

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

- **Architect's Statement:** If an engineer, change to "Engineer's Statement"
- **Project:** Provide the Project Name. The "Project" is defined as the whole of one or more residential structures/properties which are covered by a single contract (i.e. land disposition, regulatory agreement, loan) or are treated as a whole for processing purposes, regardless of whether located on a common site.
- **Address:** Provide the Project Address including the Borough; if the project has multiple addresses, list all remaining addresses at the bottom of the page
- **Block:** Provide the block number for each address
- **Lot:** Provide the lot number(s) for each address.
- **DOB Job No. & Date:** Insert DOB N/B or Alt. job number and either filing date or approval date if DOB approval has already been issued.
- **Drawings & Specifications:** Provide the date of the project drawings and/or specifications to which this Architect's Statement refers (e.g. the drawings submitted with this Architect's Statement).
- **Statement 1:** If an engineer, revise to "I am the engineer of record for the Project"
- **Statement 2:** Provide a brief description of the project. Include number of floors, number of dwelling units (if rehabilitation project, indicate existing vs. proposed unit count), whether new construction or substantial/moderate rehabilitation, and other uses (e.g. commercial, community facility, etc.).
- **Statement 3 (a):** Select Local Law 58/87 if project was approved prior to the enactment of the 2008 Code; otherwise, select Chapter 11 of the 2008 New York City Building Code.
- **Statement 3 (b):** While projects must be designed in accordance with FHA, referenced Item shall be removed if buildings/projects (1) were first occupied prior to March 13, 1991, (2) contain fewer than 4 units, or (3) if the project is not federally financed. For reference, the electronic code of federal regulations is available online: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=9ff1fd2d5e39139f86a8eb3825a1b2>
- **Statement 3 (c):** For reference, the electronic code of federal regulations is available online: http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title24/24cfr8_main_0. To comply with Section 504 of the *Rehabilitation of 1973*, refer to the Uniform Federal Accessibility Standards (UFAS) for the technical standards, also available online: <http://www.access-board.gov/ufas/ufas-html/ufas.htm>. Particular attention should be paid to the distinction between Housing and Dwelling Unit sections and requirements.
- **Statement #4:** Indicate the safe harbor applied to the Project. While projects must be designed in accordance with FHA, this Item shall be removed as indicated in Statement #3(b). See *Appendix L* for a list of safe harbors.
- **Statement #5:** List dwelling units designated for the mobility-impaired and hearing/vision impaired. If the project includes multiple buildings, include building address.

10 Safe Harbors for Compliance with the Fair Housing Act

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

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

Architect's Pre-construction Accessibility Statement

Project Name ("Project"):

Address(es) Block Lot(s) DOB Job No. & Filing Date (if applicable)

Drawings and Specifications:

The undersigned states as follows:

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

- 3) In my professional opinion, if the Project is constructed in accordance with the drawings and Specifications, the completed building(s) in the Project will be in compliance with the requirements contained in the following laws and regulations:
 - a) Local Law 58/87 or Chapter 11 of the New York City *Building Code*;
 - b) Section 804(f)(3)(C) of the federal *Fair Housing Act* (42 U.S.C. 3604(f)(3)(C)) and implementing regulations at 24 CFR 100.205 (collectively "FHA"); and
 - c) Section 504 of the *Rehabilitation Act of 1973* (29 U.S.C. 794) and implementing regulations at 24 part CFR 8.
- 4) Compliance with the FHA is based on the Drawings and Specifications meeting the following architectural standards set forth in 24 CFR 100.205:

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

(Mobility-impaired): _____

(Hearing/Vision-impaired): _____

Name: _____

Architect's Seal

Signature: _____

Date: _____