



INFORMATION SHEET

NO. DA-19

DATE : January 25, 2018

CATEGORY : Disability Access

SUBJECT : **Vertically Elevated Doorways in Multifamily Dwellings (Stoops)**

REFERENCE : **2016 California Building Code (CBC) Sections:**

- 202 Definitions – Occupant Load
- Chapter 11A; Note 1
- 1110A.1 General
- 1117A.2 Primary entrances and exterior exit doors
- 1117A.3 Separate dwelling units entrances
- 1126A Doors, gates and window
- 1132A.1 Primary entry doors and required exit doors

Joint Statement Of The Department Of Housing And Community Development And The Department Of Justice – Accessibility (Design And Construction) Requirements For Covered Multifamily Dwellings Under The Fair Housing Act:

- Questions 35 and 36

24 CFR Chapter 1 Final Fair Housing Accessibility Guidelines:

- I. Adoption of final guidelines, (4) Doors
- Section 5, Guideline (1), (a) and (b)

Fair Housing Act Design Manual (FHDM):

- Page 3.3 Useable Doors - Accessible Doors #2
- Page 1.28 Buildings having a separate Unit Entrances...

San Francisco Planning Department Guidelines for Ground Floor Residential Design (GFGFRD)

DISCUSSION:

The San Francisco Department of Building Inspection in its review of plans and construction of new multifamily dwellings has in the past taken the position that only the “primary entrance” to a dwelling unit is required to be accessible. The Department has allowed non-accessible entries leading to the public way if there existed a “primary entrance” to the unit from an interior corridor leading to an accessible main entrance to the building.

In a joint statement of the United States Department of Housing and Urban Development (HUD) and the United States Department of Justice dated April 30, 2013; HUD made a clarification that additional entrances leading to public and common use areas for multifamily dwellings covered under the Federal Fair Housing Amendments Act must also be made accessible (see question 35). The July 1, 2015 supplement to the California Building Code Part 2 Volume 1 incorporated this joint statement as part of the code in “Note 1” of Chapter 11A. Although this interpretation is considered by many stakeholders to be a regulatory change, HUD maintains that this has been the intent of the Fair Housing Act since its inception. The FHDM states that “simply adding an accessible route to the secondary, rear entry is not acceptable as that results in “back door” access. The Department has altered its procedures in reviewing entrances leading to the public right of way and now requires that any entrance “used by residents, guests and members of the public for the purpose of entering the dwelling or building” must be accessible and useable by persons with disabilities.

Based upon the prior interpretation of the Fair Housing Act and Chapter 11A, the Planning Departments of many jurisdictions, including the San Francisco Planning Department, have developed requirements for vertically elevated entries at the front of ground floor units facing public ways for purposes of security, transition identity, vertical modulation and delineation of the public realm. The elevation of entrances under the current interpretation of these Federal and State regulations now poses a potential problem and more importantly, a potential violation of the civil rights of persons with disabilities.

It is the purpose of this information sheet to discuss how these elements may be included into the design of new multifamily dwellings without violating housing regulations or infringing on the rights of persons with disabilities. Although the civil rights of individuals will always take precedence in any situation, the Department also agrees with the statement put forth in section G3 of the S.F. Planning Department Guidelines For Ground Floor Residential Design when it states “adherence to these regulations is not sufficient grounds to disregard these guidelines”. The Department believes that these are not mutually exclusive mandates and that it is possible to comply with the “letter” and “spirit” of both if these projects include both objectives in their design.

Vertically Elevated Doorways are not required to be accessible, if the following are incorporated into the design:

- The doorway should not include the address of the unit or building. There should not be a mailbox adjacent to the doorway.
- The doorbell for such units should be located by the main building entry and not be located at the individual doorway

If the above features are incorporated into the design of such doorways not on an accessible route, the Department may consider these to be secondary exterior exits and not entrances used by residents, guests and members of the public. Section 1132A.1 may require the doors themselves

to comply with Section 1126A.3 maneuvering clearances if the door leads to a public or common use area, but it would not require the door to be on an accessible route provided it is not a required exit or used as a public entrance.

CONCLUSION:

In conclusion, the Department agrees with the San Francisco Planning Department that the benefits of vertically elevated platforms and doorways perform an important function in the security and beautification of new multifamily dwellings. The Department believes that with careful planning and incorporating design modifications such as those listed above, these elements may be incorporated into such buildings in full compliance with the existing guidelines and without compromising the rights of individuals with disabilities.



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