

Late Backup

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 R301 2 4	Section R602 8 1
Section 105 2	Table R301 2(1)	Section R602 8 1 1
Section R105 3 1 1	Section R302	Section R702 6
Section R105 3 2	Section R302 1	Section M1305 1 3
Section 105 5	Table R302 1	Section M1305 1 3 1
Section R106 1.3	Section R309 5	Section M2201 6
Section R109 1 3	Section R322	Section E3901
Section R110 3	Section R324	Section E3902
Section R112	Section R602 8	Part IV
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,

1 2 is a corner lot or adjacent to a corner lot, and

2 3 has access to required off-street parking from a rear alley that has a slope of
3 10 percent or more at the portion of the alley adjacent to the lot

4 **Exception:** The building official may not grant waivers under Section 322 3 1 or Section
5 322 3 2 for more than five percent of the lots in a subdivision

6
7 **R322.4 Building entrances.** Habitable space in a dwelling unit located on the first story
8 must include at least one building entrance on the first story served by a ramp or no-step
9 entrance. A building entrance door must have a minimum net clear opening of 32 inches.
10 The building entrance may be at the front, side, or back of a dwelling provided it is
11 served by an accessible route, including a walking surface from a garage, ramp, sidewalk,
12 or public right-of-way that is within 200 feet of the building entrance. If a building
13 entrance includes a no-step entrance, the maximum distance between the interior floor
14 level of the building entrance and the adjacent walking surface level may not be greater
15 than one-half inch.

16 **R322.5 Interior doors.** Except for a door that provides access to a closet of fewer than
17 15 square feet in area, interior doors located on the first story of a dwelling unit must
18 have a minimum clear opening of at least 30 inches (762 mm). A two foot eight inch
19 door opening (813 mm) or standard six foot (1829 mm) sliding patio door assembly
20 complies with this requirement. Lever door handle hardware is required on the affected
21 doors.

22
23 **R322.6 Accessible routes within dwelling units.** A dwelling unit must provide an
24 accessible route through the hallways and passageways of the first story of the dwelling
25 unit. The route must provide a minimum width of 36 inches (914 mm) and be level with
26 ramped or beveled changes at door thresholds.

27
28 **R322.7 Wall reinforcement in bathrooms.** If a water closet room or bathroom is
29 provided on the first story of a dwelling unit, the water closet room or bathroom must
30 contain a toilet and a lavatory and have reinforced walls that meet the following
31 standards:

32 1 lateral two-inch (51 mm) by six-inch (152 mm) or larger nominal wood
33 blocking must be installed flush with stud edges of bathroom walls.

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

1 **Exceptions:**

- 2
- 3 1 Blocking is not required in the portion of the water closet room or bathroom
- 4 wall located directly behind the lavatory
- 5 2 If more than one water closet room or bathroom is provided on the first floor
- 6 of a dwelling unit, only one water closet room or bathroom is required to
- 7 meet the blocking standards in this section
- 8

9 **SECTION E3301**

10 **SWITCHES**

11 **E3301.1 Accessible light switches and thermostats.** A light switch or thermostat

12 located on the first story of a dwelling unit must not be higher than 48 inches (1219 mm)

13 above the interior floor level

14 **E3301.2 Accessible disconnecting switches.** The main electrical disconnecting switch

15 or breakers for a dwelling unit must not be higher than 48 inches (1219 mm) above the

16 interior floor level, walking surface, or adjacent grade and at least 30 inches (762 mm)

17 above the interior floor level, walking surface or adjacent grade

18

19 **SECTION E3302**

20 **RECEPTACLES**

21 **E3302.1 Accessible receptacles.** Receptacles must be at least 15 inches (381 mm)

22 above the interior floor level

23

24 **PART 4.** The city manager is directed to monitor the administration of the accessibility

25 requirements adopted by this ordinance, as codified in Sections R322, E3901, and E3902

26 of the Residential Code

27

28 **PART 5.** The city council waives the requirement for review by the appropriate

29 technical board under City Code Section 25-1-502(D)

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31 **PART 6.** This ordinance takes effect on _____, 2008

1
2 **PASSED AND APPROVED**
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6 _____, 2008 §
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Will Wynn
Mayor

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11 **APPROVED:** _____
12 David Allan Smith
13 City Attorney

ATTEST: _____
Shirley A Gentry
City Clerk

EXHIBIT A TO MOTION SHEET FOR ITEM NO. 94

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.

3 **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).

X **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.