

## Centerra – Grounds for Waiver

Affordable housing units are typically smaller, sometimes much smaller, than market rate apartments, a virtually all of them receive financial assistance. This project is the recipient of federal financial assistance and so is subject to Section 504. The accessible units were originally designed to meet the Section 504 standards (i.e., UFAS). HUD's Section 504 Standards do not require vertical accessibility within the accessible unit when certain prescribed elements are located on the accessible entrance floor.

Here, the local jurisdiction is requiring vertical accessibility to the upper level of the two story accessible units even when all of the required accessible elements are located on the accessible entrance level. There are at least two independent bases, and sufferers of hardship from this. One sufferer is the developer/owner of the project and the other category of sufferer includes the residents of the accessible units.

Affordable housing restricts the rent that can be charged to a prescribed amount based on a percentage of the poverty level income in the area where the development is. When, such as now, the residential rental market is very hot and one sees in the news about how rents are rising so fast and landlords are making money hand over fist? Well, not so much for affordable housing. The rents are pretty much fixed because they are tied to indexes that again, are based on a percentage of the poverty level—and while market rate rents are skyrocketing, the incomes of residents in affordable housing developments are not. The project in question was conceived and pro forma'd and moved into the development process. Now, after land has been bought, drawings prepared, etc., all to the tight budgets that are the norm in affordable housing projects, the requirement to add elevators to a number of units creates an unanticipated hardship on the developer/owner.

Of greater importance, however, is the impact on the residents of the affected units. By their nature, and real world budget constraints, affordable housing units are generally small, sometimes much smaller than market rent units. The units may be very nicely designed and finished units. But they are small. The addition of an elevator to an accessible unit does not really provide significantly enhanced accessibility because the accessible features were already designed to be on the accessible entrance level. What the addition of an elevator does do to an affordable housing unit is to take away space. On the provided drawings you can see how much usable area is lost by the elevator on each floor. And it's not just the elevator, there is the required maneuvering space outside the door, which can be almost as big as the elevator shaft itself, that must be maintained as well. So while there is a financial hardship on the developer/owner, the real hardship is on the resident—who will have an amenity he or she likely does not need, but who will be deprived of significant space and usability.

HUD created heightened accessibility requirements for Section 504 covered housing. Adding in a vertical accessibility to areas not required to be accessible at the cost of the loss of significant usable square footage is a hardship that should not be imposed on the residents of affordable housing.