

**ORDINANCE NO. 040115-45**

**AN ORDINANCE AMENDING CHAPTER 5-1 OF THE CODE RELATED TO HOUSING DISCRIMINATION.**

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

**PART 1.** A new Section 5-1-171 is added to the Code to read:

**§ 5-1-171 DEFINITIONS.**

In this article:

- (1) ACCESSIBLE ROUTE has the meaning prescribed by Article 1 (*Uniform Building Code*) of Chapter 25-12 of the Code.
- (2) FIRST STORY has the meaning prescribed by Article 1 (*Uniform Building Code*) of Chapter 25-12 of the Code.
- (3) HABITABLE SPACE has the meaning prescribed by Article 1 (*Uniform Building Code*) of Chapter 25-12 of the Code.
- (4) RAMP has the meaning prescribed by Article 11 (*Residential Code*) of Chapter 25-12 of the Code.
- (5) 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.

**PART 2.** Existing Sections 5-1-171 through 5-1-174 are renumbered accordingly.

**PART 3.** Renumbered Section 5-1-173 of the Code is amended to read:

**§ 5-1-173 WAIVER OF EXTERIOR ACCESSIBILITY REGULATIONS.**

- (A) A person requesting a waiver under this section must file an application with the building official and deliver a copy to the community development officer, including the [attaching any] documents necessary to demonstrate the applicant's eligibility for the waiver.
- (B) An interested party may file written comments relating to a waiver application with the building official and the community development officer, not later than the 10th day after receipt of the application.

- (C) ~~[(B)]~~ The building official may waive the requirements of Section 5-1-181 (*Building Entrances*) ~~[by issuing an exterior disability accessibility waiver]~~ if the applicant submits a written waiver application that demonstrates that the topographical conditions of a site meet the site test ~~[render compliance with this article an undue hardship]~~.
- (D) ~~[(C)]~~ When the building official receives a waiver application, the building official shall make ~~[post a notice stating that:]~~
- ~~[(1) the building official has received an application;]~~
- ~~[(2) written comments may be filed with the building official not later than the 10th day after the notice of application was posted;]~~
- ~~[(3)]~~ a decision on the application ~~[will be made and posted]~~ not later than the 15th day after receipt ~~[the notice]~~ of the application~~[was posted]~~.
- (E) ~~[(D)]~~ If the building official determines that the waiver is appropriate, the building official shall issue a written waiver to the applicant~~[-in writing,]~~ not later than the 15th day after receipt ~~[the notice]~~ of the application~~[is posted]~~.

**PART 4.** Renumbered Section 5-1-174 of the Code is amended to read:

**§ 5-1-174 APPEAL.**

- (A) An [A-waiver] applicant for an exterior disability accessibility waiver or a person who submits written comments under Section 5-1-173(B) [5-1-172(C)(2)] (*Waiver of Exterior Accessibility Regulations*) may appeal a decision of the building official under Section 5-1-173 [5-1-172] (*Waiver of Exterior Accessibility Regulations*) [to the Building and Fire Code Board] by filing a written ~~[notice to]~~ appeal with the building official not later than the 20th day after the decision was issued.
- (B) The building official shall forward a copy of the ~~[notice of]~~ appeal to the Building and Fire Code Board [city clerk] and request a hearing and action on ~~[of]~~ the appeal at [on] the next available Building and Fire Code Board meeting. The building official shall send written notice of the date of the hearing to the appellant and each person who submits written comments under Section 5-1-173(B) (*Waiver of Exterior Accessibility Regulations*) not later than the 10th day before the Building and Fire Code Board meeting.

**PART 5.** A new Section 5-1-176 is added to the Code to read:

**§ 5-1-176 NOTICE REQUIREMENTS.**

- (A) The community development officer shall send notice to an applicant for an exterior disability waiver and each person who submits written comment under Section 5-1-173 (*Waiver of Exterior Accessibility Regulations*) about a decision by the building official or the Building and Fire Code Board not later than the 10th day after:
- (1) a determination by the building official under Section 5-1-173 (*Waiver of Exterior Accessibility Regulations*); or
  - (2) a determination by the Building and Fire Code Board under Section 5-1-174 (*Appeal*).
- (B) The community development officer shall send the Community Development Commission and Mayor's Committee for People with Disabilities monthly notice of any pending or approved exterior disability waiver determinations made by the building official under Section 5-1-173 (*Waiver of Exterior Accessibility Regulations*) or the Building and Fire Code Board under Section 5-1-174 (*Appeal*) during the preceding month.

**PART 6.** Section 5-1-181 of the Code is amended to read:

**§ 5-1-181 BUILDING ENTRANCES.**

- (A) Habitable space in a [A] dwelling unit located on the first story must include [provide] at least one building entrance on the first story [that complies with the City of Austin Building Code standard for an accessible entrance on an accessible route] 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 [as long as] it is served by an accessible route, including a walking surface from [such as] 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.

**PART 7.** Section 5-1-182 of the Code is amended to read:

**§ 5-1-182 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 [~~floor~~] of a dwelling unit must have a minimum clear opening of at least 30 inches. A two [2] foot eight [8] inch door or standard six [6] foot [0-inch] sliding patio door assembly complies with this requirement. Lever door handle hardware is required on the affected doors.

**PART 8.** Section 5-1-183 of the Code is amended to read:

**§ 5-1-183 ACCESSIBLE ROUTES WITHIN THE DWELLING UNIT.**

A dwelling unit must provide an accessible route through the hallways and passageways of the first story [~~floor~~] of the dwelling unit. The route must provide a minimum width of 36 inches and be level with ramped or beveled changes at door thresholds.

**PART 9.** Section 5-1-184 of the Code is amended to read:

**§ 5-1-184 WALL REINFORCEMENT IN BATHROOMS.**

A [First-floor bathroom walls of a] dwelling unit located on the first story must be designed and constructed with a toilet room on the first story that contains a toilet and a lavatory and has reinforced walls that meet [reinforcements-using] the following standards:

- (1) Lateral two-inch by six-inch 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 from and parallel to the interior floor level.
- (3) Blocking is not required in the portion of the toilet room wall located directly behind the lavatory.

**PART 10.** Section 5-1-185 of the Code is amended to read:

**§ 5-1-185 LIGHT SWITCHES, ELECTRICAL OUTLETS, THERMOSTATS, AND OTHER ENVIRONMENTAL CONTROLS.**

- (A) A light switch or [5] thermostat [~~or electrical panel~~] located on the first story of a dwelling unit [~~floor~~] must be no higher than 48 [42] inches above the interior floor level. Receptacles must be at least 15 [18] inches above the interior floor level.

- (B) The main [An] electrical disconnecting switch or breakers for a [panel located outside the] dwelling unit must be no higher than 48 [42] inches above the interior floor level, walking surface, or adjacent grade [ground,] and at least 30 [18] inches above the interior floor level, walking surface or [ground, and] adjacent grade [to an accessible route].

**PART 11.** This ordinance takes effect on January 26, 2004.

**PASSED AND APPROVED**

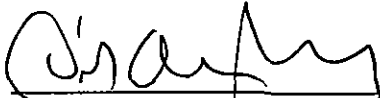
\_\_\_\_\_, January 15 \_\_\_\_\_, 2004

§  
§  
§



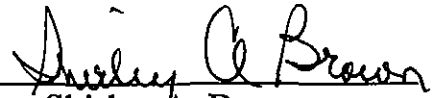
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Brown  
City Clerk