FHA maximum mortgage limit.
- The 203(k) loan must follow many of the 203(b) eligibility requirements.
- Talk to your lender about specific improvement, energy efficiency, and structural guidelines.

More information on FHA Products may be found in **Chapter 3**.

44. WHAT IS AN ENERGY EFFICIENT MORTGAGE (EEM)?

The Energy Efficient Mortgage allows a homebuyer to save future money on utility bills. This is done by financing the cost of adding energy-efficiency features to a new or existing home as part of an FHA-insured home purchase. The EEM can be used with both 203(b) and 203(k) loans.

Basic guidelines for EEM's are as follows:

- The cost of improvements must be determined by a Home Energy Rating System or by an energy consultant. This cost must be less than the anticipated savings from the improvements.
- One and two unit new or existing homes are eligible; condominiums are not.
- The improvements financed may be 5 percent of property value or \$4,000, whichever is greater. The total must fall within the FHA loan limit.

45. WHAT IS A TITLE I LOAN?

Given by a lender and insured by the FHA, a Title I loan is used to make non-luxury renovations and repairs to a home. It offers a manageable interest rate and repayment schedule. Loans are limited to between \$5,000 and \$20,000. If the loan amount is under \$7,500, no lien is required against your home. Ask your lender for details.

46. WHAT OTHER LOAN PRODUCTS OR PROGRAMS DOES THE FHA OFFER?

The FHA also insures loans for the purchase or rehabilitation of manufactured housing, condominiums, and cooperatives. It also has special programs for urban areas, disaster victims, and members of the armed forces. Insurance for ARMS is also available from the FHA.

47. HOW CAN I OBTAIN AN FHA-INSURED LOAN?

Contact an FHA-approved lender such as a participating mortgage company, bank, savings and loan association, or thrift. For more information on the FHA and how you can obtain an FHA loan, visit the HUD web site listed below.

<http://www.hud.gov> or call a HUD-approved counseling agency at 1-800-569-4287 or TDD: 1-800-877-8339.

(Adapted from 100 Q & A About Buying A New Home furnished by the U.S. Department of Housing and Urban Development.)

CHECKLIST FOR INSPECTING AND BUYING A HOME

Whether buying a new home or not, it pays to know what to look for in its structure, equipment and surroundings.

Though a final assessment can be made by an inspection service company, this checklist can serve as a reminder of some things to consider to make wise buying decisions.

- Check the foundation, floors, walls and poured concrete.
- Make sure there's no evidence of water seepage or moisture problems.
- Minor settling cracks are usually not structurally significant.
- Make sure there's drainage.
- If necessary, make sure there's a sump pump for sanitary and foundation draining.
- Check to see if the crawl space is dry.
- Inspection by qualified exterminator is necessary for existing and potential problems related to wood rot and termites.
- Check the condition of flooring, whether plank or plywood.
- Check for solid construction of bridging and joists.
- Check walls, whether drywall or plaster. Make sure there are no water marks.
- Make sure the attic is sufficiently insulated and ventilated.
- Check that the fireplace damper is in working order, and flues to the chimney are clear.
- On heating and air-conditioning systems, check what minor periodic maintenance is required, such as oil fan motor, lubricate bearings, clean humidifier, replace filters, etc.
- Check the hot water system – type and gallon capacity. How long has the present unit been in service? The most recent safety codes require tanks to be raised. Check with your realtor for specifications.
- Check the electricity to make sure that the standard house current, number of circuits, outlets and fuses and circuit breakers are sufficient for everyday needs, and the condition of wiring is good.
- Check for good water pressure throughout the house and that the tie-in to local water supply facilities is all in working order.
- Bathroom and kitchen fixtures should be in good shape. Make sure the range, refrigerator, dishwasher/disposal, laundry facilities, and any other fixtures are all in working order.
- Check exterior lot and landscaping. Is it properly graded or contoured? Are trees and shrubs sufficient for your needs?
- Check that fences, walls, patio and driveway are in good condition.
- Be sure exterior walls are suitable to weather conditions. Check doors and windows. Are they easy to open and close (or replace) for storm/screen removal or installation?
- Are the roof, gutters and downspouts in good condition?
- Is the garage door or opener in good working order? Is there sufficient electrical and heating access in the garage?

Checklist for Inspecting and Buying a Home by Fannie Mae can be found at www.realtor.com

HOME SAFETY CHECKLIST

CHECK ALL CORDS

Are lamp, extension, telephone, and other cords placed out of the flow of traffic?

Cords stretched across walkways may cause someone to trip. Arrange furniture so that outlets are available for lamps and appliances without the use of extension cords. Extension cords should be used on a temporary basis only. If you must use an extension cord, place it on the floor against a wall where people cannot trip over it. Move the phone so that telephone cords will not lie where people walk.

Are cords out from beneath furniture and rugs or carpeting?

Furniture resting on cords can damage them, creating fire and shock hazards. Electrical cords which run under carpeting may cause a fire. Remove cords from under furniture or carpeting. Replace damaged or frayed cords.

Are electrical outlets overloaded?

Never overload electrical outlets and circuits. Overloaded electrical outlets, or overloaded circuits that supply power to several outlets, are a major cause of residential fires. Overloaded outlets and circuits carry too much electricity, which generates heat in undetectable amounts. The heat causes wear on the internal wiring system and can ignite a fire. All wiring systems should have circuit breakers or fuses that disconnect power when circuits become overloaded. However, an improperly sized fuse or breaker can cancel this built-in safety feature. To prevent overloading, never plug more than two appliances into an outlet at once or “piggy back” extra appliances on extension cords or wall outlets. Use only outlets designed to handle multiple plugs.

CHECK SMOKE DETECTORS

Do you have properly working smoke detectors?

Purchase a smoke detector if you do not have one. Test smoke detectors monthly. Check and replace batteries and bulbs according to the manufacturer’s instructions. Vacuum the grillwork of your smoke detector. Replace any smoke detectors which can not be repaired.

Are smoke detectors properly located?

At least one smoke detector should be placed on every floor of your home. Local codes may require more detectors. Check with your fire marshal or building code official. Read the instructions that come with the smoke detector for advice on the best place to install it. Make sure detectors are placed near bedrooms, either on the ceiling or 6-12 inches below the ceiling on the wall. Locate smoke detectors away from air vents.

Smoke detectors can be purchased that use flashing lights instead of an audible alarm for people who are hearing impaired.

CHECK CARBON MONOXIDE DETECTORS

If a carbon monoxide detector has not been installed, you will need to install one. Carbon monoxide is a gas that cannot be seen, has no odor, and can kill you. Any fuel-burning appliance in your home can produce carbon monoxide. Carbon monoxide detectors can warn you that carbon monoxide is at a dangerous level.

CHECK WITH YOUR LOCAL FIRE DEPARTMENT FOR OTHER FIRE SAFETY SUGGESTIONS
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CHECK ALL RUGS, RUNNERS AND MATS

Are all small rugs and runners slip-resistant?

Each year thousands of people are treated in hospital emergency rooms for injuries associated with rugs and runners. Falls are a common cause of fatal injury. Remove rugs and runners that tend to slide. Apply double-faced adhesive carpet tape or rubber matting to the backs of rugs and runners. Purchase rugs with slip-resistant backing. Check rugs and mats periodically to see if backing needs to be replaced. Place rubber matting under rugs. Rubber matting that can be cut to size is available. Over time, adhesive on tape can wear away. Rugs with slip-resistant backing also become less effective as they are washed. Periodically, check rugs and mats to see if new tape or backing is needed.

TELEPHONE AREA

Are emergency numbers posted on or near the telephone?

In case of emergency, list telephone numbers for the Police, Fire Department, local Poison control Center, a neighbor's number and pertinent medical caregivers. Specify what caregiver is for what medical need. Write the numbers in large print and tape them to the phone, or place them near the phone where they can be seen easily.

Do you have access to a telephone if you fall or experience some other emergency which prevents you from standing and reaching a wall phone?

Have at least one telephone located where it would be accessible in the event of an accident which leaves you unable to stand. It would be better to have one in every room located where it would be accessible.

EMERGENCY EXIT PLAN

Do you have an emergency exit plan and an alternate emergency exit plan in case of a fire?

Once a fire starts, it spreads rapidly. Since you may not have much time to get out and there may be a lot of confusion, it is important that everyone knows what to do. Develop an emergency plan. Have two exits in case of emergency. Choose a meeting place outside your home so you can be sure that everyone has escaped. Practice the plan from time to time to make sure everyone is capable of escape quickly and safely. If you have mobility difficulties and live with others, designate who will assist you.

Are exits and passageways kept clear?

Furniture, boxes or other items could be an obstruction or tripping hazard, especially in the event of an emergency or fire. Rearrange furniture to open passageways and walkways. Remove boxes and clutter.

CHECK BATHTUB AND SHOWER AREAS

Are bathtubs and showers equipped with non-skid mats, abrasive strips or surfaces that are not slippery?

Wet, soapy tile or porcelain surfaces are especially slippery and may contribute to falls. Apply textured strips or appliques on the floors of tubs and showers. Use non-skid mats in the tub or shower, and on the bathroom floor. If you are unsteady on your feet use a stool with non-skid tips as a seat while showering or bathing.

Do bathtubs and showers have at least 1 (preferably 2) grab bars?

Grab bars can help you get into and out of your tub or shower, and can help prevent falls. Check existing bars for strength and stability, and repair if necessary. Attach grab bars, through the tile, to structural supports in the wall, or install bars specifically designed to attach to the sides of the bathtub. If you are not sure how it is done, get someone who is qualified to help you.

CHECK LIGHTING

If you are in a wheelchair, can you reach light switches and temperature controls?

Switches and controls can be moved to the right height for your needs. Always use a qualified electrician to make changes in electrical systems.

Are light switches located near the entrance to all rooms?

A light switch near the door will protect you from moving through a dark area. Dual light switches can be installed so you can turn the light on or off from either door if there is more than one entrance to a room. Inexpensive night lights that plug into outlets are available. Consider replacing the existing switch with a “glow switch” that can be seen in the dark.

Are lamps or light switches within reach of each bed?

Lamps or switches located close to each bed will enable people getting up at night to see where they are going. Rearrange furniture closer to switches or move lamps closer to beds or again, install night lights.

Are light bulbs the appropriate size and type for the lamp or fixture?

A bulb of too high wattage or the wrong type may lead to fire through overheating. Ceiling fixtures, recessed lights, and “hooded” lamps will trap heat. Replace with a bulb of the correct type and wattage. If you do not know the correct wattage, use a bulb no larger than 60 watts.

STAIRS**Are stairs well lighted?**

Stairs should be lighted so that each step, particularly the step edges, can be clearly seen while going up and down stairs. The lighting should not produce glare or shadows along the stairway. Use the maximum wattage bulb allowed by the light fixture. If you do not know the correct wattage, use a bulb no larger than 60 watts. Reduce glare by using frosted bulbs, indirect light, shades or globes on light fixtures, or partially closing blinds and curtains. Have a qualified electrician add additional light fixtures.

Are light switches located at both the top and bottom of inside stairs?

Even if you are very familiar with the stairs, lighting is an important factor in preventing falls. You should be able to turn on the lights before you use the stairway from either end. Keep an operating flashlight in a convenient location at the top and bottom of the stairs, if no other light is available. Install night lights at nearby outlets. Have a qualified electrician install switches at the top and bottom of the stairs.

CHECK THE HANDRAILS**Are sturdy handrails fastened securely on both sides of the stairway?**

The handrail should provide a comfortable grip and should always be used when climbing up or going down the steps. Repair broken handrails. Tighten fixtures that hold handrails to the wall.

Do the handrails run continuously from the top to the bottom of the entire flight of stairs?

If the handrail doesn't extend the full length of the stairs, people who are not aware of this might think they have come to the last step when the handrail stops. Misjudging the last step may cause a fall. A handgrip should be available for even one step. Replace a shorter handrail with a longer one.

CHECK THE CONDITION OF THE STEPS**Do the steps allow secure footing?**

Worn treads or worn or loose carpeting can lead to insecure footing, resulting in slips or falls. Avoid wearing only socks or smooth-soled shoes or slippers when using stairs. Make certain the carpet is firmly attached to the steps all along the stairs. Consider refinishing or replacing worn treads, or replacing worn carpeting. Paint outside steps with paint that has a rough texture, or use abrasive strips.

Are the steps even and of the same size and height?

Even a small difference in step surfaces or riser heights can lead to falls. Mark any steps which are especially narrow or have risers that are higher or lower than the others. Be especially careful of these steps when using the stairs.

Can you clearly see the edges of the steps?

Falls may occur if the edges of the steps are blurred or hard to see. Paint edges of outdoor steps white to see them better at night. Add extra lighting. Avoid deep pile carpeting, patterned or dark colored carpeting that can make it difficult to see the edges of the steps clearly, if you plan to carpet your stairs.

Are stairs free of objects?

People can trip over objects left on stairs, particularly in the event of an emergency or fire. Keep stairway free of all objects.

REMEMBER TO PERIODICALLY RECHECK YOUR HOME

This article was adapted from the Home Safety Checklist written by the U.S. Consumer Product Safety Commission

Chapter 2 - OTHER OPTIONS - *ALTERNATIVES TO BUYING A HOME*



Perhaps buying a home is not feasible or desirable for you. Chapter 2 has some tips for you if you are considering rental homes or apartments in the section **Rental Property**.

If you or your loved one has had a disability before the age of 21, you will gain some helpful information in **Residential Services for People with Development Disabilities**.

When facing the difficult decision for yourself or your loved one to leave the current home for an assisted living home or a nursing home, it helps to be as educated in your choices as possible.

Long Term Alternatives and a **Guide to Choosing a Nursing Home** in this chapter is a thorough planning guide to make this decision an informed one.

There are many alternatives to making a decision about the right place to live and Chapter 2 reviews alternatives to buying a home.



RENTAL PROPERTY

RENTAL OF HOME OR APARTMENT?

Renting property may exclude maintenance of property problems, however, you may not agree with the landlord's interpretation of fit and habitable when repairs need to be made. (See section 118 of the Landlord and Tenant Act.) You do have recourse in the event of a dispute. (See section 121 of the Landlord and Tenant Act.) In most tenant agreements of houses, you are responsible for lawn care. If you are unable to do the lawn care yourself, this will be an additional expense to be considered in renting a house. If a house is more than you wish to care for, you may decide an apartment is more suited to your needs. A house may afford more privacy and "noise control" but may be more expensive in utilities.

RENTAL FEES

Don't take on more rent than you can afford. Don't be tempted by just a little more room that may take you over your budget. If you're paying more than 28 to 30 percent of your net (after taxes) income on rent, including utilities and lawn care, you're paying too much.

If you are new to the area, you should talk to a few realtors about neighborhood qualities, such as convenience to supermarkets, transportation and entertainment. If you know that you will be moving to a new location, consider staying with a relative or friend in the area for a period of two weeks to one month, offering to pay for your share of the food, utilities and phone bills. That way you can have a base from which to launch your search. Visit local realtors, read the local papers and talk to your new colleagues. If this is not possible, leasing agencies, realtors or property managers, local papers, phone books, city maps and the Chamber of Commerce are good sources to learn about the city or town before you move into the area.

Leasing agents, realtors or property managers want to "sell" you on the property they are representing, but they can be very helpful and many have just the place you've been looking for. When you set appointments to look at property, whether a house or an apartment, you're under no obligation to rent any of them, so you can get a better feel for what's out there.

Advertised rentals must be seen to be believed. However, looks can be deceiving, too. Refer to the Checklist in Chapter 1. When you cross the threshold into a prospective rental property, there are so many things vying for your attention, making objective observations and decisions difficult. A favorite color scheme may hide a multitude of flaws. It is helpful to create a notebook that contains a checklist of the pros and cons of each property you've seen. You might even sketch out a rough outline of the rooms, the number of windows and comments on the view. Here are some ideas of what to look for. They may vary if you are looking at a home or an apartment.

WHEN CONSIDERING EITHER RENTAL HOME OR APARTMENT

- **Surrounding neighborhood**
- **Convenience:** Is it close to shopping, schools, place of work, place of worship and transportation?
- **Utilities:** For what utilities are you responsible?
- **Terms of Lease:** Is it a lease or a tenant at will? Is it six months or one year?
- **Entry:** Is the threshold flush or can it be made accessible with a small modification? Does the door have a lever if you are unable to turn the knob? If a modification is needed, is the landlord willing to make it? Is the door wide enough? When you enter is there a turning radius, if you use a wheelchair?
- **Living Room:** Is there a turning radius if you use a wheelchair with whatever furniture you will be using? Is there easy access to other rooms? Are the doors and doorways wide enough?
- **Halls:** Are they wide enough? Is there space in the halls to allow for turning radius of a wheelchair or walker if needed?
- **Kitchen:** Is there turning radius in areas needed? Can you open the refrigerator, oven door, and dishwasher? Is the microwave reachable? Check all features in the kitchen: stove, sink faucets, dishwasher, refrigerator and disposal. Let each item run until you are satisfied that it functions properly.
- **Bathroom:** Is the door wide enough? Is there a turning radius? Do you need a seat in the shower? If you need to use a wheelchair in the shower, is it accessible? Do you have room to use the commode? Do you need cabinet doors or the face of the vanity removed for wheelchair access to the sink? Check all bathroom facilities: toilet, sink faucets, and shower. Does the hot water work? Does the hot water in the shower change temperature when you run the sink or flush the toilet? If it does, you can be sure that when someone flushes the toilet in the apartment above or below yours, you will have a cold or scalding burst of water in your shower.
- **Carpet:** Is the carpet pile and/or pad too high for wheels of chair or walker to turn easily?
- **Lighting and Thermostats:** Can you reach and use switches and thermostats?
- **Closets:** Are rods where you can reach them? If not, will the landlord move them?

APARTMENT

- **Conditions of parking lot:** Is it clean or covered with trash or oil leaks? Is handicapped parking designated with **both** signage and proper loading and unloading hatch marks? If tenants do not have reserved parking, is there a designated handicapped parking space close to the entrance of your apartment? If not, is apartment manager willing to designate one for you?
- **Office:** Is there easy access to the office? Is there a ramp that you can manage? Is there a sidewalk? Is there handicapped parking in front? Is there a door that you can open or is it automatic?

- **Sidewalks:** Are they smooth? Are they wide? Are there curb cuts? Are noises of parked vehicles hanging over the sidewalk to make passage difficult or impossible? It would be a good idea to look at both during the day and evening after parking places are full.
- **Mail Box:** Is there easy access? Is there a sidewalk from your apartment to your mailbox?
- **Laundry:** If there is not a washer or dryer in the apartment, is there easy access to the laundry room? Can you access washers, dryers and supplies in the laundry room or apartment?

HOMES

- **Entry to House from Driveway or from Garage:** Is there an accessible walkway? Are there steps or thresholds that would be impossible to navigate? Would you need a ramp?
- **Other living and accessibility** issues are the same as in this section on apartments.

FINAL POINTS FOR ANY RENTAL PROPERTY

If any of these items are not as you could live with daily, **DO NOT SIGN THE LEASE**. Even if the landlord says they will be changed, have the changes written into the lease. Once you sign the lease, changes may never be made. **If the landlord is not willing to make the changes, keep looking.**

- **Personal inspection** of the property is essential to ensure it meets your needs. Always look at a rental property twice, at least once in the bright daylight. Artificial lighting can hide material damage to walls and floors. It can also hide a dark and gloomy place. Always view a prospective rental property at night as well. Viewing an apartment by day won't give you a sense of how noisy your new neighbors may be or how full the parking lot is. Viewing a home in the daytime won't let you know if the neighbors have a full driveway and park cars or let their children play in the street
- **Pests:** If you are considering an apartment, ask other tenants if there have been any problems with bugs or rodents. If there have been, what was done about it? What is the situation now? What are the procedures should the problem arise again? Ask if there have been any break-ins in the apartment itself or into the apartment building. Ask how promptly repairs have been made when needed? How often has the rent been increased?
- **Police Reports:** You may wish to check police reports to check on any neighborhood disturbances. Several local news groups may have web enabled searches for "crime stoppers" that may show crimes in neighborhoods.
- **Warning signs:** The landlord is overly pushy in asking you to sign a lease. The landlord's name is not disclosed to you. The building looks run-down on the outside, inside, or both. Never sign a lease that's for longer than 12 months, unless you feel that the rent is likely to increase, and that you are sure you want to remain where you are for more than 12 months. Six month leases give you some flexibility if you find a better deal. You never know when you will run into a better deal or have problems with the current property. Six month leases also give the landlord a chance to raise the rent more often.
- **Your Rental Agreement:** You can often negotiate the price of the rent to your advantage. Don't hesitate to try to do so. You may have to fill out a lengthy application for the property you desire. If you don't have a good credit history, you might be turned down. So if your

credit record is questionable, be prepared to do some explaining. Read carefully. Be aware if the lease allows for rental fees to be raised during lease agreement dates.

- **References:** A reference is someone who can vouch for your reliability and responsibility as a tenant. But if you're a first time renter, an employer or relative who lives in the area might do the trick. Be sure to have at least two or three readily available.
- **Deposits:** Many landlords require first and/or last month's rent as a deposit. In addition, most landlords require a security deposit (usually equal to one month's rent.).
- **Tenant's Rights:** Refer to the Landlord and Tenant Act in Chapter 5.
- **Renter's Insurance:** One of the things most renters often overlook is renter's insurance. Most policies cost under \$200 annually and without it, you could lose all the valuables in your apartment. The landlord does not insure the contents of your apartment.
- **Prematurely Terminating Your Lease:** This is very difficult but possible to do. Before signing a lease, be sure you understand what the landlord's policy on termination is. Usually you will not be able to get the deposit back and are responsible for the amount the rent would be until the end of the rental agreement. If circumstances arise beyond your control, try to negotiate. First, talk to your landlord and give him or her detailed reasons as to why you need to prematurely terminate your lease. If the reason is serious financial difficulty, illness or death in the family, your landlord might agree. You might have to offer to find a suitable new tenant for the property. In this case, you will need to talk with your landlord about the cost of advertising and showing the apartment as well as what the cost and terms of the agreement should be. It might cost to advertise the property, but it may save you money and anxiety in the long run. If you are able to reach an agreement with the landlord, you would want to get it in writing and keep any pertinent papers in a file so that later you wouldn't be sued for the loss of time on the lease. If you have found a new tenant, make sure the agreement releases you regardless if tenant keeps agreement or not.
- **Sharing the Rent:** Many people start out by sharing the rent with friends. One of the disadvantages of roommates is that the time may come when your friends can't abide by the rental agreement. They might have to relocate to a new job, or they might be laid off. This could suddenly leave you having to pay for the whole apartment yourself. Sharing a lease can be hazardous to friendships. So can sharing the rent with strangers, either by moving into a shared house together, or renting rooms out. If you go this route, prepare a written agreement between yourselves that spells out who pays for what. In the event that one or more parties break the lease, if your name is on the lease, you can be held responsible for the entire amount of all rent, even if all parties are named on the lease.
- Sharing with a significant other is an option that requires a great deal of maturity, financial and otherwise, on both sides. Who will pay what amount of each household bill needs to be clearly determined at the outset and again in writing. Should the relationship dissolve, if your name is on the lease, you will still be responsible.

(See Home Safety Checklist in Chapter 1 for helpful information.)

RESIDENTIAL SERVICES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

The Developmental Disabilities Services Division (DDSD) provides services to persons ages 3 and up who have a primary diagnosis of mental retardation. Persons served may also have other developmental disabilities in addition to mental retardation such as autism, cerebral palsy, Down Syndrome, etc. Residential Services examples:

- **In-Home supports:** These services are for children or adults living at home with families or for adults living in their own homes. Services include: habilitation training specialists (direct care staff), respite care, adaptive equipment, architectural modifications, medical supplies and services, various therapies, family training and counseling, transportation and employment services. These services are funded through the Medicaid Home and Community-Based Waiver (HCBW) and the In-Home Support Waivers (IHSW). To receive these services, persons must be eligible for Medicaid.
- **Family Support Assistance Payments:** This is a cash payment program for families who are caring for children under the age 18 at home. In this program, families can receive payments of \$250-\$400 per month depending on the number of children with disabilities in the home. Families who meet the income eligibility may choose this cash payment in lieu of the HCBW Services. This program is funded through state dollars.
- **Specialized Foster Care:** This living arrangement provides an opportunity for a child to live in a family environment. The family provides housing, food, clothing, training and leisure opportunities to the foster child. This program encourages reuniting the child and the natural family when possible. It is funded through the HCBW.
- **Adult Companion Program:** This is a residential option similar to Foster Care except the goal is to establish a more permanent home for the individual. In this program, an adult with disabilities shares a home with a companion who is not a service recipient. The companion provides all the necessary support and leisure services to the individual as well as transportation. The companion and the individual share all living and housing expenses. This program is funded through the HCBW.
- **Group Homes:** This residential option provides a home-like setting for up to twelve residents, 18 years of age or older. Most group homes serve four to six individuals. The residence is owned or leased by the service provider rather than by the residents. Group homes provide to the residents: supervision, food service, training and skill development opportunities designed to lead to increased independence. Group homes also provide transportation to and from work for residents who are employed. Group homes services are funded through state funds as well as the HCBW.
- **Public Residential Facilities:** (Intermediate Care Facilities for the Mentally Retarded ICF/MR) DDSD operates three public residential facilities. These are: the Northern Oklahoma Resource Center (NORC), the Robert M. Greer Center in Enid; and the Southern Oklahoma Resource Center (SORC) in Pauls Valley. The two resource centers provide 24-hour supervision, training, therapies, health and medical care. Individuals who are age six or older may be admitted to one of these centers if they meet the nursing home level of care requirement and when their individual circumstances indicate this type of placement is the least restrictive, most appropriate residential environment available. The Robert M. Greer Center is a specialized facility for people who have both mental retardation and mental illness.

DDSD ELIGIBILITY REQUIREMENTS

To be eligible for services funded by the Home and Community-Based Waiver, a person must:

1. Be a resident of the State of Oklahoma;
2. Be determined to have a disability, with a diagnosis of mental retardation, by:
 - a) the Social Security Administration; or
 - b) the Oklahoma Health Care Authority, Level of Care Evaluation Unit;
3. Be three years of age or older.
4. Be determined by the Oklahoma Health Care Authority, Level of Care Evaluation Unit, to meet the ICF/MR Institutional Level of Care requirements;
5. Be determined financially eligible through the DHS Family Support Services Division;
6. Not be simultaneously enrolled in any other Medicaid waiver program;
7. Not be residing in a hospital, nursing facility, or ICF/MR and
8. Meet other waiver-specific eligibility criteria.

To be eligible for services funded by the In-Home Support Waivers, a person must:

1. Meet the above listed criteria, and
2. Reside in the family's home or his or her own home.
3. Have critical support needs that can be met through a combination of non-waiver and Medicaid State Plan resources available to the individual, and within the per capita waiver allowance.

To be eligible for state-funded group home a person must:

1. Present evidence (psychological assessment) of a measured intelligence (full scale IQ of 75 or less); or
2. be determined to have a disability, with a diagnosis of mental retardation, by the Social Security Administration; and
3. be a resident of the State of Oklahoma; and
4. have achieved an age defined within the provisions of each state-funded program.



APPLICATION FOR SERVICES

To apply for services or for additional information, call the area office listed below:

Area I			
Address	Phone Number	Fax	Map
Main Office 4545 N. Lincoln Blvd, #102 Oklahoma City, OK 73105	Local (405) 522-6925 Toll Free 1-800-522-1064	(405) 522-6995	
Satellite Office 729 Overland Trail Enid, OK 73703	Toll Free 1-800-522-1064 Local (580) 237-0995	(580) 237-8304	
Area II			
Address	Phone Number	Fax	Map
6128 E. 38 th , Ste 420 Tulsa, OK 74135 (Skyline East Bldg)	Toll Free 1-800-522-1075 Local (918) 794-7600	(918) 794-7680	
Area III			
Address	Phone Number	Fax	Map
301 S. Indian Meridian Pauls Valley, OK 73075	Toll Free 1-800-522-1086 Local (405) 238-4700	(405) 238-4745	

This information was taken from the DHS website www.okdhs.org in the Developmental Disability Services Division (DDSD) section. If you need more information, or would like a list of group homes, contact the appropriate Area office.



LONG TERM CARE ALTERNATIVES AND GUIDE TO CHOOSING A NURSING HOME

When planning ahead or making an unexpected decision, it helps to have as much information as possible. Choosing a nursing home or making other long term care decisions can have great emotional effect on you and your loved ones. Many times the person(s) making the decision are doing so for a loved one and not themselves. If at all possible, it is helpful to plan ahead, visit and compare alternatives and make good financial plans early. Planning ahead gives you and your family more control and can help make sure that your needs are met so you can get good quality care.

Depending on your needs and resources, you may have long-term care choices like community services, home care or assisted living. Before choosing a nursing home, check to see if one of these other choices may be better for you, or if they might help after a temporary nursing home stay. The checklist below will be a helpful tool in deciding on your nursing home.

Be aware that Medicare covers some skilled nursing and rehabilitative care, but generally does not cover custodial care (help with activities of daily living, like bathing, dressing and using the bathroom). Most people who enter a nursing home begin by paying for their nursing home care out of their own pocket. Residents may pay for their nursing home stay using their personal resources, long-term care insurance, or with Medicaid if they are eligible. Medicaid is a joint federal and state program that helps with medical costs for some people with low incomes and limited resources. Medicaid pays for care for about seven out of every ten nursing home residents.

HELPING ANOTHER PERSON CHOOSE LONG TERM CARE

Many people using this publication provide care and/or help make health care decisions for another person. Making changes in living arrangements is a difficult yet necessary decision many caregivers must help make. Your support can help make the change from living at home to living elsewhere easier for your loved one. Be their advocate by observing the care and living conditions and discussing concerns with the staff of facilities or immediate caregivers. Remember, it is important to include the person who needs long term care in making decisions whenever possible. Always keep their needs in mind.

WHO CAN HELP ANSWER QUESTIONS

- **Area Agency on Aging (AoA)** AoA is a federal agency that can provide you with a list of the long-term care choices including community services. They can also help you locate nursing homes. Visit www.aoa.gov on the web.
- **Centers for Medicare & Medicaid Services (CMS)** CMS has free booklets about Medicare coverage and other health related topics. See page 62 for free booklets on Medicare and related topics. For information about the location and quality of nursing

homes, look at www.medicare.gov on the web. Select “Nursing Home Compare.” Or, call 1-800-MEDICARE (1-800-633-4227). This is a 24-hour Helpline. TTY users should call 1-877-486-2048.

- **Eldercare Locator** The Eldercare Locator is a nationwide toll-free service to help older adults and their caregivers find local services for seniors. Go to www.eldercare.gov on the web. Or, call them at 1-800-677-1116 (weekdays 9:00 a.m. to 8:00 p.m. Eastern Standard Time).
- **Long-Term Care Ombudsman** Long-Term Care Ombudsman advocates for residents of nursing homes, board and care homes, and assisted living facilities. Call the Area Wide Aging Agency Senior Information Line at 1-800-211-2116 to ask for contact for your area. You may call Area Wide Aging Agency, Senior Information Line 1-800-211-2116 to ask for the Long-Term Care Ombudsman. The Ombudsman program helps residents of nursing homes solve problems by acting on their behalf. Ombudsmen visit nursing homes and speak with residents throughout the year to make sure residents' rights are protected. They are a very good source of general information about nursing homes and can work to solve problems with your nursing home care, including financial issues. They may be able to help you compare the nursing home's strengths and weaknesses. Ask them questions like how many complaints they have gotten about a nursing home, what kind of complaints they were, and if the problems were resolved.
- **Oklahoma State Department of Health** The agency can help you with questions or complaints about the quality of care or the quality of life in a nursing home. Contact the Oklahoma State Department of Health, Protective Health Services, at 1-800-522-0203 or (405) 271-6868.

CONSIDERATIONS WHEN CHOOSING A NURSING HOME

Choosing a nursing home is a very important decision. You need to think about whether a nursing home is the best choice for you or your loved one. A nursing home provides care to people who cannot be cared for at home or in the community. For people who can't take care of themselves due to physical, emotional, or mental problems, nursing homes can provide a wide range of personal care and health services. For many people, this care generally is custodial, or non-skilled. Care in a nursing home can be very expensive. Nursing homes usually provide and charge a basic fee for 24-hour medical care as well as room, meals, activities, and limited personal care. You may have to pay extra for other services or care for special medical needs. It is important to get a list of fees in advance and discuss these costs and how you will pay for them.

A nursing home may not be your only choice for your personal care and health services. Depending on your needs and resources, there are other kinds of living and care choices available for long-term care. You can get long-term care at home, in senior centers, at community centers, or in special retirement or assisted living facilities. You may need help from family and friends, community services, and professional care agencies. You may wish to talk to your family, a doctor, or a social worker to help decide what long-term care you need. Listed on the next few pages are some of the most common kinds of long-term care. These long-term care choices may be called by other names in different states. The services and costs may vary

between facilities as well. Call your nearest Area Wide Aging Agency for a list of long-term care choices in your state. To get the agency telephone number, look at www.aoa.gov on the web.

LONG-TERM CARE CHOICES

Community Services: There are a variety of community services that might help you with your personal activities. These services may vary from city to city. Some services, like volunteer groups that help with things like shopping or transportation, may be free. Some services may be available for a cost that can vary depending on where you live and the services you need. Below is a list of some home services and programs that are found in most communities:

- Adult day care
- Meal programs (like Meals-on-Wheels)
- Senior centers
- Friendly visitor programs
- Help with shopping, transportation, and other living activities
- Help with legal questions, bill paying, or other financial matters

For information about community services, call your local Area Agency on Aging. You can get the telephone number of your local Area Agency on Aging by looking at www.aoa.gov on the web or you can call Statewide Senior Information Line at 1-800-211-2116.

Home Care: Depending on your needs, you may be able to get help with your personal activities (for example, help with the laundry, shopping, cooking, and cleaning) at home from family members, friends, or volunteer groups. If you think you need home care, talk to your family to see if they can help with your care or help arrange for other care providers. There are also home health care agencies that give custodial and/or skilled nursing care in your home. Remember, Medicare only pays for home care if you meet certain conditions.

Accessory Dwelling Units (ADUs): If you or a loved one owns a single-family home, an accessory dwelling unit (ADU) may help you keep your independence. An ADU, sometimes called an “in-law apartment,” an “accessory apartment,” or a “second unit,” is a second living space within a home or on a lot. It has a separate living and sleeping area, a place to cook, and a bathroom. Space such as an upper floor, basement, attic, or space over a garage may be turned into an ADU. Family members might be interested in living in an ADU in your home, or, you may want to build a separate living space at your family member's home. Check with your local zoning office to be sure ADUs are allowed in your area, and if there are special rules. The cost for an ADU can vary widely depending on how big it is, and how much it costs for building materials and workers.

Subsidized Senior Housing: There are federal and state programs that help pay for housing for some older people with low to moderate incomes. Some of these housing programs also offer help with meals and other activities like housekeeping, shopping, and doing the laundry. Residents usually live in their own apartments in the complex. Rent payments are usually a

percentage of your income. Call the Oklahoma Housing Finance Agency at 1-800-256-1489 or Office of Disability Concerns at 1-800-522-8224 for your local Public Housing Authority.

Assisted Living Facilities: These facilities provide help with activities of daily living like bathing, dressing, and using the bathroom. They may also help with care most people do themselves like taking medicine or using eye drops and additional services like getting to appointments or preparing meals. Residents often live in their own room or apartment within a building or group of buildings and have some or all of their meals together. Social and recreational activities are usually provided. Some assisted living facilities have health services on site. In most cases, assisted living residents pay a regular monthly rent, and then pay additional fees for the services that they get. Not all assisted living facilities provide the same services. It is important that you contact the facility and make sure they can provide you assistance to meet your needs. To locate, check in the yellow pages of your local telephone book under *Assisted Living Facilities*. Oklahoma Medicaid does not pay for assisted living.

Continuing Care Retirement Communities (CCRCs): CCRC's are retirement communities with more than one kind of housing and different levels of care. Where you live depends on the level of care you need. In the same community, there may be individual homes or apartments for residents who still live on their own, an assisted living facility for people who need some help with daily care, and a nursing home for those who require higher levels of care. Residents move from one level to another based on their needs, but stay within the CCRC. If you are considering a CCRC, be sure to check the record of its nursing home. Your CCRC contract usually requires you to use the CCRC's nursing home if you need nursing home care. Some CCRC's will only admit people into their nursing home if they have previously lived in another section of the retirement community, such as their assisted living or an independent area. Also, many CCRCs generally require a large payment before you move in (called an entry fee) and charge monthly fees. You can also find out if a CCRC is accredited and get advice on selecting this type of community from Continuing Care Accreditation Commission at (202) 587-5001 or 1-866-888-1122. Or, you can look at www.ccaonline.org on the web.



IN HOME SUPPORTS:

Live-in-Companions: A live-in-companion is often beyond reach financially. If the person or the family can afford this alternative, it still takes a lot of support from the family. Family members may need to oversee on a regular and frequent basis the quality of care their loved one is receiving. A live-in companion may or may not do housework, shopping or cooking. Family members may need to absorb these duties. The level of care and the duties expected to be performed should be agreed upon before an arrangement is finalized. It is best to consult a tax adviser to set up salary and the taxes involved with payroll. Even when finances are not a problem, it may be difficult to find that “good fit” between caregiver and the one cared for. If successful, this alternative does allow for a person to stay in their own home. Some hospitals keep a list of people who are willing to stay in the home. There are also Home Health Agencies listed in your local telephone book that provide this service.

Advantage Program: In Oklahoma, the Advantage Program provides in-home services and personal care for older Oklahomans and persons with physical disabilities who are nursing home eligible under Medicaid. Services can include case management, personal care, home accessibility modifications, adaptive equipment, transportation and other in-home assistance. These services do not provide for full time assistance. To find out more about this program, telephone 1-800-435-4711.

TERMINAL CARE AVAILABLE:

Hospice Care: Hospice is a special way of caring for people who are terminally ill, and for their family. This care includes physical care and counseling. The goal of hospice is to care for you and your family, not to cure your illness. If you qualify for hospice care, you can get medical and support services, including nursing care, medical social services, doctor services, counseling, homemaker services, and other types of services. You will have a team of doctors, nurses, home health aides, social workers, counselors and trained volunteers to help you and your family cope with your illness. In many cases, you and your family can stay together in the comfort of your home. Medicare covers hospice care if you qualify. Medicare does not pay for 24-hour assistance if you get hospice services at home. Some private medical insurance may cover costs or some costs of hospice; check your policy. Depending on your condition, you may get hospice care in a hospice facility, hospital, or nursing home. Room and board are not covered if you get general hospice services while you are a resident of a nursing home or a hospice’s residential facility. However, room and board are covered for inpatient respite care and during short-term hospital stays. To receive a free copy of the booklet *Medicare Hospice Benefits* (CMS Pub. No. 02154), look at www.medicare.org on the web. Select [Publications]. You can also order a free copy by calling 1-800-MEDICARE 1-800-633-4227.

Some nursing homes may provide respite care. Respite care is inpatient care given to a hospice patient so that the usual caregiver can rest. Medicare covers respite care if you are getting hospice care. In Oklahoma, call 1-800-456-8201 to ask for Hospice organizations.

For more information on long-term care choices: Look at www.medicare.gov on the web. Select [Publications] to look at or print a copy of the booklet *Choosing Long-Term Care* (CMS Pub. No. 02223). You can also order a free copy by calling 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048. This booklet explains the long-term care choices listed in this section in more detail. It also tells you how to get more information and help with your questions.

For more information on nursing homes: You can get a copy of *A Consumer's Guide to Nursing Facilities*. This guide has information on the various types of long-term care facilities, how to choose the proper level of care, and what to look for in a long-term care insurance policy. To order your free copy, call 1-800-628-8140 or write to the American Health Care Association, 1201 L Street NW, Washington, DC 20005 or look at www.longtermcareliving.com or (AHCA) www.ahca.org on the web, select [Consumer Information].

You can get information from the American Association of Homes and Services for the Aging (AAHSA) by calling 1-800-508-9442. On the web look at www.aahsa.org, select [Consumers], or, write to AAHSA at 2519 Connecticut Ave., NW, Washington, DC 20008.



NURSING HOME CHECK LIST

Name of Nursing Home _____ Date of Visit _____

Person Talked to _____

Basic Information	Yes	No	Comments
The nursing home is Medicare -certified.			
The nursing home is Medicaid -certified.			
The nursing home has the level of care you need (e.g. skilled, custodial), and a bed is available.			
The nursing home has special services if needed in a separate unit (e.g. dementia, ventilator, or rehabilitation), and a bed is available.			
The nursing home is located close enough for friends and family to visit.			

Basic Information	Yes	No	Comments
Residents are clean, appropriately dressed for the season or time of day, and well groomed.			

Nursing Home Living Spaces	Yes	No	Comments
The nursing home is free from overwhelming unpleasant odors.			
The nursing home appears clean and well kept.			
The temperature in the nursing home is comfortable for residents.			
The nursing home has good lighting.			
Smoking is not allowed or may be restricted to certain areas of the nursing home.			
Furnishings are sturdy, yet comfortable and attractive.			
Noise levels in the dining room and other common area are comfortable.			

Staff	Yes	No	Comments
The relationship between the staff and the residents appears to be warm, polite, and respectful.			
All staff wear name tags.			
Staff will knock on the door before entering a resident's room and refer to residents by name.			
The nursing home offers a training and continuing education program for all staff.			
The nursing home does background checks on all staff.			
The guide on your tour knows the residents by name and is recognized by them.			
There is a full-time Registered Nurse (RN) in the nursing home at all times, other than the Administrator or Director of Nursing.			
The same team of nurses and Certified Nursing Assistants (CAN's) work with the same resident four to five days per week.			
CAN's work with a reasonable number of residents.			
CAN's are involved in care planning meetings.			
There is a full-time social worker on staff.			
There is a licensed doctor on staff. Is he or she there daily? Can he or she be reached at all times?			
The nursing home's management team has worked together for at least one year.			

Resident's Rooms	Yes	No	Comments
Residents may have personal belongings and/or furniture in their rooms.			
Each resident has storage space (closet and drawers) in his or her room.			
Each resident has a window in his or her bedroom.			
Residents have access to a personal telephone and television.			
Residents have a choice of roommates.			
Water pitchers can be reached by resident.			
There are policies and procedures to protect residents' possessions.			

Hallways, Stairs, Lounges, And Bathrooms	Yes	No	Comments
Exits are clearly marked.			
There are quiet areas where residents can visit with friends and family.			
Hallways, Stairs, Lounges, And Bathrooms con't	Yes	No	Comments
The nursing home has smoke detectors and sprinklers.			

All common areas, resident rooms, bathrooms and doorways are designed for wheelchair use.			
There are handrails in the hallways and grab bars in the bathrooms.			

Menus and Food

Residents have a choice of food items at each meal. (Ask if your favorite foods are served.)			
Nutritious snacks are available upon request.			

Activities

Residents, including those who are unable to leave their rooms, may choose to take part in a variety of activities.			
The nursing home has an active volunteer program.			

Safety and Care

The nursing home has an emergency evacuation plan and holds regular fire drills.			
Residents get preventive care, like a yearly flu shot, to help keep them healthy.			
Residents may still see their personal doctors.			
The nursing home has an arrangement with a nearby hospital for emergencies.			
Care plan meetings are held at times that are convenient for residents and family members to attend whenever possible.			
The nursing home has corrected all deficiencies (failure to meet one or more Federal or State requirements) on its last state inspection report.			

Use [Nursing Home Compare] www.medicare.gov to help compare nursing homes.

Call the Statewide Senior Information Line at 1-800-211-2116 or the Office of Disability Concerns (ODC) at 1-800-522-8224 or (405) 521-3756 for your nearest AoA.

This article was adapted by the Office of Disability Concerns from the Guide to Choosing a Nursing Home, prepared by Centers for Medicaid Services. The Guide to Choosing a Nursing Home is not a legal document. The official Medicare Program provisions are contained in the relevant laws, regulations and rulings.

Important Information if you have Medicare:

- **Medicare Benefits:** Although Medicare **does not pay** for most nursing home care, you will still be able to get Medicare-covered benefits when you live in a nursing home. For example, if you have Medicare Part B, you will still be covered for your yearly flu shot and all other Medicare-covered preventive services.
- **Hospital Discharge:** Many people enter a nursing home after a hospital stay. If you have Medicare and think you are being asked to leave the hospital too soon, you can ask for a review from the Quality Improvement Organization (QIO). Their telephone number is on the copy of **An Important Message about Medicare Rights:**
- **Admission, Discharge, and Appeals** that you got when you were admitted to the hospital. You must ask for the review by noon of the first working day after the hospital gives you a written “Notice of Non-Coverage.” You don’t have to pay for your hospital stay while the QIO reviews your request. It can take up to three working days.
- **Skilled Nursing Care:** If you need Medicare-covered skilled nursing care after a Medicare-covered hospital stay of three days or more, ask the nursing home staff if they provide the skilled care you need, and if the nursing home is Medicare-certified.

If you need more information on Medicare coverage of skilled nursing facility care, look at www.medicare.gov on the web. Select “Publications” to look at or print a copy of the booklet *Medicare Coverage of Skilled Nursing Facility Care* (CMS Pub. No. 10153). You may also order a free copy by calling 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.



SPECIAL HOUSING PROGRAMS

HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS

People who carry a diagnosis of HIV/AIDS do have special housing opportunities in Oklahoma. Funding comes from a variety of sources and programs vary from one part of the state to another. Funding goes to the three major agencies in Oklahoma which handle the comprehensive needs of people with a diagnosis of HIV/AIDS. These agencies are R.A.I.N. in Oklahoma City (405) 232-2437), with a satellite R.A.I.N. in Lawton (580) 353-7900 and the Tulsa Center for AIDS research and support (Tulsa C.A.R.E.S) at (918) 834-4194. Tulsa C.A.R.E.S. operates in the 23 counties of northeastern Oklahoma while R.A.I.N. operates in the 54 remaining counties. In these agencies, an individual will access housing assistance through case management. They may, access information on housing programs from the Housing Director of a particular agency at the numbers mentioned above.

R.A.I.N. in Oklahoma City has housing specialists who cover Lawton and southwest Oklahoma. R.A.I.N. operates two apartments in the Oklahoma City area on an emergency basis. They also operate housing programs on a short-term basis (five months out of a twelve month period) and a long-term basis depending on the need of the individual. In both the short-term and the long-term programs, R.A.I.N. may offer assistance in rental, mortgage, or utility payments. The residence may be located in any of their 54 county areas. The financial assistance offered will vary from individual to individual depending on the care plan which is written with that individual by the case manager.

Tulsa C.A.R.E.S. also offers short-term and long-term assistance in housing for people with an HIV/AIDS diagnosis. In this agency, financial assistance is based on income/resources which an individual has with a maximum assistance of \$300 in one month. Short-term assistance may include rental assistance, mortgage assistance, or utility assistance. The long-term program, only includes rental assistance. Both short-term and long-term programs operate over all the 23 county areas. In the city of Tulsa itself, Tulsa C.A.R.E.S. operates a four-unit apartment building with two units for emergency use and two units rented on a more permanent basis.

There are some housing units available for those with HIV/AIDS outside Tulsa C.A.R.E.S or R.A.I.N. These agencies generally work closely with the above agencies accepting referrals, but individuals may also go directly to these places to meet their housing needs. **North Winds Living Center** is a nursing home which specializes in issues related to AIDS treatment. Individuals who have AIDS symptoms which they are not able to manage in their own homes may choose a nursing home which offers a 24-hour professional staff trained to deal with all medical aspects of the disease. North Winds Living Center requires a physician or case management referral. They are located at 3718 N. Portland, Oklahoma City, 73112. Their phone number is (405) 942-1014. The **Winds House**, at 1707 NW 17th, Oklahoma City, OK 73106, offers housing for persons with an HIV/AIDS diagnosis. They have a home which is shared by five individuals and they also have a home for a family in which at least one member of the family has an HIV/AIDS diagnosis. Contact (405) 525-6277 for more information. **Red Rock Behavioral Health Services** operates the **Dakota Village Apartments** in Oklahoma City for persons with an HIV/AIDS diagnosis. They have one guest apartment where individuals

from outlying areas of Oklahoma, who are in Oklahoma City for medical treatment, may stay. Contact (405) 425-0317 for more information. **St. Joseph Residence** is operated by Catholic Charities of Tulsa. Medical staff is available in-house. St. Joseph Residence asks that all their residents be drug/alcohol free for one year before coming to the facility. For more information, contact (918) 587-6456.

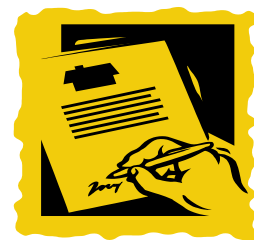
HOMELESS HOUSING NEEDS

The Oklahoma Housing Finance Agency maintains a list with contact numbers and people of the 43 homeless shelters in the state of Oklahoma. Their website is www.ohfa.org. The shelters are concentrated in the metropolitan areas, but there are also many in smaller cities and towns across the state. The Salvation Army runs nine of the forty-three shelters. Most of the homeless shelters accept any person who is homeless. Some may specialize in persons who are homeless and mentally ill. Some of the homeless shelters and some of the local Community Action agencies receive funds to transition people out of homeless shelters and into housing in the community. Eleven agencies have contracts in Oklahoma to do this.

FREE BOOKLETS ON MEDICARE AND RELATED TOPICS

To order free booklets on Medicare and related topics, look at www.medicare.gov on the web. Select “Publications” to look at or print a copy of these booklets. You can also order a free copy by calling 1-800-MEDICARE (1-800-633-4227). Some booklets are available in Spanish, in Braille, on audiocassette and Large Print (English and Spanish). TTY users should call 1-877-486-2048.

- **Choosing Long-Term Care:** This booklet helps explain the steps to choosing the type of long-term care that best meets your needs. (CMS Pub. No. 02223)
- **Medicare Savings Programs:** This flyer gives information about programs in your State (including Medicaid) that can help you pay health care costs. (CMS Pub. No. 10126)
- **Medicare and You:** This handbook gives basic information about Medicare coverage and benefits, health plan choices, rights and protections, and more. (CMS Pub. No. 10050)
- **Medicare Coverage of Skilled Nursing Facility Care:** This booklet explains when and how much Medicare covers for skilled nursing facility care. (CMS Pub. No. 10153)
- **Medicare and Home Health Care:** This booklet explains Medicare coverage of home health care. (CMS Pub. No. 10969)
- **Medicare Hospice Benefits:** This booklet explains Medicare coverage of hospice care for people who have a terminal illness. (CMS Pub. No. 02154)



Chapter 3 - FINANCIAL AID AND HOUSING ASSISTANCE PROGRAMS

Financial assistance is a major concern for people with disabilities in housing issues whether that financial assistance is in the form of rental assistance or programs to help the person purchase a home. People with disabilities may need special consideration either because of the disability itself or because of lower incomes. Assistance to do architectural modifications and home repairs is another area of concern.

The field of housing is a complex field with overlapping government and quasi-government programs working with community lenders and private, non-profit agencies to meet the housing needs of people with disabilities. Some of these agencies will actually pay for the smaller things involved in architectural modifications and housing repairs. Other agencies offer low-interest loans with favorable repayment conditions. A few will work directly with people with disabilities and some provide specific types of loans through participating community lenders. An example of the latter is the **Fannie Mae Home Choice** loan product which is only accessed through participating lenders and is geared to meet the needs of people with disabilities.

Sometimes agencies like the local **Community Action** serve as a clearinghouse for a lot of housing programs. Some specific Community Action affiliates do the **Affordable Home Ownership Opportunities for People with Disabilities (AHOOPD)** program, others do not. Some private, non-profit agencies like **Habitat for Humanity** only do new construction of houses. Others may offer purchase of existing homes and new homes. Some agencies work directly with consumers to meet their housing needs. Good examples of this are the local public housing authorities, the local Community Action agency, and the local Habitat for Humanity. However, some agencies work principally with lenders in providing a particular loan product. They may not work directly with individuals with disabilities who are seeking housing. As mentioned before, Fannie Mae underwrites their Home Choice loan product for participating lenders. The individual who is interested in Home Choice would contact the First Mortgage Company in Oklahoma City or Bank One at their toll-free number to find out more information.

A number of different options will be approached in this section to meet your housing and financial needs. You will be called upon to make some decisions about what you want. Do you want to rent, or do you want to own? Do you already rent or own your home and seek architectural modifications to make your home more accessible to your disability? Do you own your home and need to make home repairs? This chapter on financial aid and housing programs will provide information on all these questions. We have tried to simplify housing programs for your benefit and better understanding.

The 203 (k) FHA loan insurance is designed to permit a qualifying applicant to purchase a home and finance home repairs on that home simultaneously. The U.S. Department of Housing and Urban Development (HUD) covers this loan product in fifteen pages on their website www.hud.gov. We will tell you what this loan is and some of its essential features, but if you are

interested in details and would like to know if you qualify, you may choose to contact a participating local lender who can provide you more information on all FHA loan products.

This section will cover credit and how your credit rating will impact your ability to purchase a home, information on where you can go to pull up your own credit report, information about a **credit score** and what some people consider a satisfactory score for the purchase of a home. If you need assistance in identifying your credit problems and in clearing up these problems, we will refer you to your local chapter of Consumer Credit Counseling. This chapter will provide you some information and refer you to other agencies, websites, and programs for further consideration.



LOANS AND ASSISTANCE

SECTION 8 - RENTAL ASSISTANCE PROGRAM

The Section 8 Rental Assistance Program serves approximately 23,000 Oklahomans with financial assistance in renting a home or apartment. It is a major housing program both in our state and in our nation. The program is funded through HUD, and it comes to Oklahoma through the various public housing agencies. There are 104 public housing agencies in Oklahoma of which 24 have a Section 8 Rental Assistance Program. If you live in rural Oklahoma or in a town which does not have a Section 8 Program, you may apply for Section 8 Rental Assistance through the **Oklahoma Housing Finance Agency (OHFA)**.

A family must be low income to qualify for Section 8 rental assistance. The rule of thumb is that a family must be under 80 percent of the median family income for your locality. Qualified individuals and families apply for Section 8. If no vouchers are currently available, they go onto a waiting list, which is frequently the reality. People with disabilities and homeless individuals are given preference in some public housing agencies by being moved up on the waiting list according to date and time. Ask if there is a preference and identify yourself as a person with a disability if you choose to claim a preference. When your name reaches the top of the application waiting list, you will be notified by mail of the date and time of your **personal interview**. Whether you qualify for the program will be determined through the personal interview. At this interview you will be asked to provide proper identification including Social Security Card for each member of your family six years of age or older and a Driver's License.

After a successful interview, you will be issued a Section 8 Rental Assistance Voucher which permits you to rent an apartment or house from any landlord who has property which is Section 8 approved. The size of your voucher will be determined by your income and the number of persons in your family. Many rental units in your community will be Section 8 approved. You may ask the landlord if you are in doubt.

Section 8 Rental Assistance allows you a freedom to select the housing unit which most corresponds to your needs and desires from the available listings which are Section 8 approved. Choice is the feature of the program which is not available in other public housing programs. With this freedom comes a responsibility. As a Section 8 tenant, you are expected to pay your rent on time. You are expected to keep utilities on at all times to protect the property. If neighbors complain about you for a valid reason, you risk losing your Section 8 voucher. If you or any other adult living in your home is involved in drug or criminal activity, your voucher will be revoked. It is your responsibility to assure that no unauthorized individuals live in the Section 8 property which you rent. These are the family obligations of the Section 8 Rental Assistance Program.

The Section 8 Rental Assistance Program is a cooperation among three parties—the renter, the landlord, and the public housing agency. The public housing agency agrees to pay their part of the rent to the landlord at the beginning of each month. They agree to be an intermediary between you and your landlord. They will assist you in understanding the Landlord/Tenant Act and laws which protect your rights. In some circumstances, the public housing agency may

make referrals to other social service agencies. The landlord agrees to abide by the contract they have signed with the public housing agency. The landlord also is expected to maintain repairs of the property. Properties are inspected annually by public housing. Landlords have 30 days to remedy deficiencies. Landlords may receive a stop payment on housing rent money or even loss of their Section 8 contract if they are not in compliance with an inspection.

So how much will your rent be under Section 8? This depends on your income and the number of persons in your household. There is a cap on the size of your voucher. If you choose a property which is considerably less than the cap, Section 8 may only charge you 30 percent of your income. If you choose a property which is the maximum which your cap permits, you may pay up to 40 percent of your income as your share of your rental payments. Your share of your rental payments may range anywhere from 30 percent to 40 percent of your adjusted income minus utility payments.

The complaint procedure is an important element of any government program. Most government programs have some procedure for a consumer to register a complaint. In the Section 8 Rental Assistance Program you will be assigned a case manager. Your case manager is the first person with whom to share your concern. Your case manager will in turn have a supervisor who should have access to your information and be able to assist you. You may also request an internal hearing officer review your concern. If your Section 8 Voucher has been revoked, you have 10 days to request an informal hearing. After your concern has been heard, the hearing officer will make a ruling within five days.

There are internal complaint procedures. HUD provides money to the public housing agency. You may register a complaint with HUD if you choose. You may also register a complaint with the Oklahoma Human Rights Commission (OHRC). When making your complaint it is advisable to attempt to resolve your issue at the lowest level and to allow time for response. If you still feel your issues have not been resolved, advance to the next level. Be willing to listen as well as to share your concern. If you do not understand something, ask for the policy which applies to your situation. Policy governs how programs are administered.

HUD has certain requirements of the public housing agency which remain constant throughout all agencies nationally regarding how the Section 8 Rental Assistance Program is to be administered. There may be small variations from one agency to another and from one state to another. The maximum family income to qualify for Section 8 assistance varies from one locale to another. Each multi-county area within the state of Oklahoma probably has a different median income. The rule of thumb is that to be eligible for Section 8 one has to have 80 percent or less of the median family income of the area.

Remember that the lease between the landlord and the tenant is **between them**. As a tenant, you still have to comply with the terms of your lease. If you are being evicted from your housing unit or are threatened to be evicted, you need to discuss this with your case manager in the public housing agency. An eviction from your landlord under some circumstances can result in the loss of your Section 8 Voucher. Timely communication is very important among all parties involved including tenants, landlords, and housing administrators. Communicate with your case manager

if another individual enters your home to live, or if your income changes. Withholding information which impacts your eligibility for the program could result in losing your assistance.

If you've had a problem with any federally subsidized housing program, clear this up before applying for Section 8. Section 8 receives information about criminal and drug activity on families which utilize their program. You may endanger your financial assistance from the program through not upholding your part of the family obligations. A 9-digit number is being created which would coordinate information nationally about recipients of various government programs including public housing, TANF, and Social Security. When this system is in place, it will be easier for administrators of public programs to track the activities of their consumers. In Oklahoma public housing agencies are allowed to access wage information about residents.

The Section 8 Rental Assistance Program is a program which allows people which would have had great difficulty in securing adequate housing for themselves the opportunity to live in a satisfactory environment. Cooperation from all parties is essential to the smooth flow of services. It is important to have as much knowledge as possible about any government program in order to successfully advocate for yourself as you utilize services.

SECTION 8 – HOME OWNERSHIP

As mentioned before in the Section 8 program, both the Rental Subsidy Program and now the Home Ownership Program is intended for low-income, elderly, and the disabled population. There are eligibility requirements which many people with disabilities will easily meet but some will not. Since 2000 the Section 8 Rental Subsidy Program which has become well known also offers the option of home ownership and mortgage subsidy which is an option never before possible for this population.



SECTION 8 HOME OWNERSHIP PROGRAM

In order to meet standards of Section 8 Home Ownership, you must first have proven yourself in the Section 8 Rental Subsidy program, that is, you must have demonstrated a history of good faith in meeting your obligations as a renter. Do you pay your rent on time? Do you care for the property at which you live? Do you cooperate with your landlord and with Section 8 authorities who work with you?

For those who are disabled but not elderly, to qualify for Section 8 Home Ownership, you must first be a participant in the *Family Self-Sufficiency Program* (FSS) as a renter under Section 8. The FSS Program is designed to help housing assistance recipients become independent of state and federal assistance. As a participant's earned income increases and their rent increases, an amount equal to the increase in rent is placed in an escrow account for them. If the family completes the program, all the money in escrow will be theirs after five years. Escrow may be withdrawn early to cover home ownership expenses.

To be eligible for the Section 8 Home Ownership Program, the family must be a first-time home buyer. First-time home buyer is defined as someone who has not owned a home in the last three years. A displaced homemaker who owned a home while married also meets this requirement. The family must have made at least \$10,300 earned income per year having worked full time for at least one year, or if the family is elderly or disabled, must have earned at least \$6,540 income per year. Benefits may count toward the annual income of elderly or disabled families.

The family must agree to attend HUD approved homeownership counseling prior to homeownership assistance. Consumer Credit Counseling Services will provide this counseling. Local Consumer Credit Counseling Services or Community Action Agencies will train successful applicants in at least eight hours of homebuyer education after any client credit issues have been resolved. It is only after these requirements have been met that a Section 8 Homeownership Voucher will be issued.

A family will have six months to locate and purchase a home after they receive their voucher. They are required to report progress every 90 days to their local public housing authority or to the state Oklahoma Housing Finance Authority (ODCA) depending upon who has issued their voucher. There are 103 public housing authorities operating in Oklahoma, some of which have a Section 8 program. The Oklahoma Housing Finance Authority covers all of Oklahoma for citizens who do not have a program available locally.

The family choice must be an existing one-unit property or a single dwelling in a cooperative or condominium. The family's choice must be inspected and approved by the authority issuing the voucher. Before mortgage subsidy assistance actually begins, an HQS one-time inspection must be done. In addition, an independent inspection must be done by an FHA approved inspector selected by the family. The family enters a contract of sale with the seller which specifies the public housing authority is authorized to do the HQS inspection and that the seller is responsible for repairs recommended. The contract must also have a clause that the public housing authority is to receive a copy.

Families must secure their own financing, but neither balloon payment mortgages nor loans with variable interest rates are allowed. Seller financing is an option. The public housing authority retains the right to disapprove financing arrangements if they feel the family's choice is unaffordable. Families may use grant funds for down payment and closing but must pay at least 1 percent from personal resources.

For families who are not elderly or disabled, public housing authority provide mortgage assistance for a maximum of 15 years on a 20-year or longer mortgage or for a maximum of 10 years for a mortgage less than 20 years. For a family which is either elderly or disabled, at the time of qualifying, there is no maximum time of assistance. The monthly portion of the mortgage payment which is the family's responsibility is the lower of either 30 percent of the family's monthly adjusted income or the family's monthly homeownership expenses minus the Total Tenant Payment (TTP). The public housing authority will be responsible for the rest of the mortgage payment.

The qualifying family must reside in the home being financed. They must agree to attend ongoing homeownership counseling. They must comply with the terms of their mortgage, and they must supply required information to the housing authority. The family also has the responsibility to notify the housing authority before moving from the property purchased or to notify the housing authority if they are in default on their mortgage. Mortgage assistance may be terminated anytime because of violent or drug-related crimes committed by any family member, violation of participant obligations, or foreclosure of the property.

Family responsibilities are ongoing for the life of the mortgage assistance. Close cooperation is necessary with authorities at the public housing authority. The public housing authority also provides something to the family seeking assistance. They provide a knowledge base about housing that the family may not have had if they have not owned a home previously. They insure training on home ownership which the family might not have sought on their own and which assists in successfully becoming and remaining a home owner. They protect the potential home owner from mortgage agreements which may not be in the best interest of the home buyer. Another program available in a pilot project among some Community Action agencies in Oklahoma is the Affordable Home Ownership Opportunities for People with Disabilities (AHOOPD).



AFFORDABLE HOME OWNERSHIP OPPORTUNITIES FOR PEOPLE WITH DISABILITIES (AHOOPD)

The AHOOPD program works directly with people and families with disabilities to make affordable home ownership a reality. AHOOPD is being piloted in five of the regional Community Action agencies and is hoping to expand their participating agencies to twelve in 2004.

As of this writing, Community Action agencies in Jay, Enid, Lawton, Hugo, and Altus have funds for AHOOPD. AHOOPD can assist people in determining if they can buy a home. They can link the person with programs for people with limited incomes. They can educate the person on underwriting guidelines to let them know what home can be reasonably afforded. Keep in mind that qualifying for a particular loan and maintaining the home after purchase is still the applicant's responsibility. Three things which typically get in the way of a person wanting to purchase a home are:

1. The person does not believe he can get a loan.
2. The person does not have the down payment.
3. The person has a poor credit rating.

When a person contacts the nearest Community Action Agency regarding the AHOOPD program, they will be applying for their special loan program to build a new home, to purchase an existing home, or to modify their present home. The housing staff at the local Community Action Agency will have knowledge of housing programs across Oklahoma. They will work with an applicant to get their needs met regardless of what agency partnerships need to be made to do the job. They will provide the applicant with homebuyer education to help them make the best decision in purchasing the right home.

If a person has Social Security income, this may be *tax free*. If it is tax free, this income will need to be grossed upwards in consideration of income to debt ratio in qualifying for a loan. Poor credit is by far the biggest problem in qualifying for a loan. Community Action may assist an applicant in developing a **Debt Repayment Plan** which sometimes can stop the high finance charges on unpaid debt. The bank which is considering the loan wants an applicant to demonstrate a consistent pattern of payment of obligations before they agree to make a housing loan. An applicant must be able to make regular payments. The applicant should set goals for themselves. Community Action and the bank will work with the applicant to meet those goals.

AHOOPD has been a program of Community Action since the fall of 2001. They have assisted 23 persons with disabilities in Oklahoma to purchase their own home. Even if your local Community Action Agency is not one of those presently piloting the AHOOPD program, work with their housing staff anyway. There are 21 agencies in Oklahoma. Contact the Oklahoma Association of Community Action Agencies at (405) 949-1495 or you may go to www.okacaa.org for information on their website.

COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDO'S)

Community Housing Development Organizations are private nonprofit, tax-exempt organizations that have among their purposes the provision of affordable housing on a local level. For the individual or family seeking housing, CHDO's are a good place to go. CHDO's also frequently offer housing rehabilitation to make a home more **accessible** for the person with disabilities. The Oklahoma Housing Finance Agency in Oklahoma City certifies 21 CHDO's across Oklahoma. The Oklahoma City, Tulsa, and Lawton Public Housing Authorities in turn certify nine more CHDO's in their respective areas.

Big Five Community Action Association
1502 N 1st, Durant, OK 74702
(580) 924-5331
Serving Bryan, Carter, Coal, Love and Pontotoc Counties

Central Oklahoma Community Action
429 N Union
Shawnee, OK 74801
(405) 701-2170

Community Action Agency of Oklahoma City and Oklahoma/Canadian Counties
319 SW 25th Street, Oklahoma City 73109
(405) 232-0199
Serving Oklahoma and Canadian Counties

Community Action Resource & Development
P.O. Box 947, Claremore 74018
(918) 341-5000
Serving Mayes, Rogers, Nowata, Wagoner and Washington Counties

Community Action Development Corporation
105 S. Main Street, Frederick 73542
(580) 335-5588
Serving Beckham, Cotton, Jefferson, Kiowa, Roger Mills, Tillman and Washita Counties
Community Action Project of Tulsa County
4606 S Barnett, Ste 100 Tulsa, OK 74146
(918) 382-3200
Serving Tulsa County

Community Development Support Association
2615 E. Randolph, Enid 73701
(580) 242-6131
Serving Garfield and Grant Counties

Deep Fork Community Action Foundation
P.O. Box 670, Okmulgee 74447
(918) 756-2826
Serving McIntosh, Hughes, Okfuskee and Okmulgee Counties

Delta Community Action Foundation
308 SW 2nd, Lindsey, OK 73052
(405) 756-1100
Fax (405) 756-1104
Serving Garvin, McClain and Stephens Counties

Great Plains Improvement Foundation
2 SE Lee, Lawton 73502
(580) 353-2364
Serving Comanche County
Ki Bois Community Action Association
200 SE "A" St, Stigler, OK 74462
(918) 967-3325
Serving Haskell, Latimer, Leflore and Pittsburg Counties

Little Dixie Community Action Association
209 N 4th, Hugo, OK 74743
(580) 326-3351
Serving Choctaw, McCurtain & Pushmataha Counties

Muskogee County Community Action Foundation
1313 N. Main Street, Muskogee 74401
(918) 683-7637
Serving Muskogee County

Native American Housing Services, Inc.
112 N Main, McCloud, OK 74851-8169
(405) 964-4663
Serving Oklahoma, Cleveland, Pottawatomie, Canadian, Grady, Lincoln, Logan, Payne, Custer, Caddo and Osage Counties

Neighborhood Housing Services
1320 Classen Dr, Ste 200, Oklahoma City 73103
(405) 231-4663
Serving Oklahoma County

Northeast Oklahoma Community Action Agency
856 E Melton, Ste C, Jay, OK 74346
(918) 253-4683
Serving Craig, Delaware and Ottawa Counties

Opportunities, Inc.
117 W Russworm, Watonga 73772
(580) 623-7283
Serving Alfalfa, Beaver, Blaine, Cimarron, Custer,
Dewey, Ellis, Harper, Kingfisher, Major, Texas,
Woods and Woodward Counties

Oklahoma Rural Opportunities Development
Corporation (ORO)
909 S Meridian, Oklahoma City 73109
(405) 840-7077

Southwest Oklahoma Community Action
900 S. Carver Road, Altus 73522
(580) 482-5040
Serving Greer, Harmon and Jackson Counties

United Community Action Program
501 6th Street, Pawnee 74058
(918) 762-3041
Serving Creek, Kay, Noble, Osage and Pawnee
Counties

Washita Valley Community Action Council
205 W. Chickasha Avenue, Ste 5, Chickasha 73023
(405) 224-5831
Serving Grady and Caddo Counties

Greater Oklahoma City Urban League
3900 N Martin Luther King, OKC 73111-3321
(405) 424-5243

Jefferson Park Neighbors Association
2516 N Hudson Ave #105, Oklahoma City 73103
(405) 528-5762

Latino Community Development Agency
420 S.W. 10th Street, Oklahoma City 73109
(405) 236-0701

Oklahoma City Northeast, Inc.
1500 N.E. 4th Street, Oklahoma City 73117
(405) 235-0415

South Oklahoma City Council of Neighborhoods
2200 S.E. 59th Street, Oklahoma City 73129
(405) 672.7223

Habitat for Humanity
1006 SW E Ave, Lawton 73501
(580) 250-1700

Housing Authority of Tulsa
415 E. Independence, Tulsa 74106
(918) 582-0021



HABITAT FOR HUMANITY

WHAT IS HABITAT FOR HUMANITY?

Habitat for Humanity is a comprehensive housing program created in 1976 by Millard Fuller in Americus, Georgia. There are presently over 2,000 Habitats worldwide with twenty affiliates in Oklahoma. The Central Oklahoma Habitat for Humanity in Oklahoma City is the largest Habitat in the state in terms of new home construction followed by the Tulsa affiliate. Habitat affiliates work in their local areas and as a rule does not go out of their area. Many parts of Oklahoma do not have an affiliate.

Many Habitat affiliates will only do new construction. Some will do renovation of existing construction. The process begins by requesting an application and completing it. The Oklahoma City Habitat processes 700 applications each year. Of those 700 applications, 40 are approved. Habitat for Humanity serves as a builder, a social service organization and as a mortgage company all rolled into one. This is something which is unique about Habitat in housing programs. They are a full-service organization involved in multiple facets of housing. Another unique aspect about Habitat for Humanity is that they charge 0 percent interest on the money they loan.

ELIGIBILITY REQUIREMENTS

Habitat considers several things in approving a prospective applicant. There is a minimum income which varies from one affiliate to another. Minimum income also varies according to family size. That figure is \$16,000 for a single person in Oklahoma City. There is a maximum income which an individual or family may earn. That income also depends upon which Habitat is involved and how many persons are in the family. The Oklahoma City Habitat has a maximum qualifying annual income of \$48,500 for a family of four.

Habitat will do a background check on prospective applicants to assure they have no criminal record, particularly in the recent past. They will check credit history to assure the applicant is financially able to make house payments and maintain the property after purchase. Information on the applicant's history of utility payments and rental payments will affect the selection process. Generally, the application should be processed within 60 days. Those who are not selected will receive valuable information on how to improve their status. Habitat may refer an applicant who is not selected to Consumer Credit Counseling or suggest ways to cut monthly expenses so that home ownership could become a possibility. They will have the option of re-applying in the future.

The successful applicant for Habitat for Humanity will be expected to provide a certain number of hours of "sweat equity"; that is, the person will be expected to physically contribute time and effort in the construction of the home. If the person has a disability and is not able to physically contribute on the construction site, that person will still be expected to work at another location such as answering phones in the Habitat office. The individual or family makes a real contribution and join their efforts with others to achieve home ownership.

Habitat for Humanity programs vary from one affiliate to another, but the Oklahoma City Habitat sets home mortgage payments at 20 percent of gross family income. Family incomes vary, house costs vary, and mortgage payments will also vary. As stated earlier, applicants are not expected to pay interest on the repayment of their loan. The 20 percent mortgage payment includes set aside monies for taxes and insurance and for home maintenance. Habitat wants their clients to be prepared for an emergency. Habitat also expects their clients to be able to pay off their mortgage within 30 years. A higher family income will make available a larger floor plan with more amenities.

THE HABITAT HOME

Some Habitat homes have siding on all outside walls, and others use a combination of siding and brick. Different Habitat programs will offer different floor plans. There will be some choice but not unlimited choice. The client needs to be able to pay back their loan within 30 years using a mortgage payment of 20 percent of their gross family income. The client will also need to select a floor plan which will fit the lot that has been chosen.

Clients may purchase their own lot as long as it is already served by utilities. The lot must also be within a housing area which permits Habitat homes. Habitat cannot build in every neighborhood due to zoning restrictions. If the client does not already have a satisfactory lot, they may choose one that the local Habitat already owns.

Some Habitats actually have building staff who build homes. Habitats that have this staff frequently contract work on the parts of the home which require licensed professionals. There are also volunteers who help to build Habitat homes. Sometimes a church will take on a project to build a certain home. A typical Habitat home may take three to four months to build. From the time of the original application to the time when a client closes on their home may take up to a year.

Habitat serves single people, single parents with children, and other family types. All must meet Habitat's eligibility guidelines. Habitat for Humanity accepts no federal monies. It is a private, non-profit organization which thrives on the support of individuals, businesses, and foundations.

HABITATS FOR HUMANITY IN OKLAHOMA

- Ada, P.O. Box 1383, 74820, (580) 436-3089
- Altus, 123 W Commerce, Ste 222B, 73522-9785, (580) 480-0041
- Ardmore, P.O. Box 2412, 73402-2412, (580) 223-1540
- Bartlesville, P.O. Box 1284, 74005-1284, (918) 337-0182
- Bristow, c/o Community Health Improvement Clinic, 509 W 4th, 74010,
- Claremore, P.O. Box 1213, 74018-1213, (918) 691-2764
- Washita County (Cordell), 1000 N. Grant, 73632-2622 (Write Only)
- Cushing, P.O. Box 709, 74023-0709, (918)-225-2631
- Enid, 518 West Randolph, 73701-3828, (580) 237-0114
- Lawton-Ft. Sill, P.O. Box 3744, 73502-3744, (580) 250-1700

- Muskogee, P.O. Box 237, 74402-0237, (918) 687-1470
- Central Oklahoma (OKC), 1025 N. Broadway, 73102-5811, (405) 232-4828
- Perry, P.O. Box 131, 73077-0131, (580) 336-3591
- Ponca City, P.O. Box 2211, 74602-2211, (580) 765-2974
- Shawnee, 2515 N. Kickapoo, 74804-2548, (405) 214-0434
- Stillwater, P.O. Box 912, 74076-0912, (405) 377-0403
- Stroud, P.O. Box 352, 74079-0352, (918) 968-3874
- Tahlequah, P.O. Box 1876, 74465-1876, (918) 456-8443
- Tulsa, 6235 E 13th, 74107, (918) 592-4224
- Weatherford, P.O. Box 1851, 73096-1851, (580) 772-5622



RURAL DEVELOPMENT OF THE U.S. DEPARTMENT OF AGRICULTURE

The USDA's main office is in Stillwater at 1-800-522-2819, with ten local offices, each serving a multi-county area. Many people do not think of the USDA as being in the housing business. While it is true they are involved in many things which have nothing to do with housing, they are involved in housing in Oklahoma and indirectly involved in housing for people with disabilities. The Rural Development Department (RDD) has housing programs available in any municipality with a population of 20,000 or less across the state. They can serve in a metropolitan area in a municipality of 10,000 or less. This includes the majority of Oklahoma.

The housing programs that the RDD offers are divided into **Single-Family** housing programs and **Multi-Family** programs. Individual persons with a disability and their families will probably have more direct dealings with the single-family program. They may have indirect dealings with the multi-family program through the property management company of an apartment complex in which they live. A chart provided by the USDA Rural Development office in Stillwater describing rural housing programs is shown on page 185-186.

SINGLE-FAMILY HOUSING PROGRAM

The single-family housing program can be used to both repair and enhance an existing home or to build a new home. The repair and enhancement of an existing home roughly corresponds to the **504 loan/grant program**, and the construction of a new home or purchase of an existing home can be financed through the **502 rural housing loan program**.

To qualify for the 504 loan/grant program, the applicant must be a person or family with a low income (80 percent or less of the median family income in their county). Keep in mind that this eligible income varies from one county to another. Washington or Texas County, which have high incomes, would allow a greater income to be eligible for their low-interest loan than counties in areas of the state which have lower median incomes. At the time of this printing, an income of less than \$23,000 for a household of two or an income of less than \$20,100 for a household of one would qualify for the low-interest loan program.

The program offers an interest rate of 1 percent with twenty years to pay back the loan. That amounts approximately to \$23 per month payment for twenty years for a \$5,000 loan. It is about \$4.60 per month for the twenty years for each \$1,000 of debt incurred. This money can be used for any project. A person may make a bathroom fully accessible, add a ramp or widen doorways. A person may even add on a new room to accommodate a person with disabilities moving to the family home.

If an applicant is age 62 or older and qualifies for the 504 program but does not qualify for the loan, they may be eligible for a grant of up to \$7,500. The grant is to be used to remove health and safety hazards in the home. Home accessibility would fit into this category.

The 502 rural housing loan program is to help low-income individuals buy an existing home or build. This loan is based on the prevailing rate of interest. In some cases payments can be kept down by qualifying people with a higher percentage of income to debt ratio. People with a lower

income compared to their county average may also have the prevailing rate of interest lowered to as low as 1 percent. This rate will periodically be reviewed to assure continued qualification.

In any program where a person becomes eligible through income, they should notify the agency of any new income immediately. The same is true if a person has a reduction in income for any reason. Payments can be adjusted either up or down based on the new income level. If RDD finds unreported income, they may ask the loan applicant to pay a higher rate beginning at the time they began receiving the higher income. Report income changes immediately to avoid any penalty.

RDD will work to leverage other housing program monies. They are aware of other housing programs which may benefit their applicants, and they will refer to these agencies as appropriate. When calling the USDA, ask to speak with a Community Development Manager. They are trained to make housing loans. As in any loan program, the applicant must demonstrate the capacity to incur debt. Income verification will be done as well as credit checks. The USDA acts as a lender. It is the responsibility of the applicant to:

- Find a building contractor.
- Set realistic expectations for the cost of modifications or home purchase.
- Be honest with the Community Development Manager about finances.
- Asks for what they need and is prepared to answer why it is needed.

MULTI-FAMILY HOUSING PROGRAM

The **Multi-Family** program offers money for developers to build apartments in all areas of Oklahoma which can be served by USDA/RDD. This program usually deals with business entities rather than individuals. However, individuals and families live in these apartments and sign a lease with a management company. Since a particular set of apartments may have been financed through RDD and it is a federal agency, the management company must abide by certain federal standards.

Since 1982, the federal law has insisted that all common areas in an apartment complex such as the office, the laundry, and public walkways be accessible to persons with disabilities. Apartments built after 1992, are required to have 5 percent of the units totally accessible, 2% for hearing or visual impairments. Handicap parking is also required to the office for visitors and accessibility for tenants. When an older complex is remodeled that is federally funded or assisted at the 75% level, they should create the accessible units. A sign on the premises should tell the renter if U.S.D.A. monies have contributed to the construction of the complex. A renter may ask their manager if there are questions. If the complex was built through USDA funds and the renter feels that the complex is inaccessible, they may call the nearest USDA/RDD office to make a complaint.

Tenants may ask their manager to make changes in their particular apartment such as installing a roll-in shower or lowering a countertop in a kitchen to accommodate the individual with disabilities. It is the responsibility of the tenant and the management company to discuss what is needed and who will be responsible for paying for the architectural modifications. The

management company may make the changes, or they may ask the tenant to make the changes and be responsible to put the apartment back the way it was when the tenant vacates. If the property was financed with USDA/RDD monies, the tenant may contact the Stillwater office at one of the Field Offices requesting assistance in resolving an issue.

In Oklahoma, over 300 apartment complexes have been financed through RDD. Of the 8,200 units involved, 5,500 occupants have rental assistance. Tenants apply for tenant certification for rental assistance through USDA. With rental assistance, tenants do not pay over 30 percent of their adjusted family income towards rent and utilities.

If you have questions about any housing programs which the USDA/RDD offers, you may call 1-800-522-3819 and ask to speak with the Director of the Single-Family program or the Director of the Multi-Family Program. You may also search their website at www.rurdev.usda.gov to locate local offices and contact persons. Local offices are in Enid, Woodward, Chandler, Muskogee, Vinita, Cordell, Duncan, Ada, Antlers, and McAlester.



OKLAHOMA HOUSING FINANCE AGENCY (OHFA)

The OHFA is one of the major players working in the housing field in the state of Oklahoma. They work with many different types of groups including: individuals and families, developers, non-profit housing organizations, local governments and special programs designed to meet the needs of special groups such as people who are homeless or people living with disabilities. In the majority of situations, OHFA will be working with public or private entities channeling their funds into other organizations which provide housing directly to the public. They do, however, deal with individuals and families directly.

OHFA works directly with low-income individuals and families offering rental assistance and, in some cases, mortgage assistance. Section 8 vouchers are available through OHFA statewide. They are also available through local public housing agencies which have a Section 8 Program. (See sections of this chapter dealing with Section 8 Rental and Mortgage assistance for more information.) If an applicant is either disabled or homeless, they will receive a preference. Individuals or families must be below 30 percent of the county median income to qualify. Vouchers are issued which allow the applicants to rent from any landlord that has a contract with OHFA or the issuing housing authority. Depending on the individual's or family's income levels, OHFA can assist in paying monthly rental payments. Individuals or families must demonstrate a good rental history in the Section 8 Rental Assistance Program before they may become eligible for the Section 8 Mortgage Assistance Program.

Mortgage assistance works very similarly to rental assistance except that an individual or family actually owns the home. In the 18 months this program has been operating in OHFA, they have put 31 individuals and families into their own home. (This is as of the writing of this publication.) Section 8 is a popular program with far more applications than vouchers available for those qualified. Applicants are warned to be prepared for a waiting list. OHFA reserves the right to temporarily stop applications.

THE OHFA ADVANTAGE PROGRAM (HOUSING LOANS)

OHFA works with participating lenders statewide to provide 30-year, fixed-rate low-interest home loans through their OHFA Advantage Program. Several loan products are offered under OHFA Advantage including 1st Four, Market Best, Future Foundation, and Home Plus. The most popular of these loan products is the 1st Four which offers a down payment and closing costs in addition to a below-market interest rate. For questions about the OHFA Advantage, contact the Single Family Program Supervisor at (405) 419-8243.

TO PARTICIPATE IN THE OHFA ADVANTAGE PROGRAM:

- Contact a participating lender to make a loan application.
- Meet income limits and purchase price limits for OHFA Advantage.
- Lender runs a credit check and approves the loan.
- A purchase contract is needed before lender can reserve funds with OHFA.
- The house must be a primary residence but may be either newly-built or an existing home.
- Lender contact OHFA to reserve funds equal to loan amount.
- OHFA reviews bond documents for code compliance. (There is a \$75 code compliance review fee.)
- OHFA issues bond approval to lender.
- Lender/realtor will advise home buyer of closing date.
- Receive house key at closing.

To get a listing of all participating lenders in the OHFA Advantage Program, call 1-800-256-1489, ext. 207 or visit their website at www.ohfa.org. OHFA's Advantage Program housing loans may be available to the consumer at one of the Community Housing Development Organizations (CHDO's) in Oklahoma. See the section earlier in this chapter for a list of CHDO's.



FANNIE MAE, THE HOME CHOICE LOAN PRODUCT

Fannie Mae is a private, shareholder-owned company that works to make sure mortgage money is available for people in communities across America. Fannie Mae does not loan money directly to borrowers but instead works through participating local lenders. One mission of Fannie Mae, as chartered by the U.S. Congress, is to increase the affordability of homeownership to low, moderate, and middle-income Americans. One way to do this is through their Home Choice loan product which specifically serves people with disabilities.

Home Choice is a loan product offered by Fannie Mae specifically for people with disabilities. The successful applicant is required to have at least \$500 of their own monies to put into purchasing an existing home, purchasing the construction of a new home, or purchasing rehabilitation of a home. (Rehabilitation includes architectural modifications such as widening doorways or making a bathroom accessible.) Applicants are also asked to have at least two months of mortgage payments in savings. Home Choice is one loan product covered here to help people rent or own their homes.

It offers flexibility in debt to income ratio and lower down payments to make it possible for people with disabilities who may have lower incomes and/or higher debts, to still qualify for a home loan. This loan also looks upon non-taxable income, such as some Social Security income, as 25 percent higher gross income because it is totally available income. A Social Security check of \$800 per month under this system would actually be considered as an income of \$1,000 in calculating the income to debt ratio. Principal features of the Home Choice Loan which contrast to a conventional loan are:

- **A 50 percent ratio of debt to income**
Debt to income is simply the amount of applicant monthly income which is consumed in payments for credit card, auto loan, or other things. A conventional loan generally will insist that monthly debt payments not be over 36 percent of a person's income. The Home Choice loan allows that figure to be 50 percent.
- **A 97 percent loan to value**
Most loans do not cover the full value of the house the applicant is attempting to buy or the housing rehabilitation which the applicant is seeking. The loan to value percentage with a Home Choice loan is 97 percent that is, the loan will cover almost all of the value of the home and/or the repairs to the home.
- **Flexible sources for funding**
It is possible to receive assistance in a down payment or other costs through a gift from a family member, a friend, or even an employer. For instance, if an adult child did not have the cash for home closing costs, that money could be gifted by a parent. Also, a private, non-profit organization could gift an applicant money to meet expenses such as down payment or appraisal fees.
- **Lower down payment**
The Home Choice loan product has a 3 percent down payment. This contrasts to 5 percent on a conventional mortgage. Home Choice requires the successful applicant to have at least \$500 of their own funds to meet expenses including down payment, appraisal fees, credit checks, and closing costs. Again, this is lower than a conventional mortgage.

Credit Problems are the most common problem that an applicant has when applying for a Home Choice loan is bad credit. Loan officers will attempt to work with the applicant. If the applicant does not have any credit, many times the loan officer will be able to establish credit by looking at rental history and history of paying utility bills. If credit is unacceptable, it may be recommended that the applicant check with Consumer Credit Counseling to find ways to improve credit before re-applying for a loan. If a person has declared bankruptcy, they may apply for a Home Choice loan four years afterwards and after they have re-established good credit. A person may not be eligible for a loan right now, but could be at a future date.

AVAILABLE LENDERS IN OKLAHOMA FOR HOME CHOICE

First Mortgage Company in Oklahoma City offers Fannie Mae Home Choice loans and Fannie Mae home rehabilitation or repair loans. Contact their loan officer who specializes in the Home Choice product for more information at 1-800-924-0788. In the metropolitan area an applicant may call (405) 842-8090. Chase in Oklahoma also does *Home Choice loans*. Call 1-800-800-5626 for an automated message selecting the “loan” option. A loan officer will take an application over the telephone. The loan officer will explain what supporting information will be required to process the application.



FEDERAL HOUSING ADMINISTRATION (FHA) LOANS

The Federal Housing Administration offers a variety of mortgage insurance to help people with disabilities get the kind of loans they need under the most favorable circumstances. FHA loans originate in the U.S. Department of Housing and Urban Development (HUD). FHA mortgage insurance programs help low and moderate-income families become homeowners by lowering some of the costs of their mortgage loans. FHA mortgage insurance encourages lenders to make loans to otherwise creditworthy borrowers and projects that might not be able to meet conventional underwriting requirements. FHA does this by protecting the lender against loan default on mortgages for properties that meet certain minimum requirements. FHA mortgage insurance in its various forms can be used for manufactured homes, single-family and multifamily properties, and some health-related facilities. FHA mortgage insurance is not a loan itself; rather, it is FHA's insurance of a loan from another source. This insurance permits another lending institution to offer the best loan features available because the loan is guaranteed by the FHA.

FHA SECTION 203(B) LOAN INSURANCE

The Section 203(b) is the centerpiece of FHA's single-family insurance programs. It is one of the most popular models, and most community lenders will be familiar with and able to offer it to prospective homebuyers. Here are some of the features of this mortgage insurance which permit your local community lender to make you a better deal:

- Down payment requirements can be low.
- Many closing costs can be financed.
- Some fees are limited.
- Limits are set on the amount that may be insured to make sure that programs serve low and moderate income people.

Because FHA allows borrowers to finance approximately 97 percent of the value of their home, down payments may be reduced from the conventional 10 percent to as low as 3 percent. With most conventional loans, the buyer must pay at the time of the purchase closing costs equivalent to 2–3 percent of the price of the home. This program allows the borrower to finance many of these charges and reduce the up-front costs. FHA also imposes limits on some of the fees that lenders may charge in making a loan for the benefit of the borrower. Finally, limits are set on what may be insured to gear the market towards those less able to pay.

FHA-approved lending institutions such as banks, mortgage companies, and savings and loan associations can make insured Section 203(b) loans. Anyone intending to use the mortgaged property as their primary residence is eligible to apply.

FHA SECTION 203(K) MORTGAGE INSURANCE

The Section 203(k) mortgage insurance enables homebuyers to finance both the purchase of a house and the cost of its rehabilitation through a single mortgage. Normally the borrower would

finance the two actions separately. As in the case of the Section 203(b) mortgage insurance, this mortgage insurance permits borrowers to qualify for conventional loans on affordable terms when they might not have qualified otherwise. This mortgage insurance might permit a loan for property in a disadvantaged neighborhood where mortgages were hard to get.

A portion of the loan proceeds is used to pay the seller or to refinance an existing mortgage, and the remaining funds are placed in an escrow account and released as rehabilitation of the home is completed. Home repair funds must be at least \$5,000, and the total value of the property must still fall within the FHA mortgage limits for the area. FHA approved lending institutions only are able to write this mortgage insurance.

To be able to purchase a home and at the same time rehabilitate that home is a prime feature of this insurance. Rehabilitation may include:

- Structural alterations and reconstruction.
- Modernization and improvements to the home's function.
- Elimination of health and safety hazards.
- Changes that improve appearance and modernize the home.
- Reconditioning or replacing plumbing.
- Adding or replacing roofing, gutters, and downspouts.
- Major landscape work and site improvements.
- Enhancing accessibility for a person with a disability.
- Making energy conservation improvements.

OTHER FHA MORTGAGE INSURANCE PRODUCTS

FHA mortgage insurance offers a wide variety of products to meet the needs of individual borrowers. FHA Title I offers loan insurance to purchase a manufactured home. FHA Section 234(c) offers loan insurance to purchase a condominium. FHA Section 251 insures home purchase loans with adjustable rate mortgages. All these products are designed to meet varying needs. Ask your local community lender about FHA mortgage insurance. If the lender is FHA approved, they will have all the information they need to qualify you.

The next section of this chapter is on modifying and repairing existing housing. This is one of the most common concerns of callers at the **Office of Disability Concerns**.



VETERANS AFFAIRS (VA) GUARANTEED HOME LOANS

These loans are often made without any down payment and frequently offer lower interest rates than ordinarily available with other kinds of loans. Aside from the veteran's certificate of eligibility and the VA-assigned appraisal, the application process is not much different than any other type of mortgage loan. If the lender is approved for automatic processing, a buyer's loan can be processed and closed by the lender without waiting for VA's approval of the credit application.

FIVE STEPS TO A VA LOAN

1. Apply for a Certificate of Eligibility.
A veteran who doesn't have a certificate can obtain one easily by completing **VA Form 26-1880, Request for a Certificate of Eligibility for VA Home Loan Benefits** and submitting it to one of the eligibility centers with copies of your most recent military discharge or separation papers covering active military duty since September 16, 1940, which show active duty dates and type of military discharge.
2. Decide on a home the buyer wants to buy and sign a purchase agreement
3. Order an appraisal from VA. Usually this is done by the lender. Most VA regional offices offer a "speed-up" telephone appraisal system. Call the local VA office for details.
4. Apply to a mortgage lender for the loan. While the appraisal is being done, the lender can be gathering credit and income information. If the lender is authorized by VA to do automatic processing, upon receipt of the VA or Lender Appraisal Processing Program (LAPP) appraised value determination, the loan can be approved and closed without waiting for VA's review of the credit application. For loans that must first be approved by VA, the lender will send the application to the local VA office, which will notify the lender of its decision.
5. Close the loan.

VA FINANCING - A GOOD DEAL FOR VETERANS

More than 29 million veterans and service personnel are eligible for VA financing. Even though many veterans have already used their loan benefits, it may be possible for them to buy homes again with VA financing using remaining or restored loan entitlement.

Before arranging for a new mortgage to finance a home purchase, veterans should consider some of the advantages of VA home loans. The most important consideration is there is no down payment required in most cases. Loan maximum may be up to 100 percent of the VA-established reasonable value of the property. Due to secondary market requirements, however, loans generally may not exceed \$240,000. There is flexibility of negotiating interest rates with the lender. There is no monthly mortgage insurance premium to pay. There is a limitation on buyer's closing costs and an appraisal which informs the buyer of property value. Thirty year loans with a choice of repayment plans are offered: *Traditional Fixed Payment* (constant principal and interest; increases or decreases may be expected in property taxes and homeowner's insurance coverage); *Graduated Payment Mortgage* (GPM) (low initial payments which gradually rise to a level payment starting in the sixth year); and, in some areas, *Growing Equity Mortgages* (GEM)'s (gradually increasing payments with all of the increase applied to principal,

resulting in an early payoff of the loan). For most loans on new houses, construction is inspected at appropriate stages to ensure compliance with the approved plans, and a 1-year warranty is required from the builder that the house is built in conformity with the approved plans and specifications. In those cases where the builder provides an acceptable 10-year warranty plan, only a final inspection may be required. In some cases, veterans may assume a mortgage subject to VA approval of the assumer's credit. A veteran has the right to prepay the loan without penalty. VA performs personal loan servicing and offers financial counseling to help veterans avoid losing their homes during temporary financial difficulties.

A VA loan can be used to buy a home, townhouse or condominium unit in a VA-approved project, to build a home, to simultaneously purchase and improve a home; to improve a home by installing energy-related features such as solar or heating/cooling systems, water heaters, insulation, weather-stripping/caulking, storm windows/doors or other energy efficient improvements approved by the lender and VA. These features may be added with the purchase of an existing dwelling or by refinancing a home owned and occupied by the veteran. A loan can be increased up to \$3,000 based on documented costs or up to \$6,000 if the increase in the mortgage payment is offset by the expected reduction in utility costs. A refinancing loan may not exceed 90 percent of the appraised value plus the costs of the improvements. Check with a lender or VA for details to: refinance an existing home loan up to 90 percent of the VA-established reasonable value, refinance an existing VA loan to reduce the interest rate, or buy a manufactured home and/or lot.

WHO IS ELIGIBLE?

Veterans who served on active duty and were discharged under conditions other than dishonorable, during World War II and later periods are eligible for VA loan benefits. World War II (September 16, 1940 to July 25, 1947), Korean conflict (June 27, 1950 to January 31, 1955), and Vietnam era (August 5, 1964 to May 7, 1975) veterans must have at least 90 days' service. Veterans with service only during peacetime periods and active duty military personnel must have had more than 180 days' active service. Veterans of enlisted service which began after September 7, 1980, or officers with service beginning after October 16, 1981, must in most cases have served at least 2 years.

Persian Gulf Conflict. Basically, reservists and National Guard members who were activated on or after August 2, 1990, served at least 90 days and were discharged honorably are eligible. VA regional office personnel may assist with eligibility questions.

Members of the Selected Reserve, including National Guard, who are not otherwise eligible and who have completed six years of service and have been honorably discharged or have completed six years of service and are still serving may be eligible. The expanded eligibility for Reserves and National Guard individuals expired September 30, 2003. Contact the local VA office to find out what is needed to establish eligibility. Reservists will pay a slightly higher funding fee than regular veterans. (See paragraph entitled "Costs of Obtaining a VA Loan").

APPLICATION

The application process for VA financing is no different from any other type of loan. In fact, the VA application form is the same as that used for HUD/FHA and conventional loans. The

mortgage lender verifies the applicant's income and assets, and obtains a credit report to see that other obligations are being paid on time. If all is well and the appraised value of the property is enough to cover the loan needed, the lender, in most instances, can then close the loan under VA's automatic procedure. Only about ten percent of VA loan applications have to be submitted to a VA office for approval before closing.

REQUIREMENTS FOR LOAN APPROVAL

To obtain a VA loan, the law requires that:

- The applicant must be an eligible veteran who has available entitlement.
- The loan must be for an eligible purpose.
- The veteran must occupy or intend to occupy the property as a home within a reasonable period of time after closing the loan.
- The veteran must be a satisfactory credit risk.
- The income of the veteran and spouse, if any, must be shown to be stable and sufficient to meet the mortgage payments, cover the costs of owning a home, take care of other obligations and expenses, and have enough left over for family support.

An experienced mortgage lender will be able to discuss specific income and other qualifying requirements.

COSTS OF OBTAINING A VA LOAN

Funding Fee

A basic funding fee of 2 percent must be paid to VA by all but certain exempt veterans. A down payment of 5 percent or more will reduce the fee to 1.5 percent and a 10 percent down payment will reduce it to 1.25 percent.

A funding fee of 2.75 percent must be paid by all eligible Reserve/National Guard individuals. A down payment of 5 percent or more will reduce the fee to 2.25 percent and a 10 percent down payment will reduce it to 2.0 percent. The funding fee for loans to refinance an existing VA home loan with a new VA home loan to lower the existing interest rate is 0.5 percent.

Veterans who are using entitlement for a second or subsequent time who do not make a down payment of at least 5 percent are charged a funding fee of 3 percent.

NOTE: For all VA home loans, the funding fee may be paid in cash or it may be included in the loan.

OTHER CLOSING COSTS

Reasonable closing costs may be charged by the lender. These costs may not be included in the loan. The following items may be paid by the veteran purchaser, the seller, or shared. Closing costs may vary among lenders and also throughout the nation because of differing local laws and customs.

- VA appraisal

- Credit report
- Loan origination fee (usually 1 percent of the loan)
- Discount points
- Title search and title insurance
- Recording fees
- State and/or local transfer taxes, if applicable
- Survey

No commissions, brokerage fees or "buyer broker" fees may be charged to the veteran buyer.

FOR MORE INFORMATION?

Veterans seeking more detailed information concerning the VA home loan program may request VA Pamphlet 26-4, VA-Guaranteed Home Loans for Veterans, or VA Pamphlet 26-6, To the Home-Buying Veteran, from the nearest VA office or at www.homeloans.va.gov Loan Guaranty personnel at that office will answer specific questions and provide any other assistance they can. For the nearest local VA office contact: Veterans Affairs, Regional Office, 125 S. Main, Muskogee, OK 74401, 1-800-827-1000.

Adapted by Office of Disability Concerns from www.homeloans.va.gov



HOUSING LOANS (ASSISTANCE FROM OKLAHOMA ABLE-TECH)

Oklahoma ABLE-Tech (1-888-885-5588) is a federally-funded project whose purpose is to increase access to assistive technology (AT) for people of all ages and all disabilities. ABLE-Tech is located in Stillwater at the Sereteen Wellness Center on Oklahoma State University's campus. ABLE-Tech is one of 26 AT projects that have been awarded federal funds to operate an alternative financial program (AFP) for individuals with disabilities to purchase needed assistive technology. Loans can be used to make architectural modifications to an existing home so that the home will be more accessible to the occupant. Loans cannot be used to purchase an existing home or to build a new home under this program.

TIPS BEFORE SEEKING A LOAN

These things should be considered by the applicant before seeking a loan:

- They will look at the applicant's income to debt ratio. That income to debt ratio should in no circumstances exceed 50 percent of the loan.
- The applicant should look at their credit history. Does this person have a history of repaying their debts on time? They may want to spend some time on rebuilding credit before they apply for a loan. If they are turned down for a loan from BancFirst, they request reconsideration at the Oklahoma Assistive Technology Foundation (OKAT).
- While under consideration at OKAT, the person may ask for assistance from Oklahoma ABLE-Tech on alternative programs to get their needs met. If OKAT denies the application to guarantee the loan, always consider re-applying after clearing up concerns.

THE LOAN PROCESS

It is the responsibility of a home owner is to get bids from a minimum of two contractors for the architectural modifications and then call the Stillwater BancFirst (1-800-446-9401). Ask for an application for their **Alternative Financing Program**. When this application is completed, send it in. BancFirst will process the loan application for the low-interest loan to do the architectural modifications. They will be looking at the applicant's credit report and everything having to do with their ability to repay the loan. Within two working days they will respond to the application. Their interest rate is currently 5 percent above the Wall Street Prime rate.

If BancFirst denies the loan, they will ask the applicant if they are willing for them to send the loan information to the OKAT for further study. OKAT will ask that the applicant provide them further information on their ability to repay the loan. OKAT has the ability to guarantee the original loan application to BancFirst. They will process the applicant's information within five working days and tell them if they are willing to guarantee the loan. People from Oklahoma ABLE-Tech will also work with the applicant to provide information and referral on other programs which could loan the money to get the housing modifications needed. Oklahoma ABLE-Tech may refer the applicant to Consumer Credit Counseling if they feel they need assistance in this way.

If OKAT agrees to guarantee the loan, BancFirst of Stillwater will provide the money for the home modifications. They will in no circumstance issue a check directly to the applicant. They will issue a check to the contractor.

EXAMPLES OF ARCHITECTURAL MODIFICATIONS

Architectural modifications are modifications to a home that make it more accessible. One of the simplest and most common types of architectural modifications is the construction of a ramp onto an existing home which would permit a person using a wheelchair entrance into that home. One of the areas of a home which typically needs the most modifications is the bathroom. In the bathroom, the person with disabilities may need a roll-in shower with a fold-down seat which permits him or her to shower without getting into a bathtub. The person may need a raised commode with hand rails to facilitate the use of the commode for a person with disabilities. The person may need a non-skid surface applied to the bathroom floor to make that room safer. An architectural modification to the home is anything which makes that home more accessible to the person with disabilities.



MORTGAGE TAX CREDIT

The Mortgage Credit Certificate (MCC) Program enables qualifying home buyers within the program areas to receive a federal income tax credit on federal income taxes. The tax credit is equal to 50 percent of the mortgage interest paid on the first \$40,000 loan principal with a \$2,000 annual maximum credit. The tax credit is a dollar-for-dollar reduction in the federal tax due, not just a deduction from gross income. The program provides assistance to low to moderate income level families for the purchase of a single family home as their principal residence. Certain income limitations apply. This program is made possible by the Tax Reform Act of 1986.

In addition to the tax credit, a MCC holder is still able to take the standard mortgage interest deduction. That deduction is limited to the mortgage interest paid during the year minus the amount of the tax credit for that year. If a holder's tax liability is less than the amount of the credit for the year, the unused portion of the tax credit may be carried forward and used during any of the next three years. The borrower should consult their tax advisor or the Taxpayer Assistance Department of the Internal Revenue Service (1-800-829-1040) regarding the actual effect of the tax credit on their tax obligations.

AREA SERVED:

Adair, Brian, Cherokee, Cleveland, LeFlore, Pittsburg, Pottawatomie.

Note: Areas served are subject to change. Contact (405) 364-6565 for an updated list.

ELIGIBILITY REQUIREMENTS:

Guidelines and eligibility requirements vary depending on whether it is Target or Non-Target area. Contact MCC Administration to determine whether or not a particular home is in a Targeted or Non-Targeted area.

- Annual gross income and home price must fall within limits set by federal law. Income and home price limitations are subject to change without notice.
- In Non-Targeted areas, homebuyer must not have owned a residence for the last three years. This does not apply to Targeted areas.
- Homebuyer must occupy the home as principal residence within 60 days after the financing is provided. Homes purchased for recreational or investment purposes, or ones used in a trade or business, are not eligible.

TYPES OF MORTGAGE LOANS

Almost any type of conventional loan qualifies for the program. The mortgage loan must be a new mortgage.

HOW TO APPLY

After you locate a home, find a lender and have an approved purchase contract but before you have closed on your loan:

Contact: MCC Administration
PO Box 1568
Norman, OK 73070
(405) 364-6565

RECAPTURE

In some instances, if homebuyer sells the home within 9 years, homebuyer may have to pay a part of the credit back.

NOTES: The homebuyer must have applied and been approved for a MCC before the loan is closed and program fee has been paid. Tax credit is available each year owner continues to live in the home and pay mortgage interest MCC's are available on a first come, first serve basis, or until the maximum amount of certificates available have been issued or until the end of the program period.

Information provided by MCC Administration to the Office of Disability Concerns



CREDIT MATTERS

Since poor credit is one of the major reasons a person may be turned down for a home loan, it is important to address credit issues before applying. One of the first steps that a person who is interested in getting a home loan can do is to review their credit rating. If they have not established credit, they should. If they have a poor credit rating, they should take steps to repair it.

There are three credit rating agencies in the United States. These agencies have information about everyone in the nation who has established credit for any purpose. The three agencies are:

Equifax

P.O. Box 740241

Atlanta, Georgia 30374-0241

1-800-685-1111

www.equifax.com

Experian

P.O. Box 949

Allen, Texas 75013-0949

1-888-397-3742

www.experian.com

Trans Union

P.O. Box 1000

Chester, Pennsylvania 19022

1-800-916-8800

www.tuc.com

THE CREDIT REPORT

The Credit Rating Agency (CRA) must tell an inquirer everything in that person's report, and in most cases, the sources of the information. Generally, there is a \$9 charge for a copy of a person's report from one of the three CRA's. It is a good idea to request a report from each of the agencies as it is possible that one may have information not included in the others. If an inquirer requests a credit report within 60 days of being denied credit, insurance or employment, the report is free.

A credit report will include identifying information about the person; payment history of debts and any debts which have been referred to a collection agency; and a listing of all creditors who have asked for a person's credit report over the past year. Public records such as bankruptcies, foreclosures, or tax liens may appear on a credit report.

Under the law it is possible to challenge inaccurate or incomplete information provided in a credit report. It is a good idea to contact both the CRA and the original provider of the information to the CRA with documentation supporting the position of the challenger while

requesting corrections. Disputed information that cannot be verified must be deleted from a credit report.

A credit report prepared by one of the credit reporting agencies will contain a credit score. This credit score will generally run between 200 and 900 points with the higher score indicating a better rating. This score will tell a potential lender how likely a person is to repay a loan. A score of 600 or better is considered satisfactory by some lenders.

HOW TO REPAIR OR ESTABLISH CREDIT

If a person has a lower credit score, it is possible to repair their credit rating. The credit report will identify specific problems. While a bankruptcy remains for ten years, most information is retained for seven years from the date the event took place. Contact creditors immediately if there is a problem repaying a debt. Sometimes a plan can be mutually agreed upon which will prevent a debt being turned over to a collection agency. If a collection agency has become involved, an inquirer may contact that agency and set up a repayment plan. Some travel, entertainment, gasoline card companies, local retailers, and credit unions do not supply information to the credit reporting agencies. If a person has a good repayment history with a creditor who does not report, that person may request the good information be added to their credit report.

Occasionally a person may be denied a home loan because they have no credit history. Lenders are interested in knowing how a person repays their debts. This information may come from non-traditional sources. For instance, a renter may secure a statement from a landlord verifying that the renter has paid rent on time and in full over a given period of time. Utility companies may verify that utility bills were paid regularly. A person can request a loan and have a co-signer on that loan to establish a good credit history.

If further help is needed, Consumer Credit Counseling Service is offered in locations across Oklahoma. Call 1-800-364-2227 for the nearest location. Email support@cccsok.com or visit the website www.cccsok.org for online counseling. Trained counselors are available to discuss housing issues and review a credit report. Consumer Credit Counseling Service may be able to stop late fees or bring an account current. A visit is confidential for a consumer seeking simple advice and information. (If a formal Debt Repayment Program is agreed upon, CCCS will report this to the credit reporting agencies.)

There are many credit companies available which claim to clear up credit. If a person has doubts about a company, that person may check out information about the company with the Better Business Bureau.

Establishing and maintaining good credit is important for any person who is seeking to meet their housing needs. First a person will want to review their credit report. With this information the consumer may take positive steps to meet any challenges.

HUD HOMES

A HUD HOME is a single-family property that had a mortgage insured by FHA. The mortgage went into default and was foreclosed by the lender, who then filed a claim with FHA for the balance due on the mortgage and conveys title of the property to HUD.

Most HUD homes are initially offered for sale to purchasers who will be owner/occupants. All properties available for sale, including new listings, are published each Friday in the Broker Information Release (BIR). BIRs are available at the HUD Oklahoma State Office, 500 West Main Street, Oklahoma City, in the first floor lobby.

- The property list is also available on the Oklahoma State Homepage with listings updated weekly.
- Any real estate broker who is properly registered with the HUD Oklahoma State Office may submit contracts for purchase.
- HUD homes are offered on the sales market at fair market value, based on a recent appraisal.
- Bids are opened daily on homes on the extended listing; for the initial offering, homes are listed for a ten-day bidding period, with bid openings each Wednesday. Purchasers on initial offerings are limited to owner-occupants. If not sold at the initial offering, properties are then available to all buyers, including investors.
- Buyers must obtain their own financing. FHA mortgage insurance is available for certain properties through approved lenders, provided the purchaser meets FHA credit qualifications.
- HUD will pay up to 5 percent closing costs for owner-occupant purchasers.
- HUD will pay up to 6 percent real estate commission.
- Homes are sold in as-is condition.
- Purchasers must be able to finance the purchase. Most initial sales are open only to bidders who intend to occupy the house as their principal residence.

If you are interested in buying a HUD home, check with your real estate agent.

Adapted by the Office of Disability Concerns from information available on the HUD website.





Chapters 1, 2, and 3 were to assist purchasers to make a decision regarding where and how to find a home. Chapter 4 deals with the means to stay independent once in a home.

Among the suggestions in this chapter are ways to maintain, design and modify dwellings for independent living.



UNIVERSAL DESIGN: A MEANS TO LIVE INDEPENDENTLY

Most Oklahomans want to remain living independently in their own homes and communities for as long as possible. Either because of a long term disability or a sudden change in health and physical ability, a home frequently needs modification to be safe, comfortable and functional for their needs. A recent American Association of Retired Persons (AARP) survey found that seven in ten of those who are able to make changes to their homes have made at least one modification to make it possible for them to get around easier and more safely in their home. These modifications will allow them to live in their homes longer than they would have been able otherwise.

These modifications may be as simple as placing non-skid strips in bathtubs or safety bars and handrails on both sides of the stairwells or long hallways. The reasons most people in the survey quoted for not making home improvements were the inability to make the changes themselves and not being able to afford the modifications.

A Reverse Mortgage (see pg. 104) can turn the equity in a home to cash without having to repay a loan each month. Needed home repairs or improvements are one of the many good uses for funds received from a Reverse Mortgage. If a Reverse Mortgage is not the answer, other home equity loans may be available for this important need. Lending institutions such as banks, credit unions and mortgage companies are resources to contact. Able Tech (See pg. 88) offers some very low interest loans for people with disabilities.

Rural Housing Programs have some loans and grants for very low income individuals and families who own homes in need of repair or accessibility modifications in some counties of Oklahoma. Homeowners age 62 and over are eligible to apply for home improvement grants. Other low income families and individuals receive loans at a one percent interest rate, with the option to pay a loan out over a 20-year period. For more information, contact Rural Housing Program, (405) 742-1070 (V) TTY or (405) 742-1084 FAX. (See pg. 77)

In some counties, the Community Action Agency may assist with home repair and weatherization. Some may help with ramp installation. HOME Rehab provides financial help for major home renovations for income eligible families. Check with your counties' Community Action Office to see if they have a program that fits your needs and your situation. See pg. 71 for Community Action Agency contact numbers.

Some municipalities have some loans or grants available for home repairs or modifications. Check with your city office to determine if this is available in your area.

REBUILDING TOGETHER

Rebuilding Together may be able to make repairs and modifications for those who meet their criteria. Affiliates are located in the Oklahoma City Metro area, Tulsa, Cleveland County and Enid. Each affiliate has their guidelines and scope of work they will do. If you are an individual over 60 years of age or a person with a disability, and are unable to financially and/or physically make repairs or modifications yourself, contact one of these Rebuilding Together offices to see if you qualify for the program:

- Oklahoma City Metro area (405) 607-0464
- Cleveland County (405) 420-2027
- Tulsa (918) 742 6241



TAX DEDUCTIONS

In certain instances the cost of modifications may be tax deductible. The following information is quoted directly from IRS Publication 502:

“It may include in medical expenses amounts you pay for special equipment installed in a home, or for improvements, if their main purpose is medical care for you, your spouse, or your dependent. The cost of permanent improvements that increase the value of your property may be partly included as a medical expense. The cost of the improvement is reduced by the increase in the value of your property. The difference is a medical expense. If the value of your property is not increased by the improvement, the entire cost is included as a medical expense.

Certain improvements made to accommodate a home to your disabled condition, or that of your spouse or your dependents who live with you, do not usually increase the value of the home and the cost can be included in full as medical expenses. These improvements include, but are not limited to, the following items:

- *Constructing entrance or exit ramps for your home.*
- *Widening doorways at entrances or exists to your home.*
- *Widening or otherwise modifying hallways and interior doorways.*
- *Installing railing, support bars, or other modifications to bathrooms.*
- *Lowering or modifying kitchen cabinets and equipment*
- *Moving or modifying electrical outlets and fixtures*
- *Installing porch lifts and other forms of lifts (but elevators generally ad value to the house).*
- *Modifying fire alarms, smoke detectors, and other warning systems.*
- *Modifying stairways*
- *Adding handrails or grab bars anywhere (whether or not in bathrooms).*
- *Modifying hardware on doors.*
- *Modifying areas in front of entrance and exit doorways.*
- *Grading the ground to provide access to the residence.*

Only reasonable costs to accommodate a home to a disabled condition are considered medical care. Additional costs for personal motives, such as for architectural or aesthetic reasons, are not medical expenses.

You can deduct only the amount of your medical and dental expenses that is more than 7.5 percent of your adjusted gross income (line 35, Form 1040).

Example. Your adjusted gross income is \$20,000. 7.5 percent of which is \$1,500. You paid medical expenses of \$800. You cannot deduct any of your medical expenses because they are not more than 7.5 percent of your adjusted gross income.”

For more tax information, consult your tax advisor, call the IRS 1-800-829-1040 or visit the web site: www.irs.gov under publication 502.

The top ten home improvements reported in a recent AARP survey were:

1. Levered doorknobs.
2. Grab bars in bathrooms.
3. Levered faucets in kitchen sinks.
4. Handrails on both sides of stairwells and on front and rear steps.
5. Grab bars in showers.
6. Movable shower heads for those who must sit.
7. Portable shower seats.
8. A bathroom with a bath/shower as well as a bedroom on the first floor of the house.
9. Widened doors to accommodate wheelchairs; removal of any door threshold.
10. Ramps for those using walkers and wheelchairs.

While you appreciate the beauty and convenience of smooth step free entryways, covered porches and wide doors and hallways, homes that incorporate elements of Universal Design go much further to enhance comfort and convenience. Who wouldn't enjoy sitting at a workstation in their kitchen designed to reduce fatigue and back strain while preparing food? Or imagine the greater convenience of a raised dishwasher, lowered cabinets, curb less showers, remote lighting controls, raised electrical outlets, lower positioned electrical switches and thermostats with large easy-to-read numbers. These features would not only enhance your enjoyment of a home, but because they appeal to everyone, they may enhance the home's value.

Although a more comfortable home has obvious benefits, there is a more practical matter to consider—safety. You may not generally think of your home as a dangerous place, but the statistics prove otherwise. According to the National Center for Injury Control and Prevention, more than one third of adults age 65 and older suffer injuries from a fall in their homes each year. Among older adults, falls are a leading cause of injury deaths and the most common cause of non fatal injuries and hospital admissions for trauma.

Some seemingly harmless features you have lived with for decades, such as loose throw rugs, poor lighting, limited handrails, slippery surfaces in the kitchen and bathrooms, or awkward access to shower stalls and bathtubs may be a risk. Taking a fresh look at your living arrangements can help eliminate risks. You may be walking a winding path around end tables and hassocks, over extension cords and across multiple levels of carpet and flooring just to go from the television to the refrigerator. You may be straining to reach for items in your kitchen that are too high to reach or crawling around the bathroom floor to find supplies buried in the bottom of a closet. These are just a few home features or habits that increase your risk of falls and contribute to injuries, hospitalization, and forced moves from the home. (See the Home Safety Check List in Chapter 1)

There are resources available to help you evaluate your home, determine your needs, plan solutions and compare costs and options. You may utilize the services of an occupational therapist, physical therapist, interior designer, home remodeler, architect, independent living strategist or case manager.

There are individuals who can advise you on ways to incorporate customized home accessibility improvements based on your specific needs. These professionals offer personalized in-home consultations with you and your family and work with a contractor to modify your home to suite your changing needs.

Rebuilding Together allows you to download a checklist to identify fall hazards and accessibility issues. The solutions worksheet available on the web can assist in prioritization and implementation of specific home modifications.

www.rebuildingtogether.org

(202) 483-9083

Center for Inclusive Design and Environmental Access

www.ap.buffalo.edu/idea

(716) 829-3485

Center for Universal Design, North Carolina State University

www.design.ncsu.edu/cud

1-800-647-6777

AARP

www.aarp.org/universalhome

1-800-424-3410

National Advisory council for Aging in Place

www.seniorsafehome.com

National Resource Center on Supportive Housing and Home Modification: The site contains a Products section that lists product suppliers. There is a separate section titled “National Directory of Home Modification Resources” that you can use to locate a consultant or other helpful resource.

www.homemods.org

(213) 740-1364.

Dynamic Living

www.dynamic-living.com

Ageless Design

(888) 940-0605

Oklahoma Independent Living Centers may be helpful in advising you of the resources in your area for home modification.

Sandra Beasley Independent Living Center

705 S. Oakwood Road, Suite B-1

Enid, OK 73703

(580) 237-8508 Voice/TTY/TDD

Toll Free: 1-800-375-4358 Voice/TTY/TDD

(580) 233-6403 Fax

Oklahomans for Independent Living

601 E Carl Albert

McAlester, OK 74501

(918) 426-6220 Voice/TTY/TDD

Toll Free: 1-800-568-6821 Voice/TTY/TDD

(918) 426-3245 Fax

Progressive Independence

121 N. Porter

Norman, OK 73071

(405) 321-3203 Voice/TTY/TDD

Toll Free: 1-800-801-3203 Voice/TTY/TDD(in state only)

Green Country Independent Living Resource Center

4100 SE Adams Road, Suite C-106

Bartlesville, OK 74006

(918) 918-335-1314 Voice/TTY/TDD

Toll Free: 1-800-559-0567 Voice/TTY/TDD

Oklahoma Area Wide Agencies on Aging are resources in providing information on making a home more accessible for senior citizens. Contact the Statewide Seniors Information Line for the Area Wide Agency on Aging nearest you at 1-800-211-2116.

Universal Design-based home modifications keep you in control of your life and your home. Some modifications are minor and some are major but even a simple modification may make your life easier, more comfortable and most of all safer.

The Office of Disability Concerns does not endorse any products or vendors listed on the above web sites.

ARCHITECTURAL MODIFICATIONS AND HOUSING REPAIR

With an understanding of universal design, an individual will be in a position to decide what home modifications they will need to make their home more accessible. These modifications are typically called *architectural modifications*. The most common architectural modification is a simple ramp to give the owner/occupant entry and exit access to the residence. Another modification is a roll-in shower with grab bars and fold-down shower chair to permit a person with mobility impairments easy access to the shower. A room addition would be an even more complex architectural modification with special door handles, lower and more frequent electrical outlets, and/or non-skid flooring surfaces.

Some programs in Oklahoma, not previously listed in Chapter 3, that can assist with financing architectural modifications are:

- Oklahoma ABLE-Tech low-interest loan program (see page 88)
 - Community Housing Development Organizations (CHDO's) (see page 71)
 - Fannie Mae Home Choice loans through participating lenders (see page 81)
 - Medicaid Waiver programs for eligible consumers
- Clients of the various DDS Waivers and the Advantage Waiver Program may receive architectural modifications as recommended by a professional. Consult with case manager.

If a person or family needs architectural modifications, these agencies can finance them.

ARCHITECTURAL MODIFICATIONS FOR RENTERS

If a person with a disability rents their home or apartment, further consideration is necessary. They may not want to consider a loan to modify rental property. If a program like one of the Oklahoma Medicaid Waivers will pay for authorized architectural modifications, it will be necessary to receive consent from the owner before any modifications can be made.

If a person with disabilities lives in an apartment complex, they may inform the apartment manager of what their needs are. Perhaps they need a wider entryway to accommodate a wheelchair or they need a ramp to be able to exit the apartment. If the apartment manager does not feel it is possible to pay for necessary changes, the tenant may suggest that if the manager paid for part of it that the tenant would be willing to remove the modification when they vacate the apartment. Negotiate with the apartment complex on how the needs of the person with disabilities can be accommodated. The apartment complex may have accessible units

If an apartment complex is involved and a tenant needs architectural modifications, it is always good to find out if any federal monies went into construction of the apartments. Rural Housing of the U.S. Department of Agriculture (USDA) finances many apartments across Oklahoma. The U.S. Department of Housing and Urban Development (HUD) also contributes funding to many housing projects. If a housing project was built with public funds, there should be a sign on the premises. If a tenant has doubts, they may ask the management. If government funds were used in construction, a tenant seeking architectural modifications may use that government agency as a mediator in their attempts to get architectural modifications paid for.

HOME REPAIRS

Home repairs are different from architectural modifications. Home repairs do not involve making the home accessible to the person with disabilities. An example of home repairs would be weatherization, roofing, or repair of heating/air conditioning units. Home repairs become a problem in owner-occupied housing rather than in rentals because the owner cannot afford to make the repairs. Rental repairs are typically handled by the landlord.

PROGRAMS FOR HOME REPAIRS

You may contact your Local Community Action agencies for home repairs. Typically the local agency would use a contractor to do the work after they have approved the client application. An inspection should be done of the work and the resident will be asked to sign a form. The resident should be satisfied before signing.

Customer satisfaction is involved in any program that pays for housing repairs. It is the responsibility of the resident to know this in advance to protect themselves. Some of the same programs paying for architectural modifications can be used for home repairs. Some agencies and programs will pay for the home repairs themselves, and some will offer you a low-interest loan. If you need home repairs, check some of the following:

- Local Community Action agencies
- Section 203 (k) FHA home loan (This loan is accessed through community lenders authorized to do FHA loans.)
- CHDO's (See listing on page [71](#). Some do housing repairs and some do not.)
- U.S. Department of Agriculture, Rural Development (see page [77](#)).
- Local City and County governments
- Fannie Mae Home Choice loans through participating lenders (see page [81](#)).
- Rebuilding Together (see page [97](#))

REVERSE MORTGAGES

A reverse mortgage (RM) is a special type of loan made to older homeowners. You must be 62 or older, owning your own home free and clear of debt or nearly so and free of tax liens. The home must be a single family dwelling or a two-to four unit property they own and occupy. Townhouses, detached homes, units in condominiums and some manufactured homes are eligible. The loan enables you to convert the equity in your home to cash to finance living expenses, home improvements, in-home health care, or other needs. This may provide the option for you to remain in your own home instead of making a disruptive change in your living arrangements.

You may be eligible for a reverse mortgage even if you still owe some money on a first or second mortgage. In fact, many seniors get a reverse mortgage to pay off a first mortgage.

Because your home is such a valuable asset, you may want to consult with your family, attorney, or financial advisor before applying for an RM. Knowing your rights and responsibilities as a borrower may help to minimize your financial risks and avoid any threat of foreclosure or loss of your home. As with any business transaction, ask questions until you thoroughly understand. It is not recommended to use an estate planning service or any service that charges a fee just for referring a borrower to a lender. HUD provides this information without cost and HUD approved housing counseling agencies are available for free, or at minimal cost, to provide information, counseling and free referral to a list of HUD-approved lenders. Before you agree to pay a fee for a simple referral, call 1-800-569-4287.

RM loan advances are nontaxable and they do not affect your Social Security or Medicare benefits. If you receive Supplemental Security Income, RM advances do not affect your benefits as long as you spend them within the month you receive them. This is true in Oklahoma and in most states for Medicaid benefits also, if the funds received are used in the month in which they are received. If the purchase of an annuity is part of a RM transaction, the interest portion of the payments received is considered as unearned income. Unearned income is used to determine eligibility for, and the amount of, SSI payments and Medicaid. For example, loan proceeds that stay in a checking or savings account at the end of a calendar month are counted as assets by SSI and similar programs. If your total assets exceed SSI limits (currently \$2,000 for a single person, \$3,000 for a couple), you can lose your eligibility. So if this is an issue, limit your loan monthly proceeds to what you expect to spend in a given month. (Source: Reverse Mortgages: A Lawyer's Guide, American Bar Association, 1997, pp 35-36). When in doubt, check with a benefits specialist at your local area agency on aging or legal services office.

The RM is aptly named because the payment stream is “reversed.” Instead of making monthly payments to a lender, as with a regular first mortgage or home equity loan, a lender makes payments to you. While a reverse mortgage loan is outstanding, the borrower(s) continue to own the home and hold title to it.

Borrowers may have a choice of receiving the proceeds from a RM in a lump sum, fixed monthly or annual payments (for up to life), or line of credit. Flexible types of RM may allow fixed monthly payments to the borrower for a finite time period or a combination of monthly payments and line of credit. The interest rate is usually an adjustable rate that changes monthly or yearly. This type of mortgage isn't repayable until the borrower no longer occupies the home as his or her principal residence usually for one year of absence, if taxes and insurance are kept current. In the case of married borrowers, it isn't repayable until both of the partners no longer occupy the home usually for one year of absence, as long as the taxes and insurance are current and you do not allow the property to deteriorate except for reasonable wear and tear.

The lender does not take title to the home in the case of death, but heirs must pay off the loan by refinancing if eligible or by using proceeds from the sale of the home. None of the borrowers' other assets will be affected by the RM. The debt will never be passed along to the estate or heirs. If the home is sold and the sales proceeds exceed the amount owed on the RM, the excess money goes to the borrower or the estate. If sales proceeds do not cover the amount owed and the interest accrued, the lender takes the loss.

The loan amount depends on the type of reverse mortgage, the borrower's age, current interest rates, and the home's property value. The older the applicant, the larger the monthly advances or line of credit are. Seniors do not have to meet income or credit requirements to qualify for a reverse mortgage. Borrowers still remain liable for taxes, personal property insurance, repairs and maintenance.

RM's are offered by banks, thrifts, mortgage banking firms, consumer finance firms and financial services corporations. In making your choice of lenders you should consider cost, origination services, loan servicing and a lender's professional commitment to meeting your needs. The level of service a lender provides is more difficult to judge than cost is, but service is just as important. You want your loan officer to be knowledgeable, experienced and respectful.

The more you learn about RM, the more you will be better able to judge how well a lender knows RM. How long a lender has been offering reverse mortgages and in how many places may be particularly important if your loan runs into any unexpected snags. An experienced lender has already encountered most of the issues that can cause problems, and is most likely to have a good working relationship with the nearest HUD office. You also want a loan officer who respects your knowledge and preferences and helps you reach your own decisions. You don't want to feel pressured by a loan officer. You certainly don't want a loan officer who is clearly more concerned about selling you a loan than meeting your needs.

Generally the only loan costs that lenders control are the origination fee and the servicing fee. Ask the dollar amount that each lender would charge you for these fees. Although third-party closing costs don't change much from lender to lender, check these, too. Check the interest rates, but these do not usually vary from one lender to another. They may vary from week to week, however. AARP offers a Model Specifications for Analyzing and Comparing RM at: URL: <http://assets.aarp.org/www.aarp.org/>

At loan closing, most originating lenders transfer their loans to another office or company that specializes in servicing the loan. Ask each lender, "Who will service my loan after it closes?" and request a sample of the account statements the servicer would send you. Make certain you fully understand all the information on these statements. In particular, if you are considering a Home Equity Conversion Mortgage (HECM) which is by far the most frequently selected RM, find out how the servicer would keep you informed about the growing amount of cash that a HECM credit line provides.

The HECM loans are insured by the Federal Housing Administration (FHA). The HECM program limits your loan costs and the FHA guarantees that lenders will meet their obligations. HECM loans generally provide the largest loan advances of any reverse mortgage. HECM's also give you the most choices in how you can have the cash paid to you. The money you get from a HECM can be used for any purpose.

In a matter as serious as making a loan on a house that is already paid for, it is always wise to consult with your financial advisors, bankers, tax consultants and family members.

Oklahoma Lenders Offering Reverse Mortgages

Check your local listings (this list is ever changing).

RESOURCES

National Reverse Mortgage Lenders Association
1400 16th St, NW, Ste 420
Washington, DC 20036-2244
202-939-1760 or 1-866-264-4466

website: www.reversemortgage.org/REVmtg.htm

Excellent source of information on reverse mortgages, how they work, and lenders who handle them. Information sources and product sponsors include:

HUD
451 7th St., S.W.
Washington, DC 20410
Toll free: 1-800 569.4287

Fannie Mae
3900 Wisconsin Avenue,
N.W. Washington, DC 20016-2899
Toll Free 1-800-732-6643
National Center for Home Equity Conversion
521 Main St, Ste 480, San Francisco, CA 9410



UTILITY ASSISTANCE

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

This program provides low-income families with limited financial help to pay winter home heating and summer cooling bills. You may apply at Department of Human Services (DHS) county offices during open application periods. You should contact your county DHS office to find out when applications will be taken. There is usually a brief application period in early winter for heating assistance and one in late spring for summer cooling assistance.

SHARE THE WARMTH, LIGHT-A-LIFE AND LEND-A- HAND:

The Salvation Army administers customer-supported utility assistance funds: Oklahoma Natural Gas (ONG)'s Share the Warmth, Oklahoma Gas and Electric (OG&E)'s Lend-a-Hand, and American Electric Power Public Service of Oklahoma (AEP PSO)'s Light-a-Life. These programs help Oklahomans facing financial emergencies pay their home energy costs. The programs are designed to help people over age 62, individuals with disabilities and those whose immediate cash resources simply cannot cover home energy expenses. ONG, OG&E and AEP PSO accumulate donations and send them to The Salvation Army. The actual recipients are chosen entirely by The Salvation Army. All applications for aid are processed through their network of caseworkers. The Salvation Army makes payments directly to the utility or supplier on behalf of the person chosen to receive the aid.

If you would like to receive help in paying your energy bills through one of these programs, you may apply at your nearest Salvation Army location to see if one of these programs is available in your county. If it is not, ask The Salvation Army if there are other resources available in your area for your energy needs. You'll be asked to meet eligibility criteria for any energy assistance program.

Note: If you wish to contribute to any of these programs, contact your local utility or look for information with your monthly bill. You may also contribute directly to The Salvation Army designating your funds for energy assistance.

OTHER FINANCIAL ASSISTANCE FOR UTILITY BILLS

Local charities sometimes have utility assistance subject to availability of funds and each organization has their own eligibility criteria. Some tribal programs also help with utility bills. For help in your area, call Office of Disability Concerns for local resources (405) 521-3756, 1-800-522-8224 or (405) 522-6706 TTY.

HAND-N-HAND

Free home weatherization for senior citizen homeowners unable to do the work themselves is available through O G & E's Hand-N-Hand program. To qualify to have your home weatherized, you must be:

- The owner/occupant of the home
- Age 65 years or older
- Physically or financially unable to weatherize the home.

OG&E partners with the Oklahoma Association of Community Action Agencies. To apply for this program, call (405) 0199.

SPECIAL CODING

Senior citizens or customers with disabilities can request to have their accounts specially identified in their account records. With this knowledge, the utility is better informed and able to work with you on an individual basis in the event of an emergency, or a problem with your service.

Customers enrolled in this program also have their account included in a plan called the *Commission Notification Procedure*. With this procedure, the Oklahoma Corporation Commission is notified before action is taken to discontinue a customer's service for nonpayment of charges.

THIRD PARTY NOTIFICATION

If for some reason your utility bill becomes delinquent, Third Party Notification will notify someone that you designate and make them aware that your account is past due. This feature is ideal for customers who live alone, who are ill or who are away from home for an extended period of time.

FINANCIAL AID ASSISTANCE DELAY

For gas or electricity, if you notify a utility that you have applied for and are waiting for financial assistance from a federal, state or local social service agency, you may qualify for a 20-day delay in disconnection of your service provided:

- The reason for disconnection is nonpayment of the utility bill.
- The consumer has notified the utility that they have applied for and are awaiting financial assistance.
- Verification from the involved agency must be provided in the form required by the utility.
- If the expected financial assistance is less than is owed by the customer, the utility may require the customer to enter into a deferred payment agreement.

A utility company is not required to furnish service to a person unless there is a reasonable expectation of payment except where other rules of the Corporation Commission apply.

HOW TO DEAL WITH PAYMENT DIFFICULTIES

If you cannot pay your bill in full, you may request a Deferred Payment Agreement. It allows you to pay your bill over an extended period of time, and service will not be cut off as long as payments are made as agreed. Utility companies make every effort to work out reasonable payment arrangements when you contact them.

It may be helpful for your budget planning to set up monthly averaging payments so your bill is approximately the same every month of the year. You can also arrange to have payments deducted from your bank account directly so you won't forget to mail a payment. If you elect this service you will receive a bill in the mail showing consumption and dollar amount just as before with a note to not send a payment.

When you realize you will be late or need to make payment arrangements on a utility bill, it is better to call in advance of cutoff notices than when you are further behind with a delivered cutoff notice and another month's bill on the way. Once you have made an arrangement, it is important to keep those commitments. If you break an arrangement, you may be required to pay the full balance to keep your service from being discontinued. You build credibility by keeping your commitments. If you need to make future arrangements, your record will show that you have kept arrangements made in the past. To protect their other ratepayers from absorbing losses, the company has limits on the credit plan they can extend.

LIFE-THREATENING CONDITION

An electric or gas utility company must suspend disconnection of service or reconnect service if the customer notifies the utility that disconnection of service will cause a life-threatening situation for the customer or other permanent resident of the household. The utility consumer may initially certify the condition by completing *the Form for Utility Consumer Verification* which will suspend disconnection of gas service to the specified residence for a period of thirty (30) days from the initial notification. After the initial thirty (30) days, normal collection action will resume.

An additional thirty (30) day period shall be extended by the utility company at the request of the utility consumer accompanied with verification by a medical or osteopath doctor (use *Form for Medical or Osteopathic Doctor Verification*). The request for the additional thirty (30) day extension must be made before the end of the initial thirty (30) day period.

The utility company is not required to furnish service to the consumer beyond a total of sixty (60) days for a life-threatening condition without full payment of the account or acceptable payment arrangements on any unpaid balance unless otherwise directed by the Corporation Commission.

Any false information a customer provides in order to prevent service disconnection under this provision is grounds for disconnection.

A life-threatening situation is defined as one where the consumer or other permanent resident of the household is dependent upon equipment that is prescribed by a doctor, operated by electricity or gas and is necessary to sustain the person's life. Examples of life-sustaining equipment are: kidney dialysis machines, oxygen concentrators, cardiac monitors, and in some cases heating and air conditioning when prescribed by a licensed medical doctor. If battery back-up for the life-sustaining equipment is normally available, it is not considered a life-threatening situation. The Corporation Commission rules specifically list some items that are not considered life-sustaining equipment. They include stoves, hot water heaters, refrigerators, nebulizers that are battery or hand operated or "self-contained," battery operated sleep apnea monitors or battery operated cardiac monitors.

TELEPHONE SERVICE DISCOUNTS

LIFELINE PROGRAM AND LINK-UP AMERICA:

This program is known as the Federal Communications Commission (FCC) Universal Service Program for Low-Income Consumers. Federal law requires telephone companies conducting business across state lines to offer discount telephone installation and service fees for low income individuals. Lifeline programs reduce monthly telephone charges for low income families while Link-Up America reduces installation charges. Lifeline and Link-Up America programs can vary from state to state. States in which telephone companies recover all their discount program costs from the federal Universal Service Fund must use the federal program eligibility criteria. States which have their own discount programs, like Oklahoma (see O.S. 17-139.105), may have different or additional eligibility criteria. See below:

- In Oklahoma, the Lifeline Program provides a \$7.85 monthly discount for local telephone service. Customers thus pay between \$7 and \$11 a month for basic service, depending on where they live. Fifty percent of the standard installation fee is also waived.
- To be eligible for Oklahoma's Lifeline Program a person must be eligible for or receive assistance from one of the following programs:
- Food Stamps
- Temporary Assistance for Needy Families (TANF)
- Medicaid
- Supplemental Security Insurance (SSI)
- Vocational Rehabilitation, including, but not limited to, aid to the deaf and hard of hearing
- State Sales Tax Relief Act

ENHANCED LIFELINE SERVICES:

This program provides \$1 a month basic telephone service and a 50 percent waiver of the standard telephone installation fee. Qualifying individuals must live on current or former tribal land. (64 of Oklahoma's 77 counties include former tribal land.) A person must also be participating in one of these programs:

- Food Stamps
- Medicaid
- SSI
- TANF

- Vocational Rehabilitation
- Oklahoma Sales Tax Relief
- Bureau of Indian Affairs general assistance
- Tribally administered TANF
- Head Start
- National Free School Lunch Program

To apply for these discounts through A T & T call:

- 1-800-464-7928. Press menu choice #1, then select menu choice for Lifeline Enhanced Lifeline or Link-Up America.
- 1-800-246-4999 (A T & T number for regular service inquiries, automated)
- 1-800-559-0050 Spanish Language
- 1-800-522-8506 and 1-800-722-0353 Voice/TTY Relay

A T & T will give the applicant a card to take to the DHS county office where their caseworker will stamp and sign the card to verify that the individual participates in one of the DHS programs listed. DHS caseworkers may also directly inform clients about the discount programs and provide them with stamped verification cards and refer them to the telephone company already prepared to make application for the discount programs.

Indian tribe social services provide verification if a person participates in one of the tribal programs listed. For information on how to verify vocational rehabilitation participation contact: Division of Vocational Rehabilitation, Department of Rehabilitation Services (DRS), at (405) 951-3584 or 1-800-845-8476.

To apply for discounts through Cox Communications, which services the Oklahoma City Metro area, (at the time of this publishing) call (405) 600-8282. Press 0 when message begins. Speak with the Customer Service Representative about the Lifeline, Enhanced Lifeline or Link-Up America program. You will be sent a form to fill out for each program to return to them. You will be notified if you are eligible for these programs. Other areas may be added soon.

For information of these programs with other telephone companies, call their local business office.

DIRECTORY ASSISTANCE CHARGE EXEMPTION DUE TO DISABILITY

If you are unable to use the SBC white page directory due to a disability you can apply for an exemption from the regular Directory Assistance charge. Call 1-800-585-7928 or your local SBC business office for information. When phone service is provided by another company, contact that company's business or customer service offices for information on any Directory Assistance provisions for customers with disabilities.

FOR ADDITIONAL INFORMATION

If you have questions or concerns, **contact the utility company first**. Most situations can be resolved with the customer service representatives that are trained to help you. If you are not satisfied, you may then contact the Corporation Commission, Consumer Services Division. 1-800-522-8154 / (405)521-2331 /TTY Number: (405)521-3513. www.occ.state.ok.us.



WHAT YOU SHOULD KNOW BEFORE YOU DIG

If you need to dig a hole in your yard, pasture, business property or anywhere else in the state of Oklahoma, before you dig, you must Call OKIE (Oklahoma One Call) 1-800-522-OKIE (6543).

Careless digging causes disruption of vital services, costly repairs and environmental damage, even injury or loss of life. Both the call and the service are free to you. Please read the following information carefully, and if you have any questions just call them.

Step 1: Always call them at least 2 working days but no more than 10 days before digging. This excludes weekends or holidays. If you hire a private contractor for excavation, they are responsible for contacting them prior to digging. If you have an emergency, call as soon as possible. They will notify owners of underground utility lines (telephone, cable TV, electric, gas, pipelines, sewer, traffic signals and water lines) and they will locate their utilities once Call OKIE notifies them. Some service lines extending from the property easement to the house belong to the homeowner and are considered privately owned. If you have a question about who owns what, check with your utility company. You or a private contractor will have to locate private services not owned by utility companies in your area.

Step 2: Wait for the site to be marked. Member utilities will mark the approximate location of their underground utility lines with flags, paint or stakes. They'll also let you know if they have no lines in the proposed excavation site. If you are dealing with a private contractor for excavation and there are no markers when they come to dig, ask if they called and if no markers mean there are no lines.

Step 3: Respect the markers. Update your request if work is not started within 10 working days or if markers are no longer visible. The digging safety zone is a strip of land two feet on either side of the underground utility line. Remember to include the width of the line.

Step 4: Dig with care. When digging in the safety zone, you must determine the exact location of the buried utility line by digging test holes by hand. If damage occurs, even if it's just a scratch, notify the affected facility, utility, or pipeline immediately. If the damage causes hazardous gas or liquid to escape, you must also notify the police and fire department immediately. Do not backfill in the damaged area until repairs have been made.

When you Call OKIE, be ready to provide the following:

- Caller's Name
- Phone number, cell number and fax number (if you have one)
- Street address
- Job location
- County, city (or nearest town if rural)
- Type and duration of work
- Starting days and times

Chapter 5 - FAIR HOUSING: LAWS, EXECUTIVE ORDERS AND QUESTIONS



The following section from HUD contains a synopsis of the laws, frequently asked questions (FAQ)'s and Executive Orders pertaining to housing. All of these are provided as reference material. These laws, FAQ's and Executive Orders explain the rights of individuals with and without disabilities in housing. For clarification regarding these laws, questions or orders, please contact the U.S. Department of Housing and Urban Development at www.hud.gov or call 1-800-669-9777 (1-817-978-5595/TTY).



DISABILITY RIGHTS IN HOUSING

Definition of Disability: Federal laws define a person with a disability as "Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment."

In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

Disability Rights in Private and Public Housing: Regardless of whether you live in private or public housing, Federal laws provide the following rights to persons with disabilities:

- **Prohibits discrimination against persons with disabilities.** It is unlawful for a housing provider to refuse to rent or sell to a person simply because of a disability. A housing provider may not impose different application or qualification criteria, rental fees or sales prices, and rental or sales terms or conditions than those required of or provided to persons who are not disabled.
- **Example:** A housing provider may not refuse to rent to an otherwise qualified individual with a mental disability because they are uncomfortable with the individual's disability. Such an act would violate the Fair Housing Act because it denies a person housing solely on the basis of their disability.
- **Requires housing providers to make reasonable accommodations for persons with disabilities.** A reasonable accommodation is a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. A housing provider should do everything s/he can to assist, but s/he is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden. Reasonable accommodations may be necessary at all stages of the housing process, including application, tenancy, or to prevent eviction.
- **Example:** A housing provider would make a reasonable accommodation for a tenant with mobility impairment by fulfilling the tenant's request for a reserved parking space in front of the entrance to their unit, even though all parking is unreserved.
- **Requires housing providers to allow persons with disabilities to make reasonable modifications.** A reasonable modification is a structural modification that is made to allow persons with disabilities the full enjoyment of the housing and related facilities.
- **Examples** of a reasonable modification would include allowing a person with a disability to: install a ramp into a building, lower the entry threshold of a unit, or install grab bars in a bathroom.
- Reasonable modifications are usually made at the resident's expense. However, there are resources available for helping **fund building modifications**. Additionally, if you live in federally assisted housing the housing provider may be required to pay for the modification if it does not amount to an undue financial and administrative burden.

For more information, see the **Reasonable Accommodations** section of the **Section 504 Frequently Asked Questions**.

- **Requires that new covered multifamily housing be designed and constructed to be accessible.** In covered multifamily housing consisting of 4 or more units with an elevator built for first occupancy after March 13, 1991, all units must comply with the following seven design and construction requirements of the Fair Housing Act:
 - Accessible Entrance on an Accessible Route
 - Accessible Public and Common-Use Areas
 - Usable Doors
 - Accessible Route Into and Through the Dwelling Unit
 - Accessible Light Switches, Electrical Outlets, Thermostats, and Environmental Controls
 - Reinforced Walls in Bathrooms
 - Usable Kitchens and Bathrooms

In covered multifamily housing without an elevator that consists of 4 or more units built for first occupancy after March 13, 1991, all ground floor units must comply with the Fair Housing Act seven design and construction requirements.

For information on how to comply with the physical accessibility requirements of the Fair Housing Act, visit the **Fair Housing Accessibility FIRST** Web site.

These requirements apply to most public and private housing. However, there are limited exemptions for owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

If you live in Federally assisted multifamily housing consisting of 5 or more units, 5 percent of these units (or at least one unit whichever is greater) must meet more stringent physical accessibility requirements. Additionally, 2 percent of units (or at least one unit whichever is greater) must be accessible for persons with visual or hearing disabilities. For more information, visit **Section 504 Questions and Answers**.

People with Disabilities in Federally Assisted Housing: Federal law makes it illegal for an otherwise qualified individual with a disability to be excluded, solely because of his or her disability, from programs receiving federal financial assistance. For more information on the rights of persons with disabilities in federally assisted housing as well as the responsibilities of housing providers who receive federal financial assistance, visit our **Section 504: Disability Rights in HUD Programs** site.

Zoning and Land Use: It is unlawful for local governments to utilize land use and zoning policies to keep persons with disabilities from locating to their area. For more information, see the **Joint Statement of DOJ and HUD on Group Homes, Local Land Use, and the Fair Housing Act**.

State and Local Laws: Many states and localities have fair housing laws that are substantially equivalent to the Federal Fair Housing Act. Some of these laws prohibit discrimination on additional bases, such as source of income or marital status. Some of these laws may impose more stringent design and construction standards for new multifamily housing.

The Americans with Disabilities Act: In most cases, the ADA does not apply to residential housing. Rather, the ADA applies to places of public accommodation such as restaurants, retail stores, libraries, and hospitals as well as commercial facilities such as offices buildings, warehouses, and factories. However, Title III of the ADA covers public and common use areas at housing developments when these public areas are, by their nature, open to the general public. For example, it covers the rental office since the rental office is open to the general public.

Title II of the ADA applies to all programs, services, and activities provided or made available by public entities. This includes housing when the housing is provided or made available by a public entity. For example, housing covered by Title II of the ADA includes public housing authorities that meet the ADA definition of "public entity," and housing operated by States or units of local government, such as housing on a State university campus.

For more information on the Americans with Disabilities Act, visit the **Department of Justice ADA Home Page**.



FAIR HOUSING--IT'S YOUR RIGHT FAIR HOUSING ACT

HUD has played a lead role in administering the Fair Housing Act since its adoption in 1968. The 1988 amendments, however, have greatly increased the Department's enforcement role. First, the newly protected classes have proven significant sources of new complaints. Second, HUD's expanded enforcement role took the Department beyond investigation and conciliation into the area of mandatory enforcement.

Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the complaint is not successfully conciliated, FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge. Either party - complainant or respondent - may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in Federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil action. Either form of action - the ALJ proceeding or the civil action in Federal court - is subject to review in the U.S. Court of Appeals.

SIGNIFICANT RECENT CHANGES

The Housing for Older Persons Act of 1995 (HOPA) makes several changes to the 55 and older exemption. Since the 1988 Amendments, the Fair Housing Act has exempted from its familial status provisions properties that satisfy the Act's 55 and older housing condition.

First, it eliminates the requirement that 55 and older housing have significant facilities and services designed for the elderly. Second, HOPA establishes a good faith reliance immunity from damages for persons who in good faith believe that the 55 and older exemption applies to a particular property, if they do not actually know that the property is not eligible for the exemption and if the property has formally stated in writing that it qualifies for the exemption. HOPA retains the requirement that senior housing must have one person who is 55 years of age or older living in at least 80 percent of its occupied units. It also still requires that senior housing publish and follow policies and procedures that demonstrate intent to be housing for persons 55 and older. An exempt property will not violate the Fair Housing Act if it includes families with children, but it does not have to do so. Of course, the property must meet the Act's requirements that at least 80 percent of its occupied units have at least one occupant who is 55 and older, and that it publish and follow policies and procedures that demonstrate an intent to be "55 and older housing." A Department of Housing and Urban Development rule published in the April 2, 1999, Federal Register implements the Housing for Older Persons Act of 1995, and explains in detail those provisions of the Fair Housing Act that pertain to senior housing.

Changes were made to enhance law enforcement, including making amendments to criminal penalties in section 901 of the Civil Rights Act of 1968 for violating the Fair Housing Act.

Changes were made to provide incentives for self-testing by lenders for discrimination under the Fair Housing Act and the Equal Credit Opportunity Act. See Title II, subtitle D of the Omnibus Consolidated Appropriations Act, 1997, P.L. 104 - 208 (9/30/96).

BASIC FACTS ABOUT THE FAIR HOUSING ACT

WHAT HOUSING IS COVERED?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

WHAT IS PROHIBITED?

In the Sale and Rental of Housing: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In Mortgage Lending: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap (disability):

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan or
- Set different terms or conditions for purchasing a loan.

In Addition: It is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right

- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

Additional Protection if You Have a Disability: If you or someone associated with you:

- Have a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities
- Have a record of such a disability or
- Are regarded as having such a disability

Your landlord **may not:**

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing.

Example: A building with a "no pets" policy must allow a visually impaired tenant to keep a guide dog.

Example: An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if necessary to assure that she can have access to her apartment.

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

- Requirements for New Buildings
- In buildings that are ready for first occupancy after March 13, 1991, and have an elevator and four or more units:
- Public and common areas must be accessible to persons with disabilities
- Doors and hallways must be wide enough for wheelchairs
- All units must have:
- An accessible route into and through the unit
- Accessible light switches, electrical outlets, thermostats and other environmental controls
- Reinforced bathroom walls to allow later installation of grab bars and
- Kitchens and bathrooms that can be used by people in wheelchairs.

If a building with four or more units has no elevator and will be ready for first occupancy after March 13, 1991, these standards apply to ground floor units.

These requirements for new buildings do not replace any more stringent standards in State or local law.

HOUSING OPPORTUNITIES FOR FAMILIES

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under 18 live with:

- A parent
- A person who has legal custody of the child or children or
- The designee of the parent or legal custodian, with the parent or custodian's written permission.

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under 18.

Exemption: Housing for older persons is exempt from the prohibition against familial status discrimination if:

- The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a Federal, State or local government program or
- It is occupied solely by persons who are 62 or older or
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates an intent to house persons who are 55 or older.

A transition period permits residents on or before September 13, 1988, to continue living in the housing, regardless of their age, without interfering with the exemption.

IF YOU THINK YOUR RIGHTS HAVE BEEN VIOLATED

HUD is ready to help with any problem of housing discrimination. If you think your rights have been violated, the **Housing Discrimination Complaint Form** (see page [124](#)) is available for you to download, complete and return, or complete online and submit, or you may write HUD a letter, or telephone the HUD office nearest you. You have one year after an alleged violation to file a complaint with HUD, but you should file it as soon as possible.

What to Tell HUD:

- Your name and address
- The name and address of the person your complaint is against (the respondent)
- The address or other identification to the housing involved
- A short description to the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) to the alleged violation

WHERE TO WRITE OR CALL:

Send the Housing Discrimination Complaint Form or a letter to the HUD office nearest you or you may call that office directly at 1-800-669-9777.

COMPLAINTS

HUD handles complaints in several categories.

HOUSING DISCRIMINATION:

Federal law prohibits housing discrimination based on your race, color, national origin, religion, sex, family status, or disability. If you have been trying to buy or rent a home or apartment and you believe your rights have been violated, you can file a fair housing complaint. **You have one year after an alleged violation to file a complaint with HUD**, but it is important to file it as soon as possible.

THERE ARE SEVERAL WAYS TO FILE A COMPLAINT:

You may file a complaint with the Oklahoma Human Rights Commission. You may use a compliant form available at the Commission, or state your complaint in a letter. You may also visit or telephone the Commission, at (405) 521-3441 and 1-888-456-2558, or the Tulsa Office at (918) 581-2733 and 1-888-456-2006. There is no charge for the services of the Commission.

You may file a complaint by using the online form at:

<http://www.hud.gov/complaints/housediscrim.cfm>

You may call toll-free 1-800-669-9777 or contact HUD's Office of Fair Housing and Equal Opportunity in Oklahoma City at 405-609-8401.

You may print out a form from the HUD website at:

www.hudclips.org/sub_nonhud/html/pdfforms/903-1.pdf

Complete the complain form and drop it off at your local HUD office or mail it to:

OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY**Department of Housing and Urban Development**

Room 5204

451 Seventh St. SW

Washington, DC 20410-2000

Or you may write a letter describing the discrimination and mail it to the address above.

LANDLORDS AND RENTAL COMPLAINTS IN FEDERAL HOUSING:

To report a landlord, call toll-free 1-800-685-8470 / TTY 1-800-432-2209.

MANUFACTURED HOUSING:

HUD regulates the construction of certain factory built homes, called “manufactured” homes. If you have a problem with your manufactured home, the first thing you should do is contact the business who sold you the home or the manufacturer that produced the home, to try to resolve the problem. If that fails, you can file a complaint. Include a description of the problem, along with copies of any correspondence or contacts with the retailer and the manufacturer of attempts to resolve the problem. Also include:

- Your name, address and a telephone number where you can be reached during the day;
- The name of the manufacturer;
- The serial number and model number of your home;
- The label number (the red tag on the back of the home);
- The date purchased; and
- The name of the business who sold you the home.

Send your complaint to your State Administrative Agency or, if your state doesn’t have such an agency, send it to:

Manufactured Housing and Standards Division
Office of Consumer and Regulatory Affairs
Department of Housing and Urban Development
451 7th St. SW, Room 9152
Washington, D.C. 20410-8000
If you have questions, call toll free 1-800-927-2891.

LAND SALES:

The Interstate Land Sales Full Disclosure Act protects consumers from fraud and abuse when buying or leasing land from developers. If you believe your rights have been violated, you can file a complaint by writing to HUD. In your letter, be sure to include:

- A description of your problem;
- The name and address of the developer;
- The name of the salesperson;
- The date of your purchase;
- The name of the subdivision;
- The lot number; and
- Copies (don’t send originals!) of sales documents or other related information.

Also, be sure to let HUD know whether or not you got a Property Report when you bought the land.

Send your complaint to:**Office of RESPA and Interstate Land Sales**

Department of Housing and Urban Development

451 7th Street SW, Room 9146

Washington, DC 20410

DECEPTIVE CONTRACTORS:

HUD insures loans to help people renovate and repair their homes through a program called Title I.

Some deceptive contractors in the program were performing shoddy work, falsifying documents, and overcharging homeowners. This fraud had victimized thousands of families and cost the taxpayers millions of dollars.

To avoid becoming a victim of fraud, work only with a HUD-approved Title I lender. This allows you to select the contractor and helps to prevent inflated estimates that only increase costs. This information is available on the HUD website at: www.hud.gov/offices/oig/hotline.

To report any fraud or abuse in the Title I Program, call toll-free 1-800-569-4287/ TTY 1-800-347-3735.

FRAUD, WASTE, AND ABUSE:

If you are aware of fraud, waste and abuse in HUD programs and operations, report it to HUD's Inspector General Hotline!

What kinds of things should you report? Report mismanagement or violations of law, rules, or regulations by HUD employees or program participants.

Your complaint will be kept confidential if it is received on the phone, through the mail, or in person. HUD cannot guarantee confidentiality if you send your complaint by e-mail.

Laws protect you from reprisals (any action taken against you because you filed this complaint).

If You Are Disabled:**HUD also provides:**

- A toll-free TTY phone for the hearing impaired: 1-800-927-9275.
- Interpreters
- Tapes and braille materials
- Assistance in reading and completing forms

FAIR HOUSING LAWS AND PRESIDENTIAL EXECUTIVE ORDERS

THE FAIR HOUSING LAWS

Fair Housing Act Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents of legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

Title VI of the Civil Rights Act of 1964 Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

Section 109 of Title I of the Housing and Community Development Act of 1974 Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program.

Title II of the Americans with Disabilities Act of 1990 Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

Architectural Barriers Act of 1968 The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by disabled persons.

Age Discrimination Act of 1975 The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Title IX of the Education Amendments Act of 1972 Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.

FAIR HOUSING-RELATED PRESIDENTIAL EXECUTIVE ORDERS:

Executive Order 11063 Executive Order 11063 prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

Executive Order 11246 Executive Order 11246, as amended, bars discrimination in federal employment because of race, color, religion, sex, or national origin.

Executive Order 12892 Executive Order 12892, as amended, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The Order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.

Executive Order 12898 Executive Order 12898 requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color, or national origin.

Executive Order 13166 Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally conducted programs and activities.

Executive Order 13217 Executive Order 13217 requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.



FREQUENTLY ASKED QUESTIONS

Q #1: What are the Fair Housing Act's requirements for housing to be accessible?

A: The Fair Housing Act requires all "covered multifamily dwellings" designed and constructed for first occupancy after March 13, 1991 to be accessible to and usable by people with disabilities. Covered multifamily dwellings are all dwelling units in buildings containing four or more units with one or more elevators, and all ground floor units in buildings containing four or more units, without an elevator.

Q #2: Where can I find the accessibility standards for dwelling units required to be accessible under the Fair Housing Act's design and construction requirements?

A: The Fair Housing Act requires seven basic requirements that must be met to comply with the access requirements of the Act. Those requirements are:

1. An accessible building entrance on an accessible route.
2. Accessible public and common use areas.
3. Usable doors (usable by a person in a wheelchair).
4. Accessible route into and through the dwelling unit.
5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.
6. Reinforced walls in bathrooms for later installation of grab bars.
7. Usable kitchens and bathrooms.

To meet these seven requirements, HUD published Fair Housing Accessibility Guidelines (the Guidelines) on March 6, 1991, and supplemented those Guidelines with a Supplemental Notice: Questions and Answers About the Guidelines published on June 28, 1994. The Guidelines are one of seven safe harbors for compliance that HUD has identified.

Q #3: What are the seven "safe harbors" for compliance with the Fair Housing Act's design and construction requirements and where can I find them?

A: HUD has recognized seven safe harbors for compliance with the Fair Housing Act's design and construction requirements. They are:

- HUD Fair Housing Accessibility Guidelines published on March 6, 1991, used with the Supplemental Notice to Fair Housing Accessibility Guidelines Questions and Answers about the Guidelines, published on June 28, 1994.
- HUD Fair Housing Act Design Manual
- ANSI A117.1 (1986), used with the Fair Housing Act, HUD's regulations, and the Guidelines
- CABO/ANSI A117.1 (1992), used with the Fair Housing Act, HUD's regulations, and the Guidelines
- ICC/ANSI A117.1 (1998), used with the Fair Housing Act, HUD's regulations, and the Guidelines
- Code Requirements for Housing Accessibility 2000 (CRHA)

- International Building Code 2000 as amended by the 2001 Supplement to the International Codes Information about how to get copies of the above standards is found elsewhere on this website.

Q #4: Why are there so many new townhouse developments? Doesn't the Fair Housing Act's design and construction requirements prohibit them?

A: The Fair Housing Act's design and construction requirements do not cover multistory townhouse units that have two, three, or even four stories--unless the building has an elevator.

Q #5: Does the Fair Housing Act require any minimum number of accessible dwelling units?

A: No, the Fair Housing Act's design and construction requirements do not require a minimum number of accessible dwelling units. If a building with four or more units that does not have an elevator is covered, all (100%) of the ground floor units must be accessible, and if the building has an elevator, all (100%) of the units in the building must be accessible. Other federal, state or local codes sometimes require a specified number of units to be accessible.

Q #6: Does the Fair Housing Act's design and construction requirements require fully accessible units?

A: No, the Fair Housing Act does not require fully accessible units. Although the requirements apply to a broad number of dwelling units, the Act's design and construction requirements are modest and result in units that do not look different from traditional units but can be easily adapted by people with disabilities who require features of accessibility not required by the Fair Housing Act.

Q #7: Under the Fair Housing Act's design and construction requirements, how many resident parking spaces must be made accessible at the time of construction?

A: A minimum of two percent of the number of parking spaces serving covered dwelling units must be made accessible and located on an accessible route; and, if different types of parking are offered, such as surface parking, garage, or covered spaces, at least one of each must be made accessible. If buyers or renters request an accessible space at the time of the first sale or rental, it may be necessary to provide additional accessible parking spaces if the two percent are already reserved. These spaces must be offered on the same terms and with the full range of choices offered to others. If additional spaces are needed as a reasonable accommodation to a person with a disability after the buildings are constructed, additional accessible parking spaces may be required.

Q #8: Do the Fair Housing Act's design and construction requirements apply to alteration or renovation of properties?

A: Alterations, rehabilitation or repair of covered multifamily dwellings are not covered because the Act's design and construction requirements only apply to new construction of buildings built for first occupancy after March 13, 1991. However, a covered multifamily dwelling that has been constructed to comply with the law cannot later be altered to make it non-compliant with the law. Additions of four or more units are covered by the design and construction requirements.

Q #9: Do the Fair Housing Act's design and construction requirements apply to detached single-family homes?

A: No, the Fair Housing Act's design and construction requirements only apply to covered multifamily dwellings--buildings that have four or more units. In buildings that have an elevator, all of the units are covered. If the building does not have an elevator, all of the ground floor units are covered. This includes single-family homes when there are four or more in the building. However, detached single-family houses are not covered by the Fair Housing Act's design and construction requirements. Although the Fair Housing Act's design and construction requirements may not apply to detached single-family homes, the Fair Housing Act's other provisions, such as nondiscrimination, do apply. Other laws may require accessibility in detached single family houses as described in the next question and answer.

Q #10: Do any accessibility requirements apply to detached single-family homes that are built to be sold to homeowners?

A: Detached single family homes that are funded in any way by federal, state or local funds may be required to be accessible under laws other than the Fair Housing Act. These laws, particularly Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, have requirements for accessibility. For example, detached single family houses funded through the HOPE VI program operated by the Department of Housing and Urban Development (HUD), whether for sale or rental, must comply with HUD's requirements for Section 504. This includes making 5 percent of the units accessible to persons with mobility impairments and 2 percent of the units accessible to persons with vision or hearing impairments. The applicable standard for compliance is the Uniform Federal Accessibility Standard or UFAS.

Q #11: Do the Fair Housing Act's design and construction requirements cover condominiums?

A: Yes. The Fair Housing Act's design and construction requirements cover condominiums in covered multifamily dwellings; the design and construction requirements make no distinctions based on ownership.

Q #12: How do the Fair Housing Act's design and construction requirements affect existing State and local building codes?

A: Existing state and local codes remain in effect. The Fair Housing Act has no effect on existing state or local codes that require greater accessibility than the Fair Housing Act requires. However, if a state or local code requires less accessibility than the Fair Housing Act, the Fair Housing Act requirements will prevail and must be followed.

Q #13: If I think that I have been involved with the design or construction of a property that is covered by the Fair Housing Act's design and construction requirements but which does not comply with them, what can I do?

A: You may seek technical assistance from a consultant with expertise in the Fair Housing Act's design and construction requirements about a plan to correct the violations. You may also consult with a private lawyer for assistance. The Fair Housing Accessibility FIRST website provides more information about the accessibility requirements and the standards for compliance.

Q #14: If I think I have been discriminated against because housing built since March 13, 1991 does not meet the Fair Housing Act's accessibility requirements, what can I do?

A: You may contact the United States Department of Housing and Urban Development (HUD) to discuss with them the possibility of filing an administrative complaint that will be investigated by HUD or by a state or local agency that enforces a law that is equivalent to the Fair Housing Act. You may also consult with a private fair housing group or with a private lawyer for assistance.



EXAMPLES OF DISCRIMINATORY HOUSING PRACTICES

- To refuse to sell or rent, to refuse to negotiate, or to deny or make unavailable, any housing.
- To discriminate in the terms, conditions or privileges of housing.
- To advertise any discriminatory preference or limitation in housing.
- To represent falsely that housing is unavailable for inspection, sale or rent.
- To make unequal terms, conditions or privileges in the obtaining or use of financial assistance for the acquisition, construction, rehabilitation or maintenance of housing.
- To refuse to consider the income of both applicants when both seek to buy or lease housing. To refuse to consider as a valid source of income public assistance, alimony or child support.
- To deny access to or participation in any real estate service, such as broker's organizations, multiple listing services or other facilities related to the selling or renting of housing.
- To include or honor restrictive covenants which are discriminatory.
- To induce owners, for profit, to sell or rent housing by informing them that members of different racial/ethnic groups (for example) are moving into the neighborhood.

CONCERNING A PERSON WITH A DISABILITY, IT IS UNLAWFUL TO:

- refuse to rent housing on the basis of the person's use or possession of a guide, signal, or service animal.
- demand the payment of additional, nonrefundable fee or an unreasonable deposit for rent for such animal.

For Further Information Contact:

The Special Advisor for Disability Policy, Office of Enforcement, Office of Fair Housing and Equal Opportunity, 451 Seventh St., S.W., Washington, DC 20410, telephone (202) 708 2333 (voice), or (202) 708 1734 (TTY).

FAIR HOUSING ACCESSIBILITY GUIDELINES:

On March 6, 1991 (56 FR 9472), the Department published final Fair Housing Accessibility Guidelines (Guidelines) to provide builders and developers with technical guidance on how to comply with the accessibility requirements of the Fair Housing Act. (The Guidelines are codified at 24 CFR Chapter I, Subchapter A., App. II. The preamble to the Guidelines is codified at 24 CFR Chapter I, Subchapter A., App.III.) The Guidelines are organized to follow the sequence of requirements as they are presented in the Fair Housing Act and in 24 CFR 100.205. The Guidelines provide technical guidance on the following seven requirements:

- Accessible building entrance on an accessible route.
- Accessible common and public use areas.
- Usable doors (usable by a person in a wheelchair).

- Accessible route into and through the dwelling unit.
- Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.
- Reinforced walls for grab bars.
- Usable kitchens and bathrooms.

The design specifications presented in the Guidelines are recommended guidelines only. Builders and developers may choose to depart from these guidelines and seek alternate ways to demonstrate that they have met the requirements of the Fair Housing Act. The Fair Housing Act and the Department's implementing regulation provides, for example, for use of the appropriate requirements of the ANSI A117.1 standard. However, adherence to the Guidelines does constitute a safe harbor in the Department's administrative enforcement process for compliance with the Fair Housing Act's design and construction requirements.

The questions and answers set forth in this notice address the issues most frequently raised by the public with respect to types of multifamily dwellings subject to the design and construction requirements of the Fair Housing Act, and the technical specifications contained in the Guidelines. These are divided into two sections: Dwellings Subject to the New Construction Requirements of the Fair Housing Act and Accessibility Guidelines.

SECTION 1: DWELLINGS SUBJECT TO THE NEW CONSTRUCTION REQUIREMENTS OF THE FAIR HOUSING ACT.

The issues addressed in this section concern the types of multifamily dwellings (or portions of such dwellings) designed and constructed for first occupancy after March 13, 1991 that must comply with the design and construction requirements of the Fair Housing Act.

TOWNHOUSES

Q. Are townhouses in non-elevator buildings which have individual exterior entrances required to be accessible?

A. Yes, if they are single-story townhouses. If they are multistory townhouses, accessibility is not required. (See the discussion of townhouses in the preamble to the Guidelines under "Section 2--Definitions [Covered Multifamily Dwellings]" at 56 FR 9481, March 6, 1991, or 24 CFR Chapter I, Subchapter A, App. III.)

Q. Does the Fair Housing Act cover four one-story dwelling units that share common walls and have individual entrances?

A. Yes. The Fair Housing Act applies to all units in buildings consisting of four or more dwelling units if such buildings have one or more elevators; and ground floor dwelling

units in other buildings consisting of four or more dwelling units. This would include one-story homes, sometimes called "single-story townhouses," "villas," or "patio apartments," regardless of ownership, even though such homes may not be considered multifamily dwellings under various building codes.

Q. What if the single-story dwelling units are separated by firewalls?

A. The Fair Housing Act would still apply. The Guidelines define covered multifamily dwellings to include buildings having four or more units within a single structure separated by firewalls.

COMMERCIAL SPACE

Q. If a building includes three residential dwelling units and one or more commercial spaces, is the building a "covered multifamily dwelling" under the Fair Housing Act?

A. No. Covered multifamily dwellings are buildings consisting of four or more dwelling units, if such buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of four or more dwelling units. Commercial space does not meet the definition of "dwelling unit." Note, however, that title III of the ADA applies to public accommodations and commercial facilities, therefore an independent determination should be made regarding applicability of the ADA to the commercial space in such a building (see the introduction to these questions and answers, which provides some background on the ADA).

CONDOMINIUMS

Q. Are condominiums covered by the Fair Housing Act?

A. Yes. Condominiums in covered multifamily dwellings are covered by the Fair Housing Act. The Fair Housing Act makes no distinctions based on ownership.

Q. If a condominium is pre-sold as a shell and the interior is designed and constructed by the buyer, are the Guidelines applicable?

A. Yes. The Fair Housing Act applies to design and construction of covered multifamily dwellings, regardless of whether the person doing the design and construction is an architect, builder, or private individual. (See discussion of condominiums in the preamble to Guidelines under "Section 2-- Definitions [Dwelling Units]" at 56 FR 9481, March 6, 1991, or 24 CFR Chapter I, Subchapter A, App. III.)

ADDITIONS

Q. If an owner adds four or more dwelling units to an existing building, are those units covered by the Fair Housing Act?

A. Yes, provided that the units constitute a new addition to the building and not substantial rehabilitation of existing units.

Q. What if new public and common use spaces are also being added?

A. If new public and common use areas or buildings are also added, they are required to be accessible.

Q. If the only new construction is an addition consisting of four or more dwelling units, would the existing public and common use spaces have to be made accessible?

A. No, existing public and common use areas would not have to be made accessible. The Fair Housing Act applies to new construction of covered multifamily dwellings. (See section 804(f)(3)(C)(i) of the Act.) Existing public and common use facilities are not newly constructed portions of covered multifamily dwellings. However, reasonable modifications to the existing public and common use areas to provide access would have to be allowed, and the Americans with Disabilities Act (ADA) may apply to certain public and common use areas. An independent determination should be made regarding applicability of the ADA. (See the introduction to these questions and answers, which provides some background on the ADA.)

UNITS OVER PARKING

Q. Plans for a three-story building consist of a common parking area with assigned stalls on grade as the first story, and two stories of single-story dwelling units stacked over the parking. All of the stories above the parking level are to be accessed by stairways. There are no elevators planned to be in the building. Would the first story of single-story dwelling units over the parking level be required to be accessible?

A. Yes. The Guidelines adopt and amplify the definition of "ground floor" found in HUD's regulation implementing the Fair Housing Act (see 24 CFR 100.201) to indicate that ". . . where the first floor containing dwelling units is above grade, all units on that floor must be served by a building entrance on an accessible route. This floor will be considered to be a ground floor." (See definition of "ground floor" in the Guidelines at 24 CFR Chapter I, Subchapter A, App. II, Section 2.) Where no dwelling units in a covered multifamily dwelling are located on grade, the first floor with dwelling units will be considered to be a ground floor, and must be served by a building entrance on an accessible route. However, the definition of "ground floor" does not require that there be more than one ground floor.

Q. If a building design contains a mix of single-story flats on grade and single-story flats located above grade over a public parking area, do the flats over the parking area have to be accessible.

A. No. In the example in the above question, because some single-story flats are situated on grade, these flats would be the ground floor dwelling units and would be required to

be accessible. The definition of ground floor in the Guidelines states, in part, that "ground floor means a floor of a building with a building entrance on an accessible route. A building may have one or more ground floors." Thus, the definition includes situations where the design plan is such that more than one floor of a building may be accessed by means of an accessible route (for an example, see Question 6, which follows). There is no requirement in the Department's regulations implementing the Fair Housing Act that there be more than one ground floor.

MORE THAN ONE GROUND FLOOR

Q. If a two or three story building is to be constructed on a slope, such that the lowest story can be accessed on grade on one side of the building and the second story can be accessed on grade on the other side of the building, do the dwelling units on both the first and second stories have to be made accessible?

A. Yes. By defining "ground floor" to be any floor of a building with an accessible entrance on an accessible route, the Fair Housing Act regulations recognize that certain buildings, based on the site and the design plan, have more than one story which can be accessed at or near grade. In such cases, if more than one story can be designed to have an accessible entrance on an accessible route, then all such stories should be so designed. Each story becomes a ground floor and the dwelling units on that story must meet the accessibility requirements of the Act. (See the discussion on this issue in Question 12 of this section.)

CONTINUING CARE FACILITIES

Q. Do the new construction requirements of the Fair Housing Act apply to continuing care facilities which incorporate housing, health care and other types of services?

A. The new construction requirements of the Fair Housing Act would apply to continuing care facilities if the facility includes at least one building with four or more dwelling units. Whether a facility is a "dwelling" under the Act depends on whether the facility is to be used as a residence for more than a brief period of time. As a result, the operation of each continuing care facility must be examined on a case-by-case basis to determine whether it contains dwellings. Factors that the Department will consider in making such an examination include, but are not limited to:

- the length of time persons stay in the project;
- whether policies are in effect at the project that are designed and intended to encourage or discourage occupants from forming an expectation and intent to continue to occupy space at the project; and
- the nature of the services provided by or at the project.

EVIDENCE OF FIRST OCCUPANCY

Q. The Fair Housing Act applies to covered multifamily dwellings built for first occupancy after March 13, 1991. What is acceptable evidence of "first occupancy"?

A. The determination of first occupancy is made on a building by building basis. The Fair Housing Act regulations provide that "covered multifamily dwellings shall be deemed to be designed and constructed for first occupancy on or before March 13, 1991 (and therefore exempt from the Act's accessibility requirements) if they are occupied by that date or if the last building permit or renewal thereof for the covered multifamily dwellings is issued by a State, county or local government on or before June 15, 1990."

For buildings that did not obtain the final building permit on or before June 15, 1990, proof of the date of first occupancy consists of (1) a certificate of occupancy, and (2) a showing that at least one dwelling unit in the building actually was occupied by March 13, 1991. For example, a tenant has signed a lease and has taken possession of a unit. The tenant need not have moved into the unit, but the tenant must have taken possession so that, if desired, he or she could have moved into the building by March 13, 1991. For dwelling units that were for sale, this means that the new owner had completed settlement and taken possession of the dwelling unit by March 13, 1991. Once again, the new owner need not have moved in, but the owner must have been in possession of the unit and able to move in, if desired, on or before March 13, 1991. A certificate of occupancy alone would not be an acceptable means of establishing first occupancy, and units offered for sale, but not sold, would not meet the test for first occupancy.

CONVERTED BUILDINGS

Q. If a building was used previously for a nonresidential purpose, such as a warehouse, office building, or school, and is being converted to a multifamily dwelling, must the building meet the requirements of the Fair Housing Act?

A. No, the Fair Housing Act applies to "covered multifamily dwellings for first occupancy after" March 13, 1991, and the Fair Housing Act regulation defines "first occupancy" as "a building that has never before been used for any purpose." (See 24 CFR 100.201, for the definition of "first occupancy," and also 24 CFR Chapter I, Subchapter A, App. I.)



SECTION 2: ACCESSIBILITY GUIDELINES

The issues addressed in this section concern the technical specifications set forth in the Fair Housing Accessibility Guidelines.

REQUIREMENT 1: ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE

ACCESSIBLE ROUTES TO GARAGES

Q. Is it necessary to have an accessible path of travel from a subterranean garage to single-story covered multifamily dwellings built on top of the garage?

A. Yes. The Fair Housing Act requires that there be an accessible building entrance on an accessible route. To satisfy Requirement 1 of the Guidelines, there would have to be an accessible route leading to grade level entrances serving the single-story dwelling units from a public street or sidewalk or other pedestrian arrival point. The below grade parking garage is a public and common use facility. Therefore, there must also be an accessible route from this parking area to the covered dwelling units. This may be provided either by a properly sloped ramp leading from the below grade parking to grade level, or by means of an elevator from the parking garage to the dwelling units.

Q. Does the route leading from inside a private attached garage to the dwelling unit have to be accessible?

A. No. Under Requirement 1 of the Guidelines, there must be an accessible entrance to the dwelling unit on an accessible route. However, this route and entrance need not originate inside the garage. Most units with attached garages have a separate main entry, and this would be the entrance required to be accessible. Thus, if there were one or two steps inside the garage leading into the unit, there would be no requirement to put a ramp in place of the steps. However, the door connecting the garage and dwelling unit would have to meet the requirements for usable doors.

SITE IMPRACTICALITY TESTS

Q. Under the individual building test, how is the second step of the test performed, which involves measuring the slope of the finished grade between the entrance and applicable arrival points?

A. The slope is measured at ground level from the entrance to the top of the pavement of all vehicular and pedestrian arrival points within 50 feet of the planned entrance, or, if there are none within 50 feet, the vehicular or pedestrian arrival point closest to the planned entrance.

Q. Under the individual building test, at what point of the planned entrance is the measurement taken.

A. On a horizontal plane, the center of each individual doorway should be the point of measurement when measuring to an arrival point, whether the doorway is an entrance door to the building or an entrance door to a unit.

Q. The site analysis test calls for a calculation of the percentage of the buildable areas having slopes of less than 10 percent. What is the definition of "buildable areas"?

A. The "buildable area" is any area of the lot or site where a building can be located in compliance with applicable codes and zoning regulations.

SECOND GROUND FLOORS

Q. The Department's regulation for the Fair Housing Act provides that there can be more than one ground floor in a covered multifamily dwelling (such as a three-story building built on a slope with three stories at and above grade in front and two stories at grade in back). How is the individual building test performed for additional stories, to determine if those stories must also be treated as "ground floors"?

A. For purposes of determining whether a non-elevator building has more than one ground floor, the point of measurement for additional ground floors, after the first ground floor has been established, is at the center of the entrance (building entrance for buildings with one or more common entrance and each dwelling unit entrance for buildings with separate ground floor unit entrances) at floor level for that story.

Q. What happens if a builder deliberately manipulates the grade so that a second story, which also might have been treated as a ground floor, requires steps?

A. Deliberate manipulation of the height of the finished floor level to avoid the requirements of the Fair Housing Act would serve as a basis for the Department to determine that there is reasonable cause to believe that a discriminatory housing practice has occurred.

REQUIREMENT 2: PUBLIC AND COMMON USE AREAS

NO COVERED DWELLING

Q. Are the public and common use areas of a newly constructed development that consists entirely of buildings having four or more multistory townhouses, with no elevators, required to be accessible?

A. No. The Fair Housing Act applies only to new construction of covered multifamily dwellings. Multistory townhouses, provided that they meet the definition of "multistory" in the Guidelines, are not covered multifamily dwellings if the building does not have an elevator. (See discussion of townhouses in the preamble to the Guidelines under "Section 2--Definitions [Covered Multifamily Dwellings]" at 56 FR 9481, March 6, 1991, or 24 CFR Chapter I, Subchapter A, App. III.) If there are no covered multifamily dwellings on a site, then the public and common use areas of the site are not required to be

accessible. However, the Americans with Disabilities Act (ADA) may apply to certain public and common use areas. Again, an independent determination should be made regarding applicability of the ADA. (See the introduction to these questions and answers, which provides some background on the ADA.)

PARKING SPACES AND GARAGES

Q. How many resident parking spaces must be made accessible at the time of construction?

A. The Guidelines provide that a minimum of two percent of the parking spaces serving covered dwelling units be made accessible and located on an accessible route to wheelchair users. Also, if a resident requests an accessible space, additional accessible parking spaces would be necessary if the two percent are already reserved.

Q. If both open and covered parking spaces are provided, how many of each type must be accessible?

A. The Guidelines require that accessible parking be provided for residents with disabilities on the same terms and with the full range of choices, e.g., surface parking or garage, that are provided for other residents of the project. Thus, if a project provides different types of parking such as surface parking, garage, or covered spaces, some of each must be made accessible. While the total parking spaces required to be accessible is only two percent, at least one space for each type of parking should be made accessible even if this number exceeds two percent.

Q. If a project having covered multifamily dwellings provides parking garages where there are several individual garages grouped together either in a separate area of the building (such as at one end of the building, or in a detached building), for assignment or rental to residents, are there any requirements for the inside dimensions of these individual parking garages?

A. Yes. These garages would be public and common use space, even though the individual garages may be assigned to a particular dwelling unit. Therefore, at least two percent of the garages should be at least 14' 2" wide and the vehicular door should be at least 10'-0" wide.

Q. If a covered multifamily dwelling has a below grade common use parking garage, is there a requirement for a vertical clearance to allow vans to park?

A. This issue was addressed in the preamble to the Guidelines, but continues to be a frequently asked question. (See the preamble to the Guidelines under the discussion of "Section 5--Guidelines for Requirement 2" at 56 FR 9486, March 6, 1991, or 24 CFR Ch. I, Subch. A, App. III.) In response to comments from the public that the Guidelines for parking specify minimum vertical clearance for garage parking, the Department responded:

No national accessibility standards, including UFAS, require particular vertical clearances in parking garages. The Department did not consider it appropriate to exceed commonly accepted standards by including a minimum vertical clearance in the Fair Housing Accessibility Guidelines, in view of the minimal accessibility requirements of the Fair Housing Act.

Since the Guidelines refer to ANSI A117.1 1986 for the standards to follow for public and common use areas, and since the ANSI does not include a vertical clearance for garage parking, the Guidelines likewise do not. (Note: UFAS is the Uniform Federal Accessibility Standard.)

PUBLIC TELEPHONES

Q. If a covered multifamily dwelling has public telephones in the lobby, what are the requirements for accessibility for these telephones?

A. The requirements governing public telephones are found in Item #14, "Common use spaces and facilities," in the chart under Requirement 2 of the Guidelines. While the chart does not address the quantity of accessible public telephones, at a minimum, at least one accessible telephone per bank of telephones would be required. The specifications at ANSI 4.29 would apply.

REQUIREMENT 3: USABLE DOORS

REQUIRED WIDTH

Q. Will a standard hung 32-inch door provide sufficient clear width to meet the requirements of the Fair Housing Act?

A. No, a 32-inch door would not provide a sufficient clear opening to meet the requirement for usable doors. A notation in the Guidelines for Requirement 3 indicates that a 34-inch door, hung in the standard manner, provides an acceptable nominal 32-inch clear opening.

MANEUVERING CLEARANCES AND HARDWARE

Q. Is it correct that only the exterior side of the main entry door of covered multifamily dwellings must meet the ANSI requirements?

A. Yes. The exterior side of the main entry door is part of the public and common use areas and therefore must meet ANSI A117.1 1986 specifications for doors. These specifications include necessary maneuvering clearances and accessible door hardware. The interior of the main entry door is part of the dwelling unit and only needs to meet the requirements for usable doors within the dwelling intended for user passage, i.e., at least 32 inches nominal clear width, with no requirements for maneuvering clearances and

hardware. (See 56 FR 9487-9488, March 6, 1991, or 24 CFR Chapter I, Subchapter A, App. III.)

DOORS TO INACCESSIBLE AREAS

Q. Is it necessary to provide usable doors when the door leads to an area of the dwelling that is not accessible, such as the door leading down to an unfinished basement, or the door connecting a single-story dwelling with an attached garage? (In the latter case, there is a separate entrance door to the unit which is accessible.)

A. Yes. Within the dwelling unit, doors intended for user passage through the unit must meet the requirements for usable doors. Such doors would have to provide at least 32 inches nominal clear width when the door is open 90 degrees, measured between the face of the door and the stop. This will ensure that, if a wheelchair user occupying the dwelling unit chooses to modify the unit to provide accessibility to these areas, such as installing a ramp from the dwelling unit into the garage, the door will be sufficiently wide to allow passage. It also will allow passage for people using walkers or crutches.

REQUIREMENT 4: ACCESSIBLE ROUTE INTO AND THROUGH THE UNIT

SLIDING DOOR

Q. If a sliding door track has a threshold of 3/4", does this trigger requirements for ramps?

A. No. The Guidelines at Requirement 4 provide that thresholds at doors, including sliding door tracks, may be no higher than 3/4" and must be beveled with a slope no greater than 1:2.

PRIVATE ATTACHED GARAGES

Q. If a covered multifamily dwelling has an individual, private garage which is attached to and serves only that dwelling, does the garage have to be accessible in terms of width and length?

A. Garages attached to and which serve only one covered multifamily dwelling are part of that dwelling unit, and are not covered by Requirement 2 of the Guidelines, which addresses accessible and usable public and common use space. Because such individual garages attached to and serving only one covered multifamily dwelling typically are not finished living space, the garage is not required to be accessible in terms of width or length. The answer to this question should be distinguished from the answer to Question 14(c). Question 14(c) addresses parking garages where there are several garages or stalls located together, either in a separate, detached building, or in a central area of the building, such as at one end. These types of garages are not attached to, and do not serve, only one unit and are therefore considered public and common use garages.

SPLIT-LEVEL ENTRY

Q. Is a dwelling unit that has a split entry foyer, with the foyer and living room on an accessible route and the remainder of the unit down two steps, required to be accessible if it is a ground floor unit in a covered multifamily dwelling?

A. Yes. Under Requirement 4, there must be an accessible route into and through the dwelling unit. This would preclude a split level foyer, unless a properly sloped ramp can be provided.

REQUIREMENT 5 -- ENVIRONMENTAL CONTROLS**RANGE HOOD FANS**

Q. Must the switches on range hood kitchen ventilation fans be in accessible locations?

A. No. Kitchen ventilation fans located on a range hood are considered to be part of the appliance. The Fair Housing Act has no requirements for appliances in the interiors of dwelling units, or the switches that operate them. (See "Guidelines for Requirement 5" and "Controls for Ranges and Cooktops" at 56 FR 9490 and 9492, March 6, 1991, or 24 CFR Ch. I, Subch. A, App. III.)



REQUIREMENT 6 -- REINFORCED WALLS FOR GRAB BARS

TYPE OF REINFORCEMENT

Q. What type of reinforcement should be used to reinforce bathroom walls for the later installation of grab bars?

A. The Guidelines do not prescribe the type of material to use or method of providing reinforcement for bathroom walls. The Guidelines recognize that grab bar reinforcing may be accomplished in a variety of ways, such as by providing plywood panels in the areas illustrated in the Guidelines under Requirement 6, or by installing vertical reinforcement in the form of double studs at the points noted on the figures in the Guidelines. The builder/owners should maintain records that reflect the placement of the reinforcing material, for later reference by a resident who wishes to install a grab bar.

TYPE OF GRAB BAR

Q. What types of grab bars should the reinforcement be designed to accommodate and what types may be used if the builder elects to install grab bars in some units at the time of construction?

A. The Guidelines do not prescribe the type of product for grab bars, or the structural strength for grab bars. The Guidelines only state that the necessary reinforcement must be placed "so as to permit later installation of appropriate grab bars." (Emphasis added.) In determining what is an appropriate grab bar, builders are encouraged to look to the 1986 ANSI A117.1 standard, the standard cited in the Fair Housing Act. Builders also may follow State or local standards in planning for or selecting appropriate grab bars.

REQUIREMENT 7 -- USABLE KITCHENS AND BATHROOMS

COUNTERS AND VANITIES

Q. It appears from Figure 2(c) of the Guidelines (under Requirement 5) that there is a 34 inch height requirement for kitchen counters and vanities. Is this true?

A. No. Requirement 7 addresses the requirement for usable kitchens and bathrooms so that a person in a wheelchair can maneuver about the space. The legislative history of the Fair Housing Act makes it clear that the Congress intended that the Act affect ability to maneuver within the space of the kitchen and bathroom, but not to require fixtures, cabinetry or plumbing of adjustable design. Figure 2(c) of the Guidelines is illustrating the maximum side reach range over an obstruction. Because the picture was taken directly from the ANSI A117.1 1986 standard, the diagram also shows the height of the obstruction, which, in this picture, is a countertop. This 34 inch height, however, should not be regarded as a requirement.

SHOWERS

Q. Is a parallel approach required at the shower, as shown in Figure 7(d) of the Guidelines?

A. Yes. For a 36" x 36" shower, as shown in Figure 7(d), a person in a wheelchair would typically add a wall hung seat. Thus the parallel approach as shown in Figure 7(d) is essential in order to be able to transfer from the wheelchair to the shower seat.

TUB CONTROLS

Q. Do the Guidelines set any requirements for the type or location of bathtub controls?

A. No, except where the specifications in Requirement 7(2)(b) are used. In that case, while the type of control is not specified, the control must be located as shown in Figure 8 of the Guidelines.

PARAGRAPH (B) BATHROOMS

Q. If an architect or builder chooses to follow the bathroom specifications in Requirement 7, Guideline 2, paragraph (b), where at least one bathroom is designed to comply with the provisions of paragraph (b), are the other bathrooms in the dwelling unit required to have reinforced walls for grab bars?

A. Yes. Requirement 6 of the Guidelines requires reinforced walls in bathrooms for later installation of grab bars. Even though Requirement 6 was not repeated under Requirement 7--Guideline 2, it is a separate requirement which must be met in all bathrooms. The same would be true for other Requirements in the Guidelines, such as Requirement 5, which applies to usable light switches, electrical outlets, thermostats and other environmental controls; Requirement 4 for accessible route; and Requirement 3 for usable doors.

BATHROOM CLEAR FLOOR SPACE

Q. Is it acceptable to design a bathroom with an in- swinging 2'10" door which can be retrofitted to swing out in order to provide the necessary clear floor space in the bathroom?

A. No. The requirements in the Guidelines must be included at the time of construction. Thus, for a bathroom, there must be sufficient maneuvering space and clear floor space so that a person using a wheelchair or other mobility aid can enter and close the door, use the fixtures and exit.

LAVATORIES

Q. Would it be acceptable to use removable base cabinets beneath a wall-hung lavatory where a parallel approach is not possible?

A. Yes. The space under and around the cabinet should be finished prior to installation. For example, the tile or other floor finish must extend under the removable base cabinet.

WING WALLS

Q. Can a water closet (toilet) be located in an alcove with a wing wall?

A. Yes, as long as the necessary clear floor space shown in Figure 7(a) is provided. This would mean that the wing wall could not extend beyond the front edge of a lavatory located on the other side of the wall from the water closet.

PENALTIES

Q. What types of penalties or monetary damages will be assessed if covered multifamily dwellings are found not to be in compliance with the Fair Housing Act?

A. Under the Fair Housing Act, if an administrative law judge finds that a respondent has engaged in or is about to engage in a discriminatory housing practice, the administrative law judge will order appropriate relief. Such relief may include actual and compensatory damages, injunctive or other equitable relief, attorney's fees and costs, and may also include civil penalties ranging from \$10,000 for the first offense to \$50,000 for repeated offenses. In addition, in the case of buildings which have been completed, structural changes could be ordered, and an escrow fund might be required to finance future changes.

Further, a Federal district court judge can order similar relief plus punitive damages as well as civil penalties for up to \$100,000 in an action brought by a private individual or by the U.S. Department of Justice.

SECTION 504 COMPLAINT PROCESS

The following is an overview of how HUD processes complaints filed by individuals who have experienced disability discrimination under the law called Section 504. Section 504 of the Rehabilitation Act protects you from discrimination in HUD-funded programs for which you qualify, and is commonly called "Section 504." This overview of the Section 504 complaint process contains citations to 24 CFR 8.1-8.58. These are references to specific sections of the Code of Federal Regulations that contain HUD's regulations for Section 504. These HUD regulations set forth more specific rules with respect to how Section 504 applies to various HUD-assisted programs.

What is a Complaint?

A complaint is a communication alleging discrimination on the basis of disability and in some way asking for HUD's assistance in resolving the problem. It may range from a verbal communication (which is later put in writing) to a complaint submitted on either the old HUD-903 Complaint Form, or on the new HUD Housing Discrimination Information Form. The complaint should contain:

- the complainant's name and address;
- the name and address of the individual or organization (usually the recipient of federal assistance) alleged to have discriminated; and
- a description of the discriminatory actions and the date of those actions. [24 CFR 8.56(c)(5)]

The complaint may be amended fairly and reasonably at any time to clarify or amplify the allegation. [24 CFR 8.56(c)(6)]

Although a complaint will contain the name of the complainant, HUD will keep the identity of the complainant confidential unless it has written authorization from the complainant to release it, or except as necessary to carry out the purpose of the Section 504 regulations, including the enforcement provisions. [(24 CFR 8.56(c)(2)]

When Must a Complaint be Filed?

Under Section 504, a complaint must be filed within 180 days of the alleged act of discrimination unless HUD waives this time limit for good cause shown. The complaint is deemed received on the date HUD actually receives it or, if mailed, on the date it is postmarked. [24 CFR 8.56(c)(3)]

Who May File a Complaint?

Any individual who believes he or she has been discriminated against on the basis of disability by a recipient of Federal financial assistance, his or her representative, or a member of a class of persons so situated, or the authorized representative of a member of that class. [24 CFR 8.56(c)(1)]

KEY PROVISIONS AND REGULATIONS IMPLEMENTING SECTION 504 OF THE REHABILITATION ACT

Title V Section 504 of the Rehabilitation Act provides for nondiscrimination in all programs, services and activities receiving federal financial assistance; and in programs, services and activities conducted by Executive agencies.

This section focuses on Section 504, and on HUD's regulations implementing Section 504 in federally assisted programs services and activities. These regulations are codified at 24 CFR Part 8.

Section 504 states:

"No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service."

HUD's regulations at 24 CFR Part 8 apply to all applicants for, and recipients of, HUD financial assistance in the operation of programs or activities receiving such assistance.

Individual with Disabilities Defined

HUD's Section 504 regulations define an individual with a disability as any person who has a physical or mental disability that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment [24 CFR 8.3]. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself. The law also applies to individuals who have a history of such impairments as well as those who are perceived as having such impairment.

A person who meets the above definition, and who is otherwise qualified for the program, service or activity, is covered under Section 504. To be otherwise qualified means the individual meets the essential eligibility requirements, including, for example, requirements for tenancy, if the program is a housing program.

Recipient Defined

The regulations define "recipient" as any state or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. An entity or person receiving housing assistance payments from a recipient on behalf of eligible families under a housing assistance payments program or a voucher program is not a recipient or sub-recipient merely by virtue of receipt of such payments.

SECTION 504 COVERAGE

Section 504 covers all programs, services and activities of recipients of HUD financial assistance, including, for example:

- Outreach and public contact, including contact with program applicants and participants
- Eligibility criteria
- Application process
- Admission to the program
- Tenancy, including eviction
- Service delivery
- Employment policies and practices



SECTION 504 GUARANTEES AND PROHIBITIONS AGAINST DISCRIMINATION

GUARANTEE	PROHIBITION
Opportunity to participate	Denying a qualified individual with disabilities the opportunity to participate in, or benefit from, the housing, aid, benefit, or service.
Equality of benefits	Failing to afford a qualified individual with disabilities the opportunity for equal participation and benefit.
Equality of opportunity	Failing to provide a qualified individual with disabilities a program or service that affords the same opportunity to benefit as that afforded others.
No unnecessary difference or separateness	Providing different or separate housing, aid, benefits or services on the basis of disability unless providing such is necessary to provide housing or benefits that are as effective as that provided to persons without disabilities.
No assistance to entities that discriminate	Providing significant assistance to an agency, organization or person that discriminates on the basis of disability in any aspect of a federally assisted activity.
Opportunity to serve on boards	Denying a qualified individual with disabilities the opportunity to participate as a member of planning or advisory boards.
No denial of right to a dwelling	Denying a dwelling to an otherwise qualified buyer or renter because of a disability of that buyer or renter or another prospective tenant.
No discriminatory limitation of benefits	Limiting in any other manner a qualified individual with disabilities in the enjoyment of any right, privilege, advantage, or opportunity afforded to others.
Most integrated setting	Providing programs or services to qualified individuals with disabilities in settings that are unnecessarily separate, segregated or restricted.

SECTION 504 ENFORCEMENT:

HUD effects compliance with Section 504 through two primary means:

1. HUD may initiate a compliance review of all aspects of the recipient's program, services and activities, and
2. HUD investigates complaints of discrimination filed by individuals with disabilities who allege discriminatory behavior in violation of Section 504 by a recipient.

In the latter case, HUD's investigation focuses on the issues raised by the complainant, but HUD may seek to address the interests of other persons similarly situated and the public interest. While one desirable outcome of the complaint process is the complainant's satisfaction, this is not the primary goal. HUD's primary goal is to assure compliance with Section 504 by recipients of HUD assistance. Thus, while HUD will always encourage the complainant and the recipient to resolve their differences voluntarily, HUD may not close a case once its investigation has begun until it has ascertained that the recipient is in compliance with the law and that it will not discriminate against other persons with disabilities who are similarly situated. HUD will not require the complainant's consent to any voluntary agreement it reaches with the recipient although every effort will be made to protect the complainant's interests and to remedy the effects of the discrimination.

SECTION 504 FREQUENTLY ASKED QUESTIONS

These questions and answers focus on the requirements of one specific law, Section 504 of the Rehabilitation Act of 1973, as amended. This law often is called simply "Section 504." Section 504 is not the only law that prohibits disability discrimination in programs receiving HUD funds or financial assistance. Other Federal laws that provide nondiscrimination on the basis of disability include the Fair Housing Act, the Americans with Disabilities Act, and the Architectural Barriers Act. We encourage persons with disabilities and recipients of HUD assistance to review all these laws by returning to HUD's "People with Disabilities" Web site.

GENERAL

Q: What is Section 504?

A: Section 504 of the Rehabilitation Act of 1973 states: "No otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service." (29 U.S.C. §794). This means that Section 504 prohibits discrimination on the basis of disability in any program or activity that receives financial assistance from any federal agency, including the U.S. Department of Housing and Urban Development (HUD) as well as in programs conducted by federal agencies including HUD.

Q: Are there regulations that explain what needs to be done in order to comply with Section 504?

A: Yes. HUD's regulations for Section 504 that apply to federally assisted programs may be found in the Code of Federal Regulations at 24 CFR Part 8. There are also regulations that govern Section 504 in programs conducted by HUD which may be found at 24 CFR Part 9, however, this Web site focuses on Section 504's requirements for federally assisted programs, services and activities.

Q: Who is protected by the Law?

A: Persons with disabilities.

Q: How is disability defined?

A: An individual with a disability is any person who has a physical or mental impairment that substantially limits one or more major life activities. The term "physical or mental impairment" may include, but is not limited to, conditions such as visual or hearing impairment, mobility impairment, HIV infection, mental retardation, drug addiction (except current illegal use of or addiction to drugs), or mental illness. The term "major life activity" may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. Section 504 also protects persons who have a record of such impairment, or are regarded as having such an impairment.

Q: Who are "recipients of federal financial assistance"?

A: The Section 504 regulations define "recipient" as any State or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution organization, or other entity or any person to which federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. 24 CFR 8.3. Thus, a HUD funded public housing authority, or a HUD funded non-profit developer of low income housing is a recipient of federal financial assistance and is subject to Section 504's requirements. However, a private landlord who accepts Section 8 tenant-based vouchers in payment for rent from a low income individual is not a recipient of federal financial assistance. Similarly, a family that receives Community Development Block Grant (CDBG) or HOME funds for the rehabilitation of an owner-occupied unit is also not a recipient because it is the ultimate beneficiary of the funds.

NONDISCRIMINATION**Q: What discriminatory practices does Section 504 prohibit?**

A: Section 504 prohibits discrimination on the basis of disability in any program, service, or activity that receives federal financial assistance. This means, for example, that

persons with disabilities may not be denied the opportunity to participate in a program, service, or activity; may not be required to accept a different kind or lesser program or service than what is provided to others, and may not be required to participate in separate programs and services, even if separate programs and services exist. In general, with respect to housing, it means that a housing provider may not deny or refuse to sell or rent to a person with a disability, and may not impose application or qualification criteria, rental fees or sales prices, and rental or sales terms or conditions that are different than those required of or provided to persons who are not disabled. Housing providers may not require persons with disabilities to live only on certain floors, or to all live in one section of the housing. Housing providers may not refuse to make repairs, and may not limit or deny someone with a disability access to recreational and other public and common use facilities, parking privileges, cleaning or janitorial services, or any services which are made available to other residents. People with disabilities may not be denied the opportunity to serve on planning or advisory boards because of their disabilities.

Q: Does Section 504 require a housing provider to accept every person with a disability who applies for the housing?

A: Section 504 does not require that a person with a disability be accepted without regard to eligibility requirements or his or her ability to meet standard, nondiscriminatory tenant selection and screening criteria. Rather, Section 504 requires that a person with a disability be evaluated using the same objective criteria that are applied to persons without disabilities. Applicants, with or without a disability, may be rejected if they have a record of adversely affecting others such as disturbing neighbors, destroying property, or failing to pay their rent on time. However, under Section 504, the housing provider must make sound and reasonable judgments based on objective evidence (current conduct or a history of overt acts). Subjective fears, unsubstantiated rumors, speculation and generalized suspicion do not constitute objective information that an applicant cannot meet the terms of tenancy.

Q: May a recipient refuse to rent to a person with a mental disability because he is uncomfortable with the individual?

A: No. Section 504, and related laws like the Fair Housing Act, make it unlawful for a housing provider to refuse to rent to a person simply because of a disability. Therefore, a housing provider may not refuse to rent to an otherwise eligible individual because of fears or concerns that may be based on myths or stereotypes about persons with mental disabilities.

Q: May a landlord charge a person who uses a wheelchair a higher security deposit because of concerns about damage to the dwelling unit?

A: No. A wheelchair user is no more likely than anyone else to cause damage, beyond typical wear and tear, to a dwelling unit. However, if a person who uses a wheelchair does cause damage to a unit that is beyond normal wear and tear, whether the damage is

related to the wheelchair or not, that individual may be required to cover such damage out of a standard security deposit that is charged to everyone.

Q: What limits does Section 504 impose on the ability of federally assisted housing providers to require persons with disabilities to live in "segregated housing," i.e., housing for elderly and/or disabled individuals.

A: Section 504 limits housing providers from providing, or requiring persons with disabilities to accept, housing that is different or separate, and instead, requires that housing programs be integrated and offer the same benefits as provided to persons without disabilities, with only a few limited exceptions. These exceptions are (1) when it can be demonstrated that such segregation is necessary in order to provide persons with disabilities housing that is as effective as housing that is provided to others, or (2) when authorized by a Federal statute, such as the Housing Opportunities for Persons with AIDS (HOPWA) program, or the Section 811 Supportive Housing Program for Persons With Disabilities. Even under these programs, however, there are suggested options for providing the program in an integrated setting, such as scattered site units.

Q: What must a federally assisted housing provider consider to assure that housing is provided in the most integrated setting appropriate?

A: One of the basic tenets of Section 504 is that programs and services be conducted in the most integrated setting appropriate. In terms of housing, this means that the housing provided to disabled individuals is not separate or unnecessarily segregated. In other words, accessible units in a single elevator building should be located throughout the building, and not just on the first floor. In projects having multiple buildings, accessible units also should be interspersed throughout these buildings, rather than in just one or two buildings. For example, in housing serving elders and persons with disabilities, persons with mental disabilities or any other disabilities may not be segregated on any one wing, floor, or in one building.

Q: What steps must recipients take to ensure that information about their programs and services, and their communications with applicants and program participants, are accessible?

A: The Section 504 regulations require recipients to take steps to ensure effective communication with applicants, beneficiaries, and members of the public (24 CFR 8.6). This may include, but is not limited to, conducting outreach in a manner that will reach persons with disabilities, such as by working with State and local organizations that serve or represent persons with disabilities, and ensuring that information about their programs is disseminated in a manner that is accessible to persons with disabilities. For example, special communication systems (e.g., TTY for persons who are hearing or speech impaired, materials on tape or in Braille) can greatly increase the effectiveness of outreach and ongoing communication.

Q: How are recipients supposed to deal with the following fire emergency issues in a high-rise building: (1) If a HUD recipient cannot control where persons with disabilities live, during a fire, how do these tenants escape from a 14th floor unit? (2) If a HUD recipient cannot give out a list of where persons with disabilities live, how do rescue teams know where to go?

A: The recipient must permit the applicant to take responsibility for his/her own safety. Thus, an applicant with a disability may choose not to live above the ground floor because of possible inability to escape a fire. On the other hand, the applicant must be allowed to decide whether the opportunity to live in a 14th floor dwelling unit outweighs whatever safety concerns may exist.

Every HUD recipient should have an emergency evacuation plan for each of its buildings. In the preparation and updating of this plan, the HUD recipient should inform residents that with the resident's consent, they will provide information to the fire department which identifies residents with special needs in case of an emergency evacuation. Applicants should be given the opportunity to decide whether they want the recipient to provide this information to the fire department. The HUD recipient may share this information with the local fire and police departments provided consent is given.

PROGRAM ACCESSIBILITY

Q: What is meant by "program accessibility"?

A: Program accessibility means that a program, when viewed in its entirety, is readily accessible to and usable by persons with disabilities. It applies under Section 504 to existing housing and non-housing programs. The concept recognizes that there may be some limits to the degree to which existing housing programs can be made accessible. Thus, under the concept of program accessibility, not every single building must be accessible, or every single dwelling unit, but there must be sufficient accessibility so that persons with disabilities have an equal opportunity to participate in and benefit from the program and the same range of choices and amenities as those offered to others. However, recipients must take steps to ensure that their programs and services are readily accessible to and usable by persons with disabilities to the maximum extent feasible, which means the recipient would be required to take all steps that provide the necessary access, but which would not constitute an undue financial and administrative burden, or require a fundamental alteration in the nature of the program. Achievement of program accessibility does not exempt recipients from meeting other requirements of the Section 504 regulations, particularly the broad nondiscrimination provisions, and the requirements that dwelling units be dispersed throughout buildings and sites. Likewise, recipients whose programs involve new construction or alterations, must meet the Section 504 regulation's requirements for those activities, as well as meeting other applicable requirements in the regulations, such as for dispersion of accessible units throughout buildings and sites.

Q: How can a recipient ensure that its existing housing or non-housing program meets the program accessibility provisions of the Section 504 regulations?

A: Here are some examples:

To the maximum extent feasible, distribute accessible units throughout projects and sites, and make them available in a sufficient range of sizes and amenities so as not to limit choice.

Adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities. Recipients must also take reasonable non-discriminatory steps to maximize use of such units by eligible individuals.

When an accessible unit becomes vacant, before offering the unit to an individual without a disability, offer the unit: first, to a current occupant of the project requiring the unit's accessibility features; and second, to an eligible qualified applicant on the waiting list requiring the accessibility features.

When an applicant or tenant requires an accessible feature or policy modification to accommodate a disability, a federally assisted housing provider must provide the feature or policy modification unless doing so would result in a fundamental alteration in the nature of its program or an undue financial and administrative burden. See 24 CFR 8.4, 8.24, and 8.33 for further requirements and guidance.

Recipients must ensure that activities and meetings are conducted in accessible locations.

Q: When a wheelchair accessible unit becomes available should it be offered to the first applicant on the waiting list, or the first person with a disability who requires the accessible features?

A: HUD's Section 504 regulations at 24 CFR 8.27 require recipients to take reasonable steps to assure that information on available accessible units reaches otherwise qualified individuals with disabilities who need the features of those units. The regulations provide that whenever a unit that meets the requirements of the **Uniform Federal Accessibility Standards (UFAS)** for a mobility-impaired person becomes available for occupancy, a recipient shall first offer the unit to a qualified individual with disabilities currently residing in a non-accessible unit in the same project or comparable projects, under common control, who requires the accessible features. If there are no such persons currently residing in the recipient's projects, the recipient shall then offer the unit to the next available qualified individual with disabilities on its waiting list, provided that the person requires the accessibility features of the unit. The recipient shall skip over non-disabled applicants on the waiting list to offer the unit to the next qualified individual who requires the unit's accessibility features.

If no qualified applicant with disabilities requires the accessible features of a unit, and the recipient places a family where none of the family members have disabilities in that unit, the recipient may include language in the lease requiring this family to agree to move to a

non-accessible unit, as soon as one becomes available that otherwise meets the family's needs.

FEDERALLY ASSISTED NON-HOUSING FACILITIES

Q: How does Section 504 affect the operation of a non-housing facility or program operated by a recipient of federal financial assistance?

A: All of Section 504's nondiscrimination, program accessibility, and reasonable accommodation requirements that apply to housing facilities and programs apply equally to the operation of non-housing facilities or programs. (24 CFR. 8.21)

Q: What requirements does Section 504 impose on new construction or alteration of existing non-housing facilities operated by a recipient of federal financial assistance?

A: New non-housing facilities constructed by recipients of federal financial assistance must be designed and constructed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must, to the maximum extent feasible, be made accessible to ensure that such facilities are readily accessible to and usable by persons with disabilities. [24 CFR 8.21(a) and (b).] In addition, each existing non-housing program or facility must be operated so that, when viewed in its entirety, the program or activity is readily accessible to and usable by persons with disabilities. [24 CFR 8.21(c).] For example, a newly constructed day-care center that is provided for use by residents of a housing project, must meet the design and construction requirements of the UFAS. In addition, once the facility is completed, it would, of course, have to be operated in a non-discriminatory manner.

REASONABLE ACCOMMODATION

Q: What is a reasonable accommodation under Section 504?

A: A "reasonable accommodation" is a change, adaptation or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Reasonable accommodations may include, for example, those which are necessary in order for the person with a disability to use and enjoy a dwelling, including public and common use spaces. Since persons with disabilities may have special needs due to their disabilities, in some cases, simply treating them exactly the same as others may not ensure that they have an equal opportunity to use and enjoy a dwelling.

In order to show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. As discussed in the next question and answer, what is reasonable must be determined on a case-by-case basis. However, experience has shown that the following examples are often reasonable accommodations.

- A federally assisted housing provider has a policy of not providing assigned parking spaces. A tenant with a mobility impairment, who has difficulty walking, is provided a reasonable accommodation by being given an assigned accessible parking space in front of the entrance to his unit.
- A federally assisted housing provider has a policy of requiring tenants to come to the rental office to pay their rent. A tenant with a mental disability, who is afraid to leave her unit, is provided a reasonable accommodation by being allowed to mail her rent payment.
- A federally assisted housing provider has a no pets policy. A tenant, who uses a wheelchair and has difficulty picking up items off the ground, is allowed to have an assistive animal that fetches things for her as a reasonable accommodation to her disability.
- An older tenant has a stroke and begins to use a wheelchair. Her apartment has steps at the entrance and she needs a ramp to enter the unit. Her federally assisted housing provider pays for the construction of a ramp as a reasonable accommodation to the tenant's disability.

Q: How do you determine whether a request for a certain accommodation is reasonable?

A: Whether a particular accommodation is "reasonable" depends on a variety of factors and must be decided on a case-by-case basis. The determination of whether a requested accommodation is reasonable depends on the answers to two questions. First, does the request impose an undue financial and administrative burden on the housing provider? Second, would making the accommodation require a fundamental alteration in the nature of the provider's operations? If the answer to either question is yes, the requested accommodation is not reasonable. However, even where a housing provider is not obligated to provide a particular accommodation because the particular accommodation is not reasonable, the provider is still obligated to provide other requested accommodations that do qualify as reasonable. For example:

As a result of a disability, a tenant is unable to open the dumpster provided by his housing provider for his trash. The tenant requests that the housing provider send a maintenance staff person to collect his trash from his apartment daily. Because the housing development is a small, low-budget operation and the maintenance staff are not on site daily, it is an undue financial and administrative burden for the housing provider to provide daily trash service to the tenant and the housing provider may refuse to provide the requested accommodation. However, the housing provider is obligated to provide the tenant with a requested alternative accommodation - providing either an open trash can or placing a trash can which the tenant can open in an accessible location so that the tenant can dispose of his trash.

Q: What happens if providing a requested accommodation involves some costs on the part of the federally assisted housing provider?

A: Section 504 requires that in making an accommodation, a federally assisted housing provider will be required to bear costs which do not amount to an undue financial and administrative burden. In application, this means that such a housing provider may be required to spend money to provide legally required reasonable accommodations.

Q: When and how should an individual request an accommodation?

A: An individual with a disability should request an accommodation as soon as it appears that the accommodation is needed. However, requests may be made at any time. For example, requests may be made when an individual is applying for housing, entering into a lease, or occupying housing. Individuals who become disabled during their tenancy may request accommodations, even if they were not disabled when they signed their leases.

Section 504 does not prescribe a uniform procedure for requesting a reasonable accommodation to be used with all housing providers. To request an accommodation, an individual need not mention Section 504 or use the phrase "reasonable accommodation." In general, a tenant or prospective tenant should make clear to the housing provider that s/he is requesting that an exception, change, adjustment, or modification be made to a rule, policy, practice, service, building or dwelling unit because s/he has a disability. S/he should explain what type of accommodation is requested and explain the relationship between the requested accommodation and his or her disability. In order to facilitate the process and consideration of the request, tenants or prospective tenants may wish to check with a housing provider in advance to determine whether that housing provider has established any specific procedures regarding requests for reasonable accommodation. Although the Section 504 regulations do not require it, it is usually helpful that the request be made in writing, so there will be documentation that the request was actually made in the event of a later dispute.

Q: Must a federally assisted housing provider adopt formal procedures for processing requests for a reasonable accommodation?

A: No. Section 504 does not require that a housing provider adopt any formal procedures that an applicant for housing or a tenant must follow to request a reasonable accommodation. However, having such a procedure will probably aid both the individual in making the request and the housing provider in assessing it and responding to it in a timely fashion.

Q: Is a federally assisted housing provider obligated to provide an accommodation to a tenant or applicant if s/he has not requested it?

A: No. Such a housing provider is only obligated to provide an accommodation if s/he is on notice of the request. However, a person with a disability will be considered to have

asked for an accommodation if s/he indicates that a change or exception to a policy, practice, or procedure or a modification would assist him or her in making more effective use of his or her housing, even if the words "reasonable accommodation" are not used as part of the request.

Q: What happens if a federally assisted housing provider fails to act on a request for an accommodation?

A: If a housing provider delays responding to a request for an accommodation, after a reasonable amount of time, that delay may be construed as a failure to provide a reasonable accommodation. A tenant or applicant may choose to seek legal assistance or **file a complaint** with HUD. For further information, please see the section of this Web site that describes the complaint process.

Q: When can a federally assisted housing provider insist on an alternative to the accommodation requested by a tenant?

A: If the housing provider believes the requested accommodation is unreasonable, the housing provider may, but is not required to, propose a substitute accommodation. In doing so, the housing provider should give primary consideration to the accommodation requested by the tenant or applicant because the individual with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective. If the housing provider suggests an alternative accommodation, the tenant may reject it if they feel it does not meet his or her needs.

PHYSICAL ACCESSIBILITY

Q: With respect to Section 504's requirements, what is an accessible unit?

A: The Section 504 regulations define an accessible dwelling unit as a unit that is located on an accessible route and can be approached, entered, and used by individuals with physical disabilities. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 is accessible. In addition, the Section 504 regulations impose specific accessibility requirements for new construction and alteration of housing and non-housing facilities in HUD assisted programs. Section 8.32 of the regulations states that compliance with the appropriate technical criteria in the **Uniform Federal Accessibility Standards (UFAS)**, or a standard that is equivalent to or stricter than the UFAS, is an acceptable means of meeting the technical accessibility requirements in Sections 8.21, 8.22, 8.23 and 8.25 of the Section 504 regulations.

Q: What accessibility requirements must a new federally assisted housing development meet in order to be in compliance with Section 504 requirements?

A: For a federally assisted new construction housing project, Section 504 requires 5 percent of the dwelling units, or at least one unit, whichever is greater, to meet UFAS or a standard that is equivalent or stricter, as explained in the question and answer above this

one, for persons with mobility disabilities. An additional 2 percent of the dwelling units, or at least one unit, whichever is greater, must be accessible for persons with hearing or visual disabilities.

Q: Are there other accessibility requirements that apply to federally funded new construction?

A: If a new construction project has four or more dwelling units and is built for first occupancy after March 13, 1991, it is also subject to the accessibility and adaptability requirements of the FHAct, regardless of whether it receives federal financial assistance. The FHAct's accessibility requirements are not as strict as those for Section 504 and the UFAS, however, the FHAct's accessibility requirements apply to a broader number of dwelling units. Under the FHAct's new construction requirements, if the building has an elevator, all of the dwelling units must meet the FHAct's design and construction requirements; if there is no elevator, all of the ground floor dwelling units must meet the FHAct's requirements. A unit that meets the FHAct's accessibility requirements will be one that does not have as great a degree of accessibility as a UFAS-complying unit, but is one that may be easily adapted to be fully accessible without significant costs and the need to do significant structural modifications. More information on the FHAct may be obtained by going to HUD's web page for "**Persons with Disabilities**," and specifically to the statute, the regulations implementing the Act, the Fair Housing Accessibility Guidelines, and the Supplemental Notice with Questions and Answers about the Guidelines. A Fair Housing Act Design Manual is available by calling the **HUD Distribution Center** at 1-800-767-7468.

Q: If a federally financed housing project is targeted for substantial alteration, what does Section 504 require in terms of accessible units?

A: Under Section 504, alterations are substantial if they are undertaken to a project that has 15 or more units and the cost of the alterations is 75 percent or more of the replacement cost of the completed facility. [See 24 CFR 8.23(a)]. The new construction provisions of 24 CFR 8.22 apply. Section 8.22 requires that a minimum of 5 percent of the dwelling units, or at least one unit, whichever is greater, shall be made accessible to persons with mobility disabilities and an additional 2 percent of the dwelling units, or at least one unit, whichever is greater, shall be made accessible to persons with hearing or visual disabilities.

Q: What does Section 504 require when a recipient undertakes alterations of existing housing facilities that do not qualify as substantial alterations?

A: If the project involves fewer than 15 units or the cost of alterations is less than 75 percent of the replacement cost of the completed facility and the recipient has not made 5 percent of its units in the development accessible to and usable by individuals with disabilities, then the requirements of 24 CFR 8.23(b) - Other Alterations apply. Under this section, alterations to dwelling units shall, to the maximum extent feasible, be made readily accessible to and usable by individuals with disabilities. If alterations to single

elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, the entire unit shall be made accessible. Alteration of an entire unit is considered to be when at least all of the following individual elements are replaced:

- renovation of whole kitchens, or at least replacement of kitchen cabinets; and
- renovation of the bathroom, if at least bathtub or shower is replaced or added, or a toilet and flooring is replaced; and
- replacement of entrance door jambs.

When the entire unit is not being altered, 100 percent of the single elements being altered must be made accessible until 5 percent of the units in the development are accessible. However, the Department strongly encourages a recipient to make 5 percent of the units in a development readily accessible to and usable by individuals with mobility impairments, since that will avoid the necessity of making every element altered accessible, which often may result in having partially accessible units which may be of little or no value for persons with mobility impairments. It is also more likely that the cost of making 5 percent of the units accessible up front will be less than making each and every element altered accessible. Alterations must meet the applicable sections of the UFAS which govern alterations.

Q: When a recipient plans alterations, are there areas of a building which are not required to be made accessible under Section 504?

A: Mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries or result in the employment or residence therein of individuals with physical disabilities are not required to be made accessible in projects undergoing either substantial or other alterations. [see 24 CFR 8.32 (6)]

OTHER DISABILITY CIVIL RIGHTS LAWS AFFECTING FEDERALLY ASSISTED HOUSING PROVIDERS

Q: What is the Federal Fair Housing Act and what types of discrimination does it prohibit against persons with disabilities?

A: The Federal **Fair Housing Act (FHAct)**, 42 U.S.C. §§ 3601-19, prohibits discrimination in housing practices on the basis of race, color, religion, sex, national origin, familial status, and disability. (FHAct uses the term "handicap," however, this document uses the term "disability," which has the same legal meaning.) The Act prohibits housing providers from discriminating against persons because of their disability or the disability of anyone associated with them and from treating persons with disabilities less favorably than others because of the disability. The Act also requires housing providers "to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person(s) equal opportunity to use and enjoy a dwelling." In addition, the Act requires that housing providers allow tenants to make reasonable modifications to units and common spaces in a dwelling. The Act applies to the vast majority of privately and publicly owned housing

including housing subsidized by the federal government or rented through the use of Section 8 voucher assistance. HUD's regulations implementing the disability discrimination prohibitions of the Act may be found at 24 CFR 100.201-205.

Q: Is the **Americans with Disabilities Act (ADA)** applicable to housing, and if yes, does the ADA supersede Section 504?

A: In most cases, the ADA does not apply to residential housing. Title III of the ADA prohibits discrimination against persons with disabilities in commercial facilities and public accommodations. However, Title III of the ADA covers public and common use areas at housing developments when these public areas are, by their nature, open to the general public or when they are made available to the general public. For example, it covers the rental office, since, by its nature, the rental office is open to the general public. In addition, if a day care center, or a community room is made available to the general public, it would be covered by Title III. Title III applies, irrespective of whether the public and common use areas are operated by a federally assisted provider or by a private entity. However, if the community room or day care center were only open to residents of the building, Title III would not apply.

Title II of the ADA covers the activities of public entities (state and local governments). Title II requires "public entities to make both new and existing housing facilities accessible to persons with disabilities." Housing covered by Title II of the ADA includes, for example, public housing authorities that meet the ADA definition of "public entity," and housing operated by States or units of local government, such as housing on a State university campus.

The ADA, when it is applicable to a residential housing project, does not "supersede" Section 504, assuming Section 504 is also applicable. Instead, where both laws apply to a housing project, the project must be in compliance with both laws.



FAIR HOUSING ACT: SERVICE ANIMALS**24 C.F.R. § 100.204 - Reasonable accommodations**

(a) It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

(b) The application of this section may be illustrated by the following examples:

Example (1): A blind applicant for rental housing wants live in a dwelling unit with a seeing eye dog. The building has a no pet policy. It is a violation of Sec. 100.204 for the owner or manager of the apartment complex to refuse to permit the applicant to live in the apartment with a seeing eye dog because, without the seeing eye dog, the blind person will not have an equal opportunity to use and enjoy a dwelling.

Example (2): Progress Gardens is a 300 unit apartment complex with 450 parking spaces which are available to tenants and guests of Progress Gardens on a first come first served basis. John applies for housing in Progress Gardens. John is mobility impaired and is unable to walk more than a short distance and therefore requests that a parking space near his unit be reserved for him so he will not have to walk very far to get to his apartment. It is a violation of Sec. 100.204 for the owner or manager of Progress Gardens to refuse to make this accommodation. Without a reserved space, John might be unable to live in Progress Gardens at all or, when he has to park in a space far from his unit, might have great difficulty getting from his car to his apartment unit. The accommodation therefore is necessary to afford John an equal opportunity to use and enjoy a dwelling. The accommodation is reasonable because it is feasible and practical under the circumstances.

Department of Justice Technical Assistance Letters:

Service Animals in Housing: Even though service animals are not specifically mentioned in the Fair Housing Act and its regulations, it is likely that the Act would at times require that service animals be allowed in a housing facility in order to afford a disabled individual fair use and enjoyment of the facility.

Oklahoma Law Regarding Service Animals

Oklahoma Statutes, enacted in 1968, amended 1981, 1985, 1988, 1989, and 1992, Title 7, Chapter 1, Sections 19.1 and 19.2; Title 25, Chapter 21, Sections 1452.13 and 1452.14

Oklahoma statutory law guarantees a blind person the legal right to be accompanied by a specially trained dog guide in all public accommodations and on all public transportation. No extra charge can be levied because of the presence of a dog guide, but the dog guide user is liable for any damage the dog might cause to the premises. Public accommodations include stores, restaurants, hotels, cafes, and all other places to which the public is invited. (Chapter 1, Sect. 19.1) Public transportation includes public elevators, trains, airplanes, boats, buses, taxis, and all other modes of public conveyance. (Chapter 1, Sect. 19.1) It shall be an unlawful discriminatory housing practice for any

person or any agent or employee of such person to refuse to rent or lease housing to a blind person on the basis of the person's use or possession of a bona fide, properly trained guide dog. (Chapter 21, Sect. 1452.13) Violation: Any person who interferes with the above-enumerated rights is guilty of a misdemeanor and punishable consequently under Oklahoma law. (Chapter 1, Sect. 19.2).



Chapter 6 - HOUSING FOR PEOPLE WITH DISABILITIES IN OKLAHOMA: A RESOURCE GUIDE



Many of the programs that help people with disabilities arrange for housing are established by Federal, State and Tribal governments. This section will provide a list of programs with internet addresses so you can contact the necessary people to assist with getting answers for your housing issues. Additional information will be found in the previous sections of the Housing Guide and in the Law and Policy.

The Housing Guide provides a link to these sites because they have information that may be of interest. Some of these links are from State, Federal or Tribal government organizations, while others may be a private sector or non-profit business. The Office of Disability Concerns does not endorse any commercial products or services that may be advertised or available on these sites.

WHAT LAWS ARE ENFORCED BY THE OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY? (a list of web sites)

The following is a list of web sites that contain information that may assist you in answering your housing issues.

GENERAL INFORMATION

HUD's notice to Community Development Block Grant (CDBG) Grantees regarding (including in the required analysis of impediments) an examination of housing provider's compliance with the Fair Housing Act accessibility requirements.

EVALUATION OF SUPPORTIVE HOUSING PROGRAMS FOR PERSONS WITH DISABILITIES

www.huduser.org/publications/suppsvcs/shp.html

HUD's publication discussing fair housing for people with disabilities.

FAIR HOUSING RESOURCES

www.hud.gov/library/bookshelf09/

Provides an overview of the Fair Housing Act, including what is covered under the Act, what is prohibited and who is protected. Also provides information on the protections based on disability and familial status. Contains information on how to file

a housing discrimination complaint and outlines the complaint process.

HOUSING COUNSELING

www.hud.gov

HUD funds housing counseling agencies throughout the country which can give you advice on buying, renting, defaults and foreclosures, and reverse mortgages.

NEW FREEDOM INITIATIVE ON COMMUNITY BASED LIVING

www.hud.gov/offices/ftheo/disabilities/eorder13217.cfm

An overview of the New Freedom Initiative.

RELATED LAWS

www.usdoj.gov/crt/ada/publicat.htm

Information about related laws, such as the Americans with Disabilities Act.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) QUESTIONS AND ANSWERS

www.hud.gov/faqs/faqbuying.cfm

Answers to questions ranging from how to buy a home to inquiries about assisted living resources.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) QUICK REFERENCE

www.hud.gov/index.html

Links to various HUD resources.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TELEPHONE DIRECTORY

www.hud.gov/directory/director.cfm

U.S. Department of Housing and Urban Development (HUD) Toll-Free Numbers
www.hud.gov/directory/800/800num1.cfm

List of toll-free phone numbers for those seeking to buy or improve a home.

VETERANS WITH DISABILITIES

www.hud.gov/offices/cpd/about/hudvet/index.cfm

Provides veterans and their family members with information on the HUD's community-based programs and services with a special emphasis on homeless veterans.

ACCESSIBILITY**ACCESSIBILITY ANALYSIS OF MODEL BUILDING CODES**

www.hud.gov/offices/fheo/disabilities/modelcodes/

Contains Federal Register Notice of HUD's review of four model building codes that describes the difference between the codes and the design and construction requirements of the Fair Housing Act.

ACCESSIBILITY GUIDELINES QUESTIONS AND ANSWERS

www.hud.gov/offices/fheo/disabilities/fhefhasp.cfm

Frequently asked questions on accessibility guidelines of the Fair Housing Act.

ACCESSIBILITY NOTICES, REGULATIONS AND OTHER INFORMATION

www.hud.gov/offices/fheo/disabilities/sect504docs.cfm

Contains links to HUD's notices, regulations, standards and other information regarding accessibility and other disability rights laws. This site also contains other supplementary information on fair housing rights and responsibilities.

ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES (ADAAG)

www.huduser.org/publications/pdf/fairhousing/fairch2.pdf

Contains the scope and technical requirements for accessibility to buildings and facilities by entities covered by the Americans with Disabilities Act of 1990.

ADA STANDARDS FOR ACCESSIBLE DESIGN

www.usdoj.gov/crt/ada/stdspdf.htm

One of two standards for new construction and alterations under the ADA for state and local government facilities.

AMERICANS WITH DISABILITIES ACT ACCESSIBILITY REQUIREMENTS

www.access-board.gov/publications/ADAFactSheet/a13.html

Guidelines to ensure that buildings, facilities, and vehicles covered by the law are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities.

**DEPARTMENT OF JUSTICE ADA
HOTLINE**

www.usdoj.gov/crt/ada/infoline.htm

US Department of Justice ADA Information Line. Call to obtain answers to general and technical questions about the ADA and to order ADA regulations for businesses and state and local governments and ADA technical assistance materials: 1-800-514-0301 (voice) 1-800-514-0383 (TDD).

FAIR HOUSING ACT DESIGN MANUAL

www.huduser.org/publications/destech/fairhousing.html

Provides information about HUD's Fair Housing Act Design Manual, which assists designers and builders in meeting the accessibility requirements of the Fair Housing Act.

**FAIR HOUSING INFORMATION
RESOURCES**

www.hud.gov/groups/disabilities.cfm

Sources for more fair housing information from HUD including phone numbers.

**FILING A COMPLAINT WITH THE
COMPLIANCE BOARD**

www.hud.gov/complaints

Information on filing a complaint under the Architectural Barriers Act and other access laws.

**UNIFORM FEDERAL ACCESSIBILITY
STANDARDS**

www.access-board.gov/ufas/ufas.html/ufas.htm

One of two standards for new construction and alterations under the ADA for State and local government facilities.

**5 STEPS TO MAKE NEW LODGING
ACCESSIBLE**

www.usdoj.gov/crt/ada/fivestep.htm

This publication was written to answer questions regarding new lodging accessibility.

**HOME MODIFICATION ACTION
PROJECT**

www.homemods.org/

The Goal of "Promoting Successful Aging in Place: The Home Modification Action Project" (HMAP) is to increase the availability of home modifications so that frail older and disabled persons have the choice to live in their home and the provision of care can take place in a supportive environment.

**HOMES AND COMMUNITIES -- PEOPLE
WITH DISABILITIES**

www.hud.gov/groups/disabilities.cfm

This site, established by HUD, provides links to news, fair housing laws, HUD resources, and other housing information.

HOUSING OPTIONS

CONGREGATE HOUSING SERVICES PROGRAM (CHSP)

www.hud.gov/offices/hsg/mfh/progdsc/chsp.cfm

Provides information for funding of physical costs of changing developments eligible to an assisted living facility and informs of the types of assistance, and eligible grantees and customers for this program. All facilities must be licensed and regulated by the state.

FAIR HOUSING INFORMATION RESOURCES

www.hud.gov/groups/disabilities.cfm

Sources for more fair housing information from HUD including phone numbers.

FEDERAL RENTAL ASSISTANCE

www.hud.gov/renting/index.cfm

Information about public housing, Section 8, privately owned subsidized housing, and HUD's HOME program which provides grants to state and local governments for rental assistance.

MULTIFAMILY HOUSING SERVICE COORDINATORS

www.hud.gov/offices/hsg/mfh/progdsc/servicecoord.cfm

Describes service coordinators that can extend the length, and improve the quality of independent living.

PUBLIC HOUSING PROGRAM QUESTIONS AND ANSWERS

www.hud.gov/renting/phprog.cfm

Explains HUD's Public Housing programs as well as answers frequently asked questions.

RENTAL ASSISTANCE FOR DISABLED FAMILIES

www.hud.gov/progdsc/mixpop.cfm

Lists the variety of public housing programs administered by HUD.

RENTAL HELP -- HOW TO APPLY

www.hud.gov/renting/index.cfm

How to apply for HUD's rental assistance programs.

SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (SECTION 811)

www.hud.gov/offices/hsg/mfh/progdsc/disability811.cfm

Provides information about supportive services that enable persons with disabilities to live alone and independently in the community. Also provides information about rental assistance.

VOUCHERS FOR PEOPLE WITH DISABILITIES

www.hud.gov/offices/pih/programs/hcv/pwd/

Explains the special types of housing vouchers available for people with disabilities.

YOUR HOUSING RIGHTS

ACCESSIBILITY ANALYSIS OF MODEL BUILDING CODES

www.hud.gov/offices/fheo/disabilities/modelcodes/

Information concerning HUD's final report of the model building codes that identifies the variance between the design and construction requirements of the Fair Housing Act and the four model building codes.

ADA HOME PAGE

www.ada.gov

Home page for Department of Justice site with links for ADA requirements, Federal agencies with ADA and Section 504 responsibilities (including the Department of Education).

DEPARTMENT OF JUSTICE ADA HOTLINE

www.usdoj.gov/crt/ada/infoline.htm

US Department of Justice ADA Information Line. Call to obtain answers to general and technical questions about the ADA and to order ADA regulations for businesses and state and local governments and ADA technical assistance materials: 1-800-514-0301 (voice) 1-800-514-0383 (TDD).

THE FAIR HOUSING ACT

www.hud.gov/offices/fheo/FHLaws/index.cfm

An overview of the Fair Housing Act.

FILING A COMPLAINT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

www.hud.gov/complaints/housediscrim.cfm

Information on filing a housing discrimination complaint with HUD.

GROUP HOMES, LOCAL LAND USE AND THE FAIR HOUSING ACT

www.usdoj.gov/crt/housing/final8_1.htm

Joint statement from the Department of Justice and HUD. Includes general information on group homes, local land use, the Fair Housing Act and zoning.

GUIDE TO DISABILITY RIGHTS LAWS

www.usdoj.gov/crt/ada/cguide.htm

A booklet that provides a brief overview of eleven federal laws that protect the rights of people with disabilities and provides information about the federal agencies to contact for more information.

FAIR HOUSING DISCRIMINATION COMPLAINTS

www.hud.gov/complaints/index.cfm

Explains how to file a Fair Housing complaint online, by phone or by letter, and provides the list of HUD offices.

HUD FUNDS RECIPIENT OBLIGATIONS UNDER SECTION 504 OF THE REHABILITATION ACT

www.hud.gov/offices/fheo/disabilities/sect504funded.cfm

Guidelines for HUD recipients to follow that are necessary to ensure their programs, services and activities comply with Section 504 to the maximum extent possible.

INFORMATION ABOUT SECTION 504

www.hud.gov/offices/fheo/disabilities/sect504docs.cfm

Links to documents, regulations and notices that relate to Section 504 compliance located on HUD sites.

PEOPLE WITH DISABILITIES

www.hud.gov/groups/disabilities.cfm

Contains information from all parts of the HUD's site of interest to people with disabilities.

SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

www.hud.gov/progdesc/sec-109.cfm

Explains your rights and complaint procedures under this law which prohibits discrimination on the basis of race, color, national origin, disability, age, religion, and sex within Community Development Block Grant (CDBG) programs or activities.

ORGANIZATIONS PROVIDING ASSISTANCE WITH HOUSING ISSUES

FEDERAL HUD IN OKLAHOMA

The Director's Office is your first point of contact at HUD. If you have general questions about HUD or its programs, please contact the appropriate office listed below.

Oklahoma City HUD Office

301 NW 6th, Suite 200

Oklahoma City, OK 73102

Phone: (405) 609-8509

Fax: (405) 609-8982

Email: OK_Webmanager@hud.gov

Office Hours: 8:00 a.m. to 4:30 p.m.

Monday through Friday

Tulsa HUD Office

1516 S. Boston Ave, Suite 100

Tulsa, OK 74119

Toll-free: 1-800 594-9057

Fax: (918) 581-7168

Email: OK_Webmanager@hud.gov

Office Hours: 8 a.m. to 4:30 p.m.

Monday through Friday

HUD PROGRAM OFFICES IN OKLAHOMA - Community Planning and Development

www.hud.gov/offices/cpd/index.cfm

Main Number (405) 609-8571

Fax Number (405) 609-8574

HUD's Office of Community Planning and Development (CPD), in consultation with national veteran service organizations, has established a Veteran Resource Center (HUDVET). CPD's goal is to provide veterans and their family members with information on HUD's community-based programs and services. It is hoped that equipped with this knowledge, armed forces personnel and veterans can become more involved in the community-based planning and decision-making process as well as utilization of services and local resources. In addition to its special focus on veterans who are homeless, HUDVET is also a source of information on other HUD and related federal programs, such as those to combat domestic violence, enhance community and economic development, aid runaway youth, and increase affordable housing for senior citizens and Americans with disabilities.

Community Planning and Development promote programs that provide housing, a suitable living environment, and expanded economic opportunities for low and moderate-income persons in Oklahoma.

Public Housing

Main Number (405) 609-8555

Fax: (405) 609-8404

Public Housing provides program guidance, technical assistance, monitoring and oversight to Public Housing Agencies (PHA) that administer Public Housing, Section 8 Housing Choice Vouchers, Section 8 Moderate Rehabilitation (Mod Rehab), and Section 8 Single Room Occupancy (SRO) Programs.

Office of Fair Housing and Equal Opportunity

The Office of Fair Housing and Equal Opportunity (FHEO) is responsible for enforcement of the Fair Housing Act that prohibits discrimination in the sale, rental, or financing of dwellings because of race, color, national origin, religion, sex, familial status (families with children under the age of 18) or handicap (disability).

The Fort Worth office has jurisdiction over Texas, Louisiana, Arkansas, Oklahoma, and New Mexico. FHEO programs are concentrated in the Fort Worth office; however, you may contact any of the offices for assistance.

Oklahoma City

Phone: (405) 609-8435

Fax: (405) 609-8404

HUD REGIONAL OFFICE INFORMATION

Across the country, HUD is organized into ten regions, each with a director. Region VI jurisdiction: is: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Fair Housing Hub**U.S. Department of Housing and Urban Development**

801 Cherry Street, Unit # 45, Ste 2500

Fort Worth, Texas 76102

(817) 978-5900

1-800-669-9777

TTY (817) 978-5595

ADDITIONAL SOURCES OF INFORMATION

Note: Individuals with speech and hearing impairments can call via the Federal Relay Services at 1-800-877-8339 (8 AM to 8 PM EST.)

Organization	Toll-free Number	Information Available
HUD Homes Hotline	1-800 543-9378	Brochure <i>HUD Homeownership Centers</i> in Denver, which serves the Oklahoma region.
Housing Counseling Line	1-800 569-4287 or 1-888 466-3487	Referral to local counseling agency.
Fair Housing Customer Service Information Clearinghouse	Voice: 1-800 767-7468 or 1-800 795-7915 TDD: 1-800 290-1617	Disseminates information and materials about federal fair housing laws and HUD fair housing programs and initiatives. Serves private fair housing organizations, the housing and lending industry, state and local fair housing organizations, HUD staff, and individual housing consumers. Provides technical assistance on accessibility questions. In English and Spanish.
Multifamily Housing Clearinghouse	1-800 685-8470	Assists local residents, resident councils, Non-Profit Organizations, (PHA) and regional HUD Offices on issues such as resident rights and programs for the elderly and disabled and distributes application packets for these programs.
Title I - Lender Servicing/ Note Servicing Asset Recovery/ Debt Management	1-800 669-5152	The Albany Financial Operations Center provides Title I lender callers with information/assistance regarding Loan Registration Insurance Premiums/Reserve Accounts via Premium Help-Desk (Extension 4232) or Claim Processing via the Claims Help-Desk (Extension 4236); provides callers with information about Title I Property Improvement or Manufactured Home Loans transferred to HUD for collection; includes inquiry for payoff balance, lien release, or regarding income tax refund or other administrative offset.
Manufactured Housing System	1-800 927-2891	Manufactured housing information. Single Family Housing Headquarters staff answers calls.
Housing Discrimination Hotline	1-800-800-3088	Report and file discrimination related complaints
Loss Mitigation	1-888-297-8685	Single Family staff in Oklahoma City provides info.

Organization	Toll-free Number	Information Available
Partners in Homeownership	1-800-297-4183	Homeownership information refers callers to HUD's FHA Hotline (OCR)
Housing Counseling Clearing House	1-800-569-4287	Information for counseling participants
Secretary Held Notes	1-800-594-9057	Single Family staff in Tulsa provide info
HUD USER	1-800-245-2691	Housing-Based Research Publications (www.huduser.org/)
Regulatory Barriers Clearinghouse	1-800-245-2691, option 4: \TDD: 1-800-927-7589\Fax: (202) 708-9981\E-mail: rbcsubmit@huduser.org	(www.huduser.org/rbc) P.O. Box 23268, Washington, DC 20026-3268
Public and Indian Housing Information and Resource Center	1-800-955-2232	Native American Program information.
Multifamily Housing Clearinghouse	1-800-685-8470	(www.hud.gov/offices/hsg/mfh/hc/mfhc.cfm)
Multifamily Complaint Line	1-800-685-8470	(www.hud.gov/offices/hsg/mfh/hc/complaint.cfm)
Community Connections	1-800 998-9999	(www.comcon.org)
University Partnerships Clearinghouse	1-800 245-2691	(www.oup.org/)

USDA Rural Housing Program Reference Guide

100 USDA, suite 108 Stillwater OK 74074 (405) 742-1000

www.rurdev.usda.gov/rhs/index.html

Program	Objective	Applicant	Uses	Population	Loan/Grant	Terms/Conditions
Single Family Home Ownership Direct Loans	Safe, well-built, affordable homes for rural Americans.	Families and individuals apply to Rural Development.	Buy, build, improve, repair or rehabilitate rural homes as the applicant's permanent residence.	Rural areas with populations of 20,000 or less.	Direct loan	Up to 100% of market value or cost, whichever is less. Loan amortized for 33/38 years. Applicant may be eligible for payment assistance (subsidy) on the loan.
Single Family Home Ownership Direct Repair Loans and Grants	To help very-low income applicants remove health and safety hazards or repair their homes.	Families and individuals who currently own their home apply to Rural Development.	Loan and grant purposes include: repair/replace roofs, winterizing, purchase or repair of heating system, structural repair, water/sewage connect fees, and similar uses.	Rural areas with populations of 20,000 or less.	Direct loan and grant	Loan terms to 20 years at 1%. Assistance to individual may not exceed \$20,000. Grants only available to very-low income applicants 62 years or older who cannot afford to pay 1% loan.
Single Family Home Ownership Guaranteed Loans	Assist eligible applicants in buying their homes by guaranteeing private lenders' loans.	Families and individuals apply to lender.	Loans may be made to purchase new or existing homes.	Rural areas with populations of 20,000 or less.	Loan guarantee	30 year, fixed rate. Interest rate negotiated between lender and borrower. Loans to 100 % of market value.
Mutual Self-Help Home Ownership Loans	Individual homes built by a group of applicants, with construction guidance of a non-profit organization.	Families and individuals apply to Rural Development.	Loan applications are processed on an individual basis for each participating family.	Rural areas with populations of 20,000 or less.	Direct loan	The individual families receive a direct loan from Rural Development. The non-profit housing organization gets grant to hire a supervisor and pay other administrative expenses.
Mutual Self-Help Housing Grants	Assist lower income families in building their own homes.	Nonprofits and Public Bodies.	Technical assistance to qualify and supervise small groups of families to build each other's homes.	Rural areas with populations of 20,000 or less.	Grant	Grant Agreement.
Rental Housing for Families and Elderly Direct Loans and Loan Guarantees	Safe, well-built affordable rental housing for very low income individuals and families.	Individuals, limit profit and non-profit organizations. For guarantees, apply to intermediary lender; for direct, apply to Rural Development.	New construction or substantial rehabilitation of rental housing.	Rural areas with populations of 20,000 or less.	Direct loan or loan guarantee.	Up to 100% of total development cost (non-profits) ; 97% (for profit) 30 year term with up to 50 year amortization. 95% of total development costs (for profit organizations) with Low-Income Housing Tax Credits.
Housing Preservation Grants	Repair and rehabilitate housing owned or occupied by very low and low income rural families.	Public bodies and non-profit organizations apply to Rural Development.	Operate a program which finances repair and rehabilitation activities for single family and small rental properties.	Rural areas with populations of 20,000 or less.	Grant	Grant Agreement.
Community Facilities Programs	Provide essential community facilities for rural communities.	Public bodies and non-profit organizations, and Indian tribes. Apply to Rural Development.	To build facilities and purchase equipment for fire and rescue, telecommunications, schools, libraries, hospitals, etc.	Rural areas with populations of 20,000 or less.	Direct loan or loan guarantee Grant.	Up to 100% of market value Up to 40 years or life of security Maximum grant 75% of project cost.
Farm Labor Housing	Safe, well-built affordable rental housing for farm workers.	Individuals, public and private non-profit organizations apply to Rural Development.	New construction or substantial rehabilitation of rental housing.	None	Direct loan and grant.	Up to 102% of total development cost. Up to 33 years to repay @ 1% interest.

HUD APPROVED HOUSING COUNSELING AGENCIES IN OKLAHOMA

The agencies listed in *italics* have not been individually HUD approved, but are affiliates of one of the HUD funded National Intermediaries. These organizations are listed in alphabetical order by city. If your city is not listed contact the location nearest you.

THE CHICKASAW NATION DIVISION OF HOUSING

901 N. Country Club
Ada, OK 74820

Phone: (580) 421-8800

Fax: (580) 421-8820

Type of Counseling:

Rental Counseling, Pre-purchase

Counseling, Default/Foreclosure Counseling

E-mail: info@cccs.net

Web site: www.cccs.net

Type of Counseling:

Pre-purchase Counseling, Rental Counseling,

Default/Foreclosure Counseling, HECM

Counseling

Affiliate of: NATIONAL FOUNDATION FOR

CONSUMER CREDIT, INCORPORATED

CONSUMER CREDIT COUNSELING SERVICE

Irving Center

704 North Oak, Room 7

Ada, OK 74820

Phone: 1-800-364-2227

Toll-Free: 1-800-364-2227

Web site: www.cccsok.org

Type of Counseling:

Pre-purchase Counseling, Rental

Counseling, Default/Foreclosure

Counseling, HECM Counseling

CONSUMER CREDIT COUNSELING SERVICE

3230 N Rockwell Ave

Bethany, OK 73008

Phone: (405) 789-2227

Toll-Free: 1-800-364-2227

Fax: (405) 789-5052

Web site: www.cccsok.org

Type of Counseling: HECM Counseling,

Default/Foreclosure Counseling, Rental

Counseling, Pre-purchase Counseling

CONSUMER CREDIT COUNSELING SERVICE

Midfirst Bank

2511 North Main

Altus, OK 73521

Phone: 1-800-364-2227

Toll-Free: 1-800-364-2227

Web site: www.cccsok.org

Type of Counseling:

Pre-purchase Counseling, Rental

Counseling, Default/Foreclosure

Counseling, HECM Counseling

CREDIT COUNSELING CENTERS OF OKLAHOMA, INCORPORATED

317 S Main

Broken Arrow, OK 74159

Phone: (918) 259-0164

Toll-Free: 1-800-324-5611

Fax: (918) 258-6237

E-mail: cccsok@aol.com

Web site: www.cccsofok.org

Type of Counseling:

Pre-purchase Counseling, Default/Foreclosure

Counseling, HECM Counseling, Rental

Counseling

Affiliate of: NATIONAL FOUNDATION FOR

CONSUMER CREDIT, INCORPORATED

CONSUMER CREDIT COUNSELING SERVICE OF GREATER DALLAS/ARDMORE OK

333 W. Main, Suite 150

Ardmore, OK 73402

Phone: (580) 226-5885

Toll-Free: 1-800-944-3826

Fax: (580) 224-9196

CONSUMER CREDIT COUNSELING SERVICE

Canadian Valley Technology Center

1401 N. Michigan

Chickasha, OK 73018

Phone: 1-800-364-2227

E-mail: lhoover@cccsok.com

Web site: www.cccsok.org

Type of Counseling:

Pre-purchase Counseling, Rental
Counseling, Default/Foreclosure
Counseling, HECM Counseling

**CREDIT COUNSELING CENTERS OF
OKLAHOMA, INCORPORATED**

104 S Missouri Ave, Ste 205

Tulsa, OK 74017

Phone: (918) 343-3313

Toll-Free: 1-800-324-5611

Fax: (918) 343-2712

E-mail: cccsok@aol.com

Web site: www.cccsofok.org

Type of Counseling:

Pre-purchase Counseling,
Default/Foreclosure Counseling, HECM
Counseling, Rental Counseling
Affiliate of: NATIONAL FOUNDATION
FOR CONSUMER CREDIT,
INCORPORATED

**CONSUMER CREDIT COUNSELING
SERVICE**

Del West Center

3907 SE 29th St

Del City, OK 73115-2639

Phone: 1-800-364-2227

Toll-Free: 1-800-364-2227

Web site: www.cccsok.org

Type of Counseling:

HECM Counseling, Default/Foreclosure
Counseling, Rental Counseling, Pre-
purchase Counseling

**COMMUNITY DEVELOPMENT
SUPPORT ASSOCIATION**

2615 E Randolph

Enid, OK 73701

Phone: (580) 242-6131

Fax: (580) 234-3554

Type of Counseling:

HECM Counseling, Default/Foreclosure
Counseling, Rental Counseling, Pre-
purchase Counseling

**CONSUMER CREDIT COUNSELING
SERVICE**

317 West Cherokee Ste A

Enid, OK 73701

Phone: 1-800-364-2227

Toll-Free: 1-800-364-2227

Web site: www.cccsok.org

Type of Counseling:

HECM Counseling, Default/Foreclosure
Counseling, Rental Counseling, Pre-purchase
Counseling

**CONSUMER CREDIT COUNSELING
SERVICE**

5202 SW Lee Blvd

Lawton, OK 73505

Phone: 1-800-364-2227

Toll-Free: 1-800-364-2227

Web site: www.cccsok.com

Type of Counseling:

Pre-purchase Counseling, Rental Counseling,
Default/Foreclosure Counseling, HECM
Counseling

CHOCTAW HOUSING AUTHORITY

1005 S. 5th Street

Hugo, OK 74743

Phone: (580) 326-7521

Fax: (580) 326-7641

Type of Counseling:

Rental Counseling, Default/Foreclosure
Counseling

IDABEL HOUSING AUTHORITY

P. O. Box 838

Idabel, OK 74745

Phone: (580) 286-9444

Type of Counseling:

Pre-purchase Counseling, Default/Foreclosure
Counseling, Rental Counseling

**CONSUMER CREDIT COUNSELING
SERVICE**

Bank First

501 C Avenue Ste 308 C

Lawton, OK 73501

Phone: 1-800-364-2227

Toll-Free: 1-800-364-2227

Web site: www.cccsok.org

Type of Counseling:

HECM Counseling, Default/Foreclosure
Counseling, Rental Counseling, Pre-purchase
Counseling

**HOUSING AUTHORITY OF THE CITY
OF LAWTON**

609 SW F Avenue
Lawton, OK 73501
Phone: (580) 353-7392
Fax: (580) 353-6111
Type of Counseling:
Pre-purchase Counseling, Rental
Counseling, Default/Foreclosure
Counseling, HECM Counseling

**HOUSING AUTHORITY OF THE CITY
OF NORMAN**

700 N Berry Rd
Norman, OK 73069
Phone: (405) 329-0933
Fax: (405) 329-2542
Type of Counseling:
HECM Counseling, Default/Foreclosure
Counseling, Rental Counseling, Pre-
purchase Counseling

**CONSUMER CREDIT COUNSELING
SERVICE**

Western Tower Building
5350 S. Western, Suite 103
Oklahoma City, OK 73139
Phone: 1-800-364-2227
Toll-Free: 1-800-364-2227
E-mail: lhoover@cccsok.com
Web site: www.cccsok.com
Type of Counseling:
HECM Counseling, Default/Foreclosure
Counseling, Rental Counseling, Pre-
purchase Counseling

**LATINO COMMUNITY
DEVELOPMENT AGENCY**

420 SW 10th
Oklahoma City, OK 73109
Phone: (405) 236-0701
Fax: (405) 236-0737
E-mail: LCDACHODO@juno.com
Type of Counseling:
Pre-purchase Counseling
Affiliate of: NATIONAL COUNCIL OF LA
RAZA

OKLAHOMA HOUSING FINANCE AGENCY

100 Northwest 63rd, Suite 200
Oklahoma City, OK 73126
Phone: (405) 848-1144
Fax: (405) 840-1109
Type of Counseling:
Pre-purchase Counseling, Rental Counseling,
Default/Foreclosure Counseling

**THE HOUSING AUTHORITY OF THE CITY
OF SHAWNEE, OKLAHOMA**

601 West 7th Street
Shawnee, OK 74802
Phone: (405) 275-6330
Fax: (405) 273-9344
Type of Counseling:
Pre-purchase Counseling, Default/Foreclosure
Counseling, HECM Counseling, Rental
Counseling

**CONSUMER CREDIT COUNSELING
SERVICE**

Mid First Bank
330 N. Broadway
Shawnee, OK 74801
Phone: 1-800-364-2227
Toll-Free: 1-800-364-2227
Web site: www.cccsok.org
Type of Counseling:
Pre-purchase Counseling, Rental Counseling,
Default/Foreclosure Counseling, HECM
Counseling

STILLWATER HOUSING AUTHORITY

807 S Lowry
Stillwater, OK 74074
Phone: (405) 372-4906
Fax: (405) 372-1416
Type of Counseling:
HECM Counseling, Default/Foreclosure
Counseling, Rental Counseling, Pre-purchase
Counseling

**CONSUMER CREDIT COUNSELING
SERVICE**

Postal Plaza Building
720 South Husband, Suite 10

Stillwater, OK 74074

Phone: 1-800-364-2227

Toll-Free: 1-800-364-2227

Web site: www.cccsok.org

Type of Counseling:

Pre-purchase Counseling, Rental
Counseling, Default/Foreclosure
Counseling, HECM Counseling

**CONSUMER CREDIT COUNSELING
SERVICE**

Building 420

Tinker AFB, OK 73145

Phone: 1-800-364-2227

Toll-Free: 1-800-364-2227

Web site: www.cccsok.org

Type of Counseling:

Pre-purchase Counseling, Rental
Counseling, Default/Foreclosure
Counseling, HECM Counseling

**CREDIT COUNSELING CENTERS OF
OKLAHOMA, INCORPORATED**

4646 S Harvard Ave

Tulsa, OK 74159

Phone: (918) 744-5611

Toll-Free: 1-800-324-5611

Fax: (918) 744-0232

E-mail: cccsok@aol.com

Web site: www.cccsofok.org

Type of Counseling:

Pre-purchase Counseling, Rental Counseling,
Default/Foreclosure Counseling, HECM

Counseling

Affiliate of: NATIONAL FOUNDATION FOR
CONSUMER CREDIT, INCORPORATED

**HOUSING PARTNERS OF TULSA,
INCORPORATED**

415 E. Independence

Tulsa, OK 74106

Phone: (918) 581-5907

Fax: (918) 582-0645

Type of Counseling:

Pre-purchase Counseling, Rental Counseling,
Default/Foreclosure Counseling, HECM
Counseling

**CONSUMER CREDIT COUNSELING
SERVICE**

1st National Bank Building

1100 East Main

3rd Floor

Weatherford, OK 73096

Phone: 1-800-364-2227

Toll Free: 1-800-364-2227

Web site: www.cccsok.org

Type of Counseling:

Pre-purchase Counseling, Default/Foreclosure
Counseling, HECM Counseling, Rental
Counseling

HOUSING FOR PEOPLE WITH DISABILITIES IN OKLAHOMA:**A RESOURCE GUIDE STATE RESOURCES**

Oklahomans with disabilities are covered by state laws prohibiting discrimination against minorities in employment, public accommodations and housing. These laws are found in Title 25 of the Oklahoma Statutes. A violation of this law is a misdemeanor. The Oklahoma Human Rights Commission (OHRC) investigates alleged violations of these laws. For information call:

Oklahoma Human Rights Commission

Room 480, Jim Thorpe Memorial Office Bldg.

2101 North Lincoln Boulevard

Oklahoma City, OK 73105-4906

(405) 521-2360

1-888-456-2558 Oklahoma City area

1-888-456-2006 Tulsa area

Oklahoma law also specifically provides that people using service animals have the right to take such animals with them into public places. This law is found in Title 7 of the Oklahoma Statutes. A violation of this law is a misdemeanor. Complaints should be filed with the district attorney in the county where the alleged violation occurred.

Oklahoma Housing Finance Agency (OHFA)

100 NW 63, Suite 200 Oklahoma City, OK 73116

P.O. Box 26720

Oklahoma City, OK 73126-0720

(405) 848-1144

1-800-256-1489

(405) 848-7471 TTY

Website: www.ohfa.org

Rental Assistance: (405) 419-8100

Single Family Home Loans: (405) 419-8207

HOME program: (405) 419-8133

Housing Tax Credits: (405) 419-8269

Housing Trust Fund: (405) 419-8133

HOPWA (housing for people with AIDS): (405) 419-8275

TRANSITIONAL HOUSING PILOT PROGRAM

The following shelters or community action agencies participate in OHFA's transitional housing pilot program. More information is available at: Homeless Program: (405) 419-8273 or online at: www.ohfa.org

Central Oklahoma Community Action Agency 429 N Union Shawnee, OK 74801 (405) 275-6060	Community Action Agency of Oklahoma City and Oklahoma/Canadian Counties 1900 NW 10th Street Oklahoma City, OK 73106 (405) 232-0199 x3220
Food & Shelter for Friends 104 W. Comanche Norman, OK 73069 (405) 360-4954	Ki Bois Community Action Foundation, Inc. P. O. Box 727 Stigler, OK 74462 (918) 967-9050
Latino Community Development Agency 420 SW 10th Street Oklahoma City, OK 73109 (405) 236-0701	Little Dixie Community Action Agency, Inc. 502 W Duke Hugo, OK 74743 (580) 326-5165
Muskogee County Community Action Foundation 1313 North Main Street, P. O. Box 647 Muskogee, OK 74402-0647 (918) 683-7637	Neighborhood Services Organization 431 SW 11th Oklahoma City, OK 73109 (405) 236-0413
Red Rock Behavioral Health Services 4400 North Lincoln Blvd. Oklahoma City, OK 73105 (405) 425-0317	Traveler's Aid Society of Oklahoma 1033 N Walker Oklahoma City, OK 73102 (405) 232-6561 www.travelersaidok.org
Women In Safe Home, Inc. P. O. Box 487 Muskogee, OK 74402 (918) 682-7879	

CENTERS FOR INDEPENDENT LIVING (CILs)

Funded Under Title VII of the Rehabilitation Act of 1973, as Amended Through 1998. There are five of these organizations in Oklahoma that focus on assisting people with disabilities to remain or regain their ability to live how they choose.

Dynamic Independence

4100 SE Adams Road, Suite C-105
Bartlesville, OK 74006
(918) 335-1314
(918) 333-1814 FAX

Progressive Independence

121 N. Porter
Norman, OK 73071
(405) 321-3203
(405) 321-7601 FAX

Oklahomans for Independent Living

(OIL) 321 S. 3rd St., Suite 2
McAlester, OK 74501
(918) 426-6220
(918) 426-3245 FAX

Ability Resources

110 S. Hartford, Suite 115
Tulsa, OK 74120
(918) 592-1235
(918) 592 - 5651 FAX

NONPROFIT HOUSING ORGANIZATIONS IN OKLAHOMA (Listed alphabetically by city.)**Ada Habitat for Humanity**

P.O. Box 1383

Ada, OK 74820

Phone (405) 436.3089

Fax (405) 332.1623

Big Five Community Action Association1502 N 1st Street

Durant, OK 74701

(580) 924-5331

Southwest Oklahoma Community Action

905 N Willard Street

Altus, OK 73021

(580) 482-1290

Community Action Development Corp.

P.O. Box 989

Frederick, OK 73542

(580) 335.5588

Ardmore Development Authority

P.O. Box 1585

Ardmore, OK 73402

Phone (405) 223.6162

Fax (405) 223.7825

Little Dixie Community Action Agency209 N. 4th st

Hugo, OK 74743

Phone (580) 326.3351

Washington/Nowata Community Action Association

3618 Tuxedo Blvd.

Bartlesville, OK 74006

Northeast Oklahoma Community Action Association

P.O. Box 603

Jay, OK 74346

(918) 253.4683

Washita Valley Community Action Council

P.O. Box 747

Chickasha, OK 73018

(405) 224.5831

Great Plains Improvement Foundation Inc.

P.O. Box 926

Lawton, OK 73502

CARD

522 W. Will Rogers Blvd.

Claremore, OK 74017

Habitat for Humanity

PO BX 3744

Lawton, OK 73502-3744

(580) 250.1700

WA-RO-MA

217 N. Broadway

Coweta, OK 74429

Phone (918) 486.2471

Fax (918) 486.5967

Muskogee County Community Action Foundation

P.O. Box 647

Muskogee, OK 74402

Associated Catholic Charities

1501 N. Classen, Suite 200
Oklahoma City, OK 73106-6699
Phone (405) 523.3000
Fax (405) 523.3030

Central Oklahoma Habitat for Humanity

2915 N. Classen Blvd., Suite 460
Oklahoma City, OK 73106
Phone (405) 524.7151
Fax (405) 524.7803

City of Oklahoma City

One N. Walker
Oklahoma City, OK 73102
Phone (405) 231.2514

Neighborhood Housing Services, Oklahoma City

1320 Classen Dr, Ste 200
Oklahoma City, OK 73103
Phone (405) 231.4663

United Community Action Program Inc.

656 Illinois St
Pawnee, OK 74058
(918) 762.3812

Delta Community Action Foundation

223 W. Washington St.
Purcell, OK 73080

Uptown Sapulpa Action, Inc.

101 E. Dewey
Sapulpa, OK 74066
Phone (918) 224.5709
Fax (918) 224.0172

Absentee Shawnee Tribe of Oklahoma

2025 South Gordon Cooper Drive
Shawnee, OK 74801
Phone (405) 275.4030
Fax (405) 878.4537

Central Oklahoma CommunityAction.

429 N Union
Shawnee, OK 74801
(405) 275.6060
Fax: (405) 214.4326

Ki Bois Community Action Foundation

P.O. Box 727
Stigler, OK 74462
Phone: (918) 967.3325
Fax: (918) 967.8660
Toll free 1.800.299.4479

Stillwater Habitat for Humanity

P.O. Box 912
Stillwater, OK 74076
Phone (405) 377.0403

Cookson Hill Community Action Foundation

P.O. Box 745
Tahlequah, OK 74464
(580) 371.2352
(580) 371.0277

Inca Community Action Foundation

P.O. Box 68
Tishomingo, OK 73460
(580) 371.2352
(580) 371.0277

The Gatesway Foundation, Inc.

4608 S. Garnett Rd., Suite. 413
Tulsa, OK 74146-5224
Phone (918) 251.2676
Fax (918) 251.6330

Tulsa Habitat for Humanity

6235 E 13th St
Tulsa, OK 74112
Phone (918) 592.4224

Tulsa Senior Services, Inc.

5950 East 31st St.

Tulsa, OK 74135
Phone (918) 664.9000
Fax (918) 664.9922

Vintage Housing

5950 East 31st Street
Tulsa, OK 74135
Phone (918) 664.9000
Fax (918) 664.9922

YMCA of Greater Tulsa

515 S. Denver St.

Tulsa, OK 74103
Phone (918) 583.9622
Fax (918) 584.9622

Opportunities Inc.

P.O. Box 569
Watonga, OK 73772
(580) 623.7283
Fax (580) 623.7290

PROTECTION AND ADVOCACY ORGANIZATIONS

The Oklahoma Disability Law Center may be able to answer specific questions regarding the complaint process. Contact them at:

Oklahoma Disability Law Center, Inc.

2915 Classen Blvd. - Suite 300 Oklahoma City, OK 73106

Phone: (405) 525-7755 \ 1-800-880-7755 (in state)

Fax: (405) 525-7759

E-Mail: odlcokc@flash.net

Website: www.oklahomadisabilitylaw.org

Tulsa Office 2828 East 51 Street, Suite 302 Tulsa, OK 74105

(918) 743-6220 (V/TDD)

1-800-226-5883 (V/TDD)

Fax: (918) 743-7157

TRIBAL HOUSING PROGRAMS

Congress established the Section 184 Indian Housing Loan Guarantee Program in 1992 to encourage home ownership, property rehabilitation, and new construction opportunities for Native Americans.

Authorized under the Housing and Community Development Act of 1992, the Program is designed to offer home ownership, property rehabilitation, and new construction opportunities for eligible tribes, Indian Housing Authorities and Native Americans seeking to own a home on their native lands. The Program is designed for fee simple land within the operating area of an Indian Housing Authority or Tribe, Tribal Trust land, or on individually allotted land on reservations. Information is available online at: www.codetalk.fed.us/loan184.html or through the tribal offices listed below

**U.S. Department of Housing and Urban Development,
Office of Native American Programs
Office of Loan Guarantees
451 7th Ste, SW
Washington, D.C. 20410
Telephone: Toll Free: 1-800-561-5913 or (202) 402.4978**

The Office of Loan Guarantee staff is responsible for program development, monitoring and quality control, loan underwriting, program training, and marketing. In addition, the staff serve as a liaison among lenders, government agencies, tribal members, and other entities instrumental in making the program a success.

Southern Plains Office of Native American Programs
301 N.W. 6th Street, Suite 200
Oklahoma City, OK 73102
Phone: (405) 609-8520
FAX: (405) 609-8403

TRIBAL INFORMATION

All of the federally recognized Indian Nations in Oklahoma have an office to assist members of the Tribe in renting or purchasing a home. Listed below are contacts for the tribal organization that can direct interested parties to specific programs.

(www.state.ok.us/~oiac/TribalGovs.htm)

TRIBAL GOVERNMENTS, OFFICIALS AND ADDRESSES.**ABSENTEE SHAWNEE TRIBE**

2025 S. Gordon Cooper Dr.

Shawnee, OK 74801

(405) 275-4030

FAX: (405) 275-5637

www.absenteeshawneetribes.com**ALABAMA QUASSARTE TRIBAL TOWN**

P.O. Box 187

Wetumka, OK 74863

(405) 452-3987

FAX: (405) 452-3968

APACHE TRIBE

P.O. Box 1220

Anadarko, OK 73005

(405) 247-9493

FAX: (405) 247-2686

CADDO TRIBE

P.O. Box 487

Binger, OK 73009

(405) 656-2344

FAX: (405) 656-2892

CHEROKEE NATION

P.O. Box 948

Tahlequah, OK 74465

(918) 456-0671

FAX: (918) 458-5580

www.cherokee.org/**CHEYENNE-ARAPAHO TRIBES**

P.O. Box 38

Concho, OK 73022

(405) 262-0345

FAX: (405) 422-1184

www.cheyenne-arapaho.nsn.us/**CHICKASAW NATION**

P.O. Box 1548

Ada, OK 74821

(580) 436-2603

FAX: (580) 436-4287

www.chickasaw.net/**CHOCTAW NATION**

Housing Authority of the Choctaw Nation of Oklahoma

Home Finance Department

P.O. Drawer G

Hugo, OK 74743

(580) 326-7521

1-800-235-3087

FAX: (580) 326-0931

www.choctawhomefinance.web-loans.com**CITIZEN POTAWATOMI NATION**

1601 S. Gordon Cooper Dr.

Shawnee, OK 74801

(405) 275-3121

FAX (405) 275-0198

www.potawatomi.org/**COMANCHE NATION**

P.O. Box 908

Lawton, OK 73502

(580) 492-3751

FAX: (580) 492-3796

www.comanchenation.com/**DELAWARE NATION**

P.O. Box 825

Anadarko, OK 73005

(405) 247-2448

FAX: (405) 247-9393

www.westerndelaware.nsn.us/**DELAWARE TRIBE OF INDIANS**

220 NW Virginia Ave.

Bartlesville, OK 74003

(918) 336-5272

FAX: (918) 336-5513

www.delawaretribeofindians.nsn.us/**EASTERN SHAWNEE TRIBE**

P.O. Box 350

Seneca, MO 64865

(918) 666-2435

FAX: (918) 666-2186

www.eighttribes.org/eastern-shawnee

FORT SILL APACHE TRIBE

Route 2, Box 121
Apache, OK 73006
(580) 588-2298
FAX: (580) 588-3133
www.fsat.tripod.com/

IOWA TRIBE OF OKLAHOMA

R.R. 1, Box 721
Perkins, OK 74059
(405) 547-2402
FAX: (405) 547-5294
www.iowanation.org/

KAW NATION OF OKLAHOMA

P.O. Box 50
Kaw City, OK 74641
(580) 269-2552
FAX: (580) 269-2301
www.kawnation.com/

KIALEGEE TRIBAL TOWN

P.O. Box 332
Wetumka, OK 74883
(405) 452-3262
FAX: (405) 452-3413

KICKAPOO TRIBE OF OKLAHOMA

P.O. Box 70
McLoud, OK 74851
(405) 964-2075
FAX: (405) 964-2745

KIOWA TRIBE

P.O. Box 369
Carnegie, OK 73015
(580) 654-2300
FAX: (580) 654-2188
www.thekiowatribe.com/

MIAMI NATION

P.O. Box 1326
Miami, OK 74355
(918) 542-1445
FAX: (918) 542-7260
www.miamination.com/

MODOC TRIBE

515 "G" SE
Miami, OK 74354-8224
(918) 542-1190
FAX: (918) 542-5415
www.eighttribes.org/modoc/

MUSCOGEE (CREEK) NATION

P.O. Box 580
Okmulgee, OK 74447
(918) 756-8700
FAX: (918) 758-1434
www.muscogeenation/nsn.gov

OSAGE NATION

813 Grandview
Pawhuska, OK 74056
(918) 287-1085
FAX: (918) 287-2257
www.osagetribe.com/

OTOE-MISSOURIA TRIBE

8151 Highway 177
Red Rock, OK 74651
(580) 723-4466
FAX: (580) 723-4273

OTTAWA TRIBE

P.O. Box 110
Miami, OK 74355
(918) 540-1536
FAX: (918) 542-3214

PAWNEE NATION OF OKLAHOMA

P.O. Box 470
Pawnee, OK 74058
(918) 762-3621
FAX: (918) 762-6446
www.pawneenation.org/

PEORIA TRIBE OF INDIANS OF OKLAHOMA

P.O. Box 1527
Miami, OK 74355
(918) 540-2535
FAX: (918) 540-2538
www.peoriatribes.com/

PONCA NATION

20 White Eagle Drive
Ponca City, OK 74601
(580) 762-8104
FAX: (580) 762-2743

QUAPAW TRIBE OF OKLAHOMA

P.O. Box 765
Quapaw, OK 74363
(918) 542-1853
FAX: (918) 542-4694
www.quapawtribe.com/

SAC & FOX NATION

Route 2, Box 246
Stroud, OK 74079
(918) 968-3526
FAX: (918) 968-1142
www.sacandfoxnation-nsn.gov

SEMINOLE NATION

P.O. Box 1498
Wewoka, OK 74884
(405) 257-6287
FAX: (405) 257-6205
www.seminolenation.com

SENECA-CAYUGA TRIBE OF OKLAHOMA

P.O. Box 1283
Miami, OK 74355
(918) 542-6609
FAX: (918) 542-3684
www.sctribe.com

SHAWNEE TRIBE

P.O. Box 189
Miami, OK 74355
(918) 542-2441
FAX (918) 542-2922
www.shawnee-tribe.org/

THLOPTHLOCCO TRIBAL TOWN

P.O. Box 188
Okemah, OK 74859-0188
(918) 560.6198

TONKAWA TRIBE

1 Rush Buffalo Rd.
Tonkawa, OK 74653
(580) 628-2561
FAX: (580) 628-3375
www.tonkawatribe.com/

UNITED KEETOOWAH BAND OF CHEROKEES

P.O. Box 746
Tahlequah, OK 74465
(918) 431-1818
FAX: (918) 431-1873

WICHITA & AFFILIATED TRIBES

Gary McAdams, President
P.O. Box 729
Anadarko, OK 73005
(405) 247-2425
FAX: (405) 247-2430
www.wichita.nsn.us/

WYANDOTTE NATION

P.O. Box 250
Wyandotte, OK 74370
(918) 678-2297
FAX: (918) 678-2944
www.eighttribes.org/wyandotte

EUCHEE (YUCHI) TRIBE OF INDIANS *

P.O. Box 10
Sapulpa, OK 74067
(918) 224-3065
FAX: (918) 224-3140

APPENDIX A - FAIR HOUSING ACCESSIBILITY GUIDELINES-- DESIGN GUIDELINES FOR ACCESSIBLE/ADAPTABLE DWELLINGS

Section 1. Introduction

Authority

Purpose

Scope

Organization of Guidelines

Section 2. Definitions

Section 3. Fair Housing Act Design and Construction Requirements

Section 4. Application of the Guidelines

Section 5. Guidelines

Requirement 1. Accessible building entrance on an accessible route.

Requirement 2. Accessible and usable public and common use areas.

Requirement 3. Usable Doors.

Requirement 4. Accessible route into and through the covered unit.

Requirement 5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.

Requirement 6. Reinforced walls for grab bars.

Requirement 7. Usable kitchens and bathrooms.

SECTION 1. INTRODUCTION

Authority

Section 804(f)(5)(C) of the Fair Housing Amendments Act of 1988 directs the Secretary of the Department of Housing and Urban Development to provide technical assistance to States, local governments, and other persons in implementing the accessibility requirements of the Fair Housing Act. These guidelines are issued under this statutory authority.

Purpose

The purpose of these guidelines is to provide technical guidance on designing dwelling units as required by the Fair Housing Amendments Act of 1988 (Fair Housing Act). These guidelines are not mandatory, nor do they prescribe specific requirements which must be met, and which, if not met, would constitute unlawful discrimination under the Fair Housing Act. Builders and developers may choose to depart from these guidelines and seek alternate ways to demonstrate that they have met the requirements of the Fair Housing Act. These guidelines are intended to provide a safe harbor for compliance with the accessibility requirements of the Fair Housing Act.

Scope

These guidelines apply only to the design and construction requirements of 24 CFR 100.205. Compliance with these guidelines do not relieve persons participating in a Federal or Federally-assisted program or activity from other requirements, such as those required by section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the Architectural Barriers Act of 1968

(42 U.S.C. 4151-4157). Accessible design requirements for Section 504 are found at 24 CFR Part 8. Accessible design requirements for the Architectural Barriers Act are found at 24 CFR Part 40.

Organization of Guidelines

The design guidelines are incorporated in Section 5 of this document. Each guideline cites the appropriate paragraph of HUD's regulation at 24 CFR 100.205; quotes from the regulation to identify the required design features, and states recommended specifications for each design feature.

Generally, these guidelines rely on the American National Standards Institute (ANSI) A117.1-1986, American National Standard for Buildings and Facilities--Providing Accessibility and Usability for Physically Handicapped People (ANSI Standard). Where the guidelines rely on sections of the ANSI Standard, the ANSI sections are cited. Only those sections of the ANSI Standard cited in the guidelines are recommended for compliance with 24 CFR 100.205. For those guidelines that differ from the ANSI Standard, recommended specifications are provided. The texts of cited ANSI sections are not reproduced in the guidelines. The complete text of the 1986 version of the ANSI A117.1 Standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, NY 10018.

Section 2. Definitions

As used in these guidelines:

"Accessible", when used with respect to the public and common use areas of a building containing covered multifamily dwellings, means that the public or common use areas of the building can be approached, entered, and used by individuals with physical handicaps. The phrase "readily accessible to and usable by" is synonymous with accessible. A public or common use area that complies with the appropriate requirements of ANSI A117.1-1986, a comparable standard or these guidelines is "accessible" within the meaning of this paragraph.

"Accessible route" means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair, and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps and lifts. A route that complies with the appropriate requirements of ANSI A117.1-1986, a comparable standard, or Section 5, Requirement 1 of these guidelines is an "accessible route". In the circumstances described in Section 5, Requirements 1 and 2, "accessible route" may include access via a vehicular route.

"Adaptable dwelling units", when used with respect to covered multifamily dwellings, means dwelling units that include the features of adaptable design specified in 24 CFR 100.205(c)(2)-(3).

"ANSI A117.1-1986" means the 1986 edition of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people.

"Assistive device" means an aid, tool, or instrument used by a person with disabilities to assist in activities of daily living. Examples of assistive devices include tongs, knob-turners, and oven-rack pusher/pullers.

"Bathroom" means a bathroom which includes a water closet (toilet), lavatory (sink), and bathtub or shower. It does not include single-fixture facilities or those with only a water closet and lavatory. It does include a compartmented bathroom. A compartmented bathroom is one in which the fixtures are distributed among interconnected rooms. A compartmented bathroom is considered a single unit and is subject to the Act's requirements for bathrooms.

"Building" means a structure, facility or portion thereof that contains or serves one or more dwelling units.

"Building entrance on an accessible route" means an accessible entrance to a building that is connected by an accessible route to public transportation stops, to parking or passenger loading zones, or to public streets or sidewalks, if available. A building entrance that complies with ANSI A117.1-1986 (see Section 5, Requirement 1 of these guidelines) or a comparable standard complies with the requirements of this paragraph.

"Clear" means unobstructed.

"Common use areas" means rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings. See Section 5, Requirement 2 of these guidelines.

"Controlled substance" means any drug or other substance, or immediate precursor included in the definition in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

"Covered multifamily dwellings" or "covered multifamily dwellings subject to the Fair Housing Amendments" means buildings consisting of four or more dwelling units if such buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of four or more dwelling units. Dwelling units within a single structure separated by firewalls do not constitute separate buildings.

"Dwelling unit" means a single unit of residence for a household of one or more persons. Examples of dwelling units covered by these guidelines include: condominiums; an apartment unit within an apartment building; and other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one room or portion of the dwelling. Examples of the latter include dormitory rooms and sleeping accommodations in shelters intended for occupancy as a residence for homeless persons.

"Entrance" means any exterior access point to a building or portion of a building used by residents for the purpose of entering. For purposes of these guidelines, an "entrance" does not include a door to a loading dock or a door used primarily as a service entrance, even if non-handicapped residents occasionally use that door to enter.

"Finished grade" means the ground surface of the site after all construction, leveling, grading, and development has been completed.

"Ground floor" means a floor of a building with a building entrance on an accessible route. A building may have one or more ground floors. Where the first floor containing dwelling units in

a building is above grade, all units on that floor must be served by a building entrance on an accessible route. This floor will be considered to be a ground floor.

"Handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance. For purposes of these guidelines, an individual shall not be considered to have a handicap solely because that individual is a transvestite. As used in this definition:

1. "Physical or mental impairment" includes:
 - Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
 - Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism. These guidelines are designed to make units accessible or adaptable for people with physical handicaps.
2. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
3. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
4. "Is regarded as having an impairment" means:
 - Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;
 - Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
 - Has none of the impairments defined in paragraph (a) of this definition but is treated by another person as having such an impairment.

"Loft" means an intermediate level between the floor and ceiling of any story, located within a room or rooms of a dwelling.

"Multistory dwelling unit" means a dwelling unit with finished living space located on one floor and the floor or floors immediately above or below it.

"Public use areas" means interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

"Single-story dwelling unit" means a dwelling unit with all finished living space located on one floor.

"Site" means a parcel of land bounded by a property line or a designated portion of a public right of way.

"Slope" means the relative steepness of the land between two points and is calculated as follows: The distance and elevation between the two points (e.g., an entrance and a passenger loading zone) are determined from a topographical map. The difference in elevation is divided by the distance and that fraction is multiplied by 100 to obtain a percentage slope figure. For example, if a principal entrance is ten feet from a passenger loading zone, and the principal entrance is raised one foot higher than the passenger loading zone, then the slope is $1/10 \times 100 = 10\%$.

"Story" means that portion of a dwelling unit between the upper surface of any floor and the upper surface of the floor next above, or the roof of the unit. Within the context of dwelling units, the terms "story" and "floor" are synonymous.

"Undisturbed site" means the site before any construction, leveling, grading, or development associated with the current project.

"Vehicular or pedestrian arrival points" means public or resident parking areas, public transportation stops, passenger loading zones, and public streets or sidewalks.

"Vehicular route" means a route intended for vehicular traffic, such as a street, driveway or parking lot.

Section 3. Fair Housing Act Design and Construction Requirements. The regulations issued by the Department at 24 CFR 100.205 state:

[Text of 24 CFR 100.205 to be inserted]

Section 4. Application of the Guidelines. The design specifications (guidelines) presented in Section 5 apply to new construction of "covered multifamily dwellings", as defined in Section 2. These guidelines are recommended for designing dwellings that comply with the requirements of the Fair Housing Amendments Act of 1988.

Section 5. Guidelines Requirement 1. Accessible building entrance on an accessible route. Under section 100.205(a), covered multifamily dwellings shall be designed and constructed to have at least one building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual characteristics of the site.

Guideline

1. **Building entrance.** Each building on a site shall have at least one building entrance on an accessible route unless prohibited by the terrain, as provided in paragraphs (2)(a)(i) or (2)(a)(ii), or unusual characteristics of the site, as provided in paragraph (2)(b). This guideline applies both to a single building on a site and to multiple buildings on a site.

1. **Separate ground floor unit entrances.** When a ground floor unit of a building has a separate entrance, each such ground floor unit shall be served by an accessible route, except for any unit where the terrain or unusual characteristics of the site prohibit the provision of an accessible route to the entrance of that unit.
2. **Multiple entrances.** Only one entrance is required to be accessible to any one ground floor of a building, except in cases where an individual dwelling unit has a separate exterior entrance, or where the building contains clusters of dwelling units, with each cluster sharing a different exterior entrance. In these cases, more than one entrance may be required to be accessible, as determined by analysis of the site. In every case, the accessible entrance should be on an accessible route to the covered dwelling units it serves.
2. **Site impracticability.** Covered multifamily dwellings with elevators shall be designed and constructed to provide at least one accessible entrance on an accessible route, regardless of terrain or unusual characteristics of the site. Covered multifamily dwellings without elevators shall be designed and constructed to provide at least one accessible entrance on an accessible route unless terrain or unusual characteristics of the site are such that the following conditions are found to exist:
 1. **Site impracticability due to terrain.** There are two alternative tests for determining site impracticability due to terrain: the individual building test provided in paragraph (i), or the site analysis test provided in paragraph (ii). These tests may be used as follows.

A site with a single building having a common entrance for all units may be analyzed only as described in paragraph (i).

All other sites, including a site with a single building having multiple entrances serving either individual dwelling units or clusters of dwelling units, may be analyzed using the methodology in either paragraph (i) or paragraph (ii). For these sites for which either test is applicable, regardless of which test is selected, at least 20% of the total ground floor units in nonelevator buildings, on any site, must comply with the guidelines.

1. **Individual building test.** It is impractical to provide an accessible entrance served by an accessible route when the terrain of the site is such that:
 - the slopes of the undisturbed site measured between the planned entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance exceed 10 percent; and
 - the slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance also exceed 10 percent.If there are no vehicular or pedestrian arrival points within 50 feet of the planned entrance, the slope for the purposes of this paragraph (i) will be measured to the closest vehicular or pedestrian arrival point.

For purposes of these guidelines, vehicular or pedestrian arrival points include public or resident parking areas; public transportation stops; passenger loading zones; and public streets or sidewalks. To determine site impracticability, the slope would be measured at ground level from the point of the planned entrance on a straight line to (i) each vehicular or pedestrian arrival point that is within 50 feet of the planned entrance, or (ii) if there are no vehicular or pedestrian arrival

points within that specified area, the vehicular or pedestrian arrival point closest to the planned entrance. In the case of sidewalks, the closest point to the entrance will be where a public sidewalk entering the site intersects with the sidewalk to the entrance. In the case of resident parking areas, the closest point to the planned entrance will be measured from the entry point to the parking area that is located closest to the planned entrance.

2. **Site analysis test.** Alternatively, for a site having multiple buildings, or a site with a single building with multiple entrances, impracticality of providing an accessible entrance served by an accessible route can be established by the following steps:
 - The percentage of the total buildable area of the undisturbed site with a natural grade less than 10% slope shall be calculated. The analysis of the existing slope (before grading) shall be done on a topographic survey with two foot (2') contour intervals with slope determination made between each successive interval. The accuracy of the slope analysis shall be certified by a professional licensed engineer, landscape architect, architect or surveyor.
 - To determine the practicality of providing accessibility to planned multifamily dwellings based on the topography of the existing natural terrain, the minimum percentage of ground floor units to be made accessible should equal the percentage of the total buildable area (not including floodplains, wetlands, or other restricted use areas) of the undisturbed site that has an existing natural grade of less than 10% slope.
 - In addition to the percentage established in paragraph (B), all ground floor units in a building, or ground floor units served by a particular entrance, shall be made accessible if the entrance to the units is on an accessible route, defined as a walkway with a slope between the planned entrance and a pedestrian or vehicular arrival point that is no greater than 8.33 percent.
3. **Site impracticality due to unusual characteristics.** Unusual characteristics include sites located in a federally-designated floodplain or coastal high-hazard area and sites subject to other similar requirements of law or code that the lowest floor or the lowest structural member of the lowest floor must be raised to a specified level at or above the base flood elevation. An accessible route to a building entrance is impractical due to unusual characteristics of the site when:
 4. the unusual site characteristics result in a difference in finished grade elevation exceeding 30 inches and 10 percent measured between an entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance; or
 5. if there are no vehicular or pedestrian arrival points within 50 feet of the planned entrance, the unusual characteristics result in a difference in finished grade elevation exceeding 30 inches and 10 percent measured between an entrance and the closest vehicular or pedestrian arrival point.
6. **Exceptions to site impracticality .** Regardless of site considerations described in paragraphs (1) and (2), an accessible entrance on an accessible route is practical when:
 1. There is an elevator connecting the parking area with the dwelling units on a ground floor. (In this case, those dwelling units on the ground floor served by an elevator,

- and at least one of each type of public and common use areas, would be subject to these guidelines.) However:
- Where a building elevator is provided only as a means of creating an accessible route to dwelling units on a ground floor, the building is not considered an elevator building for purposes of these guidelines; hence, only the ground floor dwelling units would be covered.
 - If the building elevator is provided as a means of access to dwelling units other than dwelling units on a ground floor, then the building is an elevator building which is a covered multifamily dwelling, and the elevator in that building must provide accessibility to all dwelling units in the building, regardless of the slope of the natural terrain; or
2. An elevated walkway is planned between a building entrance and a vehicular or pedestrian arrival point and the planned walkway has a slope no greater than 10 percent.
7. **Accessible entrance.** An entrance that complies with ANSI 4.14 meets section 100.205(a).
8. **Accessible route.** An accessible route that complies with ANSI 4.3 would meet section 100.205(a). If the slope of the finished grade between covered multifamily dwellings and a public or common use facility (including parking) exceeds 8.33%, or where other physical barriers (natural or manmade) or legal restrictions, all of which are outside the control of the owner, prevent the installation of an accessible pedestrian route, an acceptable alternative is to provide access via a vehicular route, so long as necessary site provisions such as parking spaces and curb ramps are provided at the public or common use facility.
- Requirement 2.** Accessible and usable public and common use areas. Section 100.205(c)(1) provides that covered multifamily dwellings with a building entrance on an accessible route shall be designed in such a manner that the public and common use areas are readily accessible to and usable by handicapped persons.

Guideline

The following chart identified the public and common use areas that should be made accessible, cites the appropriate section of the ANSI Standard, and describes the appropriate application of the specifications, including modifications to the referenced Standards.

Basic Components for Accessible and Usable Public and Common Use Areas or Facilities

Accessible element or space	ANSI A117.1 section	APPLICATION
1. Accessible route(s)	4.3	<p>Within the boundary of the site:</p> <ol style="list-style-type: none"> 1. From public transportation stops, accessible parking spaces, accessible passenger loading zones, and public streets or sidewalks to accessible building entrances (subject to site considerations describes in section 5). 2. Connecting accessible buildings, facilities, elements and spaces that are on the same site. On-grade walks or paths between separate buildings with covered multifamily dwellings, while not required, should be accessible unless the slope of finish grade exceeds 8.33% at any point along the route. Handrails are not required on these accessible walks. 3. Connecting accessible building or facility entrances with accessible spaces and elements within the building or facility, including adaptable dwelling units. 4. Where site or legal constraints prevent a route accessible to wheelchair users between covered multifamily dwellings and public or common-use facilities elsewhere on the site, an acceptable alternative is the provision of access via a vehicular route so long as there is accessible parking on an accessible route to at least 2% of covered dwelling units, and necessary site provisions such as parking and curb cuts are available at the public or common use facility.
2. Protruding Objects	4.4	Accessible routes or maneuvering space including , but not limited to halls, corridors, passageways, or aisles.
3. Ground and floor surface treatments	4.5	Accessible routes, and spaces, including floors, walks, ramps, stairs, and curb ramps.
4. Parking and passenger loading zones	4.6	If provided at the site, designated accessible parking at the dwelling unit on request of residents with handicaps, on the same terms and with the full range of choices (e.g. surface parking or garage) that are provided for other residents of the project, with accessible parking on a route accessible to wheelchairs for at least 2% of the dwelling units: accessible visitor parking sufficient to provide access to grade level entrances of covered multifamily dwelling; and accessible parking at facilities (e.g. swimming pools) that serve accessible building.
5. Curb ramps	4.7	Accessible routes crossing curbs
6. Ramps	4.8	Accessible routes with slopes greater than 1:20.

Accessible element or space	ANSI A117.1 section	APPLICATION
7. Stairs	4.9	Stairs on accessible routes connecting levels not connected by an elevator.
8. Elevator	4.10	If provided.
9. Platform lift	4.11	May be used in lieu of an elevator or ramp under certain conditions.
10. Drinking fountains and water coolers	4.15	Fifty percent of fountains and coolers on each floor, or at least one, if provided in the facility or the site.
11. Toilet rooms and bathing facilities (including water closets, toilet rooms and stalls, urinals, lavatories and mirrors, bathtubs, shower stalls, and sinks.)	4.22	Where provided in public-use and common-use facilities, at least one on each fixture provided per room.
12. Seating, tables, or work surfaces	4.30	If provided in accessible spaces, at least one of each type provided.
13. Places of assembly	4.31	If provided in the facility or at the site.
14. Common-use spaces and facilities (including swimming pools, playgrounds, entrances, rental offices, lobbies, elevators, mailbox areas, lounges, halls and corridors, and the like.)	4.1 through 4.30	If provided in the facility or at the site: <ol style="list-style-type: none"> 1. Where multiple recreational facilities (e.g. tennis courts) are provided sufficient accessible facilities of each type equitable opportunity for use by persons with handicaps. 2. Where practical, access to all or a portion of nature trails and jogging paths
15. Laundry rooms	4.32.6	If provided in the facility or at the site, at least one of each type of appliance provided in each laundry area, except that laundry rooms serving covered multifamily dwellings would not be required to have front loading washers in order to meet the requirements of §100.205(c)(1). (Where front loading washers are not provided, management will be expected to provide assistive devices on request if necessary to permit a resident to use a top loading washer.)

Requirement 3. Usable doors.

Section 100.205(c)(2) provides that covered multifamily dwellings with a building entrance on an accessible route shall be designed in such a manner that all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs.

Guideline

Section 100.205(c)(2) would apply to doors that are a part of an accessible route in the public and common use areas of multifamily dwellings and to doors into and within individual dwelling units.

- On accessible routes in public and common use areas, and for primary entry doors to covered units, doors that comply with ANSI 4.13 would meet this requirement.
- Within individual dwelling units, doors intended for user passage through the unit which have a clear opening of at least 32 inches nominal width when the door is open 90 degrees, measured between the face of the door and the stop, would meet this

requirement. (See Fig. 1 (a), (b), and (c).) Openings more than 24 inches in depth are not considered doorways. (See Fig. 1(d).)

Note

A 34-inch door, hung in the standard manner, provides an acceptable nominal 32-inch clear opening. This door can be adapted to provide a wider opening by using offset hinges, by removing lower portions of the door stop, or both.

Pocket or sliding doors are acceptable doors in covered dwelling units and have the added advantage of not impinging on clear floor space in small rooms.

The nominal 32-inch clear opening provided by a standard six-foot sliding patio door assembly is acceptable.

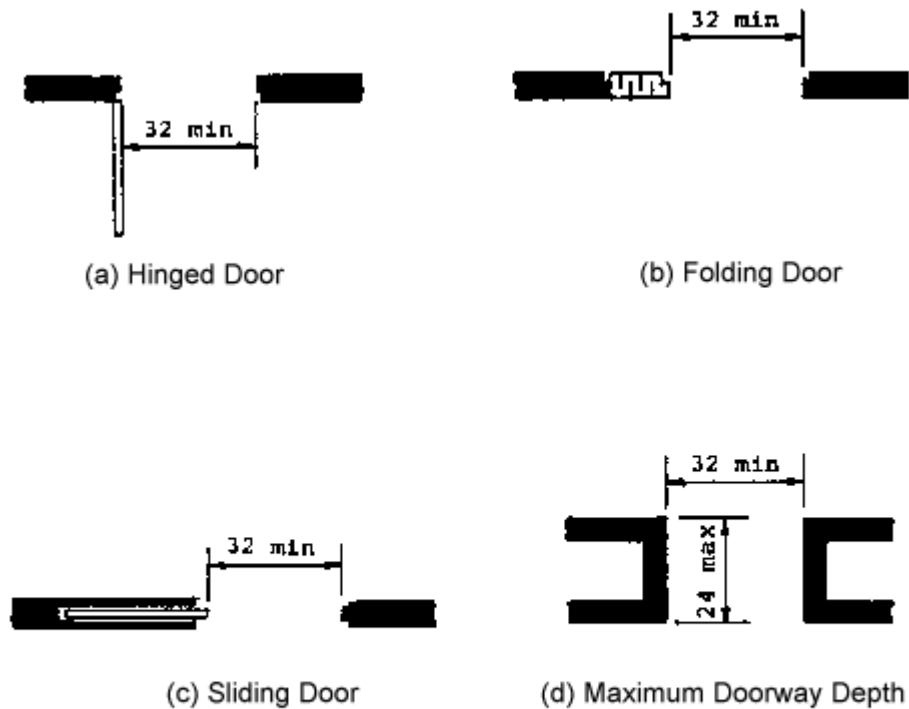


Fig. 1 Clear Doorway Width and Depth

Requirement 4. Accessible route into and through the covered dwelling unit.

Section 100.205(c)(3)(i) provides that all covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain an accessible route into and through the covered dwelling unit.

Guideline

Accessible routes into and through dwelling units would meet section 100.205(c)(3)(i) if:

1. A minimum clear width of 36 inches is provided.

2. In single-story dwelling units, changes in level within the dwelling unit with heights between 1/4 inch and 1/2 inch are beveled with a slope no greater than 1:2. Except for design features, such as a loft or an area on a different level within a room (e.g., a sunken living room), changes in level greater than 1/2 inch are ramped or have other means of access. Where a single story dwelling unit has special design features, all portions of the single-story unit, except the loft or the sunken or raised area, are on an accessible route; and
 1. In single-story dwelling units with lofts, all spaces other than the loft are on an accessible route.
 2. Design features such as sunken or raised functional areas do not interrupt the accessible route through the remainder of the dwelling unit.
3. In multistory dwelling units in buildings with elevators, the story of the unit that is served by the building elevator (a) is the primary entry to the unit; (b) complies with Requirements 2 through 7 with respect to the rooms located on the entry/accessible floor; and (c) contains a bathroom or powder room which complies with Requirement 7. (Note: multistory dwelling units in non-elevator buildings are not covered dwelling units because, in such cases, there is no ground floor unit.)
4. Except as noted in paragraphs (5) and (6) below, thresholds at exterior doors, including sliding door tracks, are no higher than 3/4 inch. Thresholds and changes in level at these locations are beveled with a slope no greater than 1:2.
5. Exterior deck, patio, or balcony surfaces are no more than 1/2 inch below the floor level of the interior of the dwelling unit, unless they are constructed of impervious material such as concrete, brick or flagstone. In such case, the surface is no more than 4 inches below the floor level of the interior of the dwelling unit, or lower if required by local building code.
6. At the primary entry door to dwelling units with direct exterior access, outside landing surfaces constructed of impervious materials such as concrete, brick or flagstone, are no more than 1/2 inch below the floor level of the interior of the dwelling unit. The finished surface of this area that is located immediately outside the entry may be sloped, up to 1/8 inch per foot (12 inches), for drainage.

Requirement 5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.

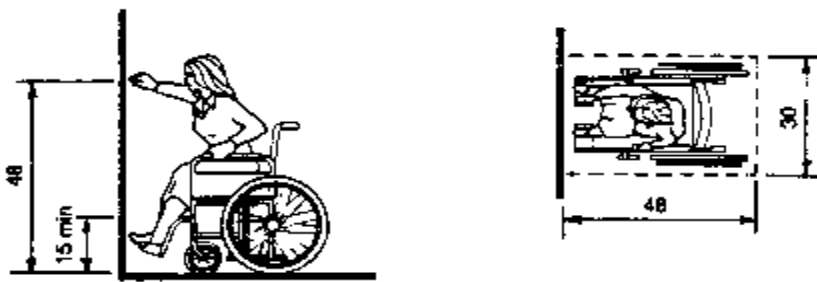
Section 100.205(c)(3)(ii) requires that all covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

Guideline

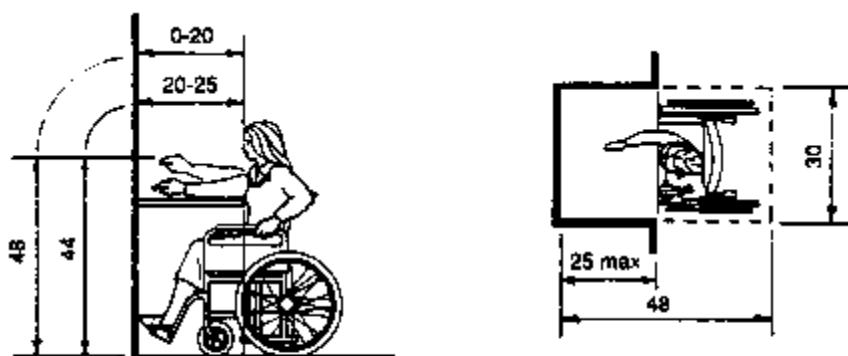
Light switches, electrical outlets, thermostats and other environmental controls would meet section 100.205(c)(3)(ii) if operable parts of the controls are located no higher than 48 inches, and no lower than 15 inches, above the floor. If the reach is over an obstruction (for example, an overhanging shelf) between 20 and 25 inches in depth, the maximum height is reduced to 44 inches for forward approach; or 46 inches for side approach, provided the obstruction (for example, a kitchen base cabinet) is no more than 24 inches in depth. Obstructions should not extend more than 25 inches from the wall beneath a control. (See Fig.2.)

Note

Controls or outlets that do not satisfy these specifications are acceptable provided that comparable controls or outlets (i.e., that perform the same functions) are provided within the same area and are accessible, in accordance with this guideline for Requirement 5.

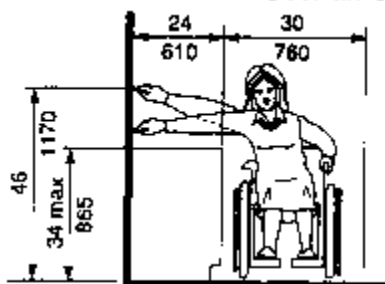


(a) Forward Reach Limit



NOTE: Clear knee space should be as deep as the reach distance.

(b) Maximum Forward Reach
Over an Obstruction



(c) Maximum Side Reach Over Obstruction

Fig. 2 Reach Ranges

Requirement 6. Reinforced walls for grab bars.

Section 100.205(c)(3)(iii) requires that covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain reinforcements in bath-room walls to allow later installation of grab bars around toilet, tub, shower stall and shower seat, where such facilities are provided.

Guideline

Reinforced bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall and shower seat, where such facilities are provided, would meet section 100.205(c)(3)(iii) if reinforced areas are provided at least at those points where grab bars will be mounted. (For example, see Figs. 3, 4 and 5.) Where the toilet is not placed adjacent to a side wall, the bathroom would comply if provision was made for installation of floor mounted, foldaway or similar alternative grab bars. Where the powder room (a room with a toilet and sink) is the only toilet facility located on an accessible level of a multistory dwelling unit, it must comply with the requirement for reinforced walls for grab bars.

Note

Installation of bathtubs is not limited by the illustrative figures; a tub may have shelves or

benches at either end; or a tub may be installed without surrounding walls, if there is provision for alternative mounting of grab bars. For example, a sunken tub placed away from walls could have reinforced areas for installation of floor-mounted grab bars. The same principle applies to shower stalls -- e.g., glass-walled stalls could be planned to allow floor-mounted grab bars to be installed later.

Reinforcement for grab bars may be provided in a variety of ways (for example, by plywood or wood blocking) so long as the necessary reinforcement is placed so as to permit later installation of appropriate grab bars.



Fig. 3 Water Closets in Adaptable Bathrooms

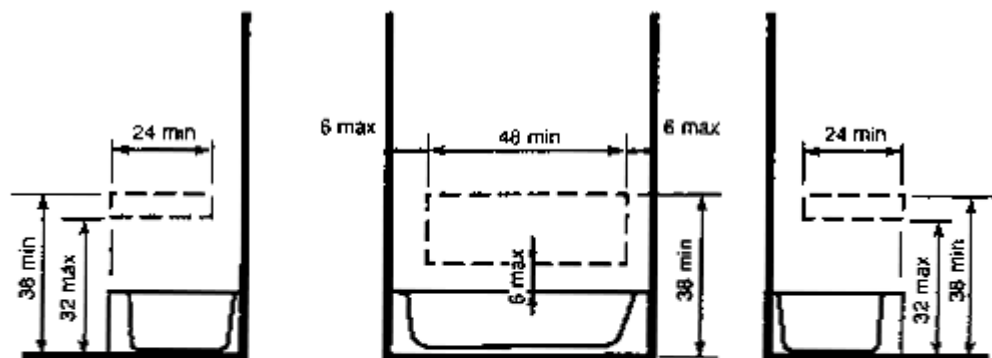


Fig 4: Location of Grab Bar Reinforcements
for Adaptable Bathtubs

NOTE: The areas outlined in dashed lines represent locations for future installation of grab bars for typical fixture configurations.

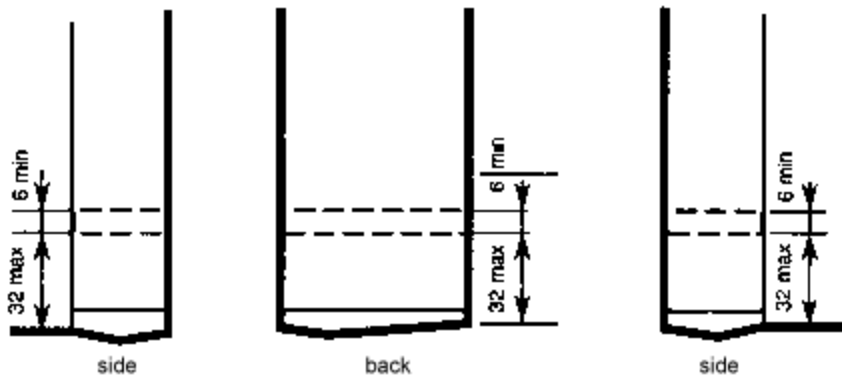


Fig. 5 Location of Grab Bar Reinforcements for Adaptable Showers

NOTE: The areas outlined in dashed lines represent locations for future installation of grab bars.

Requirement 7. Usable kitchens and bathrooms.

Section 100.205(c)(3)(iv) requires that covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Guideline

1. Usable kitchens. Usable kitchens would meet section 100.205(c)(3)(iv) if:
 1. A clear floor space at least 30 inches by 48 inches that allows a parallel approach by a person in a wheelchair is provided at the range or cook top and sink, and either a parallel or forward approach is provided at oven, dishwasher, refrigerator/freezer or trash compactor. (See Fig. 6)
 2. Clearance between counters and all opposing base cabinets, countertops, appliances or walls is at least 40 inches.
 3. In U-shaped kitchens with sink or range or cook top at the base of the "U", a 60-inch turning radius is provided to allow parallel approach, or base cabinets are removable at that location to allow knee space for a forward approach.

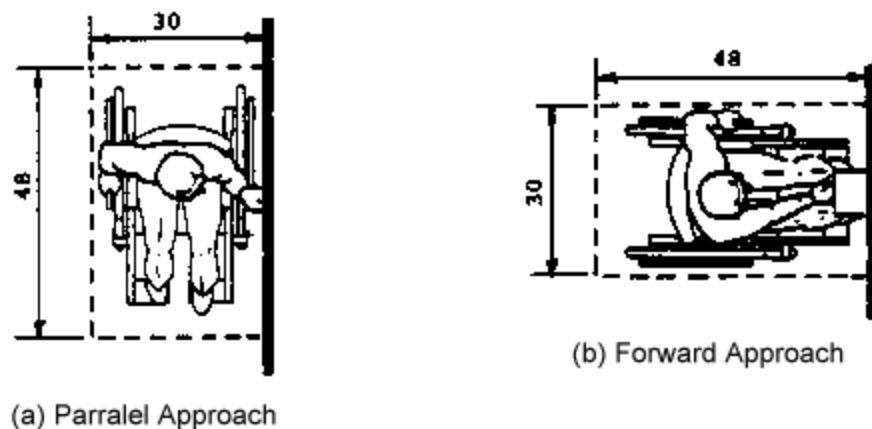


Fig. 6 Minimum Clear Floor Space for Wheelchairs

4. Usable bathrooms. To meet the requirements of section 100.205(c)(3)(iv) either:

All bathrooms in the dwelling unit comply with the provisions of paragraph (a); or
 At least one bathroom in the dwelling unit complies with the provisions of paragraph (b), and all other bathrooms and powder rooms within the dwelling unit must be on an accessible route with usable entry doors in accordance with the guidelines for Requirements 3 and 4.

However, in multistory dwelling units, only those bathrooms on the accessible level are subject to the requirements of section 100.205(c)(3)(iv).

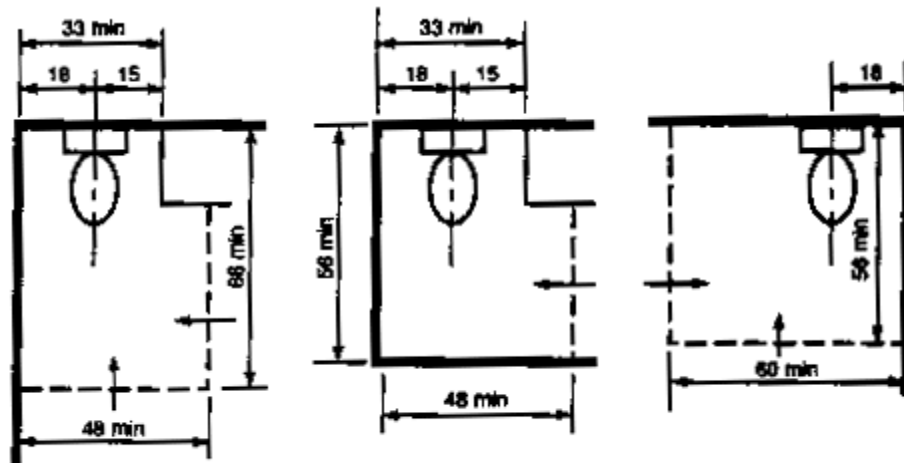
Where a powder room is the only facility provided on the accessible level of a multistory dwelling unit, the powder room must comply with provisions of paragraph (a) or paragraph (b). Powder rooms that are subject to the requirements of section 100.205(c)(3)(iv) must have reinforcements for grab bars as provided in the guideline for Requirement 6.

1. Bathrooms that have reinforced walls for grab bars (see Requirement 6) would meet section 100.205(c)(3)(iv) if:
 1. Sufficient maneuvering space is provided within the bathroom for a person using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door and exit. Doors may swing into the clear floor space provided at any fixture if the maneuvering space is provided. Maneuvering spaces may include any knee space or toe space available below bathroom fixtures.
 2. Clear floor space is provided at fixtures as shown in Fig. 7 (a), (b), (c) and (d). Clear floor space at fixtures may overlap.
 3. If the shower stall is the only bathing facility provided in the covered dwelling unit, or on the accessible level of a covered multistory unit, the shower stall measures at least 36 inches x 36 inches.

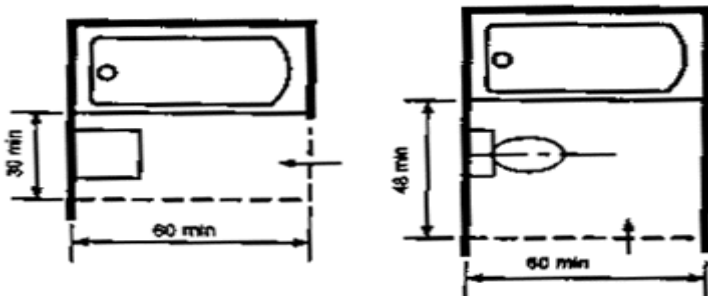
Note

Cabinets under lavatories are acceptable provided the bathroom has space to allow a parallel approach by a person in a wheelchair; if parallel approach is not possible within the space, any cabinets provided would have to be removable to afford the necessary knee clearance for forward approach.

2. Bathrooms that have reinforced walls for grab bars (see Requirement 6) would meet section 100.205(c)(3)(iv) if:
 1. Where the door swings into the bathroom, there is a clear space (approximately, 2' 6" by 4'0") within the room to position a wheelchair or other mobility aid clear of the path of the door as it is closed and to permit use of fixtures. This clear space can include any knee space and toe space available below bathroom fixtures.
 2. Where the door swings out, a clear space is provided within the bathroom for a person using a wheelchair or other mobility aid to position the wheelchair such that the person is allowed use of fixtures. There also shall be clear space to allow persons using wheelchairs to reopen the door to exit.
 3. When both tub and shower fixtures are provided in the bathroom, at least one is made accessible. When two or more lavatories in a bathroom are provided, at least one is made accessible.
 4. Toilets are located within bathrooms in a manner that permit a grab bar to be installed on one side of the fixture. In locations where toilets are adjacent to walls or bathtubs, the center line of the fixture is a minimum of 1'6" from the obstacle. The other (non-grab bar) side of the toilet fixture is a minimum of 1'3" from the finished surface of adjoining walls, vanities or from the edge of a lavatory. (See Figure 7(a).)
 5. Vanities and lavatories are installed with the centerline of the fixture a minimum of 1'3" horizontally from an adjoining wall or fixture. The top of the fixture rim is a maximum height of 2'10" above the finished floor. If knee space is provided below the vanity, the bottom of the apron is at least 2'3" above the floor. If provided, full knee space (for front approach) is at least 1'5" deep. (See Figure 7(c).)
 6. Bathtubs and tub/showers located in the bathroom provide a clear access aisle adjacent to the lavatory that is at least 2'6" wide and extends for a length of 4'0" (measured from the head of the bathtub). (See Figure 8.)
 7. Stall showers in the bathroom may be of any size or configuration. A minimum clear floor space 2'6" wide by 4'0" should be available outside the stall. (See Figure 7(d).) If the shower stall is the only bathing facility provided in the covered dwelling unit, or on the accessible level of a covered multistory unit, and measures a nominal 36 x 36 or smaller, the shower stall must have reinforcing to allow for installation of an optional wall hung bench seat.

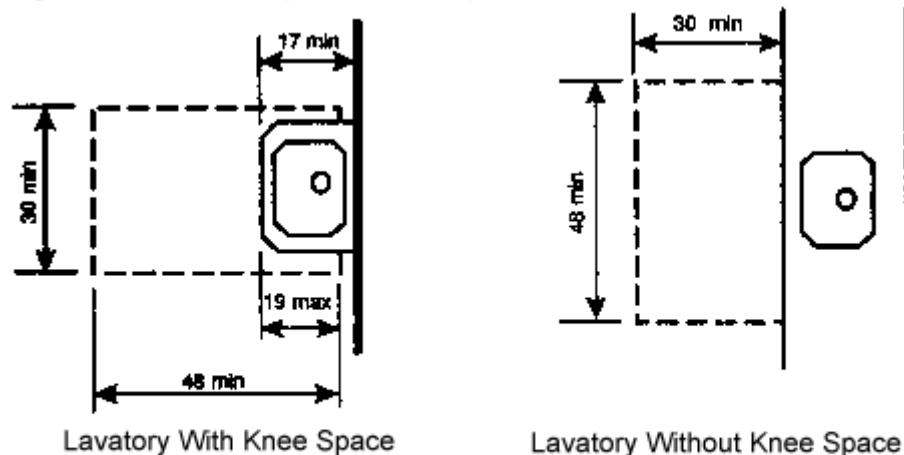


(a) Clear Floor Space for Water Closets



(b) Clear Floor Space at Bathtubs

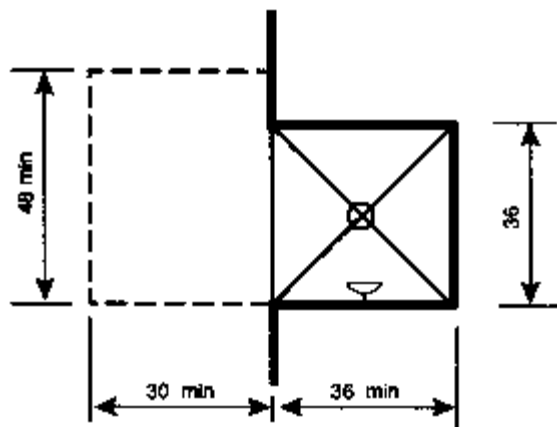
Fig. 7 Clear Floor Space for Adaptable Bathrooms



Lavatory With Knee Space

Lavatory Without Knee Space

(c) Clear Floor Space at Lavatories



(d) Clear Floor Space at Shower

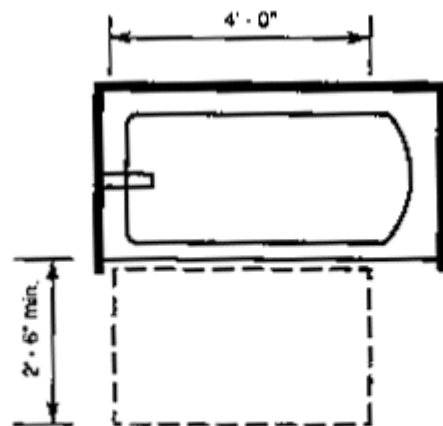


Fig. 8 Alternative Specification - Clear Floor Space at Bathtub

INDEX

2

203 (k) fha loan · 46

5

504 loan/grant · 59

A

able-tech · 72

accessibility · 9, 29, 38, 59, 60, 67, 80, 84, 100, 111, 112, 113, 114, 115, 116, 119, 120, 121, 124, 125, 138, 139, 140, 143, 144, 145, 149, 150, 151, 153, 156, 173, 174, 179, 180

accessible · 16, 22, 28, 29, 46, 54, 59, 60, 64, 72, 73, 85, 86, 87, 100, 104, 109, 111, 112, 113, 115, 116, 118, 119, 121, 122, 123, 124, 125, 126, 128, 137, 138, 139, 140, 141, 143, 144, 145, 146, 150, 151, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 188, 189, 190

accessible entrance · 100, 119, 121, 175, 178, 179

adult day care · 36

advantage program · 38, 62, 63

aep pso · 91

affiliate · 56, 57, 81

alternative financing program · 72

american health care association · 39

apartment · 27, 28, 29, 30, 36, 37, 44, 48, 59, 60, 61, 86, 104, 106, 141, 147, 175

architectural barriers · 109, 134, 151, 173

architectural modifications · 31, 46, 60, 64, 72, 73, 86, 87

assisted living facilities · 35, 37

B

bathroom · 23, 28, 34, 36, 37, 59, 64, 73, 83, 99, 104, 127, 128, 145, 175, 184, 186, 189, 190

bathtub · 23, 73, 128, 145, 175, 190

building modifications · 99

C

case manager · 44, 49, 83, 86

civil rights · 103, 109

closing cost · 8, 13, 14, 62, 64, 66, 68, 70, 78, 89

COMMERCIAL SPACE · 117

community action · 45, 46, 51, 52, 53, 54, 55, 80, 87, 92, 164, 166, 167

community development block grant · 135, 149, 153

complaint · 48, 49, 60, 102, 105, 106, 107, 108, 114, 130, 134, 143, 149, 151, 153, 157, 168

condominiums · 19, 87, 113, 117, 175

construction · 11, 20, 46, 56, 59, 60, 64, 69, 73, 86, 100, 101, 107, 111, 112, 113, 114, 115, 116, 117, 118, 119, 122, 123, 127, 128, 138, 140, 141, 143, 144, 150, 151, 153, 158, 169, 173, 175, 177

consumer credit counseling · 47, 51, 56, 65, 72, 77

CONTINUING CARE FACILITIES · 119

continuing care retirement communities · 37

contractors · 72, 108

contribute · 23, 56, 83, 91

county · 10, 44, 49, 59, 60, 62, 91, 95, 120, 163

credit rating · 47, 53, 76, 77

credit score · 47, 77

criminal · 48, 50, 56, 103

D

department of rehabilitation services · 95

dhs · 32, 33, 91, 95

dig · 97

disconnection · 92, 93

discriminate · 15, 103, 105, 115, 133, 134

discrimination · 10, 99, 101, 103, 105, 106, 109, 110, 130, 131, 134, 135, 145, 146, 149, 153, 155, 156, 163, 173

doors · 11, 20, 28, 69, 82, 83, 100, 104, 111, 115, 121, 124, 125, 128, 173, 182, 183, 184, 189

drug · 45, 48, 50, 52, 135, 175, 176

E

earnest money · 13

elderly · 50, 51, 52, 102, 105, 137, 156

elevator · 100, 104, 111, 112, 113, 116, 121, 122, 137, 144, 179, 180, 182, 184

energy bills · 91

environment · 15, 31, 50, 110, 151, 154

equifax · 76

escrow · 14, 18, 51, 67

evict · 49, 99, 132

experian · 76

F

fair housing act · 99, 100, 101, 102, 103, 104, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 124, 126, 127, 129, 134, 136, 144, 145, 147, 149, 150, 151, 153, 155, 173, 177

family · 8, 9, 16, 30, 31, 32, 34, 35, 36, 38, 40, 41, 42, 44, 48, 49, 50, 51, 52, 54, 56, 57, 59, 61, 62, 64, 66, 70, 74, 78, 84, 86, 87, 88, 100, 103, 104, 106, 113, 135, 139, 150, 154, 158

family obligations · 48, 50

family self-sufficiency program · 51

fannie mae · 17, 20, 46, 64, 65, 86, 87, 90

fannie mae home choice · 46, 65, 86, 87

financial assistance · 44, 46, 48, 50, 92, 100, 109, 115, 130, 131, 132, 134, 135, 140, 144

financial emergencies · 91

financing · 7, 12, 19, 52, 68, 69, 74, 78, 86, 109, 155

fraud · 15, 107, 108

G

garage · 20, 36, 112, 121, 123, 124, 125, 181

grab bars · 23, 42, 82, 86, 99, 104, 111, 116, 127, 128, 173, 186, 187, 189, 190

grant · 52, 59, 80, 152, 158

group homes · 31, 33, 100, 153

H

habitat for humanity · 46, 55, 56, 57, 166, 167

handicapped parking · 28

home · 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 29, 31, 32, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 56, 57, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 83, 84, 85, 86, 87, 88, 89, 91, 92, 106, 107, 150, 151, 158, 169

home improvements · 80, 83, 87

home repairs · 46, 80, 87

hospice · 38, 45

I

income · 8, 14, 15, 16, 17, 27, 31, 37, 44, 48, 49, 50, 51, 52, 53, 56, 57, 59, 60, 61, 62, 63, 64, 66, 68, 70, 72, 74, 80, 82, 88, 89, 91, 94, 101, 115, 135, 154, 156, 158

inspection · 11, 12, 20, 29, 42, 49, 51, 69, 87, 103, 115

L

landlord · 27, 28, 29, 30, 48, 49, 51, 62, 77, 87, 104, 106, 135, 136

landlord/tenant act · 48

LAVATORIES · 129, 182, 189, 190

lease · 28, 29, 30, 49, 60, 115, 120, 139, 142, 148

life-threatening · 93, 94

living independently · 80

loan · 8, 14, 15, 16, 17, 18, 19, 46, 52, 53, 56, 57, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 80, 86, 87, 88, 89, 103, 108, 158, 169, 170

loan to value · 64

local community action · 87

long term care · 34

low-income · 50, 59, 62, 91

M

manufactured home · 66, 87, 107

manufactured home · 66, 67, 69, 87, 107

medicaid · 31, 32, 34, 37, 38, 40, 42, 45, 86, 88, 94

medicare · 34, 36, 38, 39, 40, 42, 43, 45, 88

mental disability · 99, 104, 131, 136, 141

mental impairment · 99, 135, 176

modification · 28, 31, 38, 46, 60, 64, 72, 73, 80, 81, 82, 84, 85, 86, 87, 99, 104, 118, 139, 140, 142, 143, 144, 145, 151, 180

mortgage · 8, 14, 15, 16, 17, 18, 19, 44, 50, 51, 52, 56, 57, 62, 64, 66, 67, 68, 69, 70, 74, 75, 78, 80, 87, 88, 89, 90, 103, 149

mortgage credit certificate · 74

mortgage insurance · 15, 16, 18, 66, 67, 68, 78

N

neighborhood · 10, 11, 27, 28, 29, 57, 67, 115

nursing home · 26, 31, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44

O

og&e · 91, 92

okie oklahoma one call · 97

oklahoma housing finance agency · 37, 45, 48, 163

oklahoma human rights commission · 10, 15, 49, 106, 163

ombudsman · 35

ong · 91

options · 7, 10, 14, 16, 17, 46, 83, 137

P

parking · 28, 29, 60, 99, 104, 112, 118, 121, 123, 124, 125, 136, 141, 147, 174, 175, 177, 178, 179, 180, 181
 problem · 11, 12, 29, 38, 50, 53, 65, 77, 87, 92, 105, 107, 130
 public housing · 37, 46, 48, 49, 50, 51, 52, 54, 62, 99, 101, 109, 135, 146, 152, 154
 public housing agency · 48, 49

Q

Oklahoma housing finance agency · 54
 qualified individuals · 48, 133, 139
 qualifying · 16, 18, 46, 52, 53, 56, 59, 70, 74

R

realtor · 20, 27, 63
 reasonable accommodation · 99, 104, 112, 140, 141, 142, 143, 145, 147
 rehabilitation · 15, 18, 19, 40, 54, 64, 65, 66, 67, 95, 113, 115, 118, 135, 158, 169
 rent · 7, 8, 26, 27, 29, 30, 44, 46, 48, 49, 51, 56, 60, 61, 62, 65, 77, 86, 87, 99, 101, 103, 109, 110, 112, 113, 115, 123, 133, 136, 141, 146, 147, 149, 152, 155, 158, 169, 182
 rental assistance · 44, 46, 48, 61, 62, 152
 requirements · 9, 10, 18, 32, 42, 49, 50, 51, 66, 68, 70, 74, 89, 100, 102, 105, 111, 112, 113, 114, 115, 116, 119, 120, 121, 122, 123, 124, 125, 126, 128, 131, 134, 135, 136, 138, 139, 140, 143, 144, 149, 150, 151, 153, 173, 174, 175, 177, 179, 182, 189
 reverse mortgage · 80, 87, 88, 89, 90, 149
 rural development department · 59
 rural housing programs · 59, 80

S

safety · 11, 20, 21, 59, 67, 80, 83, 97, 104, 138, 158
 SECTION 203 · 66, 87
 section 504 · 100, 109, 113, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 153, 173
 section 8 program · 48, 49, 50, 62
 senior centers · 35, 36
 senior citizens · 85, 92, 154
 service animals · 147, 163

services · 9, 10, 15, 26, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 50, 51, 54, 55, 83, 88, 89, 91, 94, 95, 96, 97, 99, 101, 102, 103, 104, 106, 109, 115, 119, 131, 132, 133, 134, 135, 136, 137, 138, 145, 147, 149, 150, 152, 153, 154, 156, 164, 167
 showers · 23, 83, 128, 190
 single-family · 36, 59, 61, 66, 78, 100, 103, 104, 113
 special housing programs · 44
 structural modification · 99, 144
 subsidized senior housing · 36
 subsidy · 50, 51, 158
 sweat equity · 56

T

tax · 8, 15, 38, 53, 54, 74, 76, 82, 87, 156
 tax deductible · 82
 telephone · 21, 22, 36, 37, 38, 41, 43, 65, 68, 94, 95, 97, 105, 106, 107, 115, 124
 tenant · 27, 28, 30, 48, 49, 60, 61, 86, 99, 104, 120, 133, 135, 136, 139, 141, 142, 143
 the salvation army · 45, 91
 total tenant payment · 52
 townhouse · 69, 112
 trans union · 76
 tribal housing programs · 169
 tribal programs · 91, 95

U

u.s. department of agriculture · 86, 87
 uniform federal accessibility standard · 113, 124, 139, 140, 143, 144, 145, 151
 universal design · 83, 84, 85, 86
 usda · 59, 60, 61, 86, 158
 utility assistance · 44, 91

V

veteran · 68, 69, 70, 71, 150, 154
 veterans affairs · 68
 voucher · 48, 49, 51, 131, 146

W

warranties · 13
 wheelchair · 23, 28, 42, 73, 86, 111, 115, 123, 125, 127, 128, 136, 139, 141, 174, 181, 188, 189, 190