



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 45
AGENDA DATE: Thu 01/15/2004
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SUBJECT: Conduct a public hearing and approve an ordinance to amend Chapter 5-1 of the City Code with respect to visitability standards that create a level of accessibility for persons with disabilities who visit new single-family homes, duplexes, and triplexes built with City and/or federal assistance.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Neighborhood Housing **DIRECTOR'S**
DEPARTMENT: and Community **AUTHORIZATION:** Paul Hilgers
Development

FOR MORE INFORMATION CONTACT: Paul Hilgers, Community Development Officer,
Neighborhood Housing and Community Development, 974-3108.

PRIOR COUNCIL ACTION: Adopted Visitability Ordinance October 7, 1998.

BOARD AND COMMISSION ACTION: Recommended by Community Development Commission
(CDC); reviewed by the Mayor's Committee for People with Disabilities.

PURCHASING: N/A

MBE / WBE: N/A

The goal of the Visitability Ordinance adopted in 1998 has been to provide greater accessibility and usability for persons with disabilities who live in or visit new homes, duplexes, or triplexes built with City and/or federal assistance. While the number of visitable units in Austin has expanded from less than 100 visitable housing units per year prior to the adoption of S.M.A.R.T. Housing™ to more than 300 new visitable homes in 2002-2003, staff has identified additional opportunities for increasing the number of visitable homes in Austin. The proposed amendments to the current Visitability Ordinance will eliminate impediments identified by both those builders who have built visitable homes over the past five years and those builders who are considering participating in building visitable homes as part of S.M.A.R.T. Housing™ if these proposed amendments are adopted. These amendments will continue to require all new city-assisted housing to be visitable. The major difference between the proposed amendments and the current Visitability Ordinance is that the new standards will more closely match multi-family accessibility requirements. This change will result in greater builder acceptance of the technical standards and fewer failed inspections. Because these amendments will expand the number of visitable units by increasing homebuilder participation in S.M.A.R.T. Housing™, staff recommends the following changes to the current Visitability Ordinance:

- Change the standard for waiving the process for appealing decisions concerning the no-step entrance or ramp requirement to the same waiver standard that exists for multi-family housing in the Fair Housing Act Design Manual. This change creates a precise technical standard that ties waivers to measurable topographic conditions.



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- Add a requirement that ramps and handrails comply with the standards of the adopted International Residential Code. This change matches requirements approved by the Texas Legislature and the City Council since the Visitability Ordinance was originally adopted.
- Add a requirement that the maximum distance between the interior floor level of the building entrance and the adjacent walking surface be no greater than ½ inch. This change matches the entrance standard under the Fair Housing Act Design Manual.
- Require all ground floor units receiving City assistance have at least one toilet room with a lavatory (bathroom sink) and blocking that meets the standards of this code section. This change clarifies that at least one toilet room must be located on the ground floor if a two story dwelling unit has space on the ground floor.
- Allow the maximum height of switches, thermostats and electrical panels to be 48 inches above the floor and the minimum height of plugs and receptacles to be 15 inches above the floor. This change matches the standards in the Fair Housing Act Design Manual.

While some stakeholders expressed a preference for making “visitability” a standard for all new single-family homes, duplexes, and triplexes, staff recommends adoption of these changes prior to considering incorporating “visitability” as part of the Building Code. This proposed ordinance would not change the current requirement that City-assisted housing comply with the Visitability Ordinance.

The Community Development Commission recommends and Neighborhood Housing and Community Development (NHCD) supports adoption of the staff recommendation for amendments of the Visitability Ordinance that includes the following elements:

- All changes described in NHCD’s November 24, 2003 letter to ADAPT,
- A requirement that the Community Development Officer review all waiver requests and report requested and approved waivers to the Community Development Commission monthly,
- In addition, the CDC recommended that stakeholder dialogue continue, and that affected City employees be trained on the revised ordinance.

PROPOSED VISITABILITY ORDINANCE REVISIONS
DEFINITIONS USED IN ORDINANCE FROM
CITY CODE CHAPTER 25-12

The following terms which are referred to in the new section 5-1-170 *et. seq.* provisions of the City Code relating to the Visitability Ordinance are defined in Chapter 25-12 of the City Code as follows:

Article 1 (*Uniform Building Code*) of Chapter 25-12 defines ***ACCESSIBLE ROUTE*** as follows:

SECTION 1102 - DEFINITIONS

For the purpose of this chapter, certain terms are defined as follows:

ACCESSIBLE ROUTE is a continuous path connecting accessible elements and spaces in a building or facility that is usable by persons with disabilities.

Article 1 (*Uniform Building Code*) of Chapter 25-12 defines ***FIRST STORY*** as follows:

SECTION 220 - S

STORY, FIRST, is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet (1219mm) below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet (2438mm) below grade, as defined herein, at any point.

Article 1 (*Uniform Building Code*) of Chapter 25-12 defines ***HABITABLE SPACE*** as follows:

SECTION 209 - H

HABITABLE SPACE (ROOM) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

Article 11 (*Residential Code*) of Chapter 25-12 defines and prescribes the technical standards of ***RAMP*** as follows:

SECTION R202 - DEFINITIONS

RAMP. A walking surface that has a running slope steeper than 1 unit vertical in 20 units horizontal (5-percent slope).

SECTION R313 – RAMPS

R313.1 Maximum slope. Ramps shall have a maximum slope of one unit vertical in eight units horizontal (12.5-percent slope).

R313.2 Handrails required. Handrails shall be provided on at least one side of all ramps exceeding a slope of one unit vertical in 12 units horizontal (8.33-percent slope).

R313.3 Landing required. A minimum 3-foot-by-3-foot (914mm by 914mm) landing shall be provided:

1. At the top and bottom of ramps.
2. Where doors open onto ramps.
3. Where ramps change direction.