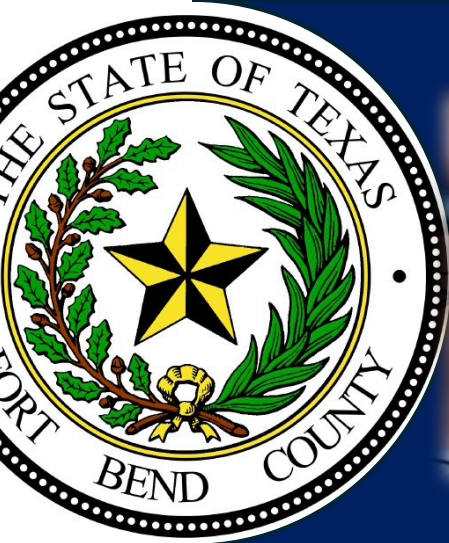




Fort Bend County Community Development ADA Compliance Packet

ACCESSIBILITY REQUIREMENTS FOR HUD-FUNDED
NON-HOUSING FACILITIES

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EXHIBIT

ACCESSIBILITY REQUIREMENTS FOR HUD-FUNDED NON-HOUSING FACILITIES

I. PURPOSE AND SCOPE

This Exhibit establishes accessibility requirements applicable to HUD-funded construction, rehabilitation, or alteration of non-housing facilities, and other facilities serving the public. The Subrecipient shall comply with all applicable Federal accessibility requirements, including Section 504 of the Rehabilitation Act of 1973 and, where applicable, Title II or Title III of the Americans with Disabilities Act ("ADA"), and the Texas Architectural Barriers Act.

This Exhibit applies to non-housing facilities such as public facilities, community and senior centers, health clinics, and service facilities funded through CDBG or other HUD programs administered by the County. Facilities that include sleeping accommodations (for example, emergency shelters or transitional facilities) may be subject to residential or transient lodging scoping and shall be reviewed with the County before this Exhibit are applied. Multifamily housing is addressed separately (see Section VI). Section 504 compliance is not limited to the physical facility. Subrecipients must ensure program accessibility, including policy modifications, operational accessibility, communication access, and physical facility access (see Section II).

II. SECTION 504 OF THE REHABILITATION ACT AND 24 CFR PART 8

Section 504 of the Rehabilitation Act prohibits discrimination based on disability in programs or activities receiving Federal financial assistance.

For HUD-funded projects, Section 504 and its implementing regulations at 24 CFR Part 8 establish Federal accessibility requirements applicable to recipients of HUD financial assistance.

Primary Legal References & Official Sources:

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.
- 24 CFR §§ 8.1–8.4.
- [29 U.S.C. § 794 — Section 504](#)
- [24 CFR Part 8](#)
- [HUD — Section 504](#)
- [24 CFR 8.21 \(non-housing facilities\)](#)
- [24 CFR § 8.20 \(program accessibility\)](#)
- [24 CFR § 8.32 \(accessibility standards\)](#)
- [24 CFR § 8.53 \(coordinator and grievance\)](#)



Requirements Under Section 504

Subrecipients must ensure program accessibility, including policy modifications, operational accessibility, communication access, and physical facility access. At a minimum, the Subrecipient shall: 1.) Make reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination (24 CFR 8.4). 2.) Provide effective communication, including auxiliary aids and services (24 CFR 8.6). 3.) If it employs 15 or more persons, designate a Section 504 coordinator and adopt grievance procedures (24 CFR 8.53). 4.) Provide notice of nondiscrimination based on disability (24 CFR 8.54).

Accessibility shall be considered throughout the project, including:

- Site planning and arrival.
- Accessible parking.
- Sidewalks and curb ramps.
- Accessible routes.
- Accessible entrances.
- Reception and check-in areas.
- Waiting areas.
- Examination and treatment rooms.
- Restrooms.
- Counters and service areas.
- Signage.
- Emergency notification and communication features.
- Elevators and other vertical access, where applicable.
- Fixed medical equipment and room layouts.

The Subrecipient shall maintain documentation sufficient to demonstrate that applicable Section 504 requirements have been addressed.

III. NEW CONSTRUCTION OF NON-HOUSING FACILITIES — 24 CFR § 8.21

For new construction of a non-housing facility, the facility shall be designed, constructed, and operated in a manner that is readily accessible to and usable by persons with disabilities.

Accordingly, new buildings shall be designed and constructed to provide accessibility throughout the facility rather than being evaluated under the accessible-dwelling-unit percentages applicable to multifamily housing.

Primary Legal Reference & Official Sources:

- [24 CFR § 8.21\(a-c\) — New construction, alterations, & existing of non-housing facilities.](#)



Accessibility Requirements

The project design shall address, as applicable:

- Accessible pedestrian routes.
- Interior accessible routes.
- Reception and registration areas.
- Examination and treatment rooms. *
- Service counters.
- Clear floor and maneuvering spaces.
- Other areas required to be accessible under the applicable standard.

The project's architect, engineer, or other qualified accessibility professional shall determine the technical dimensions and requirements applicable to the specific project.

IV. SECTION 504 ACCESSIBILITY STANDARDS — UFAS / 2010 ADA STANDARDS

HUD's Section 504 regulations establish accessibility standards for covered construction and alterations.

HUD Federal Register Notice 79 FR 29671 permits recipients to use the **2010 ADA Standards for Accessible Design as an alternative to UFAS for Section 504 compliance**, subject to the exceptions and conditions identified by HUD.

The Subrecipient shall identify the accessibility standard used for the project and shall ensure that all applicable HUD requirements and exceptions are incorporated.

The **11 HUD exceptions** are as follows:

1. Structural Impracticability (28 CFR 35.151(a)(2))
2. Alterations (28 CFR 35.151(b))
3. Additions (Section 202.2)
4. Alterations Affecting Primary Function Areas (Section 202.4)
5. Common-Use Areas in Residential Facilities (Section 203.8)
6. Employee Work Areas (Sections 203.9, 206.2.8, 403.5, 405.8)
7. Site Arrival Points (Section 206.2.1, Exception 2)
8. Within a Site (Section 206.2.2, Exception)
9. Multi-Story Elevator Exemption (Section 206.2.3, Exception 1)
10. Laundry Equipment (Sections 214 and 611)
11. Visible Alarms in Existing Facilities (Section 215.1, Exception)

Primary Legal References & Official Sources:

- [24 CFR §§ 8.32](#)
- [24 CFR Part 8](#)
- [HUD — Section 504](#)
- [ADA Standards for Accessible Design | ADA.gov](#)



Design Professional Responsibility

The Subrecipient's architect, engineer, accessibility consultant, or other qualified professional shall:

- Identify the applicable accessibility standard.
- Review the architectural and engineering plans.
- Verify technical dimensions and clearances.
- Review accessible routes and entrances.
- Review parking and site accessibility.
- Review restrooms and service areas.
- Review examination and treatment rooms.
- Review medical equipment layouts.
- Identify and address accessibility deficiencies before construction is completed.

The County shall not create its own technical accessibility measurements in place of the applicable Federal accessibility standards.

V. THE 5% / 2% REQUIREMENT — MULTIFAMILY HOUSING ONLY

The 5 percent mobility-accessible and 2 percent hearing/vision-accessible **dwelling-unit requirements** are requirements associated with HUD-covered multifamily housing.

For a new non-housing facility, the applicable Section 504 new-construction provision is **24 CFR § 8.21(a)**.

Primary Legal References & Official Sources:

- 24 CFR § 8.21(a) — Non-housing facilities.
- 24 CFR § 8.22 — Housing facilities.
- [eCFR — 24 CFR § 8.21](#)
- [eCFR — 24 CFR § 8.22](#)

County Compliance Note

For purposes of this Exhibit:

Multifamily Housing: 24 CFR § 8.22 and its accessible dwelling-unit requirements apply.

Non-Housing Facility: 24 CFR § 8.21(a) applies.

VI. ADA TITLE II — PUBLIC ENTITIES

ADA Title II applies to State and local governmental entities. Fort Bend County is Title II entity.

Facilities owned or operated by the County, or built for its use, are subject to Title II regardless of the subrecipient. For new construction and alterations subject to Title II, facilities must be designed and constructed in accordance with applicable ADA requirements.



Primary Legal References:

- 42 U.S.C. §§ 12131–12165
- 28 CFR Part 35
- 28 CFR § 35.151

Official Sources:

- [Americans with Disabilities Act Title II Regulations | ADA.gov](https://www.ada.gov/)
- [ADA Standards for Accessible Design | ADA.gov](https://www.ada.gov/standards/ada-standards-for-accessible-design/)
- [28 CFR Part 35](https://www.ecfr.gov/current/title-28/chapter-I/subchapter-B/part-35)
- [28 CFR 35.150 \(existing facilities / program access\)](https://www.ecfr.gov/current/title-28/chapter-I/subchapter-B/part-35/subpart-B/section-35.150)
- [28 CFR § 35.151](https://www.ecfr.gov/current/title-28/chapter-I/subchapter-B/part-35/subpart-B/section-35.151)
- [28 CFR 35.151\(b\) \(alterations\)](https://www.ecfr.gov/current/title-28/chapter-I/subchapter-B/part-35/subpart-B/section-35.151(b))

Title II Accessibility Considerations

Where Title II applies, the project shall address applicable requirements concerning:

- Accessible routes.
- Entrances.
- Public areas.
- Service counters.
- Restrooms.
- Parking.
- Signage.
- Communication features.
- New construction and alterations.
- Other applicable facility features.

VII. ADA TITLE III — PRIVATE ENTITIES / PLACES OF PUBLIC ACCOMMODATION

Newly constructed places of public accommodation and applicable commercial facilities must comply with the ADA's accessibility requirements.

Primary Legal References & Official Sources:

- 42 U.S.C. §§ 12181–12189.
 - 28 CFR Part 36.
 - 28 CFR § 36.401.
 - 2010 ADA Standards.
 - [Americans with Disabilities Act Title III Regulations | ADA.gov](https://www.ada.gov/)
 - [eCFR — 28 CFR § 36.401](https://www.ecfr.gov/current/title-28/chapter-I/subchapter-B/part-36)
 - [ADA Standards for Accessible Design | ADA.gov](https://www.ada.gov/standards/ada-standards-for-accessible-design/)
-



VIII. 2010 ADA TECHNICAL ACCESSIBILITY REQUIREMENTS

Where the 2010 ADA Standards apply to the project, the Subrecipient shall address the applicable scoping and technical requirements.

These requirements include, as applicable:

A. Parking and Site Arrival

- Accessible parking spaces (van-accessible spaces & medical-facility parking)
- Access aisles.
- Passenger loading areas.
- Accessible routes from parking and loading areas.

B. Sidewalks and Accessible Routes

- Running slope.
- Cross slope.
- Surface requirements.
- Changes in level.
- Clear width.
- Turning spaces.

C. Entrances and Doors

- Door clear width.
- Maneuvering clearances.
- Thresholds.
- Hardware.
- Opening force.

D. Reception and Service Counters

- Accessible approach.
- Clear floor space.
- Accessible portions of counters where required.

E. Waiting Areas

- Accessible seating and spaces.
- Integration of accessible seating.

F. Exam and Treatment Areas

- Accessible routes.
- Clear floor spaces.
- Maneuvering areas.
- Appropriate room layouts.
- Applicable medical-care accessibility requirements*

G. Restrooms

- Accessible toilet rooms.



- Turning space.
- Fixture clearances.
- Grab bars.
- Lavatories.
- Mirrors.
- Controls and dispensers.

H. Signage

- Accessible identification signage.
- Raised characters.
- Braille.
- Visual characteristics.
- Mounting requirements.

I. Alarms and Communication

- Audible notification.
- Visual notification.
- Accessible communication features.

J. Elevators and Vertical Access

- Accessible elevators where required.
- Accessible controls.
- Clearances.
- Entrances.
- Communication features.

K. Medical Equipment and Room Layout

- Accessible approach to equipment.
- Clear floor space.
- Maneuvering space.
- Appropriate equipment placement.
- Coordination between equipment and architectural plans.

Primary Legal Reference & Official Sources:

- 2010 ADA Standards for Accessible Design.
- [ADA Standards for Accessible Design | ADA.gov](https://www.ada.gov/ADAStandards/ADAStandards.htm)
- [2010-design-standards.pdf](#)

IX. EFFECTIVE COMMUNICATION

The Subrecipient shall take appropriate steps to ensure effective communication with individuals with disabilities when required.

Communication requirements may include appropriate auxiliary aids and services depending upon the circumstances and the individual's communication needs.



Primary Legal References & Official Sources:

- [24 CFR Part 8](#)
 - [24 CFR § 8.6](#)
 - [28 CFR § 35.160](#) if Title II applies.
 - [28 CFR § 36.303](#) if Title III applies.
 - [ADA Requirements: Effective Communication | ADA.gov](#)
-

X. DESIGN → BIDDING → CONSTRUCTION → INSPECTION → CLOSEOUT

Accessibility compliance shall be addressed throughout the entire project life cycle.

A. Design

The Subrecipient shall identify applicable accessibility requirements before construction documents are finalized. The architect or engineer shall review the plans for accessibility.

- **Written Standard-Designation Memo:** The Subrecipient must issue a formal, written standard-designation memo specifying whether the project will follow the 2010 ADA Standards (under the HUD Deeming Notice [79 FR 29671]) or UFAS. This memo must be executed before plans are finalized.
- **Texas Architectural Barriers Act (TABAA):** In accordance with Tex. Gov't Code ch. 469 and 16 TAC ch. 68, any project with an estimated construction cost of \$50,000 or more must be formally registered with the Texas Department of Licensing and Regulation (TDLR). The project must undergo a Registered Accessibility Specialist (RAS) plan review during design and a RAS inspection after construction.

Reference: [24 CFR §§ 8.20–8.25](#) (HUD Section 504 Program & Physical Accessibility); [HUD Federal Register Notice 79 FR 29671](#) (Use of Alternative Accessibility Standard); applicable ADA Title II requirements ([42 U.S.C. §§ 12131–12165](#)).

B. Bidding

Accessibility requirements shall be incorporated into all plans, specifications, bid documents, and construction contracts.

- **Standard Designation:** Bid solicitations must state the designated federal standard (UFAS or 2010 ADA Standards with HUD exceptions).
- **TDLR Registration:** Solicitations for projects $\geq$ \$50,000 must include the official TDLR registration number.
- **RAS Plan Approval:** Subrecipients must secure RAS design approval prior to awarding the construction contract.



- **Contractor Clause:** Final contracts must feature a binding clause requiring construction in strict compliance with TAS and federal standards.

Reference: [24 CFR §§ 8.20–8.21](#); [2 CFR § 200.318 – 200.327](#) (Uniform Administrative Requirements for Federal Awards — Procurement Standards); [HUD Federal Register Notice 79 FR 29671](#); [Tex. Gov't Code § 469.102\(a\)](#) ; applicable ADA requirements.

C. Construction

The Subrecipient shall monitor construction for compliance with approved accessibility plans and specifications. Changes affecting accessibility shall be reviewed by the appropriate design professional before implementation.

Reference: [24 CFR § 8.21](#) (HUD Non-housing Facilities); [24 CFR §§ 8.20–8.25](#); [HUD Federal Register Notice 79 FR 29671](#); [16 TAC § 68.50](#) ; applicable ADA new-construction requirements ([28 CFR § 35.151](#)).

D. Inspection

Before final closeout, the Subrecipient shall arrange for an appropriate accessibility inspection or qualified review by a licensed architect or engineer, or a Texas Registered Accessibility Specialist (RAS). The review shall address all applicable accessibility elements.

- **On-Site Verification:** A physical, on-site walk-through is mandatory to measure field tolerances (such as concrete cross-slopes, grab bar placement, and door operating force).
- **Mandatory RAS Inspection:** For Texas projects with construction costs $\geq$ \$50,000, the Subrecipient must coordinate and execute a formal inspection by a licensed RAS within one year of substantial completion.
- **Deficiency Remediation:** If the inspection report identifies non-compliant items, the contractor must correct the defects before final program approval can be issued.

Reference: [24 CFR §§ 8.20–8.21](#); [24 CFR §§ 8.20–8.25](#) (HUD Program Accessibility & Enforcement); [16 TAC § 68.52](#) (TDLR Inspection and Corrective Modifications); [HUD Federal Register Notice 79 FR 29671](#); applicable ADA requirements ([28 CFR § 35.151](#)).

E. Closeout

The Subrecipient shall maintain documentation demonstrating that accessibility requirements were addressed, and deficiencies were corrected.

- **Compliance Documentation Package:** The closeout file must contain the written standard-designation memo, approved design plans, the final TDLR/RAS inspection report, and written evidence of any corrected field deficiencies.



- **Retention Timeline:** All accessibility records must be retained in accordance with federal award requirements to ensure availability for future HUD civil rights audits.

Reference: [24 CFR Part 8 Subpart D](#) (Enforcement and Recordkeeping); [2 CFR § 200.334](#) (Federal Record Retention Requirements); [16 TAC § 68.93](#) (TDLR Record Keeping and Technical Documentation).

XI. SUBRECIPIENT DOCUMENTATION CHECKLIST

The Subrecipient shall maintain, as applicable:

- ☐ Section 504 applicability determination-[Construction Inspections and Accessibility | Texas Department of Housing and Community Affairs](#)
- ☐ Applicability Standard Designated (UFAS vs. ADA)-[HUD Federal Register Notice 79 FR 29671](#)
- ☐ ADA Title II determination- [ADA Title II Evaluator Form](#) (28 CFR § 35.102)
- ☐ ADA Title III determination- [ADA Title III Jurisdiction Guide](#) (28 CFR § 36.102)
- ☐ Architect/engineer accessibility review-[Proof-of-Submission-EAB242N.pdf](#)
- ☐ Approved architectural and engineering plans- [TDLR TABS Online Registration Portal](#)
- ☐ Accessibility specifications-[Texas Accessibility Standards \(TAS\) Manual](#)
- ☐ Site accessibility review-[ADA National Network Facility Checklist Form](#)
- ☐ Parking review-[ADA Network Parking Space Form](#).
- ☐ Accessible-route review.
- ☐ Entrance and door review.
- ☐ Reception/check-in review.
- ☐ Waiting-area review.
- ☐ Exam/treatment-room review.
- ☐ Medical-equipment review-[ADA Center Medical Care Facilities Addendum](#).
- ☐ Restroom review-[Priority 3: Toilet Rooms Technical Form](#)
- ☐ Counter/service-area review.



- ☐ Signage review-HUD Exceptions*
- ☐ Alarm/communication review-HUD Exceptions*
- ☐ Elevator/vertical-access review, if applicable.
- ☐ Accessibility requirements incorporated into bid documents-[2 CFR 200 Procurement Standard Checklist](#)
- ☐ Construction accessibility review.
- ☐ Deficiency correction documentation-(EAB-229N)
- ☐ Final accessibility inspection.
- ☐ Final accessibility certification.
- ☐ Supporting records retained-[Federal Subrecipient Recordkeeping and Award Compliance Form](#)

Primary References & Official Sources:

- [24 CFR §§ 8.20–8.21](#)
- 2 CFR 200.318- 2 CFR 200.326 procurement standards
- [24 CFR Part 8](#)
- [2 CFR § 200.334](#)
- [2 CFR 200.302 Financial Management](#)
- [2 CFR 200.318\(i\) Procurement records](#)
- [2 CFR 200.318 Procurement Standards](#)
- [24 CFR 570.506 \(CDBG\)](#)
- [24 CFR 92.508 \(HOME\)](#)
- [24 CFR 576.500 \(ESG\)](#)
- [24 CFR 8.55](#)

XII. FINAL ACCESSIBILITY CERTIFICATION

Before final project closeout, the Subrecipient shall provide a written accessibility certification signed by an authorized representative of the Subrecipient.

The certification shall identify the applicable accessibility requirements and state that the completed project has been reviewed for compliance with applicable Section 504 and ADA requirements.

The County shall require supporting documentation or certification from the project's architect, engineer, accessibility professional, or other qualified professional.

Primary Reference & Official Sources:

- [24 CFR §§ 8.20–8.21](#)
- Applicable ADA Title II or Title III requirements.



XIII. ARCHITECT / ENGINEER VERIFICATION OF TECHNICAL REQUIREMENTS

The Subrecipient's architect, engineer, accessibility consultant, or other qualified professional shall verify the technical requirements applicable to the project, including:

- Clearances.
- Slopes and cross slopes.
- Turning spaces.
- Door maneuvering clearances.
- Counter dimensions.
- Restroom dimensions.
- Grab-bar locations.
- Parking dimensions.
- Accessible route dimensions.
- Signage requirements.
- Medical-equipment clearances.

Primary References & Official Sources:

- [24 CFR §§ 8.20–8.21](#)
- [ADA Standards for Accessible Design | ADA.gov](#)
- [24 CFR Part 8](#)
- [HUD Federal Register Notice 79 FR 29671](#)
- DOJ — 2010 ADA Standards

XIV. BUILDING PERMIT OR GENERAL INSPECTION DOES NOT ESTABLISH SECTION 504 COMPLIANCE

A building permit, certificate of occupancy, general building inspection, fire inspection, or other State or local governmental approval does not, by itself, establish compliance with HUD Section 504.

Similarly, compliance with a State or local building code does not necessarily establish compliance with every applicable Federal accessibility requirement.

The Subrecipient remains responsible for demonstrating compliance with applicable Federal accessibility requirements. TDLR registration and an RAS inspection establish Texas Accessibility Standards (TAS) compliance only

Primary References & Official Sources:

- [24 CFR Part 8](#)
- [24 CFR § 8.21](#)
- Applicable ADA requirements.
- [Law, Regulations & Standards | ADA.gov](#)



XV. CORRECTION OF ACCESSIBILITY DEFICIENCIES

If an accessibility deficiency is identified during design, construction, inspection, or closeout, the Subrecipient shall promptly correct the deficiency or provide an acceptable corrective action plan.

The County may require revised drawings, professional documentation, photographs, inspection reports, or other evidence demonstrating correction.

Primary References:

- 24 CFR §§ 8.20–8.21.
 - Applicable ADA requirements.
 - Applicable Subrecipient Agreement provisions.
-

XVI. SUBRECIPIENT ACKNOWLEDGMENT

By accepting HUD funds for a project subject to this Exhibit, the Subrecipient acknowledges that:

1. Section 504 applies to the HUD-funded project as required by Federal law.
2. 24 CFR § 8.21(a) applies to new construction of non-housing facilities.
3. The 5%/2% accessible-dwelling-unit requirements in 24 CFR § 8.22 are not the accessibility formula for a clinic.
4. ADA Title II or Title III may independently apply.
5. Accessibility shall be addressed during design, bidding, construction, inspection, and closeout.
6. The Subrecipient shall maintain documentation demonstrating accessibility compliance.
7. A building permit, certificate of occupancy, or general inspection does not, standing alone, establish HUD Section 504 compliance.
8. The project's qualified design professionals shall verify the technical accessibility requirements applicable to the project.
9. The Subrecipient shall provide a final accessibility certification before project closeout.

Primary References & Official Sources:

- 24 CFR Part 8.
 - 24 CFR §§ 8.20–8.22.
 - 28 CFR Parts 35 and 36.
 - [HUD Federal Register Notice 79 FR 29671](#)
 - 2010 ADA Standards.
-



XVII. PRIMARY REFERENCE LIBRARY

For ease of administration, the following official sources should be maintained with this Exhibit and provided to Subrecipients as appropriate:

HUD / Section 504

- 24 CFR Part 8 — HUD Section 504 Regulations
- 24 CFR § 8.21 — Non-Housing Facilities
- 24 CFR § 8.22 — Housing Facilities
- [HUD Federal Register Notice 79 FR 29671](#)
- HUD Section 504 / Disability Rights Resources

ADA

- DOJ — 2010 ADA Standards
- 2010 ADA Standards — Full PDF
- ADA Title II Regulations
- ADA Title III Regulations
- ADA.gov — Laws, Regulations & Standards

XVIII. TECHNICAL STANDARD DISCLAIMER*

This Exhibit establishes County-level accessibility compliance and documentation expectations. It is not a substitute for project-specific architectural, engineering, accessibility, or legal review.

The Subrecipient shall rely upon appropriately qualified professionals to determine the technical accessibility requirements applicable to the project's design, construction, site conditions, medical equipment, and intended use. For medical care facilities, this includes consideration of accessibility requirements applicable to exam table transfer surfaces, required clearances, accessible diagnostic equipment, and other medical equipment and spaces necessary to provide accessible services.

Where Federal, State, local, ADA, Section 504, building-code, or other requirements apply simultaneously, the Subrecipient shall consult the appropriate qualified professionals and governmental authorities to determine the requirements applicable to the project.

Primary References & Official Sources:

- 24 CFR Part 8.
- [HUD Federal Register Notice 79 FR 29671](#)
- 2010 ADA Standards.
- Applicable ADA regulations.
- 2010 Standards (208.2, 223, 805)*
- U.S. Access Board MDE Standards (36 CFR Part 1195)*
- DOJ/HHS technical assistance*





DEPARTMENT CONTACT & RESOURCES

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