ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 5-1 TO REPEAL
ARTICLE 3 (ACCESSIBILITY IN HOUSING CONSTRUCTED WITH PUBLIC
FUNDS); AMENDING CITY CODE CHAPTER 25-12, ARTICLE 11
(RESIDENTIAL CODE) RELATING TO ACCESSIBILITY REQUIREMENTS
FOR SINGLE-FAMILY AND DUPLEX CONSTRUCTION; AND WAIVING THE
REQUIREMENT OF CITY CODE SECTION 25-1-502(D).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 5-1 (Housing Discrimination) of the City Code is amended to repeal
Article 3 (Accessibility in Housing Constructed with Public Funds)

PART 2. City Code Section 25-12-241 (Residential Code) is amended to repeal and
replace Subsection (B) to read

(B) The following provisions of the 2006 International Residential Code are
deleted

Section R103  Section R105 2  Section R105 3 1 1  Section R105 3 2  Section R105 5  Section R105 1.3  Section R106 1.3  Section R109 1.3  Section R110 3  Section R112  Part VI  Part VII  Part VIII

PART 3. City Code Section 25-1-243 (Local Amendments to the Residential Code) is
amended to add the following new sections

SECTION R322
ACCESSIBILITY

R322.1 Scope. The requirements of this section apply to new construction of a single-
family dwelling or duplex for which a building permit application is submitted after
January 1, 2009  Where there are four or more dwelling units or sleeping units in a single
structure, the provisions of Chapter 11 of the *International Building Code* for Group R-3 shall apply

**R322.2 Definitions.** The following definitions apply in this section

ACCESSIBLE ROUTE has the meaning prescribed by City Code Chapter 25-12, Article 1 (*Building Code*)

FIRST STORY has the meaning prescribed by City Code Chapter 25-12, Article 1 (*Building Code*)

HABITABLE SPACE has the meaning prescribed by City Code Chapter 25-12, Article 1 (*Building Code*)

RAMP has the meaning prescribed by City Code Chapter 25-12, Article 11 (*Residential Code*)

SITE TEST has the meaning prescribed by the Individual Building Test or Site Analysis Test established in Chapter 1 of the United States Department of Housing and Urban Development Fair Housing Act Design Manual

**R322.3 Waiver of Exterior Accessibility Requirements.**

**R322.3.1 Waiver by building official.** The building official may waive the requirements of Section R322 4 for a site or lot, as applicable, if an applicant files a written waiver application demonstrating that

1. the topography of the site meets the site test, or
2. the lot
   a. is located in a National Register Historic District,
   b. has an area of 3,600 square feet or less, and
   c. has a 10 percent or greater slope from the public right-of-way to the entrance

**R322.3.2 Waiver by building official or city council.** The building official or city council, as applicable, may waive the requirements of Section R322 4 if an applicant files a written waiver application demonstrating that the lot

1. has an area of 3,960 square feet or less,
2 is a corner lot or adjacent to a corner lot, and

3 has access to required off-street parking from a rear alley that has a slope of
10 percent or more at the portion of the alley adjacent to the lot

**Exception:** The building official may not grant waivers under Section 322 3 1 or Section
322 3 2 for more than five percent of the lots in a subdivision

**R322.4 Building entrances.** Habitable space in a dwelling unit located on the first story
must include at least one building entrance on the first story served by a ramp or no-step
entrance. A building entrance door must have a minimum net clear opening of 32 inches
The building entrance may be at the front, side, or back of a dwelling provided it is
served by an accessible route, including a walking surface from a garage, ramp, sidewalk,
or public right-of-way that is within 200 feet of the building entrance. If a building
entrance includes a no-step entrance, the maximum distance between the interior floor
level of the building entrance and the adjacent walking surface level may not be greater
than one-half inch

**R322.5 Interior doors.** Except for a door that provides access to a closet of fewer than
15 square feet in area, interior doors located on the first story of a dwelling unit must
have a minimum clear opening of at least 30 inches (762 mm). A two foot eight inch
door opening (813 mm) or standard six foot (1829 mm) sliding patio door assembly
complies with this requirement. Lever door handle hardware is required on the affected
doors

**R322.6 Accessible routes within dwelling units.** A dwelling unit must provide an
accessible route through the hallways and passageways of the first story of the dwelling
unit. The route must provide a minimum width of 36 inches (914 mm) and be level with
ramped or beveled changes at door thresholds

**R322.7 Wall reinforcement in bathrooms.** If a water closet room or bathroom is
provided on the first story of a dwelling unit, the water closet room or bathroom must
contain a toilet and a lavatory and have reinforced walls that meet the following
standards

1 lateral two-inch (51 mm) by six-inch (152 mm) or larger nominal wood
blocking must be installed flush with stud edges of bathroom walls

2 the centerline of the blocking must be 34 inches (836 mm) from and parallel
to the interior floor level
Exceptions:

1. Blocking is not required in the portion of the water closet room or bathroom wall located directly behind the lavatory.

2. If more than one water closet room or bathroom is provided on the first floor of a dwelling unit, only one water closet room or bathroom is required to meet the blocking standards in this section.

SECTION E3301
SWITCHES

E3301.1 Accessible light switches and thermostats. A light switch or thermostat located on the first story of a dwelling unit must not be higher than 48 inches (1219 mm) above the interior floor level.

E3301.2 Accessible disconnecting switches. The main electrical disconnecting switch or breakers for a dwelling unit must not be higher than 48 inches (1219 mm) above the interior floor level, walking surface, or adjacent grade and at least 30 inches (762 mm) above the interior floor level, walking surface or adjacent grade.

SECTION E3302
RECEPTACLES

E3302.1 Accessible receptacles. Receptacles must be at least 15 inches (381 mm) above the interior floor level.

PART 4. The city manager is directed to monitor the administration of the accessibility requirements adopted by this ordinance, as codified in Sections R322, E3901, and E3902 of the Residential Code.

PART 5. The city council waives the requirement for review by the appropriate technical board under City Code Section 25-1-502(D).

PART 6. This ordinance takes effect on _____________, 2008.
PASSED AND APPROVED

________________________, 2008

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Will Wynn
Mayor

APPROVED: __________________________  ATTEST: __________________________

David Allan Smith  Shirley A Gentry
City Attorney  City Clerk
The draft ordinance posted as backup (Ordinance) for this agenda item is amended as set forth below. All un-amended sections of the ordinance shall remain in place as shown on the council backup.

**Replace Part 3 of the ordinance with the following:**

**PART 3.** City Code Section 25-12-243 (Local Amendments to the Residential Code) is amended to add the following new sections.

**SECTION R322**

**ACCESSIBILITY**

**R322.1 Scope.** The requirements of this section apply to new construction of a single-family dwelling or duplex for which a building permit application is submitted after January 1, 2009. Where there are four or more dwelling units or sleeping units in a single structure, the provisions of Chapter 11 of the International Building Code for Group R-3 shall apply.

**R322.2 Accessible bathrooms within dwelling units.** If a water closet room or bathroom is provided on the first story of a dwelling unit, the water closet room or bathroom must have a minimum clear opening of at least 30 inches (762 mm).

**R322.3 Wall reinforcement in bathrooms.** If a water closet room or bathroom is provided on the first story of a dwelling unit, the water closet room or bathroom must contain a toilet and a lavatory and have reinforced walls that meet the following standards:

1. lateral two-inch (51 mm) by six-inch (152 mm) or larger nominal wood blocking must be installed flush with stud edges of bathroom walls, and
2. the centerline of the blocking must be 34 inches (836 mm) from and parallel to the interior floor level

**Exceptions:**

1. Blocking is not required in the portion of the water closet room or bathroom wall located directly behind the lavatory.
2. If more than one water closet room or bathroom is provided on the first floor of a dwelling unit, only one water closet room or bathroom is required to meet the blocking standards in this section.

✓ **Delete Part 1 of the ordinance, and renumber the remaining sections accordingly.**

This leaves City Code Chapter 5-1 (*Housing Discrimination*), Article 3 (*Accessibility in Housing Constructed with Public Funds*) in place.