

UNITED STATES DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT  
BISMARCK, ND 58502

April 21, 2004

TO: All Area Directors and Assistant Area Directors

/s/ Clare A. Carlson

FROM: CLARE A. CARLSON, State Director

SUBJECT: Addressing Accessibility Issues on **Pre June 10, 1982**  
Multi-Family Housing (MFH) Projects

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**PURPOSE/INTENDED OUTCOME:** The purpose of this North Dakota Administrative Notice (AN) is to provide guidance on servicing Section 515 MFH projects ready for occupancy before June 10, 1982 that have accessibility issues.

**COMPARISON WITH PREVIOUS AN:** This AN replaces ND AN No. 1391 (1930-C).

**IMPLEMENTATION/RESPONSIBILITIES:** Most of our Section 515 MFH projects were occupied before June 10, 1982, and do not have public areas in them. Consequently, they are not required to comply with the accessibility requirements of the Fair Housing Act and ADA. They are, however, required to meet the accessibility requirements of Section 504, if feasible. Refer to Attachment 1 for recommended minimum acceptable accessibility items.

Some of the self-evaluation and transition plans provided are inadequate by present standards. New managers are unfamiliar with these plans and some plans are yet to be fully implemented.

In an effort to bring our projects into compliance across the State in an orderly manner, servicing offices will take the following actions at their supervisory visits and annual walk-about.

**EXPIRATION DATE:**  
March 31, 2005

**FILING INSTRUCTIONS:**  
Following RD Instruction 1930-C

*USDA Rural Development is an Equal Opportunity Lender, Provider, and Employer.  
Complaints of discrimination should be sent to: USDA, Director, Office of Civil Rights,  
Washington, D.C. 20250-9410.*

1. During the tri-annual inspection/compliance review of the projects, Rural Development employees will point out to management obvious non-compliance issues. It should be stressed our inspection is not an all-inclusive evaluation.
2. Projects identified as having an inadequate self-evaluation plan will be noted in MFIS as having a finding. Owners will be given 30 days to arrange for an evaluation of its premises, its current policies and practices and the effects there of. The self-evaluation will be done with the assistance of interested persons including persons with disabilities or organizations representing disabled persons. Attachment 2 lists organizations that may be able to assistance with the development of the self-evaluation.
3. After the evaluation is made, Rural Development will require the project to submit a transition plan that addresses the issues presented in the evaluation. Rural Development employees will review the plan for completeness and reasonable time frames.

At budget review time, Rural Development employees will review the transition plan. If the project is not planning for items listed in the transition plan, without justification, Rural Development will not approve the budget. Rent increases may be required and will be recommended in order to accomplish items listed on the transition plans.

If reserve requests are made to address accessibility issues, Rural Development employees will require sufficient plans and specifications to help insure proper compliance is obtained.

The transition plan will be reviewed at the annual walk-about and supervisory visits. If the transition plan is not up-to-date, it will be considered a finding. The borrower will be given 30 days to correct or take steps to resolve the finding. If the finding is not resolved, the project will be found in non-compliance during the next compliance review and the information will be sent to the Civil Rights Manager in the State Office.

Where management is not responsive to addressing accessibility issues and the project is found in non-compliance, the approved management fee will be reduced by 25%. The return to owner may also be restricted where it is apparent ownership is not responsive.

Rural Development employees will encourage owners/managers to make their apartment units as fully accessible as possible.

A copy of this AN will be furnished to all owners and project managers.

## **RECOMMENDATIONS FOR MINIMUM ACCEPTABLE ACCESSIBILITY ITEMS FOR PROJECTS BUILT BEFORE JUNE 10, 1982**

1. **ENTRANCE** – At least one entrance to the building containing common areas will be accessible. If necessary, the entrance will be ramped with a slope to be 1:12 unless qualified under UFAS 4.1.6.
  - Steeper than 1:10 but no steeper than 1:8 when maximum rise is 3 inches and maximum run is 2 ft.
  - Steeper than 1:12 but no steeper than 1:10 when maximum rise is 6 inches and maximum run is 5 feet.
  
2. **DOOR LEVERS** - Door levers will be installed on at least one exterior door leading to common areas, and all common area doors.
  
3. **FRONT LOADING WASHER** - front loading washing machine with a side opening door and controls at the front of the machine will be installed.
  
4. **LEVER FAUCETS** - Lever faucets will be installed on any sink/tubs located in the laundry area and in public rest rooms.
  
5. **DUMPSTER** - The dumpster must be located on an accessible route or an accommodation made by the management to collect the garbage from persons with disabilities.
  
6. **PARKING AREA** – The accessible parking space on the accessible route must have proper signage and must be 96 inches wide with an adjacent access aisle of 60 inches (96 inches for van parking). The access aisle must be hard surfaced, slip resistant, and marked with blue paint. The parking area must be on an accessible route. A minimum walkway width of 36 inches must extend to the accessible entrance of the building.
  
7. **EXTERIOR AND COMMON AREA DOORS** - Must have a minimum clear opening of 32 inches wide with the door open at 90 degrees. Thresholds shall not exceed 3/4 inch in height for exterior sliding doors or 1/2 inches for other type doors. In the case of existing doors, thresholds which measure 3/4 inch high or less and are beveled or modified to provide a beveled edge on each side may be retained.

**NORTH DAKOTA RESOURCES FOR ASSISTANCE IN COMPLETING  
SELF EVALUATION AND TRANSITION PLANS**

Dakota Center for Independent Living (CIL)  
3111 East Broadway Avenue  
Bismarck, ND 58501  
Telephone Number: (701) 222-3636  
TTY: (701) 222-3636  
FAX: (701) 222-0511  
Email: [dcil@dcil.com](mailto:dcil@dcil.com)

Dakota Center for Independent Living (Satellite)  
Branch Office Coordinator  
40 1<sup>st</sup> Avenue West  
Park Square Mall, Suite 203  
Dickinson, ND 58601  
Telephone: (701) 483-4363  
TTY: (701) 483-4363  
FAX: (701) 483-4361  
Email: [dcil@ndsupernet.com](mailto:dcil@ndsupernet.com)

Freedom Resource Center for Independent Living (RCIL)  
2701 9<sup>th</sup> Avenue SW  
Fargo, ND 58103  
Telephone: (701) 478-0459  
TTY: 1-800-450-0459  
FAX: 701-478-0510  
Email: [freedom@fargocity.com](mailto:freedom@fargocity.com)

Options Interstate Resource Center for Independent Living  
318 Third Street, NW  
East Grand Forks, MN 56721  
Telephone Number: (218) 773-6100  
TTY: (218) 773-6100  
FAX: (218) 773-7119  
Email: [options@grandforks.polaristel.net](mailto:options@grandforks.polaristel.net) or [options@rrv.net](mailto:options@rrv.net)

Options Interstate Resource Center for Independent Living  
318 Third Street, NW  
East Grand Forks, MN 56721  
Telephone Number: (218) 773-6100  
TTY: (218) 773-6100  
FAX: (218) 773-7119  
Email: options@grandforks.polaristel.net or options@rrv.net

Independence, Inc.  
300 3<sup>rd</sup> Avenue SW, Suite F  
Minot, ND 58701  
Telephone Number: (701) 839-4724 or 1-800-489-5013  
TTY: (701) 839-6561  
FAX: (701) 838-1677  
Email: life@minot.ndak.net

North Dakota Department of Human Services  
Division of Vocational Rehabilitation  
699 South 2<sup>nd</sup> Street, Suite 1B  
Bismarck, ND 58504  
Telephone Number: (701) 328-8950 or 1-800-755-2745

Governor's Committee on Employment of People with Disabilities  
600 South 2<sup>nd</sup> Street  
Bismarck, ND 58504  
Telephone Number: (701) 328-8952