

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****[Docket No. FR-4540-N-01]****Notice of Public Meeting and Solicitation of Comments**

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

**ACTION:** Notice of meeting and solicitation of comments.

**SUMMARY:** The United States Department of Housing and Urban Development (HUD or the Department) announces a public meeting and requests public comments on a draft report developed by Steven Winter Associates (SWA) which identifies the variances between the Fair Housing Act's design and construction requirements and the:

- National Building Code, Building Officials and Code Administrators International (BOCA) 1996 edition;
- Uniform Building Code, International Conference of Building Officials (ICBO) 1997 edition;
- Standard Building Code, Southern Building Code Congress International (SBCCI) 1997 edition; and
- International Building Code First Draft, International Code Council (ICC) November 1997; Proposed International Building Code 2000, International Code Council (IBC-2000) Chapters 10 and 11, Appendix to Chapter 11, and Section 3407 (1999).

The draft report discusses only variances that do not meet the Fair Housing Act's design and construction requirements. As stated in the **BACKGROUND** section of this notice, the draft report is a precursor to a final report that HUD will deliver to the United States House of Representatives by December 31, 1999, as directed in the Committee Report of the FY 2000 HUD/VA Appropriations bill. After receipt and review of public comments, the Department will make its final revisions to the draft report and then issue the final report.

**DATES:** The meeting will be held on November 10, 1999, and will commence at 2:00 p.m. EST and continue until 5:00 p.m. EST. Written public comments will be received prior to the meeting, during the meeting, and after the meeting until the close of business (6:00 p.m. EST) on Monday, November 15, 1999.

**ADDRESSES:** The meeting will take place at the United States Department of Housing and Urban Development headquarters, 451 7th Street, SW, Washington, DC 20410 in the south side of the cafeteria on the ground floor of the HUD building. The Department of

Housing and Urban Development is located at the L'Enfant Plaza Metro stop. The meeting will also be broadcast in HUD field offices. The addresses for the HUD field offices and telephone numbers for the Senior Community Builders may be obtained from [www.hud.gov/directory/ascdir3.html](http://www.hud.gov/directory/ascdir3.html) or from Juanina Harris at the address and telephone number listed in the "RESERVATIONS" section of this notice.

**Accessibility**

The HUD headquarters building and field offices are accessible. The meeting in HUD headquarters will be interpreted in sign language and presented in open and real-time captioning. The broadcast will be open-captioned on television monitors in the HUD field offices with the exception of the following offices. The broadcast is available for listening only in Burlington, Vermont; Flint, Michigan; Wilmington, Delaware; and Springfield, Illinois. In Camden, New Jersey; Fargo, North Dakota; Memphis, Tennessee; Shreveport, Louisiana; Spokane, Washington; and Tucson, Arizona, the broadcast will be shown on computer monitors. If you plan to attend the broadcast in one of those offices, please notify the Senior Community Builder seven days before the meeting if you need the services of a sign language interpreter.

Hearing or speech-impaired individuals may access any of the HUD headquarters and field telephone numbers referenced in this notice via TTY/TDD by calling the toll-free federal Information Relay Service at 1-800-877-8339.

**Reservations**

If you would like to attend or view the meeting, you should make a reservation by 5:00 p.m. EST on November 8, 1999.

*To make a reservation to attend the meeting at HUD headquarters in Washington, DC,* you should telephone Juanina Harris at (202) 619-8046, extension 6979, with the following information: your name; the organization you are representing, if any; any reasonable accommodations you may need to attend or view the meeting; whether you intend to present oral comments; and the anticipated length of your comments. This telephone number is not toll-free. Commenters will be allowed no more than ten and, depending on the number of commenters, as few as five minutes to make their comments.

*To make a reservation to view or listen to the broadcast of the meeting at a HUD field office,* you should telephone the Senior Community

Builder at the HUD field office where you would like to view or listen to the broadcast. You should provide the following information to the Senior Community Builder: your name; the organization you are representing, if any; and any reasonable accommodations you may need to view or listen to the broadcast of the meeting. The field office telephone numbers are not toll-free.

*Alternatively, you may make a reservation to attend the meeting or to view or listen to the broadcast by using the registration form found at [hud.gov/fhe/modelcodes](http://hud.gov/fhe/modelcodes), and following the instructions on the form.*

**Submission of Comments**

Written comments should be submitted to Cheryl Kent, Director, Program Compliance and Disability Rights Support Division at 451 Seventh Street, SW, Room 5240, Washington, DC 20410-0500. Written comments will also be accepted at the public meeting. *Written comments must be submitted by close of business (6:00 p.m. EST) on Monday, November 15, 1999.*

**Location of Documents**

The HUD policy statement and draft report are located at [www.hud.gov/fhe/modelcodes](http://www.hud.gov/fhe/modelcodes). The Fair Housing Act, the Fair Housing Act regulations, and the Fair Housing Accessibility Guidelines can also be obtained through links provided at this web site. Hard or Braille copies of the HUD policy statement and draft report may be requested from Ms. Harris at the telephone number or address listed in the "RESERVATIONS" section of this notice.

The Department recognizes that this report is designed to provide technical assistance to model code organizations and thus, because the report is responding to code language, it may be using terms unfamiliar to the general public. For this reason, the Department has arranged to have all of the source documents that SWA and the Department used in the analysis available to the public. The original and revised industry matrices that SWA and the Department reviewed are available at [www.intlcode.org/fairhousing](http://www.intlcode.org/fairhousing). You may also request a hard copy of the original and revised industry matrices from Ms. Harris at the telephone number or address listed in the "RESERVATIONS" section of this notice. The model code organizations have agreed to provide free of charge access to the chapters of the model codes that SWA and the Department reviewed. ANSI-A117.1 1992 and ANSI-A117.1 1998 are available for

purchase at that web address. ANSI-A117.1-1986 is out of print and not available except in the HUD headquarters library at 451 Seventh St., S.W., and at HUD Fair Housing HUBs in the following locations: New York, New York; Boston, Massachusetts; Atlanta, Georgia; Fort Worth, Texas; San Francisco, California; Seattle, Washington; Chicago, Illinois; Kansas City, Missouri; Philadelphia, Pennsylvania; and Denver, Colorado.

Copies of all the relevant documents are also available for viewing at the HUD Library at 451 Seventh St., SW, Washington, DC 20410. To gain admission to the HUD Library you must present identification to the security guards and ask to visit the library. Photocopying in the HUD library is limited to 40 pages and all of the documents, with the exception of the HUD policy statement and the draft report, are copyrighted and therefore not available for photocopying.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Kent, Director, Program Compliance and Disability Rights Support Division, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 5240, Washington, DC 20410-0500; telephone (202) 708-2333, extension 7058. (This telephone number is not toll-free.)

**SUPPLEMENTARY INFORMATION:**

**Background**

In December 1997, the Council of American Building Code Officials (CABO) submitted to the Department a matrix ("the industry matrix") that compared the four model building codes referenced in the **SUMMARY** section of this notice to the Fair Housing Accessibility Guidelines (56 FR 9472-9515) ("the Accessibility Guidelines"). In response, the Department retained the services of SWA to analyze the industry matrix and to identify variances between the model building codes and the Fair Housing Act, 42 U.S.C. 3604; the Fair Housing Act Regulations, 24 CFR 100.205, and the Accessibility Guidelines, 56 FR 9472-9515. The Department also requested that SWA draft recommendations that code organizations could use to conform their codes with the Fair Housing Act, the Fair Housing Act Regulations, and

the Accessibility Guidelines. SWA and the Department did not limit their review exclusively to the industry matrices or the Accessibility Guidelines. The review compared certain relevant chapters of each code with the Fair Housing Act, the Fair Housing Act Regulations, the Accessibility Guidelines, and ANSI-A117.1 1986, 1992, and 1998.

*The Department is not promulgating any new technical requirements or standards by way of this draft report. This draft report and the final report will serve solely to respond to the model building code organizations' request for technical assistance and to provide technical assistance to other interested parties. This request for comment on the draft report is not a solicitation for changes to the design and construction requirements of the Act, its Regulations, or the Accessibility Guidelines.*

Since the industry matrix was submitted to the Department, in December 1997, new editions of the BOCA and SBCCI codes have been published. Additionally, CABO indicated that there is a movement to fold all of the model building codes into one, the International Building Code. After consultation with CABO, CABO submitted a revised matrix to include the available proposed chapters of the Final Report for IBC-2000. The Final Report for IBC-2000 has not been published; however, the Department was able to obtain Chapter 10, Chapter 11, the Appendix to Chapter 11, and Section 3407 (1999) and has included an analysis of these in the draft report.

The United States House of Representatives Appropriations Committee issued a Report accompanying the Veterans Affairs and Housing and Urban Development Appropriations bill, HR-106-286 (Aug. 3, 1999). The Committee directed the Department to complete its review of the industry matrix and issue a policy statement by December 31, 1999. The Department intends to meet this deadline; however, prior to finalizing the report to Congress, the Department seeks public comment on the identification of variances and the recommendations contained in the draft report. Department staff have carefully reviewed and commented on the draft

report and would like to hear from persons with disabilities, organizations representing persons with disabilities, code officials, home builders, and other interested parties prior to finalizing the report.

The draft report focuses only on the areas where the respective codes do not meet the requirements of the Fair Housing Act, the Fair Housing Act Regulations, the Accessibility Guidelines, ANSI-A117.1 1986, ANSI-A117.1 1992, or ANSI-A117.1 1998. If a particular provision of a code is not discussed, then the reader should presume that the position of SWA and the Department is that the provision meets the requirements of the Fair Housing Act even if the wording of the code provision and the Fair Housing Act requirements are not identical.

**The November 10, 1999 Meeting**

The November 10, 1999 meeting will be open to persons who register in advance. Attendance may be limited to the space available. A thirty-minute presentation by SWA will commence the meeting. The remainder of the time will be used for HUD officials to listen to public comments on the draft report. Members of the public may present oral comments during the meeting, to the extent that time permits, and file written comments with the Department for its consideration. Commenters will be limited to no more than ten minutes, and if there are numerous participants, as few as five minutes to make an oral statement. Written comments should be submitted to Cheryl Kent at the address listed in the **FOR FURTHER INFORMATION** section of this notice or to the registrar at the public meeting. The transcript of the meeting will be available for public inspection and copying by requesting them from Ms. Harris.

The Department will consider all comments received by close of business (6:00 EST) on November 15, 1999 and will publish its final report by December 31, 1999.

Dated: October 20, 1999.

**Eva M. Plaza,**

*Assistant Secretary for Fair Housing and Equal Opportunity.*

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