

of 1973, as amended, such entities shall provide *residential dwelling units* with mobility features complying with 809.2 through 809.4 in a number required by the applicable HUD regulations. *Residential dwelling units* required to provide mobility features complying with 809.2 through 809.4 shall be on an *accessible* route as required by 206. In addition, such entities shall provide *residential dwelling units* with communication features complying with 809.5 in a number required by the applicable HUD regulations. Entities subject to 233.2 shall not be required to comply with 233.3.

Advisory 233.2 Residential Dwelling Units Provided by Entities Subject to HUD

Section 504 Regulations. Section 233.2 requires that entities subject to HUD's regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended, provide residential dwelling units containing mobility features and residential dwelling units containing communication features complying with these regulations in a number specified in HUD's Section 504 regulations. Further, the residential dwelling units provided must be dispersed according to HUD's Section 504 criteria. In addition, Section 233.2 defers to HUD the specification of criteria by which the technical requirements of this document will apply to alterations of existing facilities subject to HUD's Section 504 regulations.

233.3 Residential Dwelling Units Provided by Entities Not Subject to HUD Section 504 Regulations. *Facilities* with *residential dwelling units* provided by entities not subject to regulations issued by the Department of Housing and Urban Development (HUD) under Section 504 of the Rehabilitation Act of 1973, as amended, shall comply with 233.3.

233.3.1 Minimum Number: New Construction. Newly constructed *facilities* with *residential dwelling units* shall comply with 233.3.1.

EXCEPTION: Where *facilities* contain 15 or fewer *residential dwelling units*, the requirements of 233.3.1.1 and 233.3.1.2 shall apply to the total number of *residential dwelling units* that are constructed under a single contract, or are developed as a whole, whether or not located on a common *site*.

233.3.1.1 Residential Dwelling Units with Mobility Features. In *facilities* with *residential dwelling units*, at least 5 percent, but no fewer than one unit, of the total number of *residential dwelling units* shall provide mobility features complying with 809.2 through 809.4 and shall be on an *accessible* route as required by 206.

233.3.1.2 Residential Dwelling Units with Communication Features. In *facilities* with *residential dwelling units*, at least 2 percent, but no fewer than one unit, of the total number of *residential dwelling units* shall provide communication features complying with 809.5.

233.3.2 Residential Dwelling Units for Sale. *Residential dwelling units* offered for sale shall provide *accessible* features to the extent required by regulations issued by Federal agencies under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, as amended.

Advisory 233.3.2 Residential Dwelling Units for Sale. A public entity that conducts a program to build housing for purchase by individual home buyers must provide access according to the requirements of the ADA regulations and a program receiving Federal financial assistance must comply with the applicable Section 504 regulation.