Visitability

Staff Report
December 1, 2013

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6. Stakeholders agreed on 3 Waivers
1. VISITABILITY OVERVIEW

a. Defined: Neither federal nor state law establishes visitability requirements. “Visitability” is defined as a very basic level of accessibility that enables people with physical limitations to easily visit homes.

Three architectural conditions usually distinguish a visitable home:
(1) one entrance with no steps,
(2) doorways clear opening 32 inches, and
(3) at least one half-bath on the main floor.

b. Research and Public Policy Supporting Visitability

While federal law does not regulate visitability housing, the Fair Housing Amendments Act of 1988 and Americans with Disabilities Act contain certain accessibility requirements that benefit individuals with disabilities. “Accessible housing” is a more comprehensive design scheme requiring, among other things, kitchens that are accessible for people in wheelchairs and reinforced shower walls to allow for the installation of shower seats.

Accessible housing presumes that a person with a disability will live in the unit, while visitable housing provides merely the ability to visit it.

Towns in a number of states have passed mandatory visitability laws. These laws vary by jurisdiction, but generally apply to publicly-funded homes only or to both publicly- and privately-funded homes. Vermont is the only state that has a comprehensive mandatory visitability law. Many towns and states have implemented visitability initiatives, which include offering reimbursements or tax incentives to builders who voluntarily build visitable homes.

c. Visitability Laws in other Municipalities

Publicly-Funded Homes Only

Town Laws. Atlanta, Georgia passed the first visitability ordinance in 1992. The ordinance applies only to private homes that receive local, state, or federal benefits such as city loans, land grants, and tax incentives. It requires one no-step entrance, doorways at least 32 inches wide, electric controls reachable by people in wheelchairs, and reinforced bathroom walls to allow for the installation of grab bars.

In 1998, Austin, Texas passed a visitability ordinance nearly identical to the one in Atlanta. It only applies to newly constructed single family homes, duplexes, and triplexes that receive financial assistance from the city. A number of other towns have passed similar legislation, including: Urbana, Illinois (2000); San Antonio, Texas (2002); St. Petersburg, Florida (2004); Birmingham, Alabama (2007); and Pine Lake, Georgia (2007).
State Laws. Within the last 12 years, eight states have passed legislation mandating visitability for specific types of housing built using certain state funds. They are: Georgia, Kansas, Kentucky, Michigan, Minnesota, Ohio, Oregon, and Texas. Minnesota, for example, requires visitability in all new single or multi-family homes financed in whole or in part by the Minnesota Housing Finance Authority. The law requires at least one no-step entrance, interior doors 32 inches wide, and at least one half-bath on the main living level.

Publicly- and Privately-Funded Homes

Town Laws. In February 2002, Pima County, Arizona enacted the first mandatory visitability ordinance for all publicly- and privately-funded homes. This ordinance applies to all new homes and requires a no-step entry, doorways at least 30 inches wide, lever door handles, reinforced walls in ground-floor bathrooms for future installation of grab bars, and reachable electric controls for people in wheelchairs. Builders can obtain an exemption from the no-step requirement where the site makes it impractical. Another Arizona town, Tucson, adopted a similar ordinance in 2007. In addition, three Illinois towns (Bolingbrook, Naperville, and Chicago) have passed legislation mirroring the Pima County ordinance.

State Laws. Vermont is the only state to require comprehensive visitability in certain new, single family homes built with and without public funds (20 V.S.A. § 2907). Vermont requires that all homes built without a known owner, must have: 1) one exterior door at least 36 inches wide, 2) first floor interior doors at least 34 inches wide, 3) first floor interior doorways at least 32 inches wide, 4) 36 inch wide hallways, 5) accessible electric controls, and 6) reinforced bathroom walls. Homes built by the owner or for the occupancy of a known owner are exempt from these requirements.

Florida has a less comprehensive visitability scheme, known as the Florida Bathroom Law, which requires builders to design and construct accessible bathrooms in publicly- and privately-funded homes (Fla. Stat. § 553.504(2)).

d. Voluntary Visitability Initiatives

A number of states and towns have initiatives to encourage voluntary and non-voluntary visitability in construction.

SEE ATTACHED CHART RELATED TO IMPLEMENTATION OF VISITABILITY LAWS IN THE U.S. (Page 22)
2. **WHAT LAWS ARE CURRENTLY IN PLACE FOR AUSTIN?**

<table>
<thead>
<tr>
<th>Act</th>
<th>Applies to</th>
<th>Description</th>
</tr>
</thead>
</table>
| Fair Housing Act                         | **MULTIFAMILY DWELLINGS**                      | Applies to - MULTIFAMILY DWELLINGS  
(4) In connection with the design and construction of covered multifamily dwellings for first occupancy after September 13, 1991, a failure by the owner to design and construct those dwellings in a manner that: (a) the dwellings have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; |
| City Code Chap. 5-1-1                    |                                               |                                                                                                                                         |
| Fair Housing Act                         | **MULTIFAMILY DWELLINGS**                      | Applies to – MULTIFAMILY DWELLINGS  
§ 5-1-181 BUILDING ENTRANCES. (A) 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. (B) 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, or sidewalk. (C) 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 be no greater than one-half inch. |
| Visitability                             |                                               |                                                                                                                                         |
| City Code Chap. 5-1-171                  |                                               |                                                                                                                                         |
| (Visitability ORDINANCE 20040115-045)    |                                               |                                                                                                                                         |
| Smart Housing                            | **PUBLIC FUNDED PROJECTS**                     | Applies to - PUBLIC FUNDED PROJECTS  
(B) S.M.A.R.T. Housing must:  
(1) be safe by providing housing that complies with Title 25 of the City Code (Land Development);  
(2) provide mixed-income housing by including dwelling units that are reasonably-priced, as described in Subsections (C) and (D);  
(3) provide for accessibility by:  
(a) including dwelling units that comply with the accessibility requirements of the Building Code in:  
(1) each building with four or more dwelling units; and  
(2) at least 10 percent of the dwelling units in each development; or  
(b) for a development with three or fewer dwelling units, complying with the design and construction requirements of Chapter 5-1, Article 3, Division 2 (Design and Construction Requirements); and  
(4) comply with the transit oriented guidelines adopted by the director; and  
(5) achieve at least a one star rating under the Austin Green Building program. |
| City Code Chap 25-1-701                  |                                               |                                                                                                                                         |
| Smart Housing  
City Code Chap 25-1-703  
Exterior Route | **Smart Housing Program Requirements** (City Code 25-1-703)  
- as prescribed in the **Fair Housing Act, City Code 5-1-133**  

(A) The Building Official may waive the requirements for a site or lot if the applicant files a written application that demonstrates 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.  
(B) The Building Official or the council may waive the requirements in accordance with this section.  
(1) For a lot to be eligible for a waiver, the applicant must file a written application that demonstrates that:  
   a) the lot has an area of 3,960 square feet or less;  
   b) the lot is a corner lot or adjacent to a corner lot;  
   c) the access to the lot's required off-street parking is from a rear alley; and  
   d) the portion of the alley adjacent to the lot has a slope of 10 percent or more. |

**ADA Requirements only apply to Commercial Construction**
<table>
<thead>
<tr>
<th>Visitability ORDINANCE 20080618-094</th>
<th>Applies to – NON-PUBLIC FUNDED PROJECTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Council RCA Agenda Item #94</td>
<td>Conduct a public hearing and consider an ordinance amending City Code Chapter 5-1 (Housing Discrimination), City Code Section 25-12-241 (Residential Code), and the 2006 International Residential Code to require all new single-family homes and duplexes to comply with certain accessibility or “visitability” standards now applicable only to publicly funded housing. Not recommended by the Building &amp; Fire Code Board of Appeals or the Electric Board. (Included No Step Entrance language for ALL new residential construction.)</td>
</tr>
<tr>
<td>Council minutes: Approved on a 7-0 vote with amendments:</td>
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<tr>
<td>A) Blocking in a first-floor bathroom, so that it can be easily converted for wheelchair use; and</td>
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<tr>
<td>B) If a bathroom is provided on the first floor, have at least one bathroom with a door that is 30-inches clear or greater in width; and</td>
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<tr>
<td>C) Delete the section of the ordinance repealing the current visitability requirements for publicly funded housing. (Deleting the No Step Entrance section).</td>
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<tr>
<td>Item C language that was deleted:</td>
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<tr>
<td>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.</td>
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ORDINANCE NO. 20080618-094

AN ORDINANCE 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. 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 R602.8.11 |
| Section R105.3.1 | Section R302 | Section R702.6 |
| Section R105.3.2 | Section R302.1 | Section M1305.1.3 |
| Section 105.5 | Table R302.1 | Section M1305.13.1 |
| 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 2. 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
3. **BOARD RECOMMENDATIONS and STAKEHOLDER COLLABORATION**

a. **Stakeholders:**
   - Austin Mayor’s Committee for People with Disabilities
   - ADAPT/ PACT
   - Stuart Hersh
   - Home Builders Association of Greater Austin (HBA)
   - Real Estate Council of Austin

Board Recommendations - Austin Mayor’s Committee for People with Disabilities 03-11-2012
Dear Mr. Haught and Commissioners of the Building and Fire Code Board of Appeals:

My name is Ron Lucey. I am a citizen with a disability and vice chair of the Austin Mayor’s Committee for People with Disabilities. I’m submitting this statement in favor of including the International Building Code amendments to the City of Austin Residential Building Code and Electrical Code that apply to Visitability standards for the construction of new homes.

The Mayor’s Committee is on record as fully supporting Visitability in residential construction since my tenure with the committee began in the mid 1990s. In 2008, the committee was asked by our former Mayor Pro Tem, Betty Dunkerly, to develop and propose ordinance changes to the Residential Building Code to include all visitability standards. At that time, due to pressure from the Austin Home Builders Association, only a few of the easiest visitability standards were adopted by the City Council at that time.

In 2012, Austin stakeholders with disabilities asked the Mayor’s Committee to once again support these changes. The Mayor’s Committee negotiated in good faith with representatives of the Home Builders Association on a balanced reasonable approach to these standards including the most important standard, the inclusion of a no-step entrance into newly constructed homes. We agree that due to topographical challenges not every newly constructed home could easily and affordably include a no step entrance. We agree there should be a reasonable variance process to grant exceptions to the no-step entrance in these situations. We also agree that an extended transition — implementation period should be considered when adopting these visitability standards to allow Austin home builders time to implement these changes into their building plans. We agree that implementation of a no step entrance is a flexible standard that could be met through any of several entrances into a home including the garage or front entrance.

We do NOT agree with allowing a single stakeholder organization to once again prevent progress on this issue for the thousands of Austin residents who will build and purchase a new home and later find they have an essential and unplanned need for visitability to their home for themselves, a family member, a neighbor, or guest, or to simply age in place with reasonable access to their home. Visitability takes away nothing from the enjoyment of a new home for all home owners while adding and ensuring that Austin residents with disabilities can enter a home with dignity and equal access. I’ve witnessed the hardship that was caused to my wife’s aging parents who live in an older home without a no-step entrance. The inclusion of a no-step entrance must be viewed as both an accessibility concern and life-safety issue to ensure fair and equal access to housing for all Austin residents. Please do the right thing for Austin and vote to recommend the inclusion of a no-step entrance into Austin’s residential building code.

Respectfully,

Ron Lucey, Vice Chair, Mayor’s Committee for People with Disabilities
Phone: (512) 377-0577
MEMORANDUM

TO: Austin City Council Members

FROM: Frank Hought, Board Chair, Building and Fire Code Board of Appeals

DATE: March 14, 2013

RE: Board’s Recommendation to adopt the Visibility Stakeholders Group language and include with the proposed code adoption of the 2012 International Residential Code (City Code 25-12-241, Section R322 Accessibility).

Timeline - Stakeholder Process

2/27/13 2nd Public Hearing at the Building and Fire Code Board of Appeals. The Board heard testimony from numerous stakeholders. Board voted unanimously and recommends adoption of the language proposed by the Visibility Stakeholders Group and City staff. The new language will amend the current local amendments of the Residential Code (City Code 25-12-241, Section R322 Accessibility).

12/19/12 1st Public Hearing at the Building and Fire Code Board of Appeals. The Board heard testimony from numerous stakeholders regarding the proposed language. The Board postponed the public hearing and directed staff to reorganize the language. Staff also separated the Visibility language from the proposed 2012 International Residential Code in an effort to move that code forward to adoption.

11/28/12 Visibility Stakeholder Group met at the Home Builders Association office.

10/22/12 Visibility Stakeholder Group met at the Home Builders Association office.

8/15/12 Visibility Stakeholder Group attended a Visibility briefing at the Austin Mayor’s Committee for People with Disabilities (AMCPD) at City Hall.

7/30/12 Visibility Stakeholder Group met at the Home Builders Association office.

6/28/12 City staff held the initial Visibility Stakeholder meeting at 505 Barton Springs Rd. A Stakeholder Group was created to discuss and finalize code language on visibility. Stakeholders included Octavio Gonzalez (Board liaison for AMCPD), Jesus Lardizabal (Board Chair for AMCPD), Stuart Hark, Harry Savio (IBA), Mitch Schwartz, and numerous volume builders including Meritage Homes, DR Horton, Streetman Homes, Pilte Homes, KB Homes, and David Weekly Homes. City staff included Dan McNABB and Tony Hernandez (FDROD Building Inspections), and Ron Menard (FDROD Commercial Plan Review).
Staff Proposed Draft Ordinance – City Council May 23, 2013

Item #108 Conduct a public hearing and consider an ordinance amending Article 11 of City Code Chapter 25-12, the Residential Code, to require additional visitability standards for residential single-family and duplex construction.

DRAFT ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-12, ARTICLE 11 (RESIDENTIAL CODE) RELATING TO ACCESSIBILITY REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEX CONSTRUCTION;

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

Section R320, Article 11 of Chapter 25-12 (Residential Code) is repealed and amended to read as follows:

SECTION R320 VISITABILITY

R320.1 Application. A new dwelling unit with habitable space on the first floor shall be designed and constructed with a bathroom group or a half bath on the first story of the dwelling unit and comply with the requirements of section R320.2 thru R320.3. Only one bathroom group or half bath is required to comply.

R320.2 Visitability Bathrooms within dwelling units. On the first story of the dwelling the bathroom group or the half bath shall have a minimum clear opening of 30 inches (762 mm).

R320.2.1 Wall reinforcement. The bathroom group or half bath shall 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: Blocking is not required in the portion of the wall located directly behind the lavatory.

R320.2.2 Light switches, receptacles and other environmental controls located in the bathroom group or a half bath of a dwelling unit must be no higher than 48 inches above the interior floor level. Receptacles shall be a minimum of 15 inches above the interior floor level.

R320.3 Visitability routes within the dwelling unit. A dwelling unit shall provide a visitability route through the living room, dining room, kitchen and bathroom group or half bath on the first story of the dwelling. The route must provide a minimum clear width of 32 inches. Lever handle doors shall be provided in the interior for the visitability routes.

R320.4 Visitability Building Entrance. Building Entrance requirements shall apply to a new dwelling unit with habitable space on the first floor as practicable in a newly developed lot in all subdivisions submitted for review after January 1, 2016. Lots identified as visitability lots will be required to comply with section R320.4.1 The developer shall predetermine and identify lots that will comply with this section upon the submission for review of the subdivision.

R320.4.1 Building entrance. A new dwelling unit with habitable space on the first floor where determined to be practicable shall be designed and constructed with 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.

1. 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.

2. A no-step entrance maximum distance between the interior floor level of the building entrance and the adjacent walking surface level may be no greater than one-half inch.
a. Council Direction 5-23-2013

REGULAR COUNCIL MINUTES THURSDAY, MAY 23, 2013

108. Conduct a public hearing and consider an ordinance amending Article 11 of City Code Chapter 25-12, the Residential Code, to require additional accessibility or visitability standards for residential single-family and duplex construction. The public hearing was conducted and the motion to close the public hearing and approve the ordinance on first reading was approved with the following amendment, friendly amendment and direction on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

There was an amendment made by Council Member Spelman to strike the wording “and any interior doors must have handles” in section R320.3 of the ordinance. There was a friendly amendment made by Council Member Morrison to create accessibility from the no step entrance to the accessible route. The amendment was accepted by the maker of the motion.

1) Strike interior door handle requirement from the draft ordinance.
2) Amend the draft ordinance such that it is applicable to all new single family and duplex construction.
3) Amend the draft ordinance to include a requirement for an accessible route from no-step entrance to first floor bathroom.

Staff was also directed to:
1) Council requested: Provide an itemized break-down of the $12,500 retrofit estimate (30-inch door, blocking, etc.).

Generally, when the Neighborhood Housing Department retrofits a residence for accessibility, the estimated cost ranges from $10,000 to $15,000. The $15,000 cost would include retrofitting the shower pan for an accessible shower. When the shower cost is not included, then the retrofit would cost is approximately $12,500. This cost for retrofit would include the visitability features below and includes access to the water closet, relocating light switches and receptacles, widening the interior route including doorways, and adding the no step entry and ramp.

<table>
<thead>
<tr>
<th>Estimated Cost – New vs Retrofit</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td><strong>Bathroom Retrofit</strong></td>
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<tr>
<td>-</td>
</tr>
<tr>
<td><strong>Light Switches and Receptacles</strong></td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td><strong>Wider Interior doors</strong></td>
</tr>
<tr>
<td>$10</td>
</tr>
<tr>
<td><strong>No step entry and Ramp</strong></td>
</tr>
<tr>
<td>$0 $2,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
<tr>
<td>$10 $2,000 At least $10,000 At least $10,000</td>
</tr>
</tbody>
</table>
2) Council requested: Develop a waiver policy that is less stringent than what is currently in place. Policy should take into account lot topography and other issues which impact the difficulty and expense of ramp installation.

The Smart Housing Program, City Code §25-1-701, currently has a waiver policy, which is initiated by an application. See application below.

<table>
<thead>
<tr>
<th>Visitation Ordinance Waiver Request Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am requesting a waiver of the no-step entrance and ramp requirements of Chapter 5-1 of the City Code, Article 3, Division 2 for the single-family home/duplex/triplex (circle one) located at the following address:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>I am making this request because my development meets the following test for Waiver of Exterior Accessibility Regulations (indicate one):</td>
</tr>
<tr>
<td>1. Individual Building Test of the Fair Housing Act,</td>
</tr>
<tr>
<td>2. Site Analysis Test of the Fair Housing Act,</td>
</tr>
<tr>
<td>3. National Register Historic District, or</td>
</tr>
<tr>
<td>4. Small Corner Lot.</td>
</tr>
<tr>
<td>The cost for complying with the ramp or no-step entrance requirements of Chapter 5-1 of the City Code, Article 3, Division 2, would be $<strong><strong>. The length of the ramp from the parking space closest to the building to the nearest building entrance would be expected to be _____ feet. The slope of the ramp would be ___ in ____ (</strong></strong>%) and this would include ___ (number) 3 foot x 3 foot landings. I am anticipating receiving $____ in fee waivers for this development and $____ in federal and/or other City assistance (describe in attachment) for this development.</td>
</tr>
<tr>
<td>Owner's Name:</td>
</tr>
<tr>
<td>Owner's Mailing Address:</td>
</tr>
<tr>
<td>Owner's E-Mail Address:</td>
</tr>
<tr>
<td>Owner's Phone Number:</td>
</tr>
<tr>
<td>Owner's FAX Number:</td>
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<tr>
<td>Applicant's Name:</td>
</tr>
<tr>
<td>Applicant's Mailing Address:</td>
</tr>
<tr>
<td>Applicant's E-Mail Address:</td>
</tr>
<tr>
<td>Applicant's Phone Number:</td>
</tr>
<tr>
<td>Applicant's FAX Number:</td>
</tr>
<tr>
<td>Description of Unique Topographical Conditions:</td>
</tr>
<tr>
<td>A copy of the plans is attached.</td>
</tr>
</tbody>
</table>

Owner's Signature and Date

Applicant's Signature and Date

Please mail to S.M.A.R.T. Housing™, City of Austin - NHCD, PO Box 1088, Austin TX 78767 (512) 974-3100 or fax (512) 974-3161.
Smart Housing Program Requirements (City Code 25-1-703) - as prescribed in the Fair Housing Act, City Code 5-1-133

(A) The Building Official may waive the requirements for a site or lot if the applicant files a written application that demonstrates that:

(3) The topography of the site meets the site test; or
(4) The lot;
   d) is located in a National Register Historic District;
   e) has an area of 3,600 square feet or less; and
   f) has a 10 percent or greater slope from the public right-of-way to the entrance.

(B) The Building Official or the council may waive the requirements in accordance with this section.

(2) For a lot to be eligible for a waiver, the applicant must file a written application that demonstrates that:
   e) the lot has an area of 3,960 square feet or less;
   f) the lot is a corner lot or adjacent to a corner lot;
   g) the access to the lot’s required off-street parking is from a rear alley; and
   h) the portion of the alley adjacent to the lot has a slope of 10 percent or more.

Since the inception of the S.M.A.R.T. Housing Program in 2000 through Fiscal Year 2011-12, approximately 6,800 single family units have been built, and out of all this construction, less than 10 structure required waivers.
3) Council requested: Provide information related to the total number of permits issued broken down by subdivision/ SF/ duplex. Provide an estimate of how many projects are submitted with a slope of 3- 4 feet based on a sampling of the referenced permits (per Council discussion).

Staff performed a sampling of 3% of Single Family construction in Austin, and randomly selected 110 properties throughout Austin’s jurisdiction, as illustrated by the map below.
The chart below summarizes the sampling from the map above. The slope of a property is measured from the front property line to the rear property line.

Staff found that:

- Representation of sampling of new construction throughout Austin.
- Staff looked at the slopes of 3% of new SF construction (110 properties).
- Slope is from the front of the property to the rear property line.
- 6% of properties have >10% slope and 3% have > -10% slope.
- 5% of properties exceed 12% slope and 1% exceeds -12% slope.

4) Council requested: Work with stakeholders to develop a fee-in-lieu option in order to provide a choice to a builder to comply or pay a fee to be used by NHCD for visitability improvements.

Staff collaborated with stakeholders on a Fee in-lieu option:

- Stakeholders supporting mandatory visitability do not support any fee in-lieu option.
- Stakeholders not supporting visitability do support a fee in lieu of option.
- Stakeholders discussed that a reasonable fee could be $2,000 per structure or 1% of the valuation of construction, whichever is greater.
- Neighborhood Housing Department would manage the program. The fees received must be spent in the general vicinity and for the same purpose.
- Staff discussed a program like this can be cumbersome and require more staff time.
5) Council requested: Bring the item back for second/third reading after Council has had an opportunity to hear the recommendations of the Mayor’s Task Force on Aging, scheduled to present to Council in August.

The Mayor’s Task Force on Aging provided a briefing to City Council on August 29, 2013. The Task Force strategy included three Goals.

Goal 1. Focus on Age-Inclusive Policies. Strategy included:
- Integrate Age-Inclusive Policies as Criteria for City Decision-Making, and Promote positive impacts on Seniors.
- Expand Home Modification and Repair Services

Goal 2. Focus on Affordable Housing

Goal 3. Focus on Integrating Seniors into Civic Life.
5. VISITABILITY CONSTRUCTION

a. Staff conducted additional Stakeholder meetings and discussed the following 3 components to visitability below.

3 Elements to Visitability:

1\textsuperscript{st} Element – Visitable Bathroom (Blue)
- Require a Visitable bathroom or ½ bath on the first floor,
- Require 30 inch clear doorway, and
- Require wall reinforcement/blocking in visitable bathroom.
- Require light switches, receptacles and environmental controls at a reachable height.

2\textsuperscript{nd} Element - Interior Visitable Route (Red)
- Require No Step threshold entrance of the structure,
- Require a minimum clear opening of 32 inches beginning at the visitable entrance continuing through the living room, dining room, and kitchen.

3\textsuperscript{rd} Element - Exterior Visitable route (Green)
- Require exterior visitable route to the No-Step entrance for all new construction effective January 1, 2016.
b. Planning at pre-construction for an Exterior Visitable Route

Visitability can be attained through planning. Site development is essential to accomplishing visitability. The Bradshaw Crossing development below consists of slopes from 3% to 11%, and the developer was able to provide visitability for the completed subdivision.

In cases of extreme terrain, the International Residential Code (IRC) provides prescriptive requirements for ramps.

“Ramp”- defined by the Adopted 2012 International Residential Code (City Code 25-12-241) as:

A walking surface that has a running Slope > 5%.

<table>
<thead>
<tr>
<th>Slope &lt; 5 %</th>
<th>Slope &gt; 5 % &lt; 8.3%</th>
<th>Slope &gt; 8.3 % &lt; 12.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>This is NOT a ramp. This is just a walking surface because the Slope is &lt; 5%.</td>
<td>The walking surface above has a running slope &gt; 5%, so this is a Ramp. The ramp must comply with the IRC requirements: - have a maximum 1:12 slope (8.3%), and - have a 3’x3’ Landing.</td>
<td>A walking surface with a running slope &gt; 8.3% (1:12), must: - have a 3’x3’ Landing; - requires a handrail on one side; and - Maximum allowable slope is 12.5%.</td>
</tr>
</tbody>
</table>

“Ramp Exceptions “– As provided in the Adopted 2012 International Residential Code, which is a prescriptive code, currently provides numerous exceptions for a variety of construction requirements relating to Ramps.

The IRC lists the following exceptions for Ramp construction. (City Code 25-12-241)

R311.8.1 Ramps shall have a Maximum slope of 1:12 (8.3%).

**Exception:** Technically infeasible to comply because of site constraints, ramps may have a maximum slope of 12.5%.

R311.8.2 Landing is required.

R311.8.3 Handrails required for all ramps exceeding a slope of 1:12 (8.3%).
5. **Stakeholders Agreed on the following waivers.**

Staff met with stakeholders in October 2013 for a follow up meeting to discuss the exterior visitable route. All stakeholders agreed on the following 3 exceptions to waive the exterior visitable route requirement.

1. **Single Family zoned lots of 3,600 Square feet or less.**

**Staff Findings:**
- The 3,600 SF lot is a SF-4A zoned lot and is used as one of the exceptions for Smart Housing.
- SF-4A lot size create design limitations for visitability.
  1. Has a minimum width of 40 feet which results in a 90 foot depth.
  2. Has a 15 foot front yard setback, creates design limitations to build an exterior visitable path from the street or sidewalk.
  3. The visitable route would likely exceed 10% slope.
  4. Creates additional challenges with parking, impervious cover limit of 65%, or if a garage can be included in the design.
- The exterior visitable route creates the ability for citizens to “age in place”.
- Visitability does not meet the Federal and State guidelines for accessibility.
- The Mueller Development PUD consists of small lots less than 3,600 SF. However visitability was accomplished from the alley access.
- There was discussion at the end of the October 2013 stakeholder meeting, but not all stakeholders were present. The discussion involved changing the lot size from 3,600 to 5,750, however, the impact was not discussed nor clarified.

2. **Lots with 10% or greater slope at pre-development;**

**Staff Findings:**
- Staff performed a survey of development across the City and found that less than 6% have slopes greater than 10%, and 3% have a negative slope greater than 10%.
- Smart Housing (City Code 25-1-703) exempts slopes exceeding 10%, per the Fair Housing Act language (City Code 5-1-133). This exemption has been utilized by the Smart Housing Program as a waiver.
3. **Switchback ramps are not required.**

**Staff Findings:**
- *Switchbacks ramps will not be required because they change the aesthetics and characteristics of a neighborhood.*
- *This ordinance provides for visitability, with reasonable expectation of a developer or builder, and does not provide accessibility.*

Switchback Ramps are not required. See examples below.
## Resources:

http://www.concretechange.org/

http://www.udeworld.com/visitability.html

Chart below from udeworld.com summarizes Visitability Laws across the U.S. Available through the Center for Inclusive Design and Environmental Access.

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>County</th>
<th>Type of Homes</th>
<th>Subsidized / Unsubsidized</th>
<th>Mandatory Voluntary</th>
<th>Number of Homes Built</th>
<th>Link to Reference</th>
<th>Reference</th>
<th>Chart Information</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>Atlanta, GA</td>
<td>City of Atlanta</td>
<td>Single family</td>
<td>Unsubsidized</td>
<td>Mandatory</td>
<td>60,000</td>
<td><a href="http://www.concretechange.org/Atlanta">http://www.concretechange.org/Atlanta</a></td>
<td></td>
<td>Pre-renovation</td>
<td>Recessed all doors on accessible entry; minimum 32 inches high.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>houses</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>404-720 - 1110 Instrumentation@internal program</td>
<td></td>
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<tr>
<td>Borough, NY</td>
<td></td>
<td></td>
<td>Private dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>404-200 - 1110 Instrumentation@internal program</td>
<td></td>
</tr>
<tr>
<td>1998</td>
<td>Austin, TX</td>
<td>Travis County</td>
<td>New single</td>
<td>Subsidized</td>
<td>Mandatory</td>
<td>2,600</td>
<td><a href="http://www.udeworld.com/visitability.html">http://www.udeworld.com/visitability.html</a></td>
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<td></td>
<td>Recessed all doors on accessible entry; minimum 32 inches high.</td>
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<td>family houses</td>
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<td>404-200 - 1110 Instrumentation@internal program</td>
<td></td>
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<tr>
<td>1999</td>
<td>Berkeley, CA</td>
<td>Alameda County</td>
<td>New single</td>
<td>Subsidized</td>
<td>Mandatory</td>
<td>1,200</td>
<td><a href="http://www.udeworld.com/visitability.html">http://www.udeworld.com/visitability.html</a></td>
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<td></td>
<td>Recessed all doors on accessible entry; minimum 32 inches high.</td>
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<td>family houses</td>
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<td>404-200 - 1110 Instrumentation@internal program</td>
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<tr>
<td>2000</td>
<td>Boston, MA</td>
<td>Suffolk County</td>
<td>New single</td>
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<td>Mandatory</td>
<td>2,600</td>
<td><a href="http://www.udeworld.com/visitability.html">http://www.udeworld.com/visitability.html</a></td>
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<td></td>
<td>Recessed all doors on accessible entry; minimum 32 inches high.</td>
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<td>County</td>
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<td>404-200 - 1110 Instrumentation@internal program</td>
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<tr>
<td>Year</td>
<td>City/County</td>
<td>Acreage</td>
<td>Restrictions</td>
<td>Website</td>
<td>Accessibility Information</td>
<td></td>
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<tr>
<td>2001</td>
<td>San Diego, CA</td>
<td>3 acres</td>
<td>No step entry, 12 inch minimum</td>
<td><a href="http://www.sandiego.gov">www.sandiego.gov</a></td>
<td>Residential must have a wheelchair access ramp.</td>
<td></td>
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</tr>
<tr>
<td>2011</td>
<td>Howard County, MD</td>
<td>5 acres</td>
<td>No step entry, 12 inch minimum</td>
<td><a href="http://www.howardcounty.gov">www.howardcounty.gov</a></td>
<td>Residential must have a wheelchair accessible entrance.</td>
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<tr>
<td>2011</td>
<td>Allegheny, PA</td>
<td>10 acres</td>
<td>No step entry, 12 inch minimum</td>
<td><a href="http://www.alleghenycounty.us">www.alleghenycounty.us</a></td>
<td>Residential must have a wheelchair accessible entrance.</td>
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<tr>
<td>2002</td>
<td>Scranton, PA</td>
<td>20 acres</td>
<td>No step entry, 12 inch minimum</td>
<td><a href="http://www.scrantonpa.gov">www.scrantonpa.gov</a></td>
<td>Residential must have a wheelchair accessible entrance.</td>
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<tr>
<td>2002</td>
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<td>25 acres</td>
<td>No step entry, 12 inch minimum</td>
<td><a href="http://www.scrantonpa.gov">www.scrantonpa.gov</a></td>
<td>Residential must have a wheelchair accessible entrance.</td>
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</tr>
<tr>
<td>2002</td>
<td>New York, NY</td>
<td>30 acres</td>
<td>No step entry, 12 inch minimum</td>
<td><a href="http://www.newyorkcity.gov">www.newyorkcity.gov</a></td>
<td>Residential must have a wheelchair accessible entrance.</td>
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<tr>
<td>Location</td>
<td>County</td>
<td>Code</td>
<td>Affordability Building Code</td>
<td>Planning and Housing Authority</td>
<td>Affordability Building Code Rating</td>
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<tr>
<td>Chicago, IL</td>
<td>Cook</td>
<td>2003</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>St. Louis, MO</td>
<td>St. Louis County</td>
<td>2003</td>
<td>Yes</td>
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<td>Yes</td>
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<tr>
<td>Boston, MA</td>
<td>Dorchester</td>
<td>2004</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Pittsburgh, PA</td>
<td>Allegheny County</td>
<td>2004</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>St. Petersburg, FL</td>
<td>Pinellas County</td>
<td>2004</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
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</tr>
<tr>
<td>Tokyo, Japan</td>
<td>2005</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
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</tr>
<tr>
<td>Anchorage, AK</td>
<td>Anchorage County</td>
<td>2005</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Puebla, Mexico</td>
<td>Puebla County</td>
<td>2006</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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</tbody>
</table>

Notes:
- **Affordability Building Code Rating**:
  - **Yes**: The city meets the requirements of the Affordability Building Code.
  - **No**: The city does not meet the requirements of the Affordability Building Code.

**Visitable Homes**:
- **Yes**: The city has accessible housing.
- **No**: The city does not have accessible housing.

**Counties**:
- **Yes**: The county has accessible housing.
- **No**: The county does not have accessible housing.

**Ordinance**:
- **Yes**: The city has an ordinance.
- **No**: The city does not have an ordinance.

**Planning and Housing Authority**:
- **Yes**: The city has a planning and housing authority.
- **No**: The city does not have a planning and housing authority.

**Planning and Housing Authority Rating**:
- **Yes**: The city meets the requirements of the planning and housing authority.
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**Rehabilitation**:
- **Yes**: The city has rehabilitation programs.
- **No**: The city does not have rehabilitation programs.

**Affordable Housing**:
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**Affordable Housing Rating**:
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**Rehabilitation**:
- **Yes**: The city has rehabilitation programs.
- **No**: The city does not have rehabilitation programs.
<table>
<thead>
<tr>
<th>Year</th>
<th>Location</th>
<th>County</th>
<th>Program</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>Boston, MA</td>
<td>Suffolk</td>
<td>100 percent of all new market rate and middle income 1B affordable units shall be developed with recycling provisions and all new 1B affordable units shall be developed with low-flow accessibility features.</td>
<td>Recycling</td>
</tr>
<tr>
<td>2009</td>
<td>Louisville, KY</td>
<td>Oldham</td>
<td>All new housing</td>
<td>The 50% requirement would apply regardless of whether the development consisted of single-family detached or multi-family units, and development that included a certified list of who lived and had greater than 50% participation in the development. The requirement would be enforced to the extent that it was consistent with the requirements of the regulations.</td>
</tr>
<tr>
<td>2006</td>
<td>Philadelphia, PA</td>
<td>Philadelphia</td>
<td>Act 372</td>
<td>Ineligible for any assistance</td>
</tr>
</tbody>
</table>

The total amount of the tax credit granted through the program is $2,000 over five years, or for the amount of all amounts in property taxes paid as a result of the commitment/measurement is eligible for the credit, whichever is less.