

## **DELAWARE STATE HOUSING AUTHORITY FAIR HOUSING DESIGN STANDARDS**

(included with Exhibit 31)

### **CERTIFICATION**

The undersigned applicant hereby makes application to the Low Income Housing Tax Credit program with the Delaware State Housing Authority (DSHA) for a loan and/or tax credits pursuant to one or more of the DSHA's Housing Development/HOME Programs or other Federal programs and certifies that the development as proposed and designed does, or will meet upon completion, all required fair housing standards including, but not limited to, the following:

#### **1. Architectural Accessibility Standards**

All projects are required by law to meet the handicap-accessibility standards as outlined in the Delaware State Accessibility Standards. The design and construction guidelines are enforced by state and/or local building code officials. Compliance with these guidelines is mandatory in order to receive a Certificate of Occupancy for your proposed development;

#### **2. Architectural Barriers Act (ABA) of 1968/24 CFR 40 Major Provisions**

Accessibility Standards for Design, Construction and Alterations of Publicly Owned Residential Structures (24 CFR Subchapter 40.4) The Architectural Barriers Act (ABA) provides that residential structures that are (1) constructed or altered by or on behalf of the United States; (2) leased in whole or in part by the United States after August 12, 1968, if constructed or altered in accordance with plans or specifications of the United States; or (3) financed in whole or in part by a grant or loan made by United States after August 12, 1968 shall be constructed to ensure that persons with physical disabilities have access to and use of these structures. Buildings constructed with Federal funds are subject to the ABA. All residential structures designed, constructed, or altered that are covered by the ABA must comply with the accessibility requirements of the Uniform Federal Accessibility Standards (UFAS). Please note: Because UFAS does not fully address accessibility of units for persons with impaired hearing, for the 2% units that are required to be accessible for persons with hearing impairments; it is recommended that PHAs follow the 2003 edition of ICC/ANSI A117.1 Standard for Accessible and Usable Buildings and Facilities;

#### **3. Fair Housing Amendments Act**

All projects are required by law to meet the handicap-accessibility standards outlined in the Fair Housing Laws, including the Federal Fair Housing Amendments Act of 1988 (the "Act"). The law provides that failure to design and construct certain residential dwelling units to include certain features of accessible design will be regarded as unlawful discrimination;

**4. Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504/24 CFR 8 Major Provisions**

As required under 24 CFR 92.251 (a)(3), the housing must meet the accessibility requirements of 24 CFR part 8, which implements Section 504 of the Rehabilitation Act of 1973 and covered multi-family dwellings that must also meet the design and construction requirements at 24 CFR 100.205 which implement the Fair Housing Act. As per 24 CFR 8.22 New-Construction housing facilities:

- (a) New multifamily housing projects (including public housing and Indian housing projects as required by SS 8.25) shall be designed and constructed to be readily accessible to and usable by individuals with handicaps.
  
- (b) Subject to paragraph (c) of this section, a minimum of five percent (5%) of the total dwelling units or at least one unit in a multifamily housing project, whichever is greater, shall be accessible for persons with mobility impairments. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in SS 8.32 is accessible for purposes of this section. An additional two percent (2%) of the units (but not less than one (1) unit) in such a project shall be accessible for person with hearing or vision impairments.

*THERE ARE NO WAIVERS TO THIS CERTIFICATION*

IN WITNESS WHEREOF, the applicant has caused this document to be duly executed in its name on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Full legal name of Applicant/Owner)

\_\_\_\_\_  
(Full legal name of Architect)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

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Title

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Title