

Transforming the Shelter System: Accessibility Requirements & Best Practices for *Turning the Tide* Shelters

Recognizing there is no one-size-fits-all solution to the citywide and nationwide challenge of homelessness, the NYC Department of Homeless Services (DHS) is transforming a shelter system that built up in a haphazard way over decades by making unprecedented investments in our not-for-profit partners to renovate facilities, repair conditions that went unaddressed for decades, and expand accessibility. As part of that transformation—and as outlined in the multi-year Butler Settlement plan reached with the Legal Aid Society in 2017—we continue to expand accessibility in our shelter system, refine our assessment of accessibility needs within that system, and remain committed to aligning that system with those needs to ensure meaningful access to shelter and its attendant services so all of our clients can stabilize their lives with dignity.

We welcome and encourage proposals submitted by not-for-profit service providers under the Open Ended Request for Proposals (OERFP) that provide accessible capacity to meet the needs of homeless applicants and clients with disabilities. To that end, recommended best practices with respect to accessibility under applicable laws, such as the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the New York City Building Code, can be found here, with applicable accessibility code, technical standards and laws referenced on pages 4 & 5.

Accessibility Best Practices

Design recommendations to increase accessibility above the minimum requirements established by the applicable laws and codes:

Bathroom:

- In sleeping units, do not opt for the Appendix P bathroom design as per NYC code. Instead, opt for the Type A dwelling unit bathroom design, which is more aligned with the criteria for bathrooms under the ADA.
- Install grab bars on the wall adjacent to and behind the toilet.
- Install grab bars on all walls surrounding the tub/shower.
- Provide a removable tub/shower seat for clients to use when needed.
- Install hooks and towel bars that are no more than 48 inches AFF.
- Where space permits, install recessed open shelving so that items are within view and easy to reach.
- Do not install a cabinet within the knee space provided below the sink.
- Install a 36-inch wide swing door at the bathroom entrance.
- In multi-user bathrooms install minimum 32-inch wide stall doors.

Kitchen:

- Install all counters at a maximum height of 34 inches AFF.
- Install a sink that is no more than 6 ½ inches deep so that knee space is unobstructed.
- Install pipe wrap on all exposed plumbing below the sink; or install a panel below the sink that protects the user from contact with exposed plumbing. Ensure that the panel does not encroach into knee and toe space.
- Surface mount outlets on the backsplash so that they are easily reachable from a seated position.
- Install roll out shelves so that access to cabinet storage is increased.
- Install pantry cabinets to increase accessible storage capacity.

Kitchen (con't):

- Install full depth adjustable shelves in base cabinets so that shelves are within easy reach.
- Do not install base cabinets within the knee space provided below the sinks.
- Do not install base cabinets within the knee space provided below a 30-inch wide work counter.

Other:

- Maximize availability of air-conditioned units to accommodate clients with a disabling or medical condition requiring air conditioning.
- In existing dormitory or congregate shelters, add accessible bathrooms with roll-in showers to the total number of bathrooms that currently exist to accommodate the relatively high number of DHS clients with disabilities.
- Inside reach-in closets, install adjustable clothes poles and full-depth shelves that can be lowered to various heights; install a removable full depth shoe shelf.
- Do not specify sliding doors when user passage is intended, i.e., at balconies or other exterior spaces.
- For door hardware, do not use/install knobs. Utilize D-pull or lever handle type handles.

Exceed the 2010 ADA Standards for Accessible Design. The ADA requires 5%, but not less than 1, of each unit type to include features that accommodate people with physical disabilities. Examples of unit type includes, but are not limited to, an efficiency (studio) family unit; one-bedroom family unit; two-bedroom family unit; adult family unit with two single beds without an attached bathroom; adult family unit with two single beds with an attached bathroom; adult single dormitory without an attached bathroom; etc. DHS seeks to exceed the minimum.

We encourage proposals submitted by not-for-profit service providers under the OERFP that provide accessible capacity to meet the needs of homeless applicants and clients with disabilities. Among families with children, about 15% include a member with a mobility disability; that number increases to 35% in adult families, and 19% in the population of single adults. Additionally, in general, an estimated 1-2% of DHS clients are blind or have low vision. To meet capacity needs, DHS strongly encourages providers and developers to explore design solutions that maximize the accessible capacity of shelter facilities.

Increase the number of accessible building entrances.

In newly constructed shelters in New York City, all building entrances that serve clients must be accessible. In existing shelter facilities, not all building entrances are required to be accessible. At locations where a building entrance that serves clients may not be accessible, signage must be provided directing clients to the nearest accessible building entrance.

Apply accessibility requirements to minor alterations usually done in house.

Alterations are subject to accessibility requirements to the extent required by the code and regulation. Although some minor alterations do not require contracting with an architect, understanding compliance requirements that apply to minor alterations can be complex. We urge our partners to engage a licensed professional familiar with code and regulatory requirements; or a professional who is certified by the International Code Council as an Accessibility Inspector and Plans Examiner to assist with navigating all related accessibility requirements and design solutions.

Comply with Callahan Consent Decree, Butler Settlement and Accessibility Requirements.

The **Callahan Consent Decree** is a 1981 legal agreement that established the right to shelter for homeless individuals in New York City. It does not contain accessibility requirements for persons with disabilities, but it does establish minimum fixture counts within bathrooms in dormitory facilities and requires for a clear path around beds that is no less than 36" wide.

In December 2017, the City of New York reached a settlement with the Legal Aid Society to enhance access to shelter system and its attendant services for applicants and clients with disabilities by implementing a multi-year reform plan. The **Butler Settlement** outlines that over the course of five years the City will:

- Enhance DHS's already robust practices to ensure all applicants and clients with disabilities are provided reasonable accommodations to ensure meaningful access to homeless shelters
- Survey intake sites, assessment sites and selected shelters to fully track all accessible options with the shelter system and to identify barriers to access
- Modify existing procedures, as needed, to bring them in line with updated DHS processes, integration and organization, and retrain staff consistent with the City's legal obligations
- Ensure that shelter evacuation plans recognize the particular needs of people with disabilities
- Provide communication accommodations for individuals who are blind/low vision or deaf/hard of hearing
- Overall, ensure that DHS has sufficient accessible capacity to meet the needs of homeless applicants and clients with disabilities.

The Butler Settlement does not establish specific accessible design and construction requirements, but instead refers to and requires compliance with applicable accessibility laws.

For technical assistance or materials to help inform shelter design, please reach out to your DHS contact who will connect you with the appropriate DHS resource.

**NYC New Construction: Applicable Codes, Technical Standards and Laws
for Accessible Construction**

Building Type: Non-ADA Title II Multiple Family Housing/Dwellings (i.e., property converted to DHS Shelter post construction)

Applicable:	Code ¹			ANSI/ICC ² Technical Standard			Fair Housing Act ³ Law
	Code: Sub- Article 2	Chapter 11: Accessibility applicable appendices	Chapter 11: Accessibility applicable appendices	1986	2003	2009	First occupancy March 1991
Permits filed...							
Under 1968 Building Code*	X			X			X
Under 2008 Building Code*		X			X		X
Under 2014 Building Code*			X			X	X

Building Type: ADA Title II Multiple Family Housing/Dwellings (i.e., property's original purpose includes DHS Shelter)

Applicable:	Code ¹			ANSI/ICC ² Technical Standard			Fair Housing Act ³ Law	ADA Title II ⁴ Law
	Code: Sub- Article 2	Chapter 11: Accessibility applicable appendices	Chapter 11: Accessibility applicable appendices	1986	2003	2009	First occupancy March 1991	
Permits filed...								
Under 1968 Building Code*	X			X			X	
Under 2008 Building Code*		X			X		X	X ⁴
Under 2014 Building Code*			X			X	X	X ⁴

*Projects filed with HPD must comply with Section 504 of the Rehab Act of 1973 and its technical standard of reference, the Uniform Federal Accessibility Standards (UFAS). As of 2014, HUD permits use of the 2010 ADA Standards in lieu of UFAS to be used as the technical safe harbor for compliance with Section 504, with 10 exceptions.

<https://casinstitute.org/sites/default/files/HUD.pdf>

¹NYC Construction Code

- Amended 1968 Building Code: Sub-Article. 2 Facilities for People Having Physical Disabilities - Reference standard RS 4-6 facilities for people having physical disabilities, ANSI A117.1-1986
- 2008 Building Code: Chapter 11 §1101.2 - Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1 [2003] (Accessible and Usable Buildings and Facilities)
- 2014 Building Code: Chapter 11 §1101.2 - Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1 [2009] www.iccsafe.org (Accessible and Usable Buildings and Facilities) <https://www1.nyc.gov/site/buildings/codes/2014-construction-codes.page#bldgs>

² ANSI (American National Standard Institute) /ICC (International Code Standard) (www.iccsafe.org)

“The intent of this standard is to allow a person with physical disability to independently get to, enter, and use a site, facility, building or element. The specifications in the standard makes sites, facilities, buildings and elements accessible to and usable by people with such disabilities as the inability to walk, difficulty walking, reliance on walking aids, blindness and visual impairment, deafness and hearing impairment, incoordination, reaching and manipulation disabilities, lack of stamina, difficulty in interpreting and reacting to sensory information, and extremes in physical size.” (ICC, 2019)

³ Fair Housing Act (<https://www.huduser.gov/portal/publications/PDF/FAIRHOUSING/fairfull.pdf>)

To comply with the accessible design and construction requirements of the FHA, DHS requires use of one of ten ‘safe harbors’ for FHA compliance that are approved by the US Department of Housing and Urban Development. It is highly recommended that the Fair Housing Act Design Manual (FHADM) be used as the HUD-approved safe harbor to ensure that DHS shelter facilities comply with the FHA.

⁴ ADA Title II (https://www.ada.gov/ada_title_ii.htm)

- New construction and alterations before September 15, 2010 must comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) or the Uniform Federal Accessible Standards (UFAS).
- New construction and alterations on or after September 15, 2010 and before March 15, 2012 must comply with ADAAG, UFAS, or the 2010 ADA Standards for Accessible Design.
- New construction and alterations on or after March 15, 2012 must comply with the 2010 ADA Standards for Accessible Design.