

Resolution No: 3

Date: May 9, 2003

City: Washington, DC

NAHB Resolution

Title: Fair Housing Accessibility Resolution
Original Sponsor: Multifamily Board of Trustees

WHEREAS, the National Association of Home Builders supports the goals of the Fair Housing Act in preventing discrimination against persons with disabilities and ensuring the design and construction of accessible multifamily housing;

WHEREAS, there continues to be significant confusion among industry members about the accessibility requirements of the Fair Housing Act;

WHEREAS, clear federal guidance on complying with the accessibility requirements of the Fair Housing Act is essential to industry members and needs to be made available at the state and local level;

WHEREAS, NAHB supports the state and local adoption of model accessibility building codes endorsed by the Department of Housing and Urban Development (HUD) as providing a safe harbor for complying with the accessibility requirements of the Fair Housing Act;

WHEREAS, conflicts over the interpretation of the accessibility requirements of the Fair Housing Act have led to the construction of multifamily buildings with questionable compliance;

WHEREAS, the Department of Justice has adopted an aggressive enforcement policy and is filing targeted litigation against industry members,

WHEREAS, HUD continues to provide funding through its Fair Housing Initiatives Program to private advocates to file lawsuits against industry members, many of which have been unjustified and without merit;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Home Builders should continue to urge and work with the Department of Housing and Urban Development to expand education and outreach efforts through HUD-funded programs and initiatives designed to educate industry members about the accessibility requirements of the Fair Housing Act and how to comply with them;

BE IT FURTHER RESOLVED that NAHB continue to support the nationwide adoption of model accessibility building codes endorsed by HUD as providing a safe harbor for complying with the accessibility requirements of the Fair Housing Act;

BE IT FURTHER RESOLVED that NAHB work with other interested groups, including building product manufacturers, disability advocates, real estate and multifamily design and construction groups, to promote education, outreach and compliance with the accessibility requirements of the Fair Housing Act;

BE IT FURTHER RESOLVED that NAHB urge HUD to prohibit the use of Fair Housing Initiatives Program funding for litigation,

BE IT FURTHER RESOLVED that NAHB work with the Department of Justice to develop clear criteria for enforcing the accessibility requirements of the Fair Housing Act -- this, however, shall not preclude NAHB from commencing litigation in accordance with its guidelines,

BE IT FURTHER RESOLVED that NAHB support legislative or regulatory changes that would limit liability for industry members who were involved in the design and construction of non-compliant buildings due to a lack of clear guidance, and who made a good faith effort to meet the requirements of the law.

Board of Directors Action:	Approved
Joint Executive/Resolutions Committee Action:	Recommends Approval
Resolutions Committee Action:	Recommends Approval
Federal Government Affairs Committee Action:	Recommends Approval
Multifamily Board of Trustees Action:	Recommends Approval
Construction, Codes and Standards Committee Action:	Recommends Approval
Legal Action Committee Action:	Recommends Disapproval
Public Affairs Committee Action:	Recommends Approval
Remodelors Council	Recommends Approval