



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

OFFICE OF FAIR HOUSING
AND EQUAL OPPORTUNITY

May 20, 2008

Ms. Maria R. Infanger
Postal Service Attorney
United States Postal Service
222 South Riverside Plaza, Suite 1200
Chicago, IL 60606-6105

Dear Ms. Infanger:

This letter is in response to your January 24, 2008 letter to Mark Mazz, former senior advisor to the Deputy Assistant Secretary for Enforcement and Programs in the Office of Fair Housing and Equal Opportunity. Mr. Mazz is no longer with HUD and I apologize for the time it has taken for us to get back to you.

In your letter you asked for further explanation of the basis for HUD's requirements that all mailboxes serving units covered by the design and construction requirements of the Fair Housing Act must be within reach ranges that are lower than those required under the U.S. Postal Service regulations. You indicated that Mr. Mazz had advised you of these requirements when you met with him, but stated that you wished to obtain copies of the standards themselves and an understanding of how HUD applies them. Below is an overview of the Fair Housing Act's design and construction requirements as well as a specific discussion of the technical standards that apply to mailboxes.

In 1988, the Fair Housing Act (the Act) was amended to provide that unlawful discrimination against persons with disabilities includes the failure to design and construct covered multifamily dwellings for first occupancy after March 13, 1991, in such a manner that: "(1) the public and common use portions of such dwellings are readily accessible to and usable by handicapped persons; (2) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and (3) all premises within such dwellings contain the following features of adaptive design: (a) an accessible route into and through the dwelling; (b) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (c) reinforcements in bathroom walls to allow later installation of grab bars; and (d) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space." 42 U.S.C. Sec. 804(f)(3)(C). Additionally, the Act states that compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the above-listed requirements. 42 U.S.C. Sec. 804(f)(4).

On January 23, 1989 (54 FR 3232), HUD published its final regulation implementing the Fair Housing Amendments Act of 1988 (HUD's regulation). 24 CFR Part 100 et al. In the final regulation, HUD adopted the 1986 edition of ANSI A117.1, which was the edition in effect at that time, as the appropriate edition for acceptable compliance with the Act. HUD's regulation adopting ANSI A117.1 is located at 24 CFR 100.201 and HUD's regulation implementing the design and construction requirements is located at 24 CFR 100.205. In 1991, HUD published its Fair Housing Accessibility Guidelines (the Guidelines) which further explain the scoping requirements of the Act, as well as the specific technical requirements. 56 FR 9472 (March 6, 1991). The Act and its implementing regulations may be found on our website at <http://www.hud.gov/offices/fheo>. A copy of the Guidelines, and the relevant sections of ANSI A117.1-1986 cited below, are enclosed.

The Act defines "covered multifamily dwellings" as buildings containing four or more units, and applies the requirements to all dwelling units in buildings with one or more elevators and to ground floor dwelling units in buildings without elevators.

The Act, its implementing regulations and the Guidelines require that covered multifamily dwellings contain accessible public and common use areas. Requirement 2 of the Guidelines covers public and common use areas, and provides a chart entitled "Basic Components for Accessible and Usable Public and Common Use Areas or Facilities." Mailboxes are addressed in Item 14 of the chart, which specifically references the primary sections of 1986 ANSI A117.1 that apply to these elements or spaces. Item 14 encompasses Sections 4.1 through 4.30 of the standard, and the relevant accessibility standards applicable for mailboxes typically would include the requirements for an accessible route, clear floor or ground space, accessible reach ranges, and accessible controls and operating mechanisms. Sections 4.25.3, 4.2.5, and 4.2.6 of the standard provide that the unobstructed maximum high reach ranges that can be provided for mailboxes are 54 inches for a side reach, and 48 inches for a forward reach. In a building with one or more elevators, all of the mailboxes would have to fall within these reach ranges. In a building without an elevator, mailboxes serving the ground floor units would have to meet those requirements.

Developers who deviate from these standards by providing mailboxes at higher reach ranges have been subject to enforcement proceedings brought by HUD as well as litigation brought by the Department of Justice. The Department of Justice has entered into a number of consent decrees which have required the developer to change the height of mailboxes serving covered multifamily dwellings. We have received reports from developers that their efforts to provide mailboxes that comply with the Act have been met with resistance from the U.S. Postal Service because compliance with the prescribed reach ranges may result in a greater number of postal units that have to be opened by the mail carrier.

We note that your letter states that the current Postal Service regulations have the effect of requiring a percentage of mailboxes significantly exceeding five percent, or at least one, to be within a 48-inch reach range. While in some individual circumstances this may be sufficient if the building has only a small number of ground floor units, it often leaves a building with an insufficient number of accessible mailboxes serving the required number of covered units. Your letter also notes that, as a matter of policy, the Postal Service is willing to reassign mailboxes as a reasonable accommodation to individuals with disabilities.

The Act requires that certain accessible features be provided affirmatively, so that they are available to the individual at the time they occupy the unit. It does not require persons with disabilities to request these features as a reasonable accommodation after the building is constructed.

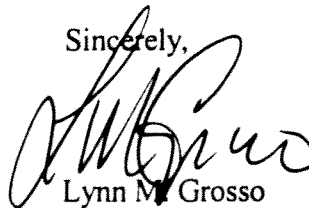
It is our longstanding policy that when there are two sets of requirements which both address accessibility, the developer of the housing subject to both requirements must comply with both, which usually means meeting the stricter standard. In this case, that would mean that any builder or developer of covered multifamily housing would have to comply with the Act's requirements even if the Postal Service requirements are more liberal. Consequently, persons involved in the design and construction of dwellings covered by the Act's design and construction requirements are acting appropriately when they design and construct these buildings in accordance with the Act, its implementing regulations and the Guidelines.

In the case of housing in buildings with fewer than four dwelling units that do not have to comply with the Act's design and construction requirements, such as detached single family homes, or multistory townhouses (in buildings which do not have an elevator), the builder would, of course, be free to comply with the higher reach ranges allowed by the U.S. Postal Service Regulations.

In your letter you reference a required 48-inch reach range. That reach range is required for both a forward and side approach by the 1998 and 2003 editions of ANSI A117.1. These editions are used by jurisdictions that have adopted the 2000, 2003, and 2006 editions of the International Building Code. Thus in many state and local jurisdictions, builders are required to comply with that reach range as a condition of complying with their state or local building code, even if the U.S. Postal Service and 1986 ANSI A117.1 might permit some of the boxes to be higher. Nothing in the Act prevents State or local jurisdictions from adopting accessibility requirements that are stricter than those in the Act.

We would be happy to meet with you to discuss these issues at your convenience. Please contact Cheryl Kent on my staff at 202-708-2333, Ext. 7058, if you would like to arrange such a meeting.

Sincerely,




Lynn M. Grosso
Director, Office of Enforcement

Enclosures

American National Standard

*for Buildings and Facilities –
Providing Accessibility
and Usability for
Physically Handicapped People*

 **ANSI** American National Standards Institute
11 West 42nd Street
New York, New York
10036

4.2.5 Forward Reach. If the clear floor space allows only forward approach to an object, the maximum high forward reach allowed shall be 48 in (1220 mm) and the minimum low forward reach shall be unobstructed and no less than 15 in (380 mm) above the floor (see Fig. 5(a)). If the high forward reach is over an obstruction, reach and clearances shall be as shown in Fig. 5(b).

4.2.6 Side Reach. If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be 54 in (1370 mm) and the low side reach shall be no less than 9 in (230 mm) above the floor (Fig. 6(a) and (b)). If the side reach is over an obstruction, the reach and clearances shall be as shown in Fig. 6(c).

4.3 Accessible Route

4.3.1* General. All walks, halls, corridors, aisles, and other spaces that are part of an accessible route shall comply with 4.3.

4.3.2 Location

(1) Accessible routes within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve.

(2) Accessible routes shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(3) Accessible routes shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

(4) Accessible routes shall connect accessible entrances of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

4.3.3 Width. The minimum clear width of an accessible route shall be 36 in (915 mm) except at doors (see 4.13.5). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Fig. 7(a) and (b).

4.3.4 Passing Space. If an accessible route has less than 60 in (1525 mm) clear width, then passing spaces at least 60 in by 60 in (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 ft (61 m). An intersection of two corridors or walks shall also be considered a passing space.

4.3.5 Headroom. Accessible routes shall comply with 4.4.2.

4.3.6 Surface Texture. The surface of an accessible route shall comply with 4.5.

4.3.7 Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with 4.8. Nowhere shall the cross slope of an accessible route exceed 1:50.

4.3.8 Changes in Level. Changes in level along an accessible route shall comply with 4.5.2. If an accessible route has changes in level greater than $\frac{1}{2}$ in (13 mm), then a curb ramp, ramp, elevator, or platform lift shall be provided that complies with 4.7, 4.8, 4.10, or 4.11, respectively. Stairs shall not be part of an accessible route.

4.3.9 Doors. Doors that are part of an accessible route shall comply with 4.13.

4.3.10* Egress. Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible place of refuge. Such accessible routes and places of refuge shall comply with the requirements established by the administrative authority having jurisdiction.

4.4 Protruding Objects

4.4.1* General. Objects projecting from walls (for example, telephones) with their leading edges between 27 in and 80 in (685 mm and 2030 mm) above the finished floor shall protrude no more than 4 in (100 mm) into walks, halls, corridors, passageways, or aisles (see Fig. 8(a)). Objects mounted with their leading edges at or below 27 in (685 mm) above the finished floor may protrude any amount (see Fig. 8(a) and (b)). Free-standing objects mounted on posts or pylons may overhang 12 in (305 mm) maximum from 27 in to 80 in (685 mm to 2030 mm) above the ground or finished floor (see Fig. 8(c), (d), and (e)). Protruding objects shall not reduce the clear width required for an accessible route or maneuvering space (see Fig. 8(f)).

4.4.2 Headroom. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have 80 in (2030 mm) minimum clear headroom (see Fig. 8(a)). If vertical clearance of an area adjoining an accessible route is reduced to less than 80 in (2030 mm) nominal dimension, a guardrail or other barrier having its leading edge at or below 27 in (685 mm) above the finished floor shall be provided (see Fig. 8(c) and (d)).

*See Appendix for additional information.

4.24.3 Structural Strength. The structural strength of grab bars, tub and shower seats, fasteners, and mounting devices shall meet the following specifications:

(1) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 250 lbf (1112 N) shall be less than the allowable stress for the material of the grab bar or seat.

(2) Shear stress induced in a grab bar or seat by the application of 250 lbf (1112 N) shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

(3) Shear force induced in a fastener or mounting device from the application of 250 lbf (1112 N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

(4) Tensile force induced in a fastener by a direct tension force of 250 lbf (1112 N) plus the maximum moment from the application of 250 lbf (1112 N) shall be less than the allowable withdrawal load between the fastener and the supporting structure.

(5) Grab bars shall not rotate within their fittings.

4.24.4 Eliminating Hazards. A grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of $\frac{1}{4}$ in (3.2 mm).

4.25 Controls and Operating Mechanisms

4.25.1 General. Controls and operating mechanisms in accessible spaces, along accessible routes, or as part of accessible elements (for example, light switches, dispenser controls) shall comply with 4.25.

4.25.2 Clear Floor Space. Clear floor space complying with 4.2.4 that allows a forward or a parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment.

4.25.3 Height. The highest operable part of all controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in 4.2.5 and 4.2.6. Except where the use of special equipment dictates otherwise, electrical and communications-system receptacles on walls shall be mounted no less than 15 in (380 mm) above the floor.

4.25.4 Operation. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N).

4.26 Alarms

4.26.1 General. Emergency warning systems shall include both audible alarms complying with 4.26.2 and visual alarms complying with 4.26.3. Auxiliary visual alarms shall comply with 4.26.4.

4.26.2* Audible Alarms. Audible emergency alarms shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by at least 15 decibels or exceeds any maximum sound level with a duration of 30 seconds by 5 decibels, whichever is louder. Sound levels for alarm signals shall not exceed 120 decibels.

4.26.3* Visual Alarms. Visual alarms shall be flashing lights arranged to flash in conjunction with the audible emergency alarms. The flashing frequency of visual alarms shall be approximately 1 Hz. Specialized systems using advanced technology may be substituted if equivalent protection is afforded handicapped users of the building or facility.

4.26.4* Auxiliary Alarms. Sensory alarms provided for persons with hearing impairments shall be connected to the building emergency system or there shall be a standard 110-volt electrical receptacle into which an alarm unit can be connected to be activated by the building alarm system. Instructions for use of the auxiliary alarm or connections shall be provided.

*See Appendix for additional information

federal register

**Wednesday
March 6, 1991**

Part VI

**Department of
Housing and Urban
Development**

**Office of the Assistant Secretary for Fair
Housing and Equal Opportunity**

**24 CFR Chapter I
Final Fair Housing Accessibility
Guidelines**