



April 29, 2022

GENERAL NEWS

HUD Settles Disability Discrimination Suit against Hawaii Housing Providers

In a [press release](#) Wednesday, the Department of Housing and Urban Development ([HUD](#)) announced that it has approved two voluntary [compliance/conciliation](#) agreements with an affordable housing developer and other entities in Hawaii to resolve complaints of disability discrimination. The complaints alleged that the builders failed to design and construct an 84-unit building located in Honolulu in accordance with the requirements for accessible housing under the [Fair Housing Act, Section 504](#) of the Rehabilitation Act, and [Title II of the Americans with Disabilities Act](#). In addition, the complaints alleged that the respondents failed to provide reasonable accommodations and modifications for persons with disabilities. According to the press release, the housing providers are recipients of federal financial assistance.

The Fair Housing Act requires housing built after March 1991 to contain accessible features for persons with disabilities. Failure to meet these standards it is considered unlawful discrimination. Likewise, the ADA protects individuals with disabilities from discrimination in public accommodations, and Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability by recipients of federal financial assistance. These federal laws also require the provision of reasonable accommodations and modifications for individuals with disabilities.

Both complaints were filed by two residents of the subject building, who are represented by a HUD Fair Housing Initiative Program organization in Hawaii. Both residents, one who uses a wheelchair and another who used a walker, alleged that the building was inaccessible to persons with disabilities. Specifically, they alleged that the building failed to have accessible building entrances and exits, accessible parking and garage entrances, accessible doors in common and public use areas, accessible bathrooms and kitchens, and accessible light switches, among other things. The residents asked the housing providers to address the inaccessibility, but the resident manager allegedly declined to do so, telling one that she would have to pay for any retrofits herself.

The housing providers have agreed to pay the two residents \$25,000 collectively and to create an accessibility fund by depositing \$30,000 into an interest-bearing escrow account to pay damages to other persons who may have been injured by inaccessibility at the property. The housing providers also agreed to hire third-party independent accessibility consultants to conduct accessibility surveys, complete a needs assessment, self-evaluation, and transition plan to ensure that the entire property is in full compliance will all applicable federal accessibility requirements. The housing providers will also make retrofits to the property to make it fully accessible and useable by residents with disabilities. The agreements do not constitute admissions by the housing providers or evidence of a final determination by HUD of violations of the Fair Housing Act or any other laws.

OHHLHC Issues Spring Edition of Healthy Homes Newsletter

HUD's Office of Lead Hazard Control and Healthy Homes ([OLHCHH](#)) has issued the spring edition of its quarterly e-Newsletter, [Healthy Homes Insider](#). The publication features the following articles:

- Message from the Director
- Get Ready for National Healthy Homes Month 2022
- Healthy Homes Spring Tips
- Spring Forward! HUD Guidance on Smoke, Fire, and Carbon Monoxide Detectors
- Resurface Healthy Homes Production Funding to Address Multiple Childhood Related Disease
- The Lead Disclosure Rule: What you should know about selling or renting homes in Puerto Rico and America as a whole
- Upcoming Conferences and Events

Although the latest newsletter has yet to be posted on the [OLHCHH website](#), you can read it [here](#). To sign up for OLHCHH e-mail updates, click [here](#).



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