What is Inclusive Home Design? How does it differ from visitable and accessible home design? How can advocacy for Inclusive Home Design legislation succeed where these concepts have failed to gain broad adoption?

We are living in a unique era in which societal attitudes, social structures and government policies are struggling to understand the implications of a rapidly aging population. Never before have people expected to live so long, have physical and mental capabilities remained so acute into advanced age, and never before have older people constituted such a large and growing proportion of the American population. According to the Census Bureau, there were over 40 million people age 65 and older in the United States in 2010. The Bureau estimates that the 65+ population will increase to 70 million over the next two decades and will more than double, to 89 million people, by 2050.

Given the current and projected size of the nation's older population, not to mention the large and growing share of national income at their disposal, it is logical to think that older adults would have become a priority for designers and marketers involved in all areas of private business and public services. This has not occurred. The older population, together with an equally large and growing population of people with disabilities, continues to be viewed as distinct groups outside the mainstream of society. The diversity within both groups tends to be ignored, and their expectations and preferences treated as “special needs” to be accommodated with special designs and assistive devices separate from the “normal” consumer market.

Nowhere has the disconnect between market norms, changing demographics and social expectations been more glaring than in the design and construction of private residential housing. Most single-family homes built since the 1940s have either been elevated above the ground with a “crawl space” for pipes and moisture and termite protection, or built with basements with the main floor elevated to allow for windows to let light into the basement level. The resulting two-to-three step entry, while widely accepted by building inspectors and home buyers, creates a barrier to entry by persons with mobility disabilities, and serves to limit the ability of older residents with infirmities to both exit and enter the home. More recent townhouse or other multi-level residential structures are often built above an entrance level garage, with most rooms, including bedrooms and a full bathroom, located on a second or third floor. Such designs also pose a serious barrier to older residents who wish to remain independent in their own homes. Any number of events—an accident, stroke, heart condition, serious illness or operation, or merely the accumulating infirmities that accompany aging—can confine an older person to an upper level floor, near a bedroom and bathroom, and limit their ability to maintain interactions with family and others outside the home that are essential to their physical and emotional well being.

In short, most residential design since, at least, the mid-1900s has tended to focus exclusively on the needs of younger, working households without anticipating the changes that come with
aging, or even the possibility of a visiting relative with a mobility impairment. Much of our housing is “Peter Pan” housing, noted the 50+ Action Plan for Fairfax County (VA), “built as though we’ll never grow old.”

The Concept of Inclusive Design

Inclusive home design seeks to address these problems of contemporary housing design by providing a broader rationale or framework for residential design that is inclusive, rather than exclusive, and more closely aligned with contemporary social and economic expectations. It seeks to anticipate the needs of all potential residents throughout the 50-to-60-year average useful life of a home and to enhance the home’s accessibility, safety and convenience of use for all residents and visitors. A key concept is the acknowledgement that physical disability or impairment is something that all people will experience in the normal course of their lifetime. That an individual is considered disabled and excluded from mainstream activities is less the result of the individual’s physical impairment, than a consequence of the design of environments, products or services that fail to take into account the needs and capabilities of all potential users. If a person can be excluded by design, it follows that they can also be included by more thoughtful user-aware design.

The concept of inclusive design has evolved since the 1960s among American and European designers as a reaction to the “one size fits all” concepts that sought to support the mass production approach of post-war manufacturing and architecture. Housing, products and services were targeted to those considered to be “average” or “normal,” which typically involved stereotypes of the young, healthy, working adult. Those falling outside this “normal” image—essentially older and disabled people—became stigmatized as having “special needs” that had to be accommodate separately. In housing, the niche market for addressing these needs, with its limited demand and low profitability, quickly became identified with unsightly access ramps and other poor quality home adaptations that had little broader market appeal.

Inclusive design sought to move away from special solutions, or even identification of special needs, toward increasing accessibility and inclusivity in mainstream housing and product design. Rather than focusing on age or disability, it has focused on achieving inclusivity through a range of designs, products and services that together accommodate the entire population. Instead of adapting buildings and products to the needs of older or disabled users, it has sought to change mainstream design by making it more universal in addressing the needs of the greatest number of people possible.

In the United States, the concept of inclusive design is more widely understood under the term “universal design.” That term was popularized by Ron Mace, and the Universal Design Center at the College of Design at North Carolina State University, in part to distinguish the ideas and principles of inclusive design more clearly from the concepts of “accessible design” and “visitability design” that were being used in advocacy efforts by various disabilities groups. Mace viewed both design concepts as too limited in seeking accommodation only for the needs of persons with mobility disabilities rather than changing mainstream housing design to be more equitable and intuitive to use by all people. As further defined by Mace and others, universal design has become associated with the broader goal of eliminating the stereotypes of “normal” and “special needs” by providing more inclusive and pluralistic design models that expand the usefulness of a building or product as broadly as possible.
Inclusive Design in Housing

With universal design becoming the preferred term for describing the broader concepts of inclusivity in all building and product design, the term "inclusive design" has assumed a more focused meaning as the practical application of universal design principles to housing design and construction, in contrast to the concepts of visitable design and accessible design. While these terms have often been used interchangeably to refer to housing with accessibility features, they each represent very different design concepts. As developed in the 1980s by Eleanor Smith and Concrete Change, an Atlanta-based disabilities advocacy group, visitable home design represents the basic, or most essential, design features needed to assure that a person with mobility disabilities will be able to visit the homes of friends and relatives. Concrete Change adopted an approach of promoting local legislation to eliminate the most harmful construction barriers for persons with disabilities, advocating for a zero-step home entrance, interior doorways with at least 32 inches clear passage space, and at least a half bath on the entrance level.

Accessible design seeks to highlight architectural designs and structural improvements that promote ease of entry to, and increased ease of movement within, a residential dwelling for both residents and visitors with physical disabilities. Its primary objective is to provide the same opportunities in all environments for people with disabilities as all other persons. In state and local housing legislation, accessible design elements typically include the basic visitable design features, plus wider interior hallways, accessible electrical and environmental controls and electrical outlets, and reinforcements in bathroom walls for later installation of grab bars.

Inclusive home design attempts to incorporate the ideas and design features of both visitable and accessible home design within a broader concept that seeks not only to remove structural barriers to enhance access and ease of use by persons with a broad range of physical and mental disabilities, but also include design features that facilitate aging in place by older residents. A distinguishing feature is an understanding that the ability to perform basic daily tasks, such as cooking, bathing, or simply going to the kitchen for a snack, and doing so with relative ease and safety, can directly affect a person's sense of well being and independence. The key design features of inclusive home design, as embodied in the design standards of the AARP model legislation, thus include all of the visitable and accessible design features, plus requirements for a kitchen or other food preparation area, a full bathroom, and at least one habitable space that can be converted into a bedroom, all on the entrance level of a home.

Like earlier visitable home design proposals, the inclusive design standards in the model legislation represent the minimum structural features needed to make a residential dwelling accessible and usable by all residents at various stages in their lives. Other design features, such as lever-style door handles and faucet controls, adjustable-height sinks and cooking surfaces, roll-in showers, rocker-style light switches, etc., may be of equal benefit to older persons and other potential residents. However, most can be added at a later time as minor renovations. The design standards in the model legislation are features which, in almost all instances, must be incorporated in the initial design and construction of a residence and cannot be added at a later time without significant structural modification and considerable cost.

A Different Approach to Advocacy

Prior efforts to enact visitable or accessible housing legislation have largely stalled in response not only to economic and housing market conditions, but also a growing resistance on the part
of the building industry and elected officials to changing building practices and requirements to accommodate a specific group or minority. Advocacy on behalf of inclusive design legislation, therefore, must attempt to do more than simply request additional modifications in building codes to address the needs of an even larger group of older people. It should become a broader appeal to elected officials, the architecture and building professions, and the public generally, to recognize the demographic, economic and social changes taking place in American society. Advocacy efforts must also focus on the need to change our entire approach to the design, construction and use of housing to reflect the needs and capabilities of all potential users and appeal to the broadest possible market of potential home buyers and renters.

Economists estimate that the nation will need to produce two million new homes a year for the foreseeable future to keep pace with population growth and make up for inadequate housing investment over the past half decade. Community preference surveys conducted by the National Association of Realtors show that nearly 60 percent of adults prefer to live in smaller houses in a neighborhood with a mix of houses and stores in more walkable, smart growth communities. This was found to be the preference of people at both ends of the age scale, with the majority of “retirement minded” adults over age 55 expressing a preference for mixed-use, smart growth communities, and an even larger majority of unmarried young singles under age 35 expressing a similar preference to live in walkable neighborhoods with a mix of homes and businesses.

If the housing sector is to rebound and provide the broader stimulus that economists say is needed, it will require a restructuring of the traditional approach to housing design and construction to reflect both the changing demographics of the population and the changed preferences of the fastest growing segments of the housing market. Common sense design features that provide greater access and ease of use for all potential residents are a logical response to these changes. While an ideal market would include inclusive design features in all new housing, legislation to require such features in that portion of new construction benefiting from some form of public financial assistance is an important first step. This approach will also provide significant growth in the number and range of available housing options for persons with disabilities, adult households seeking homes that permit aging in place, and families caring for disabled or aging family members.

Effective Use of Demographic and Market Data

To be effective, advocacy on behalf of inclusive home design legislation must seek to explain and document the long-term demographic and social changes that are making most contemporary building designs and practices increasingly obsolete or impractical, and it must create an alternative vision of the nation’s future housing market that benefits both the housing industry and all potential residents. Advocates should make effective use of available national and local data to highlight the following points:

- It is very likely that all people will experience temporary or permanent disability or physical impairment during the course of their lifetime.

Average life expectancy today is over 78 years and will likely exceed 80 years of age in 2020, in contrast to an average of 68 years in the 1950s when much of our nation’s housing stock was either designed or constructed. With people living longer, far greater numbers of people will “age into disability” than the nation has experienced before. Not only will more people
experience a decline in physical and mental capabilities that accompanies advanced age, but many will do so over longer periods of time. The Census Bureau estimates that the population of people age 65 and older will increase from 40 million today to 70 million in 2030, and more than double to 89 million by 2050. The Bureau also reports that the prevalence of physical disability is over 50 percent for persons age 65 and older, and rises above 70 percent at age 80. These figures fail to fully reflect an even larger number of Americans with one or more chronic diseases and conditions. The Centers for Disease Control and Prevention estimate that 50 million adults have doctor-diagnosed arthritis, nearly 68 million have diagnosed high-blood pressure, and one-in-three adults, or 83 million people, have one or more types of cardiovascular disease. All of these conditions can become more debilitating with age. Continuing to design housing that fails to take into consideration the potential for such impairments among so many people makes little sense.

Growth of the senior population and changing attitudes that emphasize aging in place will mean that most new housing will have at least one disabled resident over the next four or more decades.

The home construction industry has failed to recognize the changing trends and preferences among the adult population that reflect not only a less mobile adult population, but one that is intent on remaining in their own homes as long as possible. The Census Bureau reports that fewer than 12 percent of households changed their residences between 2010 and 2011, the lowest rate since the Bureau began collecting such data in the 1940s. Of those that did move, two-thirds moved within the same community or county, and the majority of those moving outside their county moved less than 50 miles away. This corresponds with findings of AARP surveys that consistently show an overwhelming majority of older adults wanting to live on their own for as long as possible, with equally large percentages expressing the desire to remain in their current community. An AARP survey of adults age 45 and older also found nearly three-fourths of all respondents strongly agreeing with the statement, “what I’d really like to do is stay in my current residence for as long as possible.” Given this broad preference to age in place, together with the projected growth of both the older and disabled populations over the next four decades, it can reasonably be expected that most, if not all, newly built homes will have at least one disabled resident during their 40 to 50-year useful life. It is unreasonable to continue building homes that will require that these residents either undertake expensive home modifications to remain in their homes, or seek alternative housing.

Inclusive design housing appeals to broad constituencies that together will constitute the dominant segment of the nation’s housing market.

Given projected growth of the 65+ population, as well as estimates of the numbers of persons who will experience physical disabilities and chronic ailments, it should be evident that building housing with inclusive design features should no longer be considered a niche market to address the needs of a specific minority of households and will have far broader market appeal. However, at least two additional groups must also be considered—households that the real estate industry describes as “retirement-minded adults” in their 50s, whose children are at least college age and who are beginning to consider retirement options, and households that serve as caregivers for disabled family members or aging relatives. Harvard University’s Joint Center for Housing Studies recently estimated that as many as ten thousand people will reach the age of 50 every single day during the coming decades. This large 50+ consumer base, which tends to consider changing their living situations upon nearing retirement, either to downsize or relocate, will likely account for more than one-fourth of all new home sales in the future. With
declining rates of homeownership, and lower rates of new household formation among younger age groups, the Joint Center views 50+ households, in combination with older households, as the dominant factor in future housing markets. Recent studies also estimate that 19 million employed adults, or 17 percent of adult working Americans, serve as caregivers for an elderly or disabled family member, relative or friend. At least 72 percent of these caregivers provide care for an elderly parent, over half of which are receiving care in their own homes, while another 29 percent are living with their family caregivers. Clearly, when the key constituencies that are likely to benefit from more accessible and convenient home design are taken in combination—older persons, persons with disabilities, near-retirees in their 50s, and family caregivers—the result constitutes not only a large majority of the nation’s adult population, but a huge and growing segment of the housing market.

Recognition that the housing market is changing and will change substantially in the coming decades is critical for long-term recovery of the housing sector. The huge segment of future households headed by persons 65 and older, and those in their 50s nearing retirement, will only be persuaded to spend the large percentage of national income at their disposal on new housing if it meets their changing needs and accommodates their preferences to remain active in mixed-use, walkable communities, to age in place in their own homes, and to accommodate caregiving for aging or disabled family members. Rather than housing that segregates households by age, disability or family status, the housing industry should embrace the principles of inclusive design and build housing that works for the greatest number of people possible.
What are the ICC/ANSI design standards and why are they used as technical requirements for the inclusive design standards of AARP’s Model State Inclusive Home Design bills?

The Accessible and Usable Buildings and Facilities manual of the International Code Council (ICC) and the American National Standards Institute (ANSI) is a nationally recognized standard of technical requirements for making public buildings accessible for persons with disabilities. Published in various editions since 1961, the standards have been developed, and regularly updated, with broad consensus among U.S. industry, trade and consumer advocacy organizations and have become the primary guidelines for accessibility for public buildings and residential construction. The ICC/ANSI manual provided the technical basis for the first uniform accessibility standards adopted by various federal government agencies in 1984, and served as the basis for Department of Housing and Urban Development regulations implementing the accessibility requirements of the Fair Housing Act Amendments of 1988.

The International Code Council (ICC) is a member association based in Washington, DC, with a mission of helping building safety officials and the construction industry provide safe, sustainable and affordable construction through the development of codes and standards. The ICC develops and publishes various International Building Codes, or "I-Codes," providing a comprehensive and coordinated set of building safety and fire codes governing public, commercial and private buildings. The ICC has served since 1998 as the secretary for the ICC/ANSI A117.1 standards process, and provides final approval of changes to the standards developed through a consensus process supervised by the American National Standards Institute. Final decisions on additions or changes to the A117.1 standards are made by a council of code enforcement and fire officials with no vested interests other than public safety.

The American National Standards Institute (ANSI) was founded in 1918 to enhance the competitiveness of U.S. business by promoting and facilitating voluntary consensus standards and compliance assessment systems. ANSI has overseen the creation, promulgation and use of thousands of national consensus codes and guidelines that directly affect businesses in nearly every sector of the economy, from dairy and livestock production to heavy construction equipment. Its membership consists of
government agencies, companies, academic and professional organizations. ANSI did not develop the A117.1 accessibility standards, or the changes to update the standards. Instead, it provides all interested parties with a neutral venue to work toward agreement, guided by long standing ANSI principles of open hearings, consensus, due process and appeals procedures (see below).

The ICC/ANSI A117.1 standard is updated every three years, with new reference standards published every five years. The most recent A117.1-2009 edition is unique in the fact that it includes accessibility design features and specifications for "Type C" private single-family residential dwellings. Prior editions had focused only on public buildings and multifamily housing structures. ANSI agreement on the Type C design standards in 2008, and their adoption by the ICC in October, 2010, has given accessibility advocates their first opportunity to advance legislation with accessibility requirements for single-family housing based on a widely recognized and respected national standards.

Brief history of the ANSI A117.1 Standards: The earliest 1961 edition of the ANSI Standard A117.1 was the result of research conducted by the University of Illinois under a grant from the Easter Seal Research Foundation. Tim Nugent, the Director of Rehabilitation Services on the Champaign-Urbana campus of the University of Illinois had noticed in the early 1950s that the design of many campus buildings presented barriers for disabled students in attending classes and other campus events. His research produced the concept of "barrier-free" architecture and initiated a movement to remove architectural barriers in public buildings that resulted in an ANSI standards process that published the first A117.1 standard--Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped--in 1961. Subsequent editions were published in 1971, 1980 and 1986 under ANSI review procedures directed by a Secretariat consisting of the National Easter Seals Society and the President's Committee on Employment of People with Disabilities, and joined later by the U.S. Department of Housing and Urban Development (HUD).

The principles of barrier-free access embodied in the A117.1 standards influenced Congressional enactment of the Architectural Barriers Act of 1968, which was the first federal statute to reference the A117.1 standards. The standards were expanded to include design specifications for individual multifamily housing units in response to enactment of Section 504 of the Rehabilitation Act of 1973, which required that 5 percent of the units of federally-assisted multifamily housing developments be accessible to persons with disabilities. The A117.1-1980 standards provided the technical basis for the first Uniform Federal Accessibility Standards (UFAS) adopted by various federal government agencies in 1984, while the 1986 edition served as the basis for HUD's regulations implementing the accessibility requirements of the Fair
Housing Act Amendments of 1988, which HUD referenced as “the appropriate edition for acceptable compliance with the Fair Housing Act.” In 2007, HUD announced that it would no longer issue new regulatory, legal or technical standards for Fair Housing Act compliance, recognizing the latest 2003 edition of the ANSI A117.1 standard as “the technical standard for the design of housing and other facilities that are accessible to persons with disabilities.”

The ANSI consensus process: The American National Standards Institute provides a forum for more than 200 ANSI-accredited standards developing groups or committees, which work cooperatively to develop and update voluntary national consensus standards and American National Standards. To maintain accreditation, these groups must consistently adhere to a set of ANSI due process procedures that govern the consensus development process. The procedures ensure that all interested and affected parties have an opportunity to participate and seek to protect the public interest with requirements for openness, balance, consensus and due process safeguards. Committee approval of a revised standard typically reflects broad consensus among the participants, but does not mean that all participants voted for approval.

The ANSI committees that developed the 2003 and 2009 ANSI A117.1 standards each involved over 80 participants representing 38 national organizations. The organizations represented home builders, bankers, architects, interior designers, building and electrical engineers, building supply and equipment manufactures building and apartment owners, hotels and recreational facilities. One fourth of both committees (11 organizations and at least 20 participants) represented the interests of persons with disabilities. Federal officials representing HUD, the Department of Agriculture and the U.S. Architectural & Transportation Barriers Compliance Board also participated on both committees.
Why is State Inclusive Home Design legislation needed? Aren't there already Federal and State laws requiring that housing be made accessible to persons with disabilities?

Congress has enacted four major disability rights laws that have broad application to multifamily housing, and particularly new multifamily housing constructed with federal assistance or by a public entity. However, all four statutes either exempt, or have limited application to, single-family homes, townhouses, and duplex and triplex residential buildings, which constitute over 70 percent of the nation's housing stock. At least 17 states and 55 municipal jurisdictions have enacted a variety of visitability and accessibility standards for single family housing not covered by the federal statutes. However, many of these laws and ordinances have limited application only to new assisted housing, while many others rely on voluntary compliance. Moreover, the design features to promote visitability or ease of use for persons in wheelchairs may be insufficient, or even ill-suited, to the needs of older persons with chronic illnesses or multiple, minor disabilities.

Federal Anti-Discrimination/Accessibility Statutes: Two Federal statutes, the Architectural Barriers Act of 1968 (ABA) and the Section 504 of the Rehabilitation Act of 1973 ("Section 504") apply primarily to multifamily buildings or facilities with four or more units that are leased by a federal agency or that are constructed or rehabilitated with federal financial assistance. Section 504 sought to apply the ADA's non-discrimination standard more specifically to multifamily housing structures, requiring that building entrances, common areas, and at least 5 percent of dwelling units be made accessible to persons with disabilities.

The Fair Housing Act Amendments of 1988 (FHAA) applied more broadly to prohibit housing discrimination on the basis of disability in all housing, requiring that housing providers make reasonable accommodations and permit people with disabilities to make needed modifications. It also expanded the concept of discrimination in housing based on disability to include any "failure to design and construct" a dwelling without seven basic accessibility features. However, single-family housing was again exempted from these design requirements. The Americans with Disability Act of 1990 (ADA) strengthened prohibitions against discrimination based on disability in any place of public accommodation. The ADA's primary impact on housing was to define and strengthen the accessibility requirements already mandated by the ABA and Section...
504 for the common use areas and accessible dwelling units of multifamily housing facilities.

State and Municipal Laws and Ordinances: In the mid-1980s a movement had also begun at the state and local level to enact basic accessibility standards for single-family housing that had not been covered by federal accessibility requirements. Florida was the first state to act in 1987, enacting a limited requirement that all single family dwellings have at least one bathroom on the entrance level. At the same time, a group of disability activists in Atlanta, that later became known as Concretē Change, initiated an effort to enact basic home access standards, that they later called "visitability" after the term used in England for a similar effort. The group’s efforts resulted in the City of Atlanta enacting the first mandatory accessibility standards in 1992 that applied to all new single-family homes built with city assistance. The visitability concept was slow to take hold, however, as only two additional jurisdictions enacted visitability standards during the six years following the Atlanta ordinance.

An event that appears to have energized the visitability movement was the 1999 U.S. Supreme Court decision in Olmstead v. L.C., in which the Court affirmed the rights of individuals with disabilities to live in their community. Ruling against Georgia, and 26 states supporting Georgia’s position, the Court declared that public agencies must provide services “in the most integrated setting appropriate to the needs of qualified individuals with disabilities.” During the five years immediately following Olmstead, at least 11 states and 22 municipal jurisdictions enacted noteworthy accessibility standards applicable to single-family housing. See the State Housing Visitability/Accessibility Statutes and Regulations chart, and Municipal Visitability/Accessibility Codes and Ordinances chart]

What is most interesting about the visitability or accessibility standards enacted during this period is that they were enacted in all regions of the country (from Vermont to California) and appear to defy most traditional political and ideological assumptions. State and local legislative bodies in some of the nation’s most conservative states (Texas, Arizona, Kentucky) enacted laws or ordinances that closely resembled those enacted in traditionally liberal states (Minnesota, New York or Illinoi’s). Over half of the laws and ordinances enacted during this period imposed mandatory accessibility standards for new single family housing.

While the number of States approving new visitability standards slowed considerably after 2003, the number of cities and county ordinances continued to grow. Between 2004 and 2007, an additional 23 jurisdictions, in all regions of the country, adopted accessibility ordinances, over 80 percent of which imposed mandatory accessibility standards on new single-family housing. This changed considerably from 2008 onward. The effects of the housing downturn, mounting home foreclosures and economic recession had stalled new housing construction. Moreover, home builders and other opponents of mandatory accessibility standards had become more organized
in their opposition and had begun countering accessibility advocates with their own voluntary proposals. As early as 2002 in California, and again in Connecticut in 2010, they were successful in persuading legislators to enacting municipal ordinance enabling legislation that, on the surface appeared to promote housing accessibility, while actually limiting localities from enacting anything other the weak voluntary accessibility programs supported by home builders. During 2010 and 2011, only two local jurisdictions (Philadelphia and Westchester County, NY) enacted mandatory accessibility standards that, while targeted broadly to new assisted residential construction, were limited in application to a percentage of the covered new housing construction.

From 1987 through 2011, 17 states and at least 55 local jurisdictions adopted accessibility laws, ordinances or programs, nearly 60 percent of which imposed mandatory requirements or had both mandatory and voluntary compliance features. While these local jurisdictions included a number of the nation’s larger cities and counties, the total represented less than one percent of the U.S. Census estimate of over 25,000 cities, counties and townships in the United States.
What are the key features and requirements of the four Model Inclusive Home Design bills; how do they differ; and what political or market conditions does each bill address?

The four model State Inclusive Home Design bills are intended to provide options for AARP State Offices to address the different political, regulatory and market conditions that they are likely to encounter. The recommended approach, in Option 1, proposes to establish mandatory inclusive design standards for all new single-family housing construction and substantial rehabilitation. While taking on the additional technical and political difficulties of applying new design requirements to existing housing, this approach may present the broadest tactic for increasing available housing with inclusive design features under current economic and housing market conditions. The other three bill options provide either a fall-back legislative option that focuses on new home construction only, an expanded approach that includes new multifamily housing, and an alternative approach to enable localities to enact strong inclusive design ordinances.

Before highlighting the differences in the four bill options, it is important to understand the five key features that the model bill options have in common:

1. **Application to single-family housing**: All four options apply primarily to construction of one-to-three unit single-family dwellings, whether intended for sale or rental, that include single-family homes, attached townhouses, units of duplex or triplex structures, as well as certain condominium and cooperative units. Single-family, duplex and triplex units account for over 70 percent of the nation’s housing stock and, with limited exceptions, are not required to comply with the design requirements of federal accessibility statutes.

2. **Common nexus of public assistance**: Like many earlier state and local accessible housing laws or ordinances, the four bill options apply to private housing with less than three units that receives state or local financial assistance to fund all or part of design and construction costs. This approach helps negate the strongest opposition arguments of infringement on private ownership and property rights. Compliance with the design standards essentially becomes a condition for receipt of needed public assistance. The bills define public assistance broadly to capture as wide a spectrum of new housing construction as possible.
3. **Mandatory design standards:** Despite continuing debate over the merits of mandatory vs. voluntary measures to encourage construction of accessible or visitable housing, the four bill options come down squarely on the side of mandatory design standards. Most surveys and studies of local voluntary and mandatory accessible housing programs (*including the study conducted by the Center for Inclusive Design and Environmental Access for a 2008 AARP report*) concluded that voluntary standards had produced only a fraction of the new accessible units that had been produced under mandatory ordinances. It is noteworthy that the Georgia Easy Living Program, which pioneered the idea of achieving visitable housing through voluntary compliance and builder education in the late 1990s, closed its operations in 2009 with acknowledgements that the voluntary program had fallen far short of its projected housing production goals and that “mandates are necessary.”

4. **Consistent Design Features linked to ICC/ANSI A117.1 standards:** All four bill options require that new single-family construction include seven sets of inclusive design features, linked to standards and specifications of the ICC/ANSI A117.1 accessible building standards. The features include (1) step-free entrances (2) accessible exterior and interior doors, (3) clear interior circulation routes, (4) accessible entrance-level full bathrooms, (5) entrance-level multi-purpose or bedrooms, (6) entrance-level kitchens or kitchenettes, and (7) accessible electrical controls and outlets. The 2009 edition of the ICC/ANSI A117.1 standards, published in early 2011, provided the first nationally recognized design standards for “Type C” single-family housing. The bills incorporate by reference the Type C design features and specifications. Where the bills’ requirements exceed the Type C standard, primarily in requiring entrance level full bathrooms and kitchens, references are provided to similar standards for Type B multifamily housing.

5. **Allowance for exceptions:** All of the bill options include provisions for granting of exceptions where compliance with required design standards is technically or structurally infeasible or impractical. Many earlier laws and ordinances either provided wide discretion to local agencies or officials in granting exceptions or, alternatively, defined the criteria for granting exceptions so narrowly that only the most extreme topographic conditions could qualify. The bills direct state officials to issue rules or guidance to provide uniform instructions to local officials on the criteria and procedures for granting exceptions. As one successful accessibility advocate observed, it was the willingness to allow reasonable exceptions “that proved instrumental” in overcoming builder opposition.

**Option 1: State Inclusive Home Design Bill: Single-Family New Construction and Substantial Rehabilitation.**

The base or “core” AARP bill option uses the legislative findings to outline key arguments in support of inclusive home design legislation: (1) that a growing percentage of the population will require supportive design feature in housing due to temporary or permanent disabilities or the multiple infirmities that occur in an aging population; (2)
that older residents consistently express a desire to remain in their existing homes as long as possible; (3) that current residential housing design tends to prevent access by persons with disabilities, trap older residents on upper floors near bedrooms and bathrooms, and limit the ability of caregivers to provide adequate care; (4) that inclusive design features can address the barriers in current home design that both limit access by persons with disabilities and allow older residents to age in place; (5) that the supportive features of inclusive design can be incorporated in new construction or substantial rehabilitation of a dwelling at minimal cost, as compared to later retrofitting; and (6) that appropriate design specifications for incorporating inclusive design features in single-family homes are now available in a nationally recognized and respected building standard that was developed with builder and other building industry participation.

The model bill requires that all new construction and substantial rehabilitation of covered one-to-three unit residential housing include the seven sets of inclusive design features. Single-family, duplex and triplex units account for over 70 percent of the nation's housing stock and, with limited exceptions, do not have to comply with accessibility design standards or requirements in federal accessibility statutes. The requirements apply to "covered" dwelling units that receive any form of public financial assistance. The bill defines public assistance broadly to include not only grants, loans, real estate or tax credits provided by state and local government agencies, but also financing, guarantees and subsidies from state housing finance agencies and housing trust funds (which now exist in 40 states, the District of Columbia and Puerto Rico), as well as federal assistance that is administered by states and localities, including low-income housing tax credits, CDBG funding, Neighborhood Stabilization Program funding and HOME program assistance. While establishing specific design requirements, the bill clarifies that use of alternative designs or features that provide equivalent or greater accessibility or other benefit to potential residents are acceptable.

The bill directs the state Secretary or Commission of the Department of Housing (or similar state agency responsible for issuing implementing regulations) to issue written criteria and guidance to local housing officials regarding granting exceptions for new construction where a required design feature is claimed to be technically or structurally impractical. Permitted areas for exceptions include any unique characteristics of a building site that make an accessible, step-free entrance impractical; existing zoning, community design restrictions and covenants, historic district designation and other legal restrictions that are outside the control of an owner or builder; and, potential conflicts with the design requirements of government agencies providing financial assistance. The bill places the burden of proving impracticality or other justification for granting an exception on the building owner or builder.
Separate criteria is provided for substantial rehabilitation, recognizing the added technical and structural difficulties needed to make an elevated building entrance accessible or adding interior rooms and floor clearances. The bill identifies specific situations that exempt proposed housing rehabilitation, provides guidance for determining when compliance may be technically infeasible, and requires that even where full compliance is not possible, efforts must be made to enhance access, increase clearances or advance the intended purpose of a design standard to the maximum extent feasible. For both new construction and substantial rehabilitation, the bill emphasizes granting of an exception does not remove the obligation to comply with all other design standards.

The bill includes administrative and enforcement requirements to assure maximum compliance with required design standards, preferably through administrative procedures rather than legal actions. Owners and builders may be denied building permits or certificates of occupancy for failure to comply with design requirements. But the bill provides opportunities to correct the deficiencies needed to bring a dwelling into compliance. Violations are clearly defined, consisting primarily of willful acts of omission of material facts and refusal to incorporate required design features. Violations may be enforced by state Attorneys General and by private actions filed by any person or organization. A court may award actual and punitive damages, equitable relief and reasonable attorneys fees to the prevailing parties in such actions.


Past efforts to enact state or local home accessibility standards often encountered the strongest opposition from builders when attempting to extend new design standards to existing housing, especially in states with large stocks of older housing. Builders attempt to describe all potential structural, technical and legal difficulties they might encounter in rehabilitating numerous buildings as inevitable barriers to compliance with accessibility standards in all home rehabilitations. Moreover, home expansions and extensive renovations may constitute the most profitable business for many builders, while specialty builders may have a lucrative business in adding accessibility upgrades to homes of aging residents. Builders clearly do not what to be put in a position of telling owners what they must include in rehabilitating their residences or rental properties, nor do they want to include additional features that might complicate rehabilitation, reduce their profit margins, or make rehabilitated properties less appealing to potential buyers.

Where such opposition is encountered, and where sympathetic legislators draw on such arguments to oppose enactment of the model legislation, an option might be to scale back the scope of the legislation to address only new construction. This should be considered before concessions that remove one or more design requirements opposed by builders, or concessions that would scale back coverage of the bill to a reduced percentage of new construction or rehabilitation. The Option 2 bill preserves all
features of the core Option 1 model bill, while eliminating only provisions with specific application to substantial rehabilitation.


This "expanded" bill option is intended for use by State Offices that wish to have a broader impact by extending the inclusive design requirements and other features of the Option 2 model bill to new single-family and multifamily housing construction. It also addresses what several State Offices have already observed as broad lack of compliance among newer multifamily buildings or developments with the accessibility design requirements for individual multifamily units required under federal law. The Fair Housing Act Amendment of 1988 (FHAA), in particular, was intended to have broad application in prohibiting discrimination against persons with disabilities in all multifamily housing, without regard to whether the development received federal assistance. The FHAA expanded the concept of discrimination in housing to include any “failure to design and construct” multifamily housing without seven basic accessibility features, many of which mirror the requirements for individual units in the model bills. However, HUD issued guidelines for compliance with the accessibility features describing them only as “design specifications” that offered a potential “safe harbor” for compliance, rather than legal requirements for new construction. HUD generally left it to individual states to adopt changes to their building codes to incorporate the design requirements of the HUD guidelines, or relevant sections of the ANSI A117.1-1986 accessibility standard.

To date, only four states (VT, NJ, OR, and MI) have enacted laws to amend their building codes to extend comparable or lesser unit design requirements to new multifamily construction. Continued debate over specific standards to include in building codes, extended legal actions, and potential conflict with more visible requirements for public and common areas of multifamily facilities required by the Americans with Disabilities Act (ADA), created circumstances in which, as described by one housing attorney, “the Fair Housing Act has been ignored and overlooked...leaving architects, builders and contractors free to build millions of multifamily units, with little more than perfunctory compliance beyond the requirement they knew overlapped with the ADA.”

The Option 3 bill follows the example of the 2000 Vermont law in applying inclusive design features to construction of all units in multifamily projects that have elevators, and to the ground level units of all multifamily structures without elevators. The bill maintains all provisions of the first two model bills that apply to new construction of single-family dwellings, while adding references and definitions applicable to multifamily housing. A legal basis for the bill’s broader application to multifamily housing is suggested in a legislative finding that most multifamily structures built since 1991 are already liable for compliance with the unit design requirements of the FHAA, but many have failed to incorporate the minimum accessibility features needed for compliance.
The expanded Option 3 bill also includes provisions to create an Inclusive Design Task Force that would consist of representatives of government agencies, local officials, representatives of builders, contractors and architects, and representatives of organizations representing older persons and persons with disabilities. The Task Force is intended as a temporary body to assist the designated agency secretary or director in developing implementing regulations and guidance, as well as instructional guidance and educational materials directed to builders and the general public. The Task Force would provide AARP State Offices with a continuing role in interpreting and implementing the provisions of the legislation and help overcome builder concerns by providing an additional opportunity to influence implementation.

The Task Force provisions can be easily added to any of the other bill options by inserting the Section 9 provisions, together with relevant language from the Rulemaking, Effective Dates and Definitions sections.

Option 4: State Inclusive Home Design Bill: Municipal Ordinance Enabling Bill.

The Option 4 model bill is intended to provide a different approach for use by AARP State Offices in states where there has been legislative opposition, or little support among legislative leaders, for approving accessible design requirements at the state level, and efforts to enact comparable ordinances at the municipal level have been blocked by restrictions in state law that prohibit localities from adopting changes to the state building code. Numerous states have general statute or building code restrictions prohibiting municipal jurisdictions from enacting or enforcing more restrictive requirements than the state building code, or adopting such changes without approval of the state legislature. Several states restrict smaller jurisdictions only to approving building code changes that have been approved by the nearest large city or county with code approval authority. Builders have sought to take advantage of these situations in at least two states (California and Connecticut) by advancing state municipal ordinance enabling bills that appear to support the need for accessible housing standards, but actually serve to limit the ability of local jurisdictions to adopt only weak voluntary accessibility programs supported by the builders.

The Option 4 model bill differs from the other three options in several important areas. It proposes to waive the prohibition in the relevant provisions of state law against municipal enactment of changes in the state building code if municipal legislative bodies adopt ordinances that are consistent with a model inclusive home design ordinance developed by the designated state agency secretary or commissioner responsible for implementing the legislation. Key provisions in the bill (in sections 5 and 6) direct the secretary/commissioner to establish guidelines, and at least one model inclusive design ordinance for adoption by cities, counties or townships. The bill directs the secretary/commissioner to include in the model ordinance the same inclusive design requirements of the other bill options, together with adequate measures for administration and enforcement of the ordinance. The secretary/commissioner also is required to review enacted local ordinance to assure consistency with the model state inclusive design ordinance.
The model bill goes beyond the other three options in including provisions, modeled generally on a program adopted in Austin, Texas, to authorize local jurisdictions to make a variety of zoning and building permit processing incentives available to owners and builders of both covered dwelling units that receive public assistance and non-covered units without assistance. The incentives would be available to builders of covered dwelling units that agree to include optional design features in new construction, in addition to the seven sets of required features in the ordinance. The incentives would also be available to owners or builders of non-covered dwellings, with the incentives considered public financial assistance, requiring that the dwelling comply with the required design standards of the ordinance. This serves to greatly expand the application of the ordinance to new construction that otherwise would not be required to comply with inclusive design standards. Officials in Austin have estimated that at least 25% of builders each year have opted to receive expedited processing and other incentives from the city and voluntarily complied with the city’s accessible design standards.

State Offices might consider using the municipal ordinance enabling bill option in a number of situations in which strong opposition to building code changes may exist at the state level, or where states have already enacted voluntary accessibility programs, but support may exist for allowing local governments to take additional steps to address the changing needs of their aging local populations. And it may be the most appropriate model bill to advance in states that have already enacted state enabling laws with weak voluntary model ordinances, or as a response or counter to similar voluntary municipal ordinance enabling proposals advanced by builder associations in other states.
INCLUSIVE HOME DESIGN ACT

AN ACT to provide standards for incorporating inclusive design features in the construction and rehabilitation of certain housing residential assisted with public funding; to provide for certain powers and duties of certain state and municipal authorities; and for other purposes.

Be it enacted by the Legislature of the State of ________________:

Section 1. Short title; Table of Contents.

(a) This Act shall be known and may be cited as the “Inclusive Home Design Act.”

(b) The table of contents for this Act is as follows:

Sec. 1. Short Title; Table of Contents.
Sec. 2. Legislative Findings and Purpose.
Sec. 3. Definitions.
Sec. 4. Applicability.
Sec. 5. Inclusive Design Standards.
Sec. 6. Exceptions.
Sec. 7. Requirements for Substantial Rehabilitation.
Sec. 8. Administration and Enforcement.
Sec. 9. Rulemaking.
Sec. 10. Severability.
Sec. 11. Effective Date.

Sec. 2. Legislative Findings and Purpose.

(a) The legislature hereby finds and declares:
(1) People over age 65 are the fastest growing segment of our nation's population and life expectancies continue to increase. Whether due to injury or age, there is a strong likelihood that every person, at some time in their lives, will suffer a temporary or permanent condition that limits their mobility or ability to perform daily tasks of living.

(2) Housing is the largest expenditure for older households and an important determinant of their quality of life. Surveys consistently show that most adults prefer to remain in their homes as they age, even if their needs change.

(3) Structural barriers in the design of most current residential housing can trap older adults and persons with mobility disabilities in their homes, depriving them of meaningful economic and social interactions necessary to support successful aging. Such barriers also prevent persons with mobility disabilities from visiting the homes of friends and family, and limit the ability of caregivers to provide adequate care for injured or disabled family members in the home.

(4) Inclusive home design, as a practical application of universal design principles, seeks to make housing more accessible, easier to use and more livable for persons of all ages and physical abilities. Features such as no-step entries, wider doors and adequate maneuvering space in hallways, bathrooms and kitchens provide accessibility for people with disabilities and promote aging in place, while increasing convenience and safety for all residents.

(5) Appropriate standards and specifications for incorporating inclusive design features in residential construction are provided in Chapter 10 of the 2009 edition of the Accessible and Usable Buildings and Facilities manual of the International Code Council (ICC) and the American National Standards Institute (ICC/ANSI A117.1-2009), which have been developed with broad consensus among relevant industry, trade and consumer organizations and are the primary national guidelines for accessibility for public buildings and residential construction.

(6) The added costs of incorporating inclusive design features during construction or substantial rehabilitation of a residence have been shown to be
 minimal, while the costs and disruption associated with retrofitting an existing
home to provide only minimal accessibility are substantial.

(b) The legislature declares that it is the purpose of this Act to establish
standards of inclusive design applicable to the construction and substantial
rehabilitation of certain single-family dwellings that are financed, in whole or in part, with
public financial assistance in order to help stabilize neighborhoods, strengthen
communities and prevent the exclusion or displacement of persons with disabilities or
those who acquire mobility and functional limitations as they age.

Sec. 3. Definitions.

For purposes of this Act, the following terms shall, unless the context clearly
requires otherwise, have the following meanings:

(a) “Accessibility” refers to architectural designs or structural improvements that
promote ease of entry and increased ease of movement within a residential dwelling for
residents and visitors with physical disabilities.

(b) “Authorized agency” shall include the [state] Department of Housing [or
similar agency] and any city or county agency or official authorized to issue building
permits or building certificates of occupancy.

(c) “Conversion” refers to building rehabilitation or renovation that changes the
use of an existing public, commercial or industrial structure to residential dwellings.

(d) “Covered dwelling unit” shall mean any dwelling unit, including a cooperative
or condominium unit in a building that otherwise meets the definition of a “dwelling unit,”
that is designed, contracted, constructed, rehabilitated or otherwise arranged for by any
person or entity who receives public financial assistance.

(e) “ Dwelling unit ” shall mean a detached or semi-detached single family home, a
town house, or any individual unit in a duplex or triplex (whether detached or attached to
other buildings or structures) which is designed, or intended for occupancy, as a
residence;

(f) “ ICC/ANSI A117.1” refers to standards for Accessible and Usable Buildings
and Facilities developed and approved by the International Code Council (ICC) and the
American National Standards Institute (ANSI). Unless otherwise noted, references to
the ICC/ANSI standards in this Act refer to the standards applicable to single-family residential dwelling units, or Type C (visitable) units, in Section 1005 of Chapter 10 of the 2009 edition (ICC/ANSI A117.1-2009), or its successor.

(g) "Inclusive design home" shall refer to residential dwellings that are designed and constructed in compliance with the requirements of this Act to incorporate design features intended to provide all persons, regardless of age or physical ability, with maximum access and convenience of use.

(h) "Maximum extent feasible" refers to any situation where rehabilitation of an existing building shall seek to accomplish or promote the intended objective of the design standard to the greatest extent structurally or technically possible, but where the location, design or structure of an existing building make it virtually impossible to comply fully with such required design standard.

(i) "Multistory dwelling" refers to a dwelling unit with finished living space located on the ground or entrance level and on the floor or floors immediately above and below it.

(j) "Person" refers to any individual, group of individuals, business firm, corporation, partnership, nonprofit organization or other entity that is the owner or contractor of a covered dwelling unit, or otherwise responsible for the design, development or construction of a covered dwelling unit.

(k) "Public financial assistance" shall include one or more of the following state or federal development subsidies used in connection with the design, development, financing, construction or rehabilitation of a covered dwelling unit:

(1) A building contract or similar contractual agreement with any state agency;

(2) Any real estate received by the owner or developer through a donation by any state agency;

(3) Any state tax credits or tax abatement;

(4) A grant, loan, loan guarantee or other assistance provided by the state Department of Housing or other state agency;
(5) A loan, loan guarantee, rental subsidy or other assistance provided by the [state_] Housing Finance Agency; [if applicable]

(6) A grant, loan, rental subsidy or other assistance provided by the [state_] Housing Trust Fund; or [if applicable]

(7) Any federal funds administered by the state, or any state agency, in connection with:

(A) the federal low-income housing tax credit program (26 U.S.C. 42(a));

(B) the Neighborhood Stabilization Program (42 U.S.C. 5301);

(C) the HOME Investments Partnership Act (42 U.S.C. 12721 et seq.); or

(D) the National Housing Trust Fund (12 U.S.C. 4568).

(I) “Secretary [Director or Commissioner]” shall mean the Secretary [Director or Commissioner] of the _______ (state) Department of Housing [Housing Development Authority, Department of Commerce, or other similar agency] which is authorized to implement the provisions of this Act.

(m) “Substantial rehabilitation” refers to any renovation, alteration, conversion, reconstruction, historic restoration or rearrangement in the plan or configuration of walls of an existing building for use, or continued use, as one or more residential dwelling units, and includes any redesign and reconstruction of the primary building entrance, interior hallways and entry level bathrooms. Normal maintenance, including reroofing, repair of walls, updating of electrical systems or remodeling of kitchens and bathrooms, shall not constitute substantial rehabilitation.

Sec. 4. Applicability.

(a) Except as otherwise provided, the provisions of this Act shall apply to:

(1) New construction of covered dwelling units, whether intended for sale or rent, for which application for a building permit is submitted to an authorized agency after the effective date of this Act, and which shall be designed and constructed in compliance with the design standards set forth in Section 5(a); and
(2) Substantial rehabilitation of any covered dwelling unit that is a single-family dwelling, duplex, triplex, or part of a public or commercial building to be converted for limited residential use, for which an application for a substantial rehabilitation permit is submitted to an authorized agency on or after the effective date of this Act, and which shall comply with the required design standards of this Act, as provided in Section 7.

(b) For purposes of this Act, only the first floor dwelling unit of a multistory duplex or triplex building that qualifies as a covered dwelling unit shall be required to comply with the dwelling unit entrance design standard in Section 5(a)(1).

(c) The provisions of this Act relating to substantial rehabilitation shall not apply to a residential dwelling unit:

(1) which is owner-occupied and being rebuilt or renovated for occupancy by the owner;

(2) where the primary entrance and dwelling space has been constructed above grade because it is located over subterranean or grade-level parking; or

(3) which is being rehabilitated or restored with public assistance as a result of a natural disaster.

(d) The provisions of this Act shall not apply to construction or rehabilitation of affordable dwelling units financed with funds under programs of the federal Department of Housing and Urban Development or rural development programs administered by the U.S. Department of Agriculture, or other multi-family residential housing constructed or rehabilitated in compliance with accessibility standards for Type A and Type B units in ICC/ANSI A117.1-2003, or subsequent editions.

(e) All dwelling units which comply with the standards adopted under this Act may be identified as “Inclusive Design Homes”.

Sec. 5. Inclusive Design Standards.

(a) Except as otherwise provided in Section 6 and Section 7 of this Act, each covered dwelling unit shall be designed and constructed with the following features:
(1) At least one step-free dwelling unit entrance on a clear exterior circulation path from a public street or sidewalk, a covered dwelling unit driveway or garage, consistent with ICC/ANSI A117.1 Sections 1005.2 and 1005.5;

(2) Accessible interior coors and doorways, consistent with ICC/ANSI A117.1 Section 1005.5.3;

(3) A clear interior circulation path between the dwelling unit entrance and the interior spaces on the same level, consistent with ICC/ANSI A117.1 Sections 1005.3 and 1005.5;

(4) A full bathroom or toilet room on the entrance level, consistent with ICC/ANSI A117.1 Section 1005.4, which shall include the following features:

(A) not less than one sink and one toilet, and at least one shower or bathtub, consistent with ICC/ANSI A117.1 Sections 1003.11.1 and 1003.11.2.5;

(B) adequate floor space and clearances:

(i) where the door swings into the bathroom, a clear space of 48 inches (1220 mm) minimum length and 30 inches (760 mm) minimum width that is free of the swing of the door to position a wheelchair or other mobility aid to permit use of fixtures, consistent with ICC/ANSI A117.1 Sections 1004.11.2 and 305.3;

(ii) where the door swings out of the bathroom, a clear space of 48 inches (1220 mm) minimum length and 30 inches (760 mm) minimum width within the room to position a wheelchair or other mobility aid to allow unobstructed use of fixtures, consistent with ICC/ANSI A117.1 Section 305.3;

(iii) such clear floor space shall be permitted to include knee and toe clearances beneath any fixtures, consistent with ICC/ANSI A117.1 Section 306; and

(iv) at least one clear unobstructed side of such clear floor space shall adjoin or overlap an accessible route or adjoin another clear floor space, consistent with ICC/ANSI A117.1 Section 305.6;
(C) where both a bathtub and shower fixture are provided, at least one made accessible, consistent with ICC/ANSI A117.1 Section 1004.11.3.1.3;

(D) where more than one sink in a bathroom is provided, at least one is made accessible, consistent with ICC/ANSI A117.1 Section 1004.11.3.1.1; and

(E) reinforcement in the bathroom walls to allow for later installation of grab bars around the toilet, bathtub or shower stall and shower seat, consistent with ICC/ANSI A117.1 Sections 1005.6 and 1004.11.1;

(5) At least one habitable interior space on the dwelling unit entrance level with a minimum area of 70 square feet that can be used as a bedroom, consistent with ICC/ANSI A117.1 Sections 1005.3 and 1005.4;

(6) An accessible food preparation area, consistent with ICC/ANSI A117.1 Sections 1005.7 and 1003.12.1; and

(7) Lighting controls, receptacle outlets and environmental controls located at reachable heights, consistent with ICC/ANSI A117.1 Section 1005.8.

(b) Except as otherwise provided in subsection (a)(4), a covered dwelling unit shall be deemed to be in compliance with the requirements of this Act if it complies with the applicable ICC/ANSI standards at ICC/ANSI A117.1-2009 Section 1005, or its successor.

(c) Where an exception or waiver of the requirements of subsection (a)(4) is provided pursuant to Section 6 of this Act, at least one accessible toilet room or bathroom shall be constructed, consistent with ICC/ANSI A117.1 Sections 1005.4 and 1005.6.

(d) The standards set forth in this subsection (a) are intended to supplement and not replace any comparable standards in existing state electrical, fire and safety codes. Where specific requirements or design criteria in this section differ from, or conflict with, comparable requirements or criteria in such existing standards, the design standards of this section shall apply.
(e) Nothing in this Act is intended to prevent the use of designs, clearances, specifications or products as alternatives to those prescribed in this section, provided they result in equivalent or greater accessibility and ease of use for potential residents, and such equivalency has been confirmed and approved by the [state] Department of Housing [or similar agency] or the applicable authorized agency.

Sec. 6. Exceptions.

(a) The Secretary [Director or Commissioner] shall provide written criteria applicable to new construction for use by an authorized agency to grant exceptions to, or waive compliance with, one or more of the design standards set forth in Section 5(a).

(b) In establishing criteria pursuant to subsection (a) of this section, the Secretary shall identify, to the extent practicable, specific circumstances in which a person or persons involved in the design, development or construction of a covered dwelling unit can demonstrate that compliance with one or more design standards in Section 5(a) would be technically, structurally or environmentally impractical, including:

(1) The unique characteristics of a building site, whether due to excessive elevation and other topographical conditions, that make construction of step-free entrances impractical, and where no alternative means of vehicular access may be available;

(2) Existing zoning restrictions on dwelling size, lot size or configuration, community design restrictions and covenants, historic district restrictions, or other structural and legal restrictions outside the control of the person or persons responsible for the design or construction of a covered dwelling unit, that may limit numbers of entry floor rooms, restrict interior clearances or prevent compliance with other design features; and

(3) Potential conflict between the design standards required by this Act and funding or design requirements of government agencies that contribute financial assistance for construction of a dwelling unit.

(c) Granting of an exception where it can be demonstrated that full compliance with one or more design standards in Section 5(a) is impractical or technically infeasible does not lessen or remove the obligation of the applicant for such exception to provide
for increased accessibility or other intended purpose of such standard to the greatest extent that is practical or feasible, nor does it remove the obligation to comply fully with all other design standards.

(d) Any person seeking an exception from any requirement of Section 5(a) shall submit a request at the time of application for a building permit, or immediately thereafter upon encountering topographic or structural difficulties that may require an exception, that shall include:

(1) a statement describing the exception or exceptions requested;
(2) an explanation of the problems encountered that warrant each exception; and
(3) such additional information regarding topographic conditions, local codes and ordinances, construction constraints and other factors as may be necessary to adequately document need for each exception;

(e) The burden of proving impracticality or other justification for requesting an exception is on the person or persons requesting such exception.

Sec. 7. Requirements for Substantial Rehabilitation.

(a) Substantial rehabilitation or conversion of a covered dwelling unit shall comply with the standards required by Section 5(a) of this Act to the maximum extent feasible.

(b) If compliance with a specific design feature required in Section 5(a) is determined to be technically infeasible, any alteration or reconstruction of a covered dwelling unit that can be made to increase external access, internal room clearances, ease of use of fixtures, or that advances the intended purpose of a design standard required in Section 5(a), shall be undertaken as compliance with the requirements of this Section.

(c) For purposes of this section, it shall be technically infeasible to comply with the design features required in subsection (a) of this section where full compliance would require removal or alteration of a load-bearing wall or other feature that is an essential part of the existing structural frame, or because other existing physical or site
constraints prohibit modification or addition of structural elements, spaces or features
necessary to permit full compliance with such requirements.

(d) The administrative agency shall determine, at the time of application for a
substantial rehabilitation permit, or upon later inspection, whether compliance with any
required design feature is technically infeasible, and whether alterations proposed to be
undertaken as part of a rehabilitation project constitute maximum feasible compliance
with the requirements of this Section.

(e) A determination by an administrative agency that full compliance with one or
more design standards of Section 5(a) is technically infeasible shall not lessen or
remove the obligation to comply fully, or to the maximum extent feasible, with all other
required design standards.

Sec. 8. Administration and Enforcement.

(a) In connection with any application for a permit for construction or substantial
rehabilitation of a covered dwelling unit, the authorized agency shall:

(1) take such actions as appropriate to inform potential applicants, and the
public generally, of the circumstances requiring inclusion of the design features
required by Section 5(a) in the design, construction or rehabilitation of residential
dwellings, and a description of all forms of public financial assistance that require
compliance with this Act;

(2) require that applicants include as part of any such application, the
following:

(A) a statement acknowledging that the applicant has received
information regarding the design features required by this Act and the
types of public financial assistance requiring compliance with these
requirements;

(B) a statement certifying whether any person involved in the
design, commission, development, construction or rehabilitation of the
dwelling unit has received, applied for, or will receive any public financial
assistance described in Section 3(k) that requires compliance with the
requirements of this Act;
(C) where an applicant acknowledges receipt of public financial assistance, a building or rehabilitation plan that incorporates the design features required by Section 5(a) of this Act; and

(D) if applicable, a request for exception from one or more required design standards, as required by Section 6(d) of this Act; and

(3) not approve, or withhold approval for, an application for a construction or substantial rehabilitation permit for a covered dwelling unit if:

(A) the building plan does not comply with all required design standards of Section 5(a), and where no request for an exception has been received, and approved, by the authorizing agency in compliance with Section 6(d) of this Act; or

(B) the authorizing agency has determined, after review and consultation with the applicant, that the plan for rehabilitation of the dwelling unit does not comply with the design standards of Section 5(a) to the maximum extent feasible.

(4) withhold issuance of a final inspection report or certificate of occupancy upon completion of construction or rehabilitation of a covered dwelling unit if, upon inspection, the dwelling unit is determined out of compliance with one or more design standards, and the owner or contractor of such dwelling unit fails to correct any deficiency necessary to bring the dwelling unit into compliance.

(b) In connection with an application for public financial assistance for construction or substantial rehabilitation of a covered dwelling unit, the Secretary [Director or Commissioner] or the administrator or other appropriate officer of any state agency or department responsible for administering any program or assistance identified in Section 3(k) of this Act, shall:

(1) Make available to potential applicants, and the public generally, information concerning the requirements of this Act as part of any notice or educational material regarding the availability of such financial assistance;
(2) Require that applicants include as part of any such application the following:

(A) a signed affidavit that acknowledges receipt and understanding of the design and construction requirements of Section 5(a) of this Act, and certifies intent to comply with such requirements;

(B) a building or rehabilitation plan that incorporates the design features required by Section 5(a) of this Act; and

(C) if applicable, a request for exception from one or more required design standards, as required by Section 6(d) of this Act;

(3) withhold approval for an application where the proposed construction or rehabilitation fails to comply with the required design standards of Section 5(a), and no request for exceptions has been received, and approved, by the authorizing agency, as provided in Section 6 of this Act; and

(4) take such measures as are necessary to assure compliance with the requirements of this Act, including inspecting a covered dwelling unit under construction or rehabilitation and, if such dwelling unit is determined out of compliance, seeking an injunction against issuance of a certification of occupancy upon completion of construction or rehabilitation of the dwelling unit; except that, the owner, contractor or builder of such covered dwelling unit may be provided appropriate opportunity, not to exceed 60 days from the date of inspection, to correct any deficiency or incorporate any design features necessary to bring the covered dwelling unit into compliance.

(c) Any person that is the owner or contractor of a covered dwelling unit, or is otherwise responsible for the design, construction or rehabilitation of such unit, shall be deemed to have violated the requirements of this Act if such person:

(1) provides false or inaccurate information regarding the receipt of public financial assistance, or omits other material facts or information in an application for a construction or substantial rehabilitation permit with an authorized agency;

(2) fails to incorporate all required design features in the construction of a covered dwelling unit, to comply with the terms of any exception to a required
design feature, or to correct any deficiency to bring the covered dwelling unit into compliance;

(3) commences construction or rehabilitation of a covered dwelling unit prior to receiving approval for a construction or substantial rehabilitation permit;

(4) places a covered dwelling unit on the market for sale or rent without an approved certificate of occupancy; or

(5) engages in the sale or rental of a covered dwelling unit in which further construction or renovation has taken place subsequent to final inspection and issuance of a certificate of occupancy which alters or removes any design features required by Section 5(a) so that the covered dwelling unit no longer complies with the requirements of this Act.

(d) A violation of this Act shall be enforced by the Attorney General or by private right of action by any person or organization.

(1) A cause of action to enforce this Act shall accrue upon discovery of noncompliance by any person or organization, and shall be brought within three years of the discovery by such person or organization of such noncompliance.

(2) A court may award compensatory, actual or punitive damages; equitable relief, and reasonable costs and attorney’s fees to a person or organization that prevails in enforcing the provisions of this Act.

(3) In addition to the award of any remedy provided in paragraph (2) of this subsection, the court shall require the violating party to bring the covered dwelling unit into compliance with the requirements of Section 5 of the Act; and may grant the person or organization seeking to enforce this Act the option of selecting an independent qualified contractor to perform the necessary work to bring the dwelling unit into compliance at the expense of the violating party.

Sec. 9. Rulemaking.

The Secretary [Director or Commissioner] shall consult with interested parties, including home builders, lending institutions, real estate brokers, and representatives of organizations representing older persons, persons with disabilities and consumers
generally, and shall adopt such rules and regulations as necessary to implement the
provisions of this Act.

**Sec. 10. Severability.**

If any provision of this Act is found to be invalid, the invalidity shall not affect
other provisions of the Act, which can be given effect without the invalid provisions or
circumstance, and to this end the provisions of this Act are severable.

**Sec. 11. Effective Date.**

(a) This Act shall take effect one hundred and eighty (180) days after it shall have
become law and shall apply only to covered dwelling units for which the first application
for a construction or substantial rehabilitation permit is received by an authorized
agencies on or after the effective date of this Act;

(b) Nothing contained in this Act shall require any change in design or
construction of a residential dwelling unit for which a construction of substantial
rehabilitation permit had been issued prior to the effective date of this Act, or where
renewal of such building permit is approved after such effective date; provided, that
construction or rehabilitation of such dwelling unit is commenced and can reasonably be
expected to be completed not later than one hundred and eighty (180) days after the
effective date of this Act.
Option 2—State Inclusive Home Design Bill: Single-Family New Construction

INCLUSIVE HOME DESIGN ACT

AN ACT to provide standards for incorporating inclusive design features in the design and of certain residential housing assisted with public funding; to provide for certain powers and duties of certain state and municipal authorities; and for other purposes.

Be it enacted by the Legislature of the State of _________________:

Section 1. Short title; Table of Contents.

(a) This Act shall be known and may be cited as the “Inclusive Home Design Act.”

(b) The table of contents for this Act is as follows:

Sec. 1. Short Title; Table of Contents.
Sec. 2. Legislative Findings and Purpose.
Sec. 3. Definitions.
Sec. 4. Applicability.
Sec. 5. Inclusive Design Standards.
Sec. 6. Exceptions.
Sec. 7. Administration and Enforcement.
Sec. 8. Rulemaking.
Sec. 9. Severability.
Sec. 10. Effective Date.

Sec. 2. Legislative Findings and Purpose.

(a) The legislature hereby finds and declares:

(1) People over age 65 are the fastest growing segment of our nation's population and life expectancies continue to increase. Whether due to injury or
age, there is a strong likelihood that every person, at some time in their lives, will
suffer a temporary or permanent condition that limits their mobility or ability to
perform daily tasks of living.

(2) Housing is the largest expenditure for older households and an
important determinant of their quality of life. Surveys consistently show that most
adults prefer to remain in their homes as they age, even if their needs change.

(3) Structural barriers in the design of most current residential housing can
trap older adults and persons with mobility disabilities in their homes, depriving
them of meaningful economic and social interactions necessary to support
successful aging. Such barriers also prevent persons with mobility disabilities
from visiting the homes of friends and family, and limit the ability of caregivers to
provide adequate care for injured or disabled family members in the home.

(4) Inclusive home design, as a practical application of universal design
principles, seeks to make housing more accessible, easier to use and more
livable for persons of all ages and physical abilities. Features such as no-step
entries, wider doors and adequate maneuvering space in hallways, bathrooms
and kitchens provide accessibility for people with disabilities and promote aging
in place, while increasing convenience and safety for all residents.

(5) Appropriate standards and specifications for incorporating inclusive
design features in residential construction are provided in Chapter 10 of the 2009
edition of the Accessible and Usable Buildings and Facilities manual of the
International Code Council (ICC) and the American National Standards Institute
(ICC/ANSI A117.1-2009), which have been developed with broad consensus
among relevant industry, trade and consumer organizations and are the primary
national guidelines for accessibility for public buildings and residential
construction.

(6) The added costs of constructing a residence with inclusive design
features have been shown to be minimal, while the costs and disruption
associated with retrofitting an existing home to provide only minimal accessibility
are substantial.
(b) The legislature declares that it is the purpose of this Act to establish standards of inclusive design applicable to the design and construction of certain single-family dwellings that are financed, in whole or in part, with public financial assistance in order to help stabilize neighborhoods, strengthen communities and prevent the exclusion or displacement of persons with disabilities or those who acquire mobility and functional limitations as they age.

Sec. 3. Definitions.

For purposes of this Act, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

(a) "Accessibility" refers to architectural designs or structural improvements that promote ease of entry and increased ease of movement within a residential dwelling for residents and visitors with physical disabilities.

(b) "Authorized agency" shall include the [state] Department of Housing [or similar agency] and any city or county agency or official authorized to issue building permits or building certificates of occupancy.

(c) "Covered dwelling unit" shall mean any dwelling unit, including a cooperative or condominium unit in a building that otherwise meets the definition of a "dwelling unit," that is designed, constructed, commissioned, contracted or otherwise arranged for, by any person or entity who receives public financial assistance.

(d) "Dwelling unit" shall mean a detached or semi-detached single family home, a town house, or any individual unit in a duplex or triplex (whether detached or attached to other buildings or structures) which is designed, or intended for occupancy, as a residence;

(e) "ICC/ANSI A117.1" refers to standards for Accessible and Usable Buildings and Facilities developed and approved by the International Code Council (ICC) and the American National Standards Institute (ANSI). Unless otherwise noted, references to the ICC/ANSI standards in this Act refer to the standards applicable to single-family residential dwelling units, or Type C (visitible) units, in Section 1005 of Chapter 10 of the 2009 edition (ICC/ANSI A117.1-2009) or its successor.
(f) "Inclusive design home" shall refer to a residential dwelling that is designed and constructed in compliance with the requirements of this Act to incorporate design features that provide everyone, regardless of age or physical ability, with maximum access and convenience of use.

(g) "Multistory dwelling" refers to a dwelling unit with finished living space located on the ground or entrance level and on the floor or floors immediately above and below it.

(h) "Person" refers to any individual, group of individuals, business firm, corporation, partnership, nonprofit organization or other entity that is the owner or contractor of a covered dwelling unit, or otherwise responsible for the design, development or construction of a covered dwelling unit.

(i) "Public financial assistance" shall include one or more of the following state or federal development subsidies used in connection with the design, development, financing or construction of a covered dwelling unit:

1. A building contract or similar contractual agreement with any state agency;
2. Any real estate received by the owner or developer through a donation by any state agency;
3. Any state tax credits or tax abatement;
4. A grant, loan, loan guarantee or other assistance provided by the [state] Department of Housing or other state agency;
5. A loan, loan guarantee, rental subsidy or other assistance provided by the [state] Housing Finance Agency; [if applicable]
6. A grant, loan, rental subsidy or other assistance provided by the [state] Housing Trust Fund; or [if applicable]
7. Any federal funds administered by the state or any state agency or department in connection with:
   A. the federal low-income housing tax credit program (26 U.S.C. 42(a));
   B. the Neighborhood Stabilization Program (42 U.S.C. 5301);
(C) the HOME Investments Partnership Act (42 U.S.C. 12721 et
seq.); or

(D) the National Housing Trust Fund (12 U.S.C. 4568).

(j) “Secretary [Director or Commissioner]” shall mean the Secretary [Director or
Commissioner] of the ______ (state) Department of Housing [Housing Development
Authority, Department of Commerce, or other similar agency] which is authorized to
implement the provisions of this Act.

Sec. 4. Applicability.

(a) Except as otherwise provided by this Act, any new construction of a covered
dwelling unit, for which application for a building permit is submitted to an authorized
agency after the effective date of this Act, shall be designed and constructed in
compliance with this Act and shall conform with the design standards set forth in
Section 5.

(b) For purposes of this Act, only the first floor dwelling unit of a multistory duplex
or triplex building that qualifies as a covered dwelling unit shall be required to comply
with the dwelling unit entrance design standard in Section 5(a)(i).

(c) The provisions of this Act shall not apply to new construction of affordable
dwelling units financed with funds under programs of the federal Department of Housing
and Urban Development or rural development programs administered by the U.S.
Department of Agriculture, or other multi-family residential housing constructed for
accessibility in compliance with standards for Type A and Type B units in ICC/ANSI
A117.1-2003, or subsequent editions.

(d) All dwelling units which comply with the standards adopted under this Act
may be identified as “Inclusive Design Homes”.

Sec. 5. Inclusive Design Standards.

(a) Except as otherwise provided in Section 6 of this Act, each covered dwelling
unit shall be designed and constructed with the following features:

(1) At least one step-free dwelling unit entrance on a clear exterior
circulation path from a public street or sidewalk, a covered dwelling unit driveway
or garage, consistent with ICC/ANSI A117.1 Sections 1005.2 and 1005.5;
(2) Accessible interior doors and doorways, consistent with ICC/ANSI A117.1 Section 1005.5.3;

(3) A clear interior circulation path between the dwelling unit entrance and the interior spaces on the same level, consistent with ICC/ANSI A117.1 Sections 1005.3 and 1005.5;

(4) A full bathroom on the entrance level, consistent with ICC/ANSI A117.1 Section 1005.4, which shall include the following features:

(A) not less than one sink and one toilet, and at least one shower or bathtub, consistent with ICC/ANSI A117.1 Sections 1003.11.2 and 1003.11.2.5;

(B) adequate floor space and clearances:

(i) where the door swings into the bathroom, a clear space of 48 inches (1220 mm) minimum length and 30 inches (760 mm) minimum width that is free of the swing of the door to position a wheelchair or other mobility aid to permit use of fixtures, consistent with ICC/ANSI A117.1 Sections 1004.11.2 and 305.3;

(ii) where the door swings out of the bathroom, a clear space of 48 inches (1220 mm) minimum length and 30 inches (760 mm) minimum width within the room to position a wheelchair or other mobility aid to allow unobstructed use of fixtures, consistent with ICC/ANSI A117.1 Section 305.3;

(iii) such clear floor space shall be permitted to include knee and toe clearances beneath any fixtures, consistent with ICC/ANSI A117.1 Section 306; and

(iv) at least one clear unobstructed side of such clear floor space shall adjoin or overlap an accessible route or adjoin another clear floor space, consistent with ICC/ANSI A117.1 Section 305.6;

(C) where both a bathtub and shower fixture are provided, at least one is made accessible, consistent with ICC/ANSI A117.1 Section 1004.11.3.1.3;
(D) where more than one sink in a bathroom is provided, at least one is made accessible, consistent with ICC/ANSI A117.1 Section 1004.11.3.1.1; and

(E) reinforcement in the bathroom walls to allow for later installation of grab bars around the toilet, bathtub or shower stall and shower seat, consistent with ICC/ANSI A117.1 Sections 1005.6 and 1004.11.1;

(5) At least one habitable interior space on the dwelling unit entrance level with a minimum area of 70 square feet that can be used as a bedroom, consistent with ICC/ANSI A117.1 Sections 1005.3 and 1005.4;

(6) An accessible food preparation area, consistent with ICC/ANSI A117.1 Sections 1005.7 and 1003.12.1; and

(7) Lighting controls, receptacle outlets and environmental controls located at reachable heights, consistent with ICC/ANSI A117.1 Section 1005.8.

(b) Except as otherwise provided in subsection (a)(4), a covered dwelling unit shall be deemed to be in compliance with the requirements of this Act if they comply with the applicable ICC/ANSI standards at ICC/ANSI A117.1-2009 Section 1005, or its successor.

(c) Where an exception or waiver of the requirements of Subsection (a)(4) is provided pursuant to Section 6 of this Act, at least one accessible toilet room or bathroom shall be constructed, consistent with ICC/ANSI A117.1 Sections 1005.4 and 1005.6.

(d) The standards set forth in this subsection (a) are intended to supplement and not replace any comparable standards in existing state electrical, fire and safety codes. Where specific requirements or design criteria in this section differ from, or conflict with, comparable requirements or criteria in such existing standards, the design criteria of this standard shall apply.

(e) Nothing in this Act is intended to prevent the use of designs, clearances, specifications or products as alternatives to those prescribed in this section, provided they result in equivalent or greater accessibility or ease of use for potential residents,
and such equivalency has been confirmed and approved by the ___[state]___ Department of Housing [or similar agency] or the applicable authorized agency.

Sec. 6. Exceptions.

(a) The Secretary [Director or Commissioner] shall establish criteria for use by an authorized agency to grant exceptions to, or waive compliance with, one or more of the design standards set forth in Section 5(a).

(b) In establishing criteria pursuant to subsection (a) of this section, the Secretary shall identify, to the extent practicable, specific circumstances in which a person or persons involved in the design, development or construction of a covered dwelling unit can demonstrate that compliance with one or more design standards in Section 5(a) would be technically, structurally or environmentally impractical, including:

(1) The unique characteristics of a building site, whether due to excessive elevation and other topographical conditions, that make construction of step-free entrances impractical, and where no alternative means of vehicular access may be available;

(2) Existing zoning restrictions on dwelling size, lot size or configuration, community design restrictions and covenants, or other structural and legal restrictions outside the control of the person or persons responsible for the design or construction of a covered dwelling unit, that may limit numbers of entry floor rooms, restrict interior clearances or prevent compliance with other design features; and

(3) Potential conflict between the design standards required by this Act and funding or design requirements of government agencies that contribute financial assistance for construction of a dwelling unit.

(c) Granting of an exception where it can be demonstrated that full compliance with one or more design standards in Section 5(a) is impractical or technically infeasible does not lessen or remove the obligation to provide for increased accessibility or other intended purpose of such standard to the greatest extent that is practical or feasible, nor does it remove the obligation to comply fully with all other design standards.
(d) Any person seeking an exception from any requirement of Section 5(a) shall submit a request at the time of application for a building permit, or immediately thereafter upon encountering topographic or structural difficulties that may necessitate such exception, that shall include:

(1) a statement describing the exception or exceptions requested;

(2) an explanation of the problems encountered that warrant each exception; and

(3) such additional information regarding topographic conditions, local codes and ordinances, construction constraints and other factors as may be necessary to adequately document need for each exception;

(e) The burden of proving impracticality or other justification for requesting an exception is on the person or persons requesting such exception.

Sec. 7. Administration and Enforcement.

(a) In connection with any application for a permit to construct a covered dwelling unit, the authorized agency shall:

(1) take such actions as appropriate to inform potential applicants, and the public generally, of the circumstances requiring inclusion of the design features required by Section 5(a) in the design and construction of residential dwellings, and a description of all forms of public financial assistance that require compliance with this Act;

(2) require that applicants include as part of any such application the following:

(A) a statement acknowledging that the applicant has received information regarding the special design features required by this Act and the types of public financial assistance requiring compliance with these requirements;

(B) a statement certifying whether any person involved in the design, commission, development or construction of the dwelling unit has received, applied for, or will receive any public financial assistance
described in Section 3(i) that requires compliance with the requirements of this Act;

(C) where an applicant acknowledges receipt of public financial assistance, a building plan that incorporates the design features required by Section 5(a) of this Act; and

(D) if applicable, a request for exception from one or more required design standards, as required by Section 6(d) of this Act; and

(3) not approve an application for a permit to construct a covered dwelling unit where the proposed building plan does not comply with all required design standards of Section 5(a), and where no request for an exception has been received by the authorizing agency in compliance with Section 6(d) of this Act.

(4) withhold issuance of a final inspection report or certificate of occupancy upon completion of construction of a covered dwelling unit if, upon inspection, the dwelling unit is determined out of compliance with one or more design standards, and the owner or contractor of such dwelling unit fails to correct any deficiency necessary to bring the dwelling unit into compliance.

(b) In connection with an application for public financial assistance to construct a covered dwelling unit, the Secretary [Director or Commissioner] or the administrator or other appropriate officer of any state agency or department responsible for administering any program or assistance identified in Section 3(i) of this Act, shall:

(1) Make available to potential applicants, and the public generally, information concerning the requirements of this Act as part of any notice or educational material regarding the availability of such financial assistance;

(2) Require that applicants include as part of any such application the following:

(A) a signed affidavit that acknowledges receipt and understanding of the design and construction requirements of Section 5(a) of this Act, and certifies intent to comply with such requirements;

(B) a building plan that incorporates the design features required by Section 5(a) of this Act; and
(C) if applicable, a request for exception from one or more required
design standards, as required by Section 6(d) of this Act;

(3) withhold approval for an application where the building plan does not
comply with the required design standards of Section 5(a), and no request for
exceptions has been received, and approved, by the authorizing agency, as
provided in Section 6 of this Act; and

(4) take such measures as are necessary to assure compliance with the
requirements of this Act, including inspecting a covered dwelling unit under
construction and, if such dwelling unit is determined out of compliance, seeking
an injunction against issuance of a certification of occupancy upon completion of
construction of the dwelling unit; except that, the owner, contractor or builder of
such covered dwelling unit may be provided appropriate opportunity, not to
exceed 60 days from the date of inspection, to correct any deficiency or
incorporate any design features necessary to bring the covered dwelling unit into
compliance.

(c) Any person that is the owner or contractor of a covered dwelling unit, or is
otherwise responsible for the design and construction of such unit, shall be deemed to
have violated the requirements of this Act if such person:

(1) provides false or inaccurate information regarding the receipt of public
financial
assistance, or omits other material facts or information, in an application for a
building permit with an authorized agency;

(2) fails to incorporate all required design features in the construction of a
covered dwelling unit, to comply with the terms of any exception to a required
design feature, or to correct any deficiency to bring the covered dwelling unit into
compliance;

(3) places a covered dwelling unit on the market for sale or rent without an
approved certificate of occupancy; or

(4) engages in the sale or rental of a covered dwelling unit in which further
construction or renovation has occurred subsequent to final inspection and
issuance of a certificate of occupancy which alters or removes any design
features required by Section 5(a) so that the covered dwelling unit no longer
complies with the requirements of this Act.
(d) A violation of this Act shall be enforced by the Attorney General or by private
right of action by any person or organization.
   (1) A cause of action to enforce this Act shall accrue upon discovery of
noncompliance by any person or organization, and shall be brought within three
years of the discovery by such person or organization of such noncompliance.
   (2) A court may award compensatory, actual or punitive damages;
equitable relief, and reasonable costs and attorney's fees to a person or
organization that prevail in enforcing the provisions of this Act.
   (3) In addition to the award of any remedy provided in paragraph (2) of
this subsection, the court shall require the violating party to bring the covered
dwelling unit into compliance with the requirements of Section 5 of the Act; and
may also grant the person or organization seeking to enforce this Act the option
of selecting an independent qualified contractor to perform the necessary work to
bring the dwelling unit into compliance at the expense of the violating party.

Sec. 8. Rulemaking.
The Secretary [Director or Commissioner] shall consult with interested parties,
including home builders, lending institutions, real estate brokers, and representatives of
organizations representing older persons, persons with disabilities and consumers
generally, and shall adopt such rules and regulations as necessary to implement the
provisions of this Act.

Sec. 9. Severability.
If any provision of this Act is found to be invalid, the invalidity shall not affect
other
provisions of the Act, which can be given effect without the invalid provisions or
circumstance, and to this end the provisions of this Act are severable.

Sec. 10. Effective Date.
(a) This Act shall take effect one hundred and eighty (180) days after it shall have become law and shall apply only to covered dwelling units for which the first application for a building permit is received by an authorized agency on or after the effective date of this Act.

(b) Nothing contained in this Act shall require any change in design or construction of a residential dwelling unit for which a building permit had been issued prior to the effective date of this Act, or where renewal of such building permit is approved after such effective date, provided, that construction of the dwelling unit is commenced and can reasonably be expected to be completed not later than one hundred and eighty (180) days after the effective date of this Act.

INCLUSIVE HOME DESIGN ACT

AN ACT to provide standards for incorporating inclusive design features in the design and construction of certain single-family and multifamily residential housing assisted with public funding; to establish an Inclusive Home Design Task Force; and to provide for certain powers and duties of certain state and municipal authorities; and for other purposes.

Be it enacted by the Legislature of the State of ____________:

1 Section 1. Short title; Table of Contents.
   (a) This Act shall be known and may be cited as the “Inclusive Home Design Act.”

2   (b) The table of contents for this Act is as follows:

3     Sec. 1. Short Title; Table of Contents.
4     Sec. 2. Legislative Findings and Purpose.
5     Sec. 3. Definitions.
6     Sec. 4. Applicability.
7     Sec. 5. Inclusive Design Standards.
8     Sec. 6. Exceptions.
9     Sec. 7. Administration and Enforcement.
10    Sec. 8. Inclusive Home Design Task Force
11    Sec. 9. Rulemaking.
12    Sec. 10. Severability.
13    Sec. 11. Effective Date.

16 Section 2. Legislative Findings and Purpose.
   (a) The legislature hereby finds and declares:
(1) People over age 65 are the fastest growing segment of our nation's population and life expectancies continue to increase. Whether due to injury or age, there is a strong likelihood that every person, at some time in their lives, will suffer a temporary or permanent condition that limits their mobility or ability to perform daily tasks of living.

(2) Housing is the largest expenditure for older households and an important determinant of their quality of life. Surveys consistently show that most adults prefer to remain in their homes as they age, even if their needs change.

(3) Structural barriers in the design of most current residential housing can trap older adults and persons with mobility disabilities in their homes, depriving them of meaningful economic and social interactions necessary to support successful aging. Such barriers also prevent persons with mobility disabilities from visiting the homes of friends and family, and limit the ability of caregivers to provide adequate care for injured or disabled family members in the home.

(4) Inclusive home design, as a practical application of universal design principles, seeks to make housing more accessible, easier to use and more livable for persons of all ages and physical abilities. Features such as no-step entries, wider doors and adequate maneuvering space in hallways, bathrooms and kitchens provide accessibility for people with disabilities and promote aging in place, while increasing convenience and safety for all residents.

(5) Federal accessibility statues do not apply to one-to-three unit residential housing structures, which represent over 70 percent of the nation’s housing stock, and most dwelling units in multifamily housing developments built since 1991 that are required to comply with the anti-discrimination and accessibility requirements of Section 3604(f) of the Federal Fair Housing Act Amendments of 1988 (42 U.S.C. 3601 et seq.) have failed to incorporate the minimum accessibility features necessary to comply with the Act.

(6) Appropriate standards and specifications for incorporating inclusive design features in residential construction are provided in Chapter 10 of the 2009
edition of the Accessible and Usable Buildings and Facilities manual of the
International Code Council (ICC) and the American National Standards Institute
(ICC/ANSI A117.1-2009), which have been developed with broad consensus
among relevant industry, trade and consumer organizations and are the primary
national guidelines for accessibility for public buildings and residential
construction.

(7) The added costs of constructing a residence with inclusive design
features have been shown to be minimal, while the costs and disruption
associated with retrofitting an existing home to provide only minimal accessibility
are substantial.

(b) The legislature declares that it is the purpose of this Act to establish
standards of inclusive design applicable to the design and construction of certain single-
family and multifamily dwellings that are financed, in whole or in part, with public
financial assistance in order to help stabilize neighborhoods, strengthen communities
and prevent the exclusion or displacement of persons with disabilities or those who
acquire mobility and functional limitations as they age.

Sec. 3. Definitions.

For purposes of this Act, the following terms shall, unless the context clearly
requires otherwise, have the following meanings:

(a) "Accessible exterior route" refers to a continuous, unobstructed accessible
pathway that connects one or more accessible entrances to a dwelling unit or
multifamily housing structure with public streets and sidewalks, accessible parking
spaces or accessible passenger loading zones.

(b) "Accessible" or "Accessibility" refer to architectural designs or structural
improvements that promote ease of entry and increased ease of movement within a
residential dwelling for residents and visitors with physical disabilities.

(c) "Authorized agency" shall include the ___[state]___ Department of Housing [or
similar agency] and any city or county agency or official authorized to issue building
permits or building certificates of occupancy.
(d) "Common use areas" means rooms, spaces, or facilities inside or outside a multifamily housing building or structure to be made available for the use of residents and guests of such building, and includes hallways, elevators, lounges, lobbies, laundry rooms, refuse rooms, recreational areas and passageways among and between adjoining buildings.

(e) "Covered single-family dwelling unit" or "covered dwelling unit" shall mean a detached or semi-detached single family home, a townhouse, or any individual unit in a duplex or triplex (whether detached or attached to other buildings or structures) that is designed, constructed or otherwise arranged for by any person or entity who receives public financial assistance.

(f) "Covered multifamily dwelling units" shall refer to:

(1) individual dwelling units of a multifamily housing building, structure or development, consisting of four or more separate dwelling units, that are constructed for sale or rental as:

(A) assisted housing, with a loan or grant, loan insurance or guarantee, or other assistance from an department or agency of the Federal Government or with any public financial assistance from a state department or agency, or

(B) private housing, without Federal assistance or public financial assistance, but otherwise subject to the prohibitions against discrimination against persons with disabilities in the sale or rental of housing set forth in Section 3604(f) of the Federal Fair Housing Act (42 U.S.C. 3604(f)); and

(2) all individual dwelling units of such multifamily building or structure, if the building or structure has one or more elevators; and the ground floor dwelling units of other multifamily buildings, structures or developments without an elevator.

(g) "Dwelling unit" shall mean a detached or semi-detached single family home, an individual unit in a duplex or triplex, or an individual unit of a multifamily structure or development of four or more units, which is designed, or intended for occupancy, as a residence.
(h) "Ground floor" means a floor of a residential building or multi-story dwelling unit with an entrance on an accessible exterior route.

(i) "ICC/ANSI A117.1" refers to standards for Accessible and Usable Buildings and Facilities developed and approved by the International Code Council (ICC) and the American National Standards Institute (ANSI). Unless otherwise noted, references to the ICC/ANSI standards in this Act refer to the standards applicable to single-family residential dwelling units, or Type C (visitible) units, in Section 1005 of Chapter 10 of the 2009 edition (ICC/ANSI A117.1-2009) or its successor.

(j) "Inclusive design home" shall refer to a residential dwelling that is designed and constructed in compliance with the requirements of this Act to incorporate design features that provide everyone, regardless of age or physical ability, with maximum access and convenience of use.

(k) "Multifamily housing" refers to a building, structure or development with four or more separate residential dwelling units that are either owner-occupied or tenant-occupied, and includes apartment, condominium and cooperative units as well as separate units within a single or continuous structure separated by firewalls.

(l) "Multistory dwelling" refers to a dwelling unit with finished living space located on the ground or entrance level and on the floor or floors immediately above and below it.

(m) "Person" refers to any individual, group of individuals, business firm, corporation, partnership, nonprofit organization or other entity that is the owner or contractor of a covered dwelling unit or covered multifamily dwelling units, or otherwise responsible for the design, development or construction of a covered dwelling unit or covered multifamily dwelling units.

(n) "Public financial assistance" shall include one or more of the following state or federal development subsidies used in connection with the design, development, financing or construction of a covered dwelling unit:

(1) A building contract or similar contractual agreement with any state agency;
(2) Any real estate received by the owner or developer through a donation by any state agency;

(3) Any state tax credits or tax abatement;

(4) A grant, loan, loan guarantee or other assistance provided by the [state] Department of Housing or other state agency;

(5) A loan, loan guarantee, rental subsidy or other assistance provided by the [state] Housing Finance Agency; [if applicable]

(6) A grant, loan, rental subsidy or other assistance provided by the [state] Housing Trust Fund; or [if applicable]

(7) Any federal funds administered by the state or any state agency or department in connection with:

   (A) the federal low-income housing tax credit program (26 U.S.C. 42(a));

   (B) the Neighborhood Stabilization Program (42 U.S.C. 5301);

   (C) the HOME Investments Partnership Act (42 U.S.C. 12721 et seq.); or

   (D) the National Housing Trust Fund (12 U.S.C. 4568).

(o) "Secretary [Director or Commissioner]" shall mean the Secretary [Director or Commissioner] of the [state] Department of Housing [Housing Development Authority, Department of Commerce, or other similar agency] which is authorized to implement the provisions of this Act.

(p) "Task Force" refers to the Inclusive Home Design Task Force established by Section 8 of this Act.

Sec. 4. Applicability.

(a) Except as otherwise provided, the provisions of this Act shall apply to:

   (1) New construction of covered single-family dwelling units, whether intended for sale or rent, for which application for a building permit is submitted to an authorized agency after the effective date of this Act, and which shall be designed and constructed in compliance with the design standards set forth in subsection 5(a) of this Act; and
(2) New construction of covered multifamily housing units, for which an
application for a building permit is submitted to an authorized agency after the
effective date of this Act, and which shall be designed and constructed in
compliance with the design standards set forth in subsections (a) and (b) of
Section 5 of this Act.

(b) For purposes of this Act, only the first floor dwelling units of a multistory
duplex or triplex building that qualifies as a covered dwelling unit, or the ground floor of
a townhouse or other multistory dwelling units that qualify as covered multifamily
dwelling units, shall be required to comply with the accessible dwelling unit entrance
requirements of Section 5(a).

(c) The provisions of this Act shall not apply to new construction of affordable
dwelling units financed with funds under programs of the federal Department of Housing
and Urban Development or rural development programs administered by the U.S.
Department of Agriculture, or other multi-family residential housing constructed for
accessibility in compliance with standards for Type A and Type B units in ICC/ANSI
A117.1-2003, or subsequent editions.

(d) All dwelling units designed and constructed in compliance with the standards
adopted under this Act may be identified as "Inclusive Design Homes".

Sec. 5. Inclusive Design Standards.

(a) Except as otherwise provided in Section 6 of this Act, each covered dwelling
unit, and each covered multifamily dwelling unit, shall be designed and constructed with
the following features:

(1) At least one step-free dwelling unit entrance on a clear exterior
circulation path from a public street or sidewalk, a covered dwelling unit driveway
or garage, consistent with ICC/ANSI A117.1 Sections 1005.2 and 1005.5;

(2) Accessible interior doors and doorways, consistent with ICC/ANSI
A117.1 Section 1005.5.3;

(3) A clear interior circulation path between the dwelling unit entrance and
the interior spaces on the same level, consistent with ICC/ANSI A117.1 Sections
1005.3 and 1005.5;
(4) A full bathroom on the entrance level, consistent with ICC/ANSI A117.1 Section 1005.4, which shall include the following features:

(A) not less than one sink and one toilet, and at least one shower or bathtub, consistent with ICC/ANSI A117.1 Sections 1003.11.2 and 1003.11.2.5;

(B) adequate floor space and clearances:

(i) where the door swings into the bathroom, a clear space of 48 inches (1220 mm) minimum length and 30 inches (760 mm) minimum width that is free of the swing of the door to position a wheelchair or other mobility aid to permit use of fixtures, consistent with ICC/ANSI A117.1 Sections 1004.11.2 and 305.3;

(ii) where the door swings out of the bathroom, a clear space of 48 inches (1220 mm) minimum length and 30 inches (760 mm) minimum width within the room to position a wheelchair or other mobility aid to allow unobstructed use of fixtures, consistent with ICC/ANSI A117.1 Section 305.3;

(iii) such clear floor space shall be permitted to include knee and toe clearances beneath any fixtures, consistent with ICC/ANSI A117.1 Section 306; and

(iv) at least one clear unobstructed side of such clear floor space shall adjoin or overlap an accessible route or adjoin another clear floor space, consistent with ICC/ANSI A117.1 Section 305.6;

(C) where both a bathtub and shower fixture are provided, at least one is made accessible, consistent with ICC/ANSI A117.1 Section 1004.11.3.1.3;

(D) where more than one sink in a bathroom is provided, at least one is made accessible, consistent with ICC/ANSI A117.1 Section 1004.11.3.1.1; and
(E) reinforcement in the bathroom walls to allow for later installation
of grab bars around the toilet, bathtub or shower stall and shower seat,
consistent with ICC/ANSI A117.1 Sections 1005.6 and 1004.11.1;

(5) At least one habitable interior space on the dwelling unit entrance level
with a minimum area of 70 square feet that can be used as a bedroom,
consistent with ICC/ANSI A117.1 Sections 1005.3 and 1005.4;

(6) An accessible food preparation area, consistent with ICC/ANSI A117.1
Sections 1005.7 and 1003.12.1; and

(7) Lighting controls, receptacle outlets and environmental controls located
at reachable heights, consistent with ICC/ANSI A117.1 Section 1005.8.

(b) the design and construction of a building or structure that includes multiple
covered multifamily dwelling units shall include, in addition to the design features
required for individual covered dwelling units by subsection (a) of this section, the
following design features applicable to the building site, building entrances and common
use areas of such multifamily building or structure:

(1) A continuous and accessible exterior route that connects one or more
accessible entrances to a multifamily housing structure with public streets and
sidewalks, accessible parking spaces or accessible passenger loading zones, or
with adjoining buildings or facilities of a multifamily development, consistent with
ICC/ANSI A117.1-2009, Sections 402 and 403;

(2) One or more accessible and usable building entrance doorways
connected to an accessible exterior route, consistent with ICC/ANSI A117.1-
2009, Section 404;

(3) All common use areas or spaces connected to an accessible interior
route with accessible and usable doorways, consistent with ICC/ANSI A117.1-
2009, Section 404; and

(4) An accessible interior route connecting accessible building entrances
with all covered accessible dwelling units and common use areas, consistent with
(c) Except as otherwise provided in subsection (a)(4), a covered dwelling unit or multifamily dwelling unit shall be deemed to be in compliance with the requirements of this Act if they comply with the applicable ICC/ANSI standards at ICC/ANSI A117.1-2009 Section 1005, or its successor.

(d) Where an exception or waiver of the requirements of Subsection (a)(4) is provided pursuant to Section 6 of this Act, at least one accessible toilet room or bathroom shall be constructed, consistent with ICC/ANSI A117.1 Sections 1005.4 and 1005.6.

(e) The standards set forth in this subsection (a) are intended to supplement and not replace any comparable standards in existing state electrical, fire and safety codes. Where specific requirements or design criteria in this section differ from, or conflict with, comparable requirements or criteria in such existing standards, the design criteria of this standard shall apply.

(f) Nothing in this Act is intended to prevent the use of designs, clearances, specifications or products as alternatives to those prescribed in this section, provided they result in equivalent or greater accessibility or ease of use for potential residents, and such equivalency has been confirmed and approved by the [state] Department of Housing [or similar agency] or the applicable authorized agency.

Sec. 6. Exceptions.

(a) The Secretary [Director or Commissioner] shall establish criteria applicable to new construction of covered dwelling units and covered multifamily dwelling units, for use by an authorized agency to grant exceptions to, or waive compliance with, one or more of the design standards set forth in Section 5(a).

(b) In establishing criteria pursuant to subsection (a) of this section, the Secretary shall identify, to the extent practicable, specific circumstances in which a person or persons involved in the design, development or construction of a covered dwelling unit, or covered multifamily dwelling units, can demonstrate that compliance with one or more design standards in Section 5(a) would be technically, structurally or environmentally impractical, including:
(1) The unique characteristics of a building site, whether due to excessive elevation and other topographical conditions, that make construction of step-free entrances impractical, and where no alternative means of vehicular access may be available;

(2) Existing zoning restrictions on dwelling size, lot size or configuration, community design restrictions and covenants, or other structural and legal restrictions outside the control of the person or persons responsible for the design or construction of a covered dwelling unit, or covered multifamily units, that may limit numbers of entry floor rooms, restrict interior clearances or prevent compliance with other design features; and

(3) Potential conflict between the design standards required by this Act and funding or design requirements of government agencies that contribute financial assistance for construction of a dwelling unit or multifamily dwelling units.

(c) Granting of an exception where it can be demonstrated that full compliance with one or more design standards in Section 5(a) is impractical or technically infeasible does not lessen or remove the obligation to provide for increased accessibility or other intended purpose of such standard to the greatest extent that is practical or feasible, nor does it remove the obligation to comply fully with all other design standards.

(d) Any person seeking an exception from any requirement of Section 5(a) shall submit a request at the time of application for a building permit, or immediately thereafter upon encountering topographic or structural difficulties that may necessitate such exception, that shall include:

(1) a statement describing the exception or exceptions requested;
(2) an explanation of the problems encountered that warrant each exception; and
(3) such additional information regarding topographic conditions, local codes and ordinances, construction constraints and other factors as may be necessary to adequately document need for each exception;
(e) The burden of proving impracticality or other justification for requesting an exception is on the person or persons requesting such exception.

Sec. 7. Administration and Enforcement.

(a) In connection with any application for a permit to construct a dwelling unit, or multifamily dwelling units, the authorized agency shall:

(1) take such actions as appropriate to inform potential applicants, and the public generally, of the circumstances requiring inclusion of the design features required by Section 5 in the design and construction of residential dwellings and a description of all forms of public financial assistance that require that a dwelling unit be designed and constructed in compliance with this Act;

(2) require that applicants for a permit to construct a dwelling unit include as part of any such application the following:

(A) a statement acknowledging that the applicant has received information regarding the special design features required by Section 5 of this Act and the types of public financial assistance requiring compliance with these requirements;

(B) a statement certifying whether any person involved in the design, commission, development or construction of the dwelling unit has received, applied for, or will receive any public financial assistance described in Section 3(n) that requires compliance with the requirements of this Act;

(C) where an applicant acknowledges receipt of public financial assistance, a building plan that incorporates the design features required by Section 5(a) of this Act; and

(D) if applicable, a request for exception from one or more required design standards, as required by Section 6(d) of this Act;

(3) require that applicants for a permit for construction of covered multifamily dwelling units include as part of such application the following:
(A) a signed affidavit that acknowledges receipt and understanding
of the unit and building design requirements of subsections (a) and (b) of
Section 5 of this Act, and certifies intent to comply with such requirements;
(B) a site improvement plan and building plan that incorporates the
design features required by subsections (a) and (b) of Section 5 of this
Act; and
(C) if applicable, a request for exception from one or more required
design standards of subsections (a) and (b) of Section 5 of this Act, as
provided in Section 6(d) of this Act;
(4) not approve an application for a permit to construct a covered dwelling
unit, or covered multifamily units, where the proposed building plan does not
comply with all applicable design standards required in Section 5, and where no
request for an exception has been received by the authorizing agency in
compliance with Section 6(d) of this Act.; and
(5) withhold issuance of a final inspection report or certificate of
occupancy, upon completion of construction of a covered dwelling unit, or
covered multifamily dwelling units, if, upon inspection, the dwelling unit or
multifamily building or development is determined out of compliance with one or
more design standards of Section 5, and the owner or contractor of such dwelling
unit, or multifamily dwelling units, fails to correct any deficiency necessary to
bring such dwelling unit or multifamily dwelling units into compliance.
(b) In connection with an application for public financial assistance to construct a
covered dwelling unit, the Secretary [Director or Commissioner] or the administrator or
other appropriate officer of any state agency or department responsible for
administering any program or assistance identified in Section 3(n) of this Act, shall:
(1) Make available to potential applicants, and the public generally,
information concerning the requirements of this Act as part of any notice or
educational material regarding the availability of such financial assistance;
(2) Require that applicants include as part of any such application the
following:
(A) a signed affidavit that acknowledges receipt and understanding of the design and construction requirements of Section 5(a) of this Act, and certifies intent to comply with such requirements;

(B) a building plan that incorporates the design features required by Section 5(a) of this Act; and

(C) if applicable, a request for exception from one or more required design standards, as required by Section 6(d) of this Act;

(3) withhold approval for an application where the building plan does not comply with the required design standards of Section 5(a), and no request for exceptions has been received, and approved, by the authorizing agency, as provided in Section 6 of this Act; and

(4) take such measures as are necessary to assure compliance with the requirements of this Act, including inspecting a covered dwelling unit under construction and, if such dwelling unit is determined out of compliance, seeking an injunction against issuance of a certification of occupancy upon completion of construction of the dwelling unit; except that, the owner, contractor or builder of such covered dwelling unit may be provided appropriate opportunity, not to exceed 60 days from the date of inspection, to correct any deficiency or incorporate any design features necessary to bring the covered dwelling unit into compliance.

(c) Any person that is the owner or contractor of a covered dwelling unit, of covered multifamily dwelling units, or is otherwise responsible for the design and construction of such unit, or multifamily units, shall be deemed to have violated the requirements of this Act if such person:

(1) provides false or inaccurate information regarding the receipt of public financial assistance, or omits other material facts or information, in an application for a building permit with an authorized agency;

(2) fails to incorporate all required design features in the construction of a covered dwelling unit, or covered multifamily dwelling units, to comply with the
terms of any exception to a required design feature, or to correct any deficiency
to bring the covered dwelling unit or multifamily units into compliance;
(3) places a covered dwelling unit or covered multifamily units on the
market for sale or rent without an approved certificate of occupancy; or
(4) engages in the sale or rental of a covered dwelling unit or covered
multifamily units in which further construction or renovation has occurred
subsequent to final inspection and issuance of a certificate of occupancy which
alters or removes any design features required by Section 5(a) so that the
covered dwelling unit or multifamily dwelling units no longer are in compliance
with the requirements of this Act.
(d) A violation of this Act shall be enforced by the Attorney General or by private
right of action by any person or organization.

(1) A cause of action to enforce this Act shall accrue upon discovery of
noncompliance by any person or organization, and shall be brought within three
years of the discovery by such person or organization of such noncompliance.
(2) A court may award compensatory, actual or punitive damages;
equitable relief, and reasonable costs and attorney's fees to a person or
organization that prevails in enforcing the provisions of this Act.
(3) In addition to the award of any remedy provided in paragraph (2) of
this subsection, the court shall require the violating party to bring the covered
dwelling unit, or covered multifamily dwelling units, into compliance with the
requirements of Section 5 of the Act; and may also grant the person or
organization seeking to enforce this Act the option of selecting an independent
qualified contractor to perform the necessary work to bring the such dwelling unit,
or multifamily dwelling units, into compliance at the expense of the violating
party.

Section 8. Inclusive Home Design Task Force.
(a) An Inclusive Home Design Task Force is hereby created to advise the
Secretary [Director or Commissioner] regarding implementation of the provisions of this
Act.
(b) The Task Force shall consist of not less than 15 members and shall include:

(1) The Secretary [Director or Commissioner], or designee, who shall serve as chairman;

(2) The Director [or Administrator] of the [state] Housing Finance Agency, or designee;

(3) The Director [or Administrator] of the [state] Housing Trust Fund, or designee; [if applicable]

(4) The State Commissioner [or Administrator] on Aging and Disability [or comparable Agency], or designee;

(5) A representative of the Attorney General's office;

(6) A representative of the academic community with expertise in the design of accessible housing for older persons or persons with disabilities; and

(7) At least nine (9) public members appointed by the Governor to provide for balanced representation from among the following groups:

(A) officials representing the interests of local governments or municipal authorized agencies;

(B) organizations representing builders, contractors, architects or real estate professionals; and

(C) organizations representing the interests of older persons and persons with disabilities.

(c) Members of the Task Force shall serve during such period as necessary to fulfill the responsibilities set forth in subsection (d) of this section, or for such longer period as determined necessary by the Secretary [Director or Commissioner], and shall receive no compensation for their service on the Task Force, except that members shall receive reimbursement for any ordinary and necessary expenses incurred in the performance of their duties.

(d) Responsibilities of the Task Force shall include:

(1) providing recommendations to the Secretary [Director or Commissioner] regarding the implementing regulations required by Section 9 of this Act;
(2) advising the Secretary [Director or Commissioner] regarding issuance of guidance, required by Section 6(a) of this Act, to be used by authorized agencies in granting exceptions to any design standard required by Section 5(a);

(3) developing an instructional pamphlet or manual for use by architects, builders and contractors that explains the purpose and requirements of this Act and provides design specifications and technical criteria needed for compliance with design standards, together with examples of designs or features already employed in single-family and multifamily construction that illustrate practical, cost-effective or aesthetic methods for complying with specific design standards;

(4) developing a pamphlet or other materials directed to the general public to explain the design features and advantages of inclusive design homes and to assist potential new home buyers make informed decisions regarding the design of a future home;

(5) providing recommendations regarding the advisability of establishing a state registry of inclusive design homes constructed in compliance with this Act; and

(6) such additional responsibilities as determined by the Secretary [Director or Commissioner].

(e) In carrying out the responsibilities of subsection (d), the Task Force shall:

(1) review the legislative record and all public documents related to enactment of this Act;

(2) conduct one or more hearings or forums to allow opportunity for public comment, or request written comments from interested parties or technical experts; and

(3) submit recommendations to the Secretary [Director or Commissioner], regarding regulations to implement the provisions of the Act, not later than one hundred and eighty [180] days after the date of enactment of this Act.

Sec. 9. Rulemaking.

The Secretary [Director or Commissioner], after review of the recommendations submitted by the Task Force in compliance with Section 8(e) of the Act, shall issue such
rules, regulations and guidance as may be necessary to implement the provisions of
this Act not later than ninety (90) days following receipt of such Task Force
recommendations.

Sec. 10. Severability.

If any provision of this Act is found to be invalid, the invalidity shall not affect
other provisions of the Act, which can be given effect without the invalid provisions or
circumstance, and to this end the provisions of this Act are severable.

Sec. 11. Effective Date.

(a) Except for the provisions of Section 8 of this Act, which shall take effect upon
enactment, the provisions of this Act shall take effect one hundred and twenty (120)
days following issuance of regulations by the Secretary [Director or Commissioner],
pursuant to Section 9 of this Act, and shall apply only to covered dwelling units for which
the first application for a construction permit is received by a authorized agencies on or
after the effective date of this Act;

(b) Nothing contained in this Act shall require any change in design or
construction of a residential dwelling unit, or multifamily dwelling units, for which a
construction permit had been issued prior to the effective date of this Act.
OPTION 4—STATE INCLUSIVE HOME DESIGN BILL: MUNICIPAL ORDINANCE ENABLING BILL

INCLUSIVE HOME DESIGN ACT

AN ACT to amend the [State] General Statutes [Civil Code, State Building Code, etc.] to permit municipal legislative bodies to adopt model ordinances to provide for the construction of certain residential dwellings with inclusive design features, and for other purposes.

Be it enacted by the Legislature of the State of ________________:

1 Section 1. Short title; Table of Contents.
2 (a) This Act shall be known and may be cited as the "Inclusive Home Design Ordinance Act."
3 (b) The table of contents for this Act is as follows:
4 Sec. 1. Short Title; Table of Contents.
5 Sec. 2. Legislative Findings and Purpose.
6 Sec. 3. Definitions.
7 Sec. 4. Waiver of prohibition against modifications in the building code.
8 Sec. 5. Authorization of Municipal Inclusive Home Design Ordinances.
9 Sec. 6. Duties of the Secretary [Director or Commissioner].
10 Sec. 7. Inclusive Home Design Standards.
11 Sec. 8. Incentives for voluntary compliance.
12 Sec. 9. Severability.
13 Sec. 10. Effective Date.

Sec. 2. Legislative Findings and Purpose.
(a) The legislature hereby finds:
(1) People over age 65 are the fastest growing segment of our nation’s population and life expectancies continue to increase. Whether due
to injury or age, there is a strong likelihood that every person, at some time in their lives, will suffer a temporary or permanent condition that limits their mobility or ability to perform daily tasks of living.

(2) Housing is the largest expenditure for older households and an important determinant of their quality of life. Surveys consistently show that most adults prefer to remain in their homes as they age, even if their needs change.

(3) Structural barriers in the design of most current residential housing can trap older adults and persons with mobility disabilities in their homes, depriving them of meaningful economic and social interactions necessary to support successful aging. Such barriers also prevent persons with mobility disabilities from visiting the homes of friends and family, and limit the ability of caregivers to provide adequate care for injured or disabled family members in the home.

(4) Inclusive home design, as a practical application of universal design principles, seeks to make housing more accessible, easier to use and more livable for persons of all ages and physical abilities. Features such as no-step entries, wider doors and adequate maneuvering space in hallways, bathrooms and kitchens provide accessibility for people with disabilities and promote aging in place, while increasing convenience and safety for all residents.

(5) Appropriate standards and specifications for incorporating inclusive design features in residential construction are provided in Chapter 10 of the 2009 edition of the Accessible and Usable Buildings and Facilities manual of the International Code Council (ICC) and the American National Standards Institute (ICC/ANSI A117.1-2009), which have been developed with broad consensus among relevant industry, trade and consumer organizations and are the primary national guidelines for accessibility for public buildings and residential construction.

(6) The added costs of constructing a residence with barrier-free access and other inclusive design features using ICC/ANSI design standards have been shown to be minimal, while the costs and disruption associated with
retrofitting an existing home to provide only minimal accessibility are substantial.

(7) Because existing law does not permit municipalities to enact or enforce a building code or ordinance that conflicts with, or imposes more restrictive requirements than, the State Building Code [or, in several states--does not permit municipalities to adopt building codes without a state approved variance or exception], municipal governments do not have authority to enact ordinances regulating inclusive design standards for residential dwelling units.

(b) The Legislature hereby declares:

(1) It is the purpose of this Act to establish design standards and a model ordinance for adoption by city and county [or town, township, borough, etc.] legislative bodies to encourage and facilitate the construction of certain single-family residential dwelling units as inclusive design homes.

(2) That adoption by reference of certain ICC/ANSI A117.1-2009 design criteria provides not only the most appropriate standards of inclusive home design, but offers tested approaches to assure consistency of design and practicality of application.

(3) That development and dissemination of such design standards as a model ordinance, and their adoption by city and county [or town, township, borough, etc.] legislative bodies, will provide both social and financial cost benefits to individuals and state agencies, including maintaining building code consistency, encouraging innovation in home design and assistive technology, preserving neighborhoods, preventing exclusion or displacement of persons with disabilities, and permitting older residents to age in place in their own homes and avoid more costly residential care settings.

Sec. 3. Definitions.

For purposes of this Act, the following terms shall have the following meanings:

(a) "Accessibility" refers to architectural designs or structural improvements that promote ease of entry and increased ease of movement within a residential dwelling for residents and visitors with physical disabilities.
(b) “Building code” refers to the [state] Building Standards Code [or other relevant building code reference].

(c) “Covered dwelling unit” shall mean any dwelling unit, including a cooperative or condominium unit in a building that otherwise meets the definition of a “dwelling unit,” that is designed, constructed, commissioned, contracted or otherwise arranged for, by any person or entity who receives public financial assistance.

(d) “ Dwelling unit” shall mean a detached or semi-detached single family home, a town house, or any individual unit in a duplex or triplex (whether detached or attached to other buildings or structures) which is designed, or intended for occupancy, as a residence;

(e) “ICC/ANSI A117.1” refers to standards for Accessible and Usable Buildings and Facilities developed and approved by the International Code Council (ICC) and the American National Standards Institute (ANSI). Unless otherwise noted, references to the ICC/ANSI standards in this Act refer to the standards applicable to single-family residential dwelling units, or Type C (visitable) units, in Section 1005 of Chapter 10 of the 2009 edition (ICC/ANSI A117.1-2009), or its successor.

(f) “Inclusive design home” shall refer to a residential dwelling that is designed and constructed in compliance with the requirements of this Act and a model ordinance adopted by a city or county [town, township, borough, etc.] pursuant to this Act, that incorporates design features that provide everyone, regardless of age or physical ability, with maximum accessibility and convenience of use.

(g) “Person” refers to any individual, group of individuals, business firm, corporation, partnership, nonprofit organization or other entity that is the owner or contractor of a covered dwelling unit, or otherwise responsible for the design, development or construction of a covered dwelling unit.

(h) “Public financial assistance,” except as otherwise provided in Section 8 of this Act, shall mean funding or financial assistance from a city or county [or town, township, borough, etc.] adopting an ordinance pursuant to Section 5 of this Act, or any agent thereof, through any of the following means:

(1) Receipt of a building contract or similar contractual agreement involving a city or county [town, township, borough, etc.] program or fund;
(2) Real estate purchased, leased or donated by the city or county [or
town, township, borough, etc.], or any agency thereof;

(3) Receipt of preferential tax treatment, bond assistance, mortgage
assistance, or similar financial advantages derived from the city or county [or
town, township, borough, etc.], or any agency thereof;

(4) Disbursement under city or county [or town, township, borough, etc.]
auspices of any Federal or State construction funds, including Community
Development Block Grant and Neighborhood Stabilization Program funds; and

(5) Receipt of any other funding or financial benefit from the city or county
[or town, township, borough, etc.] or any agency thereof.

(i) "Secretary [Director or Commissioner]" shall mean the Secretary [Director or
Commissioner] of the _____ (state) Office of Housing, [Department of Housing
and Community Development, Housing Development Authority, Department of
Commerce, State Building Inspector or other similar agency] which is authorized to
implement the provisions of this Act.

Sec. 4. Waiver of prohibition against modifications in the building code.

Notwithstanding the provisions of Section _____ of the General Statutes
[Civil Code, Building Standards Code, etc.], a variation or exemption from any
provision of the building code relating to accessibility to, and use of, a residential
dwelling unit, shall be permitted where a city or county [or town, township, borough,
etc.] adopts, by ordinance, changes or modifications to the requirements of the
building code that are determined reasonably necessary to encourage and facilitate
construction of residential dwellings with inclusive design features and that are
substantially the same as the standards or guidelines of the model inclusive home
design ordinance that the Secretary [Director or Commissioner] shall prepare and
make available pursuant to Section 6 of this Act.

Sec. 5. Authorization of Municipal Inclusive Home Design Ordinances.

(a) Beginning on or after the date that the Secretary [Director or Commissioner]
shall make available the model inclusive home design ordinance pursuant to Section
6(a) of this Act, a city or county [or town, township, borough, etc.] may, by ordinance,
make changes or modifications in addition to, or in excess of, the requirements of
the building code, if:

(1) the city or county [or town, township, borough, etc.] makes a finding
that changes or modifications to the building code are reasonably necessary to
facilitate the construction of residential dwellings with inclusive design features;

(2) the changes or modifications to the building code adopted, by
ordinance, are substantially the same as standards or guidelines of the model
inclusive home design ordinance made available by the Secretary [Director or
Commissioner]; and

(3) the changes or modifications to the building code shall be mandatory
design features for construction of all covered dwelling units within the
jurisdiction of the adopting city or county [or town, township, borough, etc.], as
prescribed in Section 7(a) of this Act, and in the model inclusive design
ordinance prepared by the Secretary [Director or Commissioner], pursuant to
Section 6 of this Act.

(b) A city or county [or town, township, borough, etc.] that adopts an ordinance
pursuant to this section shall file a copy of the ordinance and findings for review by
the Secretary [Director or Commissioner]; except that no such ordinance shall
become effective or operative for any purpose unless the Secretary:

(1) determines that the changes or modifications to the building code
made by the ordinance are substantially consistent with the requirements of
this Act;

(2) determines that the administrative and enforcement procedures of
the ordinance are consistent with relevant provisions of the model inclusive
home design ordinance, as provided in subsection (d) of this section, or
otherwise are sufficient to carry out the purpose and requirements of this Act;
and

(3) provides timely communication of such determinations to the adopting
city or county [or town, township, borough, etc.].

c) A city or county [or town, township, borough, etc.] shall not adopt changes
or modifications to the building code that are less restrictive, in terms of providing
accessibility to, and ease of use of, a residential dwelling unit, than the requirements of the building code.

Sec. 6. Duties of the Secretary [Director or Commissioner].

(a) In carrying out the requirement of Section 4 of this Act to prepare and make available design standards and a model inclusive design ordinance for adoption by a city or county [or town, township, borough, etc.], the Secretary [Director or Commissioner] shall:

   (1) Consult with appropriate State departments and agencies and representatives of city and county [or town, township, borough, etc.] legislative bodies and agencies, solicit information from individuals and organizations representing interested parties, including, but not limited to, home builders, lending institutions, architects, real estate brokers and organizations representing older persons, and persons with disabilities, and provide opportunities for interested individuals and organizations to comment on proposed guidelines and draft model ordinances.

   (2) Develop guidelines and at least one model ordinance applicable to new construction of covered dwelling units that incorporate, by reference to ICC/ANSI A117.1-2009 design standards, both required and optional inclusive design features, as provided in Section 7 of this Act.

   (3) Establish criteria for use by city or county [or town, township, borough, etc.] agencies or officials to grant exceptions to, or waive compliance with, a required design features of the model ordinance, which shall identify, to the extent practicable, specific circumstances in which a person or persons involved in the design, development or construction of a covered dwelling unit may submit sufficient documentation to demonstrate that compliance with a required design standard would be technically, structurally or environmentally impractical.

   (4) Establish appropriate guidelines for a city or county [or town, township, borough, etc.] to administer and enforce the provisions of the model ordinance, either as part of the model ordinance to be made available for
adoption by a city or county [or town, township, borough, etc.], or as separate
guidance.

(b) In connection with the requirement of subsection (a)(2) of this Section to
prepare design standards or guidelines and at least one model inclusive design
ordinance for adoption by a city or county [or town, township, borough, etc.], the
Secretary [Director or Commissioner] shall:

(1) Make available written guidance, design specifications and
technical criteria for each required and optional design feature included in the
model ordinance, together with examples of residential construction that
illustrate practical, cost-effective or least aesthetically disruptive methods of
compliance with specific design requirements; and

(2) Develop educational materials targeted to builders, public officials
and the general public to explain the benefits of the inclusive design features
included in the model ordinance and to encourage their use in all new
residential construction.

Sec. 7. Inclusive Home Design Standards.

(a) The guidelines and model ordinance to be prepared by the Secretary
[Director or Commissioner], pursuant to Section 6(b) of this Act, shall include the
following design standards as requirements for design and construction of all
covered dwelling units:

(1) At least one step-free dwelling unit entrance on a clear exterior
circulation path from a public street or sidewalk, a covered dwelling unit
driveway or garage, consistent with ICC/ANSI A117.1 Sections 1005.2 and
1005.5;

(2) Accessible interior doors and doorways, consistent with ICC/ANSI
A117.1 Section 1005.5.3;

(3) A clear interior circulation path between the dwelling unit entrance
and the interior spaces on the same level, consistent with ICC/ANSI A117.1
Sections 1005.3 and 1005.5;

(4) A full bathroom on the entrance level, consistent with ICC/ANSI
A117.1 Section 1005.4, which shall include the following features:
(A) not less than one sink and one toilet, and at least one shower or bathtub, consistent with ICC/ANSI A117.1 Sections 1003.11.2 and 1003.11.2.5;

(B) adequate floor clearances:

   (i) with unobstructed floor space of 48 inches (1220 mm) minimum length and 30 inches (760 mm) minimum width to position a wheelchair or other mobility aid free from the swing of a door to permit use of fixtures, consistent with ICC/ANSI A117.1 Sections 1004.11.2 and 305.3;

   (ii) such clear floor space shall be permitted to include knee and toe clearances beneath any fixtures, consistent with ICC/ANSI A117.1 Section 306; and

   (iii) at least one clear unobstructed side of such clear floor space shall adjoin or overlap an accessible route or adjoin another clear floor space, consistent with ICC/ANSI A117.1 Section 305.6;

(C) where both a bathtub and shower fixture is provided, at least one is made accessible, consistent with ICC/ANSI A117.1 Section 1004.11.3.1.3; and

(D) where more than one sink in a bathroom is provided, at least one is made accessible, consistent with ICC/ANSI A117.1 Section 1004.11.3.1.1;

(5) reinforcement in the entrance level bathroom walls to allow for later installation of grab bars around the toilet, bathtub or shower stall and shower seat, consistent with ICC/ANSI A117.1 Sections 1005.6 and 1004.11.1;

(6) At least one habitable interior space on the dwelling unit entrance level with a minimum area of 70 square feet that can be used as a bedroom, consistent with ICC/ANSI A117.1 Sections 1005.3 and 1005.4;

(7) An accessible food preparation area, consistent with ICC/ANSI A117.1 Sections 1005.7 and 1003.12.1; and

(8) Lighting controls, receptacle outlets and environmental controls located at reachable heights, consistent with ICC/ANSI A117.1 Section 1005.8.
(b) The Secretary [Director or Commissioner] shall include additional design features for which incentives may be provided, pursuant to Section 8 of this Act, to encourage their use in the design and construction [or substantial rehabilitation] of all dwelling units, which shall include, but not be limited to, the following:

(1) a bathroom and all habitable livings spaces served by the entry level accessible route with minimum unobstructed turning space to position a wheelchair or other mobility device clear of the path of a door or other obstruction, consistent with ICC/ANSI A117.1 Sections 1002.3.2 and 304.3;

(2) an accessible roll-in or transfer-type shower compartment in the entry level bathroom, consistent with ICC/ANSI A117.1 Section 608.2;

(3) anti-scald faucets for bathroom sinks, bathtub and shower units with balanced-pressure, thermostatic or combination balanced-pressure/thermostatic valves, which conform to the requirements of Standard ASSE 1016 (American Society of Sanitary Engineering), and equipped with a means to limit the maximum temperature setting, consistent with ICC/ANSI A117.1 Sections 607.8 and 608.8;

(4) hardware for the entry door and all accessible doors with a shape that is easy to grasp with one hand and do not require tight grasping or twisting of the wrist to operate, consistent with ICC/ANSI A117.1 Section 404.2.6;

(5) an accessible entry level kitchen sink and adjoining work surface with a maximum height of 34 inches (865 mm) above the floor, clear floor space and removable cabinetry below the sink, consistent with ICC/ANSI A117.1 Sections 1003.12.3 and 1003.12.4;

(6) entrance level kitchen cooktop and oven, consistent with ICC/ANSI A117.1 Sections 1004.12.2.3 and 1004.12.2.4;

(7) where an entry level laundry room or area is provided, a sink and countertop surface with a maximum height of 34 inches (865 mm) above the floor, and adequate floor clearances to permit use of laundry equipment, consistent with ICC/ANSI A117.1 Section 1004.10;

(8) a straight, continuous stairway at least 48 inches (1220mm) in width, with reinforcement in one wall for later installation of a chairlift; and
(9) any additional design features that the Secretary [Director or Commissioner] shall determine as necessary and appropriate to promote accessibility and ease of use for potential residents of a dwelling unit, and for which design specifications applicable to Type A, Type B or Type C residential dwelling units are provided in Chapter 10 of ICC/ANSI A1171.1-2009.

(c) The Secretary [Director or Commissioner], after consulting with relevant state agencies, individuals and organizations representing interested parties, may include one or more optional design features of subsection (b) of this section as required design features for construction of covered dwelling units upon making a determination that such feature(s) is necessary to promote increased accessibility or ease of use of a dwelling unit for all potential residents.

(d) Nothing in this Act, nor in the guidelines and model ordinance prepared by the Secretary [Director or Commissioner], shall be interpreted as preventing the use of designs, clearances, specifications or products as alternatives to any design feature prescribed in this section, provided they result in equivalent or greater accessibility or ease of use for potential residents, and such equivalency has been confirmed and approved by the Secretary [Director or Commissioner].

Sec. 8. Incentives for voluntary compliance.

(a) In addition to the authority granted to a city or county [or town, township, borough, etc.] by Section 4 of this Act, a city or county [or town, township, borough, etc.] may, by ordinance, establish a program of incentives to owners and builders, in connection with the processing and review of a building permit and issuance of a certificate of occupancy for residential dwelling units, to encourage use of inclusive home design features in the design and construction of dwelling units within the jurisdiction of the city or county [or town, township, borough, etc.].

(b) A program established by a city or county [or town, township, borough, etc.] pursuant to this section shall identify the incentives, described in subsection (c) of this section, to be made available:

(1) in connection with an application for a permit for the construction [or substantial rehabilitation] of a covered dwelling unit that incorporates one or more optional design features described in Section 7(b) of this Act and in the
guidelines and model ordinance prepared by the Secretary [Director or Commissioner] pursuant to Section 6(a)(2) of this Act; and

(2) upon request and filing of an application with the appropriate city or county [or town, township, borough, etc.] agency or official, by an owner or builder of a dwelling unit which is not a covered dwelling unit, as defined in Section 3(c) of this Act; provided, that receipt of such incentive or incentives shall constitute public financial assistance for purposes of requiring that the dwelling unit comply with the design features set forth in Section 7(a) of this Act and the guidelines and model ordinance prepared by the Secretary [Director or Commissioner] pursuant to Section 6(a)(2) of this Act.

(c) The incentives to be made available under a program established by a city or county [or town, township, borough, etc.] pursuant to this section may include:

(1) Expedited review and processing of permits;
(2) Waiver or discounting of permit fees;
(3) Waiver or modification of building lot coverage, building setback or maximum structure height requirements;
(4) Waiver of density restrictions to permit construction on small lots or more multifamily units without zoning changes;
(5) Modification of applicable landscape requirements to the extent necessary to accommodate an accessible route of travel;
(6) Full or partial release of a lien or special assessment or waiver of interest on a lien or special assessment requested by the city or county [or town, township, borough, etc.]; and
(7) Any additional processing or financial incentive that the Secretary [Director or Commissioner] determines to be necessary and appropriate to carry out the purposes of this section.

(d) The Secretary [Director or Commissioner] shall provide guidance for use by city or county [or town, township, borough, etc.] agencies or officials in determining the appropriate match between available incentives and the number and type of optional design features to be included in the design of a covered dwelling unit for purposes of subsection (b)(1) of this section.
(e) A program established by a city or county [or town, township, borough, etc.] pursuant to this section may include procedures for certification and promotion of dwelling units that are constructed in compliance with the standards adopted in the Act as "Inclusive Design Homes."

Sec. 9. Severability.

If any section or provision of this Act, or the application thereof to any person, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate other provisions of the Act, which can be given effect without the invalid provision or circumstance, and to this end the provisions of this Act are severable.

Sec. 10. Effective Date.

The provisions of Section 4 and Section 6 of this Act shall take effect upon the date of enactment of this Act. The Secretary [Director or Commissioner] shall prepare and make available the guidelines and at least one model ordinance, pursuant to Section 6 of this Act, not later than one year from the date of enactment of this Act.
Optional Exceptions Provision

INCLUSIVE HOME DESIGN ACT

Sec. 6. Exceptions.

(a) An authorized agency may grant exceptions to, or waive compliance with, one or more of the design standards set forth in Section 5(a) upon a determination that, by virtue of either the topographical conditions of the building site, restrictions associated with local codes, community design standards and covenants, or other structural or legal restrictions outside the control of any person responsible for the design or construction of a dwelling unit, there are practical difficulties that make full compliance with a specific design standard structurally or technically infeasible.

(c) Granting of an exception where it can be demonstrated that full compliance with one or more design standards in Section 5(a) is impractical or technically infeasible does not lessen or remove the obligation to provide for increased accessibility or other intended purpose of such standard to the greatest extent that is practical or feasible, nor does it remove the obligation to comply fully with all other design standards.

(d) Any person seeking an exception from any requirement of Section 5(a) shall submit a request at the time of application for a building permit, or immediately
thereafter upon encountering topographic or structural difficulties that may require an
exception that shall include:

(1) a statement describing the exception or exceptions requested;

(2) an explanation of the problems encountered that warrant each
exception; and

(3) such additional information relating to topographic conditions, local
codes and ordinances, construction constraints or costs, and other factors as
may be necessary to provide clear and convincing evidence of the need for each
exception.

(e) The burden of proving impracticality or other justification for requesting an
exception is on the person requesting such exception.
Key Concepts and Definitions

Accessible Design or Accessibility: Architectural design or structural improvements that promote ease of entry to, and increased ease of movement within, a residential dwelling for residents and visitors with physical disabilities. Its primary objective is to provide the same opportunities for people with disabilities as all other persons. In state and local legislation, accessible design elements typically include basic visitability features, plus accessible electrical and environmental controls and electrical outlets, and reinforcements in bathroom walls for later installation of grab bars.

Adaptable Design or Adaptability: Architectural design features that allow a residence to be changed to accommodate the needs of an individual with a disability or person encountering mobility limitations as they age. An adaptable dwelling has many of the basic visitability and accessibility design features, while allowing other features to be omitted or concealed until they are needed. What makes a design feature "adaptable" is the ability to make a needed change or modification easily and without major structural renovation or improvements. Reinforcements in bathroom walls to allow installation of grab bars, removable cabinets under sinks to provide knee space for persons in wheelchairs, and adjustable counters and shelving are the most common examples of adaptable housing design.

Covered Dwelling Units: As used in the Model Inclusive Home Design bills, a "covered dwelling unit" refers to a private single-family dwelling that (1) is a detached or semi-detached single-family residence, or an individual residence in a two-to-three unit duplex or triplex building; and (2) is designed, constructed or substantially rehabilitated for sale or for rent with state or local financing or financial support, or with federal financing, guarantee, tax credit or other assistance administered by a state or local government or agency. One-to-three family housing units constitute over 70 percent of the nation's housing stock.

Disability: There is no single, universally accepted definition of disability. The most common approach, used by the Census Bureau's American Community Survey and Current Population Survey, involves a work limitation-based definition of disability. This focuses on self reporting of long term physical conditions, such as blindness, deafness or mobility impairments, as well as physical, mental or emotional conditions that limit learning or concentrating, employment, and activities of daily living. The Centers for Disease Control and Prevention (CDC) use a broader measure of disability that also
includes major doctor-diagnosed debilitating diseases, including arthritis, rheumatism and heart disease. CDC estimates of doctor-diagnosed arthritis alone, which encompasses more than 100 diseases and conditions that become more debilitating as people age, now exceed 50 million people, while estimates for cardiovascular disease exceed 83 million U.S. adults. While the most debilitating chronic illnesses (e.g. 21 million severe arthritis-related disabilities) are likely to be reported in Census Bureau data, citing CDC estimates in combination with Census Bureau data may provide a more comprehensive estimate of potential aging-related disabilities and future need for supportive housing.

**ICC/ANSI A117.1 Standards:** The A117.1 standards refer to *Accessible and Usable Buildings and Facilities* standard developed and approved by the International Code Council (ICC) and the American National Standards Institute (ANSI). The standards have been published in different versions since 1961 and have been referenced as an acceptable compliance standard, or safe harbor, for the accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act Amendments of 1988. The A117.1 standards were developed, and regularly updated, with broad consensus among relevant industry, trade and consumer organizations and are the primary national guidelines for accessibility for public buildings and residential construction. The 2009 edition of the A117.1 standards include, for the first time, design features for "Type C" single-family housing.

**Inclusive Design:** A practical application of universal design principles in housing design and construction that seeks to make housing more accessible, safer, easier to use and more livable for persons of all ages and physical abilities. It derives from architectural concepts that sought to change traditional residential design that focused exclusively on the needs of younger, working households and tended to exclude many older persons or persons with disabilities from easy access to a residence, or from enjoying the full life-cycle use of a residence. Inclusive design typically includes all visitability and accessibility design elements, plus features intended to facilitate aging in place by older residents, including requirements of a kitchen, full bathroom and at least one habitable space that can be converted into a bedroom all on the entrance level.

**Multifamily Housing and Covered Multifamily Units:** A building, structure or development with four or more separate residential dwelling units that are either owner-occupied or tenant-occupied, and include apartments, condominium and cooperative units. For purposes of the model single family and multifamily construction bill (Option 3), covered multifamily units include: (1) individual units of most multifamily buildings or developments that are subject to prohibitions against discrimination against persons with disabilities in Section 3604(f) of the Fair Housing Act Amendments of 1988, and (2) all units of such structures and developments that have an elevator, and only ground-level units of other multifamily structures without elevators.

**Substantial Rehabilitation:** As used in the applicable Model Inclusive Home Design bill, substantial renovation refers to any major alteration, conversion, reconstruction or historic restoration in the plan or configuration of walls of an existing building for use, or
continued use, as residential dwellings. Its primary requirement is that structural changes are made in the design and reconstruction of the primary building entrance, interior hallways and entry level rooms and bathrooms. Normal repair and maintenance does not constitute substantial rehabilitation.

**Type C Residential Units:** As used in the ICC/ANSI A117.1 standards, a "Type C" unit is a single family residential dwelling or individual unit of a duplex or triplex residential building. Accessibility standards and specifications for Type C units were first included in the 2009 edition of the A117.1 standards after approval by an ANSI standards committee in 2008 and adoption by the ICC in 2010. Earlier editions of the A117.1 standards applied to public buildings and "Type A" multifamily units subject to the Architectural Barriers Act of 1968, and then "Type B" multifamily units subject to HUD Fair Housing Accessibility Guidelines, which implement the Fair Housing Act Amendments of 1988.

**Universal Design:** A broad inclusive design concept that seeks to create buildings, products and environments that can be used by all people regardless of age and physical ability, and without need for adaptation. It is based on a comprehensive understanding and consideration of the broad range of human abilities throughout a lifespan and creation of designs to accommodate as many of these needs as possible. The concept evolved as a reaction to building and product design doctrines of the 1950s that sought to support the “one size fits all” doctrine of modern mass production based on the needs of young, fit and affluent adults. Individuals who did not fit this norm, essentially older and disabled persons, became trapped on the margins of standardized design, and their needs considered “special needs” that required accommodation separate from normal building and product design. The goal of universal design is to eliminate the stereotypes of “normal” and “special needs” by providing more inclusive or pluralistic design models that expand the usefulness of a structure or product as broadly as possible.

**Visitable Design or Visitability:** Visitability is a design concept that seeks to remove the common barriers that prevent persons with mobility disabilities from visiting the homes of friends and relatives. It focuses on features needed to accommodate a disabled guest, rather than features used by residents of a dwelling. As developed by Eleanor Smith of Concrete Change, visitability focuses on the basic, or most essential, design features to assure access to a single-family dwelling, including a no-step entrance, interior doorways with at least 32 inches clear passage space, and at least a half bath on the entrance level.
What are the core design features of AARP’s Model State Inclusive Housing Bill and why are they Important?

AARP’s model legislation includes seven sets of design standards that are intended to address various barriers in traditional housing design that have either excluded residents or visitors with disabilities, or forced older residents to seek alternative housing or higher levels of care than can be accommodated in their home. In contrast to recent efforts to promote housing accessibility for persons with disabilities, the design standards are part of a broader approach that anticipates the full life-cycle use of housing and seeks to accommodate the needs of all potential residents at as many stages of life as possible.

In fact, the seven inclusive design standards of the model bills incorporate many of the same design features of the ICC/ANSI A117.1 accessibility standards used to accommodate persons with disabilities, which are broader than most visitability standards in existing Federal, state and local statutes and ordinances. Because the standards use the minimum space or clearance specifications needed to accommodate persons in wheelchairs or using mobility device, they are able to accommodate a broad spectrum of needs. Moreover, when inclusive design features are included in a home’s original design, they can be imperceptible, but equally useful, to persons of all ages and abilities, as discussed below.

1. **Accessible, step-free entrance:** Most American homes built since the 1950s have either been elevated from the ground with a “crawl space” for pipes and moisture and termite protection, or built with basements with the main floor elevated to allow for windows to let light into the basement level. The resulting two-to-three step entry, while widely accepted by building inspectors and home buyers, creates a barrier to entry by persons with mobility disabilities, and serves to limit the ability of older residents with infirmities to both exit and enter the home. The design standard requires that at least one entrance to a dwelling unit be connected to a public street, sidewalk or garage by a level step-free access route, with a walking surface that has a minimum width of 36 inches (915mm) and with slopes not steeper than 1:20 (one inch height for each 20 inches in length). This may be accomplished by grading a building site so that a sidewalk comes right up to a porch that is level with the entry door, and sloping the sides to keep water away from the foundation. In homes with a basement, floor joists may also be set inside the foundation with hangers to further reduce the entry level height. A door access ramp may also be used with a slip resistant surface and a running slope not steeper than 1:12 (one inch per for each foot in length). A slightly inclined, step-free entrance not only accommodates wheelchair users, but also makes it easier to use baby strollers and grocery carts, as well as move furniture and appliances.

2. **Exterior and Interior Door Clearances:** The design standard requires that the door at the accessible entrance, as well as all other interior doorways, at least on the entry level floor, have a minimum clear opening of 31¾ inches (805 mm). This represents the minimum width
required by most wheelchair users to maneuver through a door. Wheelchair measurements used in housing design generally represent the typical dimensions of a large male adult. Standard larger wheelchairs with a seated adult require floor space of roughly 30 inches (760mm) in width and 48 inches (1220 mm) in length (See Figure 1).

Most wheelchair users require a 30 inch (760 mm) unobstructed door opening width when moving straight through a door. If the wheelchair needs to be turned on either side of the door opening, a larger width with an inch of leeway on either side of the wheelchair is sufficient. Thus, a minimum door width of 31 3/4 inches is considered adequate clearance for most wheelchairs.

Door clearances are typically measured from the face of the door to the doorstop, with the door open at a 90 degree angle.

The standard permits door thresholds to be used, but requires that any threshold higher than 1/4 inch, but not higher than 1/2 inch, above the floor surface must be beveled on both sides with a slope not greater than 1:12, or one inch in height for each two inches in length (See Figure 2). This is the maximum height at which a wheelchair may be easily rolled over a threshold and a tripping hazard can be avoided for other residents.

3. Clear interior circulation route: While people using wheelchairs, walkers, crutches or other mobility aids can maneuver through a clear width opening of 32 inches (815 mm), they need wider space in hallways to walk comfortably or maneuver around other persons or objects. Crutches, in particular, often extend down at wide angles, depending on the height of the user, can be difficult to use in a narrow passageway, and can pose a tripping hazard for other persons. Thus, a hallway width of 36 inches (815 mm) provides a minimum safety allowance for both a disabled person and other persons. The standard requires that a dwelling have a clear interior circulation pathway of at least 36 inches (715 mm) minimum width that connects all accessible entry doors with all interior spaces of the entrance level floor. Where hallways intersect to form a T-shaped space, a clear turning area within a 60-inch (1525 mm) square is required, with arms and base 36 inches minimum in width, and each arm of the “T” being clear of obstructions for 12 inches (See Figure 2). This represents the minimum space required for a pivoting 180-degree turn of a wheelchair, but still may present difficulties for some wheelchair users in making a turn without repeated tries or bumping into surrounding walls.
4. Accessible Entry-Level Full Bathroom: As people age, the day-to-day challenges of getting around invariably increase to the point that simple things such as turning a doorknob, or more complex tasks such as taking a shower or climbing a stairway, become increasingly difficult. Many older persons tend to wait too long, until after a serious illness, stroke or hip replacement, to recognize how their home may limit their ability to live independently. Those living in a townhouse or other multi-level structure without a full, or even a half, bathroom on the entrance level floor, soon find they are either trapped on an upper floor near a bathroom with limited ability to maintain social and other interactions outside the home, or they are confined to the lower floor and forced to rely increasingly on others for bathing and other simple daily tasks. The standard goes beyond the ICC/ANSI A117.1 standard in requiring that a dwelling unit include a full bathroom connected to the interior accessible route of the entrance level that includes, at minimum, a sink, toilet and at least a shower or bathtub.

The standard also requires that all fixtures of the bathroom be accessible. For sinks, this requires clear floor space of 48 inches (1220 mm) minimum length and 30 inches (760 mm) minimum width in front of the sink or toilet, which is free of the swing of the bathroom door or other obstruction, to allow for positioning of a wheelchair with a parallel approach centered on the sink basin. Clearances around a toilet are required to be 60 inches (1525 mm) minimum width and 56 inches (1420) minimum depth from the back wall to allow for both forward and parallel approach (See Figure 3). The height of the toilet seat should be between 17 inches (430 mm) minimum and 19 inches (485 mm) maximum above the floor.

The height of sinks and counters are limited to a maximum of 34 inches (865 mm), which represents the most convenient height for use by an adult seated in a wheelchair. Cabinetry below a sink is permitted, but only where it can be opened, or removed without replacement of the sink, to allow for knee space under the sink for use by persons in a wheelchair. The depth of any sink cabinetry may vary from 10 inches (255 mm) to 25 inches (635 mm) depending on whether the sink can be approached from a forward or parallel position by a person in a
wheelchair, and the height of any shelf or cabinet above the sink that is within the maximum reach of a person in a wheelchair (See Figure 4).

Adequate clear floor space is also required to permit both forward and parallel approaches to bathtubs and shower compartments. The standard requires a clear approach space to a bathtub of 48 inches (1220 mm) minimum length, as measured perpendicular from the side of the tub at the control end, and 30 inches (760 mm) minimum width aligned with the side of the tub (See Figure 5). A similar clear space is required for the approach to a typical transfer-type shower compartment, with a clearance of 48 inches (1220 mm) minimum length measured perpendicular to the shower head wall, and 30 inches (760 mm) minimum depth, measured across the face of the shower compartment. Shower compartments are required to have minimum clear inside dimensions of 36 inches (915 mm) in width and 36 inches in depth, with an entry opening of 36 inches minimum width.

The bathroom walls around the toilet, bathtub or shower compartment also are required to be reinforced with blocking to permit later installation of grab bars. Grab bars are an essential safety feature for infirm or disabled older adults, and have gained appeal among home designers as an accessory that can serve as a ready aid for children and adults to maintain their balance. Sufficient wall reinforcement is required to provide for both horizontal and vertical grab bars on the side and rear walls around a toilet (See Figure 4). For bathtubs, the standard requires that blocking in the back wall of a bathtub be sufficient to accommodate two horizontal grab bars, with a minimum length of 24 inches (610 mm), one to be located between 33 inches (840 mm) and 36 inches (915 mm) above the floor, and a second lower grab bar located 8 inches (205 mm) minimum and 10 inches (255 mm) maximum above the rim of the bathtub (See Figure 6). Blocking for fixed side-wall grab bars is also required for both the head and control end walls of the bathtub. For transfer-type shower compartments, the standard requires that wall blocking be provided to permit installation of horizontal grab bars across the control end wall and on the back

Figure 5. Bathtub Floor Clearances
(Source: ICC/ANSI A117.1-2009)

Figure 6. Placement of Bathtub Wall Blocking and Grab Bars
(Source: ICC/ANSI A117.1-2009)
wall of the compartment to a point 18 inches (455 mm) from the control wall (See Figure 7). Blocking for an additional 18-inch vertical grab bar is required on the control-end wall to be placed between 3 inches (75 mm) minimum and 6 inches (150 mm) maximum above the horizontal grab bar and within 4 inches (100 mm) maximum from the front edge of the shower compartment.

5. **Required habitable interior room:** The absence of a bedroom on the entrance level of a townhouse or other multi-level dwelling may also pose a serious barrier to older residents who wish to remain independent in their own home. Any of a number of events—an accident, stroke, heart condition, serious illness or operation, or merely the accumulating infirmities that accompany aging—can confine an older person to an upper level floor, near a bedroom and bathroom, and limit their ability to maintain interactions with family and others outside the home that are essential to their physical and emotional well being. The standard requires that a residential dwelling unit include at least one habitable space or room connected with the entrance level circulation route. The room should have an accessible doorway, with a minimum floor area of 70 square feet (6.5 m²); the minimum area needed to easily maneuver a wheelchair or other mobility aid within the room to avoid furniture and other obstructions. The room can be used for different purposes—as a den, office, playroom, etc.—until it is needed as a sleeping room.

6. **Required food preparation area:** For everyone, regardless of age or physical health, the ability to conduct simple daily tasks like cooking or bathing, with relative ease and safety, can have a direct effect on our sense of well being and independence. The inability to go to a kitchen to cook a meal, or even get a snack, because of the difficulty of getting up or down a stairway, or the worry of slipping or falling, can have a direct and adverse effect on the physical health of an older or disabled resident and contribute to a sense of isolation and depression. The standard goes beyond the ICC/ANSI A117.1 standard by requiring that a residential dwelling unit have a kitchen or, at minimum, a food preparation area that is connected to the interior circulation route of the entrance level floor. The food preparation room or area is required to include, at minimum, a sink, cooking appliance and a refrigerator. The area may take the form of a traditional efficiency kitchenette, with the sink, cooking surface, work surface, cabinets and
refrigerator together on the same wall, a galley kitchen with counters, or with a sink, appliances and cabinets on two opposite walls, or in a U-shaped room with the sink, cabinets and appliances on three contiguous walls. Floor clearances in front of sink, cabinets, work surfaces and appliances, or between all opposing cabinets, counters and appliances on opposite walls, should be a minimum of 40 inches (1015 mm) (See Figure 8). In the case of a U-shaped kitchen with cabinets and appliances on three walls, a minimum unobstructed floor turning space of 60 inches (1525 mm) is required between all cabinets, work surfaces and appliances on the three walls. The maximum height of the sink and any cabinet work surfaces should be 34 inches (864 mm) maximum above the floor.

7. Accessible Electrical Controls and Outlets: A typical practice of home builders since, at least, the 1940s has been to place the center of wall lighting controls or switches 50 inches or higher above the floor surface, and to place the base of electrical wall outlets 12 inches above the floor. Another common practice has been to position heating and air conditioning controls at approximately eye level for the average adult, or 60 inches or more above the floor. This has placed most controls and outlets beyond the easy reach of adults seated in a wheelchair, and even more difficult for them to view and adjust environmental controls. Older persons with back problems, or using walkers or other mobility aids, often cannot use electrical outlets without having to lower themselves to the floor. The standard requires that receptacle outlets and the operable part of lighting and environmental controls be located 15 inches (380 mm) minimum and 48 inches (1220 mm) maximum above the level of the floor to make them more accessible to older and disabled persons. These maximum and minimum levels represent the unobstructed high and low side reach of an average adult male seated in a wheelchair parallel to a wall (See Figure 9).
The seven sets of inclusive design standards in the model legislation represent the minimum structural features needed to make a residential dwelling accessible and usable by all residents at various stages in their lives. Other design features, such as lever-style door handles and faucet controls, adjustable-height sinks and cooking surfaces, roll-in showers, rocker-style light switches, etc., may be of equal benefit to older persons and other potential residents. However, most can be added at a later time without substantial cost. The design standards in the legislation are features which, in almost all instances, must be incorporated in the initial design and construction of a residence and cannot be added at a later time without significant structural modification and considerable cost.
Advocacy Facts and Statistics

Aging Data

- According to the 2010 census, there were 40.3 million people age 65 and older on April 1, 2010, an increase of 5.3 million since the 2000 census. The 65+ age group grew at a faster rate than the total U.S. population, increasing by 15.1%, as compared to 9.7% for the total population. (source: *U.S. Census Bureau, 11-30-2011*)

- The number of people 65 and older in the United States is expected to increase from approximately 38.9 million in 2008 (or 13% of the population), to 55 million in 2020; to 70 million in 2030, and to 88.5 million in 2050 (or 20% of the population). (source: *U.S. Census Bureau, 2010*)

- The Census Bureau estimates the average life expectancy of the U.S. population in 2008 as 78.0 years (78.4 for whites; 74.3 for black Americans) and projects average life expectancy as 79.5 years in 2020 (80.0 for whites, 76.1 for Blacks). (source: *U.S. Census Bureau, 2012 Statistical Abstract, 2011*)

- The Centers for Disease Control and Prevention (CDC) has estimated life expectancy in the early 1950s (when much of contemporary U.S. housing was either designed or constructed) as 68.07 years. CDC data shows life expectancy rates increasing by an average of two years per decade since the 1970s. (source: CDC, National Vital Statistics Reports, Vol. 59, No. 9, September 2011)

- Among the age groups within the older population, the 85-to-94-year olds experienced the fastest growth between 2000 and 2010, rising from 9.5 million to 12.4 million. (source: *U.S. Census Bureau, 11-30-2011*)

- When compared to the 2010 census, all regions grew in both the 65+ and 85+ populations. The Western states experienced the fastest growth in both the 65+ population (23.5%) and the 85+ population (42.8%). (source: *U.S. Census Bureau, 11-30-2011*)

- The number of persons age 85 and older—who often require additional caregiving and support—will increase from about 14% of the older population today to 21 percent in 2050. (source: “The Next Four Decades: The Older Population of the United States,” *U.S. Census Bureau, 2010*)
• All minorities [defined as people other than non-Hispanic whites] will comprise 42% of the 65+ population in 2050, more than double the proportion (20%) they comprise today. Among those 85 and older, 33% will be minorities in 2050, as compared to 15% in 2010. The 65+ Hispanic population will increase six-fold by 2050, to over 20% of the senior population. (source: "the Next Four Decades: The Older Population of the United States," U.S. Census Bureau, 2010)

Disability Data

• According to 2010 census data, there are 54 million Americans who have at least one disability, representing 19 percent of the civilian non-institutionalized population. [54 million roughly equals the combined populations of California and Florida] (source: "Facts for Features, U.S. Census Bureau, 5-26-2011"

• Of those reporting disabilities in 2010, 19.8 million reported difficulties walking or climbing stairs; 13.5 million reported cognitive disabilities; 10.5 million had hearing disabilities; and 6.5 million had visual disabilities. (source: "Facts for Features, U.S. Census Bureau, 5-26-2011"

• Using a broader measure of disability that includes chronic diseases such as arthritis or heart disease, the Centers for Disease Control and Prevention estimated 47.5 million U.S. adults (21.8%) reported at least one disability in 2009. (source: Morbidity and Mortality Weekly Report, Center for Disease Control and Prevention, 5-04-2009)

• The prevalence of disability is found to double with each successive age group—11.0% for ages 18-44, 23.9% for ages 45-64, and 51.8% for ages 65 and older. (source: Morbidity and Mortality Weekly Report, Center for Disease Control and Prevention, 5-04-2009)

• For persons 80 years and older, 71% were disabled, with 56 percent of those severely disabled. (source: Census Bureau, 2005)

• The Centers for Disease Control and Prevention estimate that 50 million U.S. adults (22% of all adults) have self-reported doctor-diagnosed arthritis, of which 21 million (9% of all adults) have arthritis-attributable activity limitations. (CDC, based on 2007-2009 National Health Interview Survey data, 2009)

• The CDC estimates that one in three U.S. adults (83 million) have one or more types of cardiovascular disease and estimates that nearly 68 million adults have doctor-diagnosed high blood pressure, more than half of which do not have the condition under control. (source: Centers for Disease Control and Prevention, 2011)
• According to Census Bureau data, there were 5.5 million veterans with disabilities in 2008. (source: 2008 American Community Survey, U.S. Census Bureau, 2009)

• The Veterans Administration reported receiving a record 1.2 million disability claims in 2010, a 17.6 increase over 2009. It estimates that claim receipts will approach 1.5 million in 2011. (source: Veterans Administration testimony, House Veterans Affairs Committee, 3-17-2011)

• According to 2010 census data, about 2.8 million school-age children, ages 5 to 17, were reported as having a disability in 2010. (source: U.S. Census Bureau, 11-17-2011)

• In 2005, parents reported 475,000 children age 3 to 5 years old as having disabilities and 228,000 children age 3 and younger with at least one disability. (source: U.S. Census Bureau, 2005)

**Caregiver Data**

• More than 65 million people, 29% of the U.S. population, provide care for a chronically ill, disabled, or aged family member or friend during any given year. (source: Caregiving in the United States, National Alliance for Caregiving/AARP, 11-2009)

• An estimated 19.1 million U.S. adults who are employed full-time or part-time, or 17% of American workers, also serve as caregivers for an elderly or disabled family member, relative or friend. (source: “The Cost of Caregiving in the U.S. Economy,” Pfizer/ReAct-Gallup poll results, 2011)

• A large majority of employed caregivers (72%) say they provide care for a parent. Over two-thirds say the person is 75 years of age or older. (source: “The Cost of Caregiving in the U.S. Economy,” Pfizer/ReAct-Gallup poll results, 2011)

• **Over half (51%) of persons receiving care from caregivers** live in their own home, while 29% live with family caregivers. (source: Caregiving in the United States, NAC/AARP, 11-2009)

• Over one-third of employed caregivers (36%) say that the person they are caring for lives with them. (source: “The Cost of Caregiving in the U.S. Economy,” Pfizer/ReAct-Gallup poll results, 2011)

• The majority of caregivers (55%) have been providing care for three years or more; another 31% reported giving care for between one year and less than three years.

- In 2011, the national average amount paid for a private room in a skilled nursing facility was $239 a day, with different state averages ranging from $141 to $655 a day (with a monthly average rate of $7,170.00). The national average paid for rent and additional fees in an assisted living facility was $3,477.00 a month, with different state averages ranging from $1,142.00 to $5,757.00 a month. (source: The American Elder Care Research Organization, PayingForSeniorCare website, 2011)

Housing Data

- 80 percent of households headed by persons aged 65 or older owned their homes in 2008. (source: U.S. Census Bureau, 2010)

- Nearly all (96%) of adults age 65+ responding to an AARP survey agreed with the statement, "what I would really like to do is continue living on my own for as long as possible." More than nine in ten (92%) said they would pay for services that could help them stay in their own home. (source: "Healthy@Home survey report, AARP, 4-2011)

- Nearly three-quarters of respondents to a survey of adults aged 45 and older said they strongly agree with the statement, "what I'd really like to do is stay in my current residence for as long as possible." (source: Home and Community Preferences of the 45+ Population, AARP, 11-2010)

- One third of adults aged 50-64 believe it would be too expensive to modify their homes to accommodate a mobility impairment. (source: AARP, Housing in Retirement: Opinion of 50-64 Year-olds, 2011)

- The aging of the baby boomers will dominate changes in the age distribution of households. The number of households with heads between the ages of 55 and 74 is set to increase by 10.2 million, or 35%, from 2010 to 2020. (source: “State of the Nation’s Housing, Harvard University, Joint Center for Housing Research, 2011)

- Ten thousand people will reach the age of 50 every single day, and this 50-plus consumer base will account for more than one-quarter of all new home sales in the future. Declining levels of homeownership and new household growth that will make 50+ households a dominant factor in future housing markets. (Harvard University, JCHR, 2011)

- A newly built single-family detached home will have at least one disabled resident during its expected lifetime. Based on projections of the proportion of households
with at least one disabled resident, the average length of residence, and the average lifespan of dwelling units,
there is a 60% probability that a newly built unit will house at least one disabled resident during its useful lifetime. When disabled visitors are accounted for, the probabilities rise to 91 percent. (source: Smith, Rayer and Smith, "Aging and Disability: Implications for the Housing Industry and Housing Policy in the United States," Journal of the American Planning Association, Summer 2008)

- At least 21% of households will have at least one disabled resident in 2050 using the work-limitation measure of physical disability. (source: Smith, Rayer and Smith, "Aging and Disability: Implications for the Housing Industry and Housing Policy in the United States," Journal of the American Planning Association, Summer 2008)

- Eight in ten Americans (80%) say they would prefer to live in a single-family detached house over other types of housing, such as townhouses, condominiums, or apartments. (source: The 2011 Community Preference Survey, National Association of Realtors, March 2011)

- Nearly six in ten (59%) American adults would choose to live in a smaller house or lot if it meant reducing driving times and living closer to work. (source: 2011 Community Preference Survey, March 2011)

- Two-thirds of adults (66 %) agree that being within an easy walk of places in their community is an important factor in deciding where to live. A majority of "retirement-minded" adults (54%) would prefer to live in a mixed-use, smart growth community rather than in a sprawl community. Over 70% of young single adults under age 35 expressed a preference for a mixed-use, smart growth community. (source: 2011 Community Preference Survey, March 2011)
What groups are most likely to oppose Inclusive Home Design legislation? What will be their primary objections or concerns, and how should they be countered?

Based on earlier efforts to enact visitability and accessibility legislation, the primary opponents of Inclusive Home Design legislation will be state and local home builders associations. In public forums from Long Island, New York, to Long Beach, California, builders have actively opposed all efforts to enact laws or ordinances that require supportive features in new housing construction that are not already required by federal law. They have argued that zero-step home entrances are not feasible or too costly in areas with ground slopes or difficult topography; that wider hallways, full bathrooms and ground floor bedrooms increase the square footage of a home, making them more expensive and more difficult to sell; that adding supportive design features makes homes look institutional and unappealing and decreases their marketability; and that little or no demand exists in the marketplace for housing with supportive design features. The builders’ response generally has been to let the market determine housing design, with builders allowed to provide optional design features upon request of potential homebuyers.

Additional objections have also been expressed by members of local planning commissions, local housing agencies, economic development authorities and other local officials who have echoed some of the same concerns as the builders, but from a different perspective. Some have expressed concerns that requiring accessibility and any additional inclusive design features would increase building costs, especially if required for assisted housing, and would price new homes out of reach of the intended lower-income beneficiaries. Others express concern that requiring accessible or supportive features in new housing construction would lose diversity in the housing stock, add unsightly access ramps or other unattractive features, or raise questions about applying accessibility requirements to second and third floors. City planners have also sought to highlight a potential conflict between what they observe as a general trend among both older and younger people adults who are trying to simplify their lives and want smaller, more easily maintained housing, and requirements in proposed ordinances to require additional first floor rooms.
Primary Opposition from Home Builders

While advocates have generally been able to address the concerns of public officials, many view homebuilder groups as unrelenting and unreasonable in their opposition to any new regulation or requirement that might add even minimal cost or difficulty in building a home. Builders are generally viewed as opposed to all forms of mandates on principle, and as objecting to being told how to do build a home. In interviews conducted by the Center for Inclusive Design and Environmental Access for a 2008 AARP Public Policy Institute report, advocates and local officials involved in efforts to enact visitability or accessibility ordinances in communities across the country consistently cited local builders as their primary opponents and objected to their tactics of using inflated cost estimates and unrealistic technical objections to portray even the most limited visitability requirements as impractical or unreasonable. Builders were consistently described as claiming it would cost $10,000 to $30,000 extra per house to add even basic visitability features. In Phoenix, the president of the Home Builders Association was even quoted as remarking in a public meeting that it would cost $150,000 to modify each house plan to incorporate visitability features. Advocates had to find supportive architects or builders to refute these cost figures and, in one instance, had to hire the past president of the American Society of Professional Estimators to convince Pima County, Arizona, legislators that such estimates were grossly inflated.

Advocates claim that even builders who support the idea of accessible housing, because of past experience with their own parents or a disabled family member, will still object to mandated accessible features in local codes. They see builders as adverse to any change and comfortable with only the details and designs that they know work. As one advocate explained: “doing something different becomes an unknown and raises anxieties. It could cost zero dollars and builders would oppose it, because they fear the unknown.”

From the builders’ perspective, there may be a strong basis for such fear. Homebuilding is not an easy business. As expensive as new houses may seem, builders don’t make much profit. The majority of builders only put up 30 or so houses a year, if that. Production builders are working on a very small profit margin which can easily be eaten up by weather delays or cost increases, and they’re paying huge interest rates for construction loans. Many builders can point to mandated code requirements that actually did add significant building costs, such as green-requrement low-energy windows or improved energy efficiency for heating and air conditioning equipment. Others cite their experience with commercial construction and subsequent litigation under the Americans with Disability Act (ADA) as examples of government imposing unclear requirements and unreasonable penalties on new construction. All this has led to a general distrust among builders with government at all levels and a
general attitude that legislators and bureaucrats don’t understand their business and "hardly ever get things right."

**Role of the National Association of Homebuilders**

The National Association of Homebuilders (NAHB) has sought to build upon this anti-regulation sentiment and mobilize its members to oppose any new regulations. Following the 1999 Supreme Court decision in *Olmstead v. L.C.*, in which the Court affirmed the rights of individuals with disabilities under the Americans with Disabilities Act to live in the "most integrated setting" appropriate to their needs, a 2000 NAHB newsletter announced to its members the organization’s intention to "take the necessary steps to build the most effective fighting political machine of the 21st Century." While not directed specifically to new accessibility requirements, it was clear that the NAHB’s top priority was to stop any and all new building regulations. Since that time, the NAHB has been increasingly effective in coordinating state and local builder efforts to defeat or weaken visitability and accessibility laws and ordinances. It has also prompted builders to counter such proposals with their own "market oriented" alternative that would require accessibility enhancements in new housing only upon request. Two states, California and Connecticut, have enacted builder-supported state municipal ordinance enabling laws that, on the surface appear to promote housing accessibility and broader universal design features, but actually serve to limit localities from enacting anything other than weak voluntary programs that only require a builder to include design features as upgrades if a buyer requests them and agrees to pay the added costs.

Effective advocacy on behalf of inclusive design legislation must seek to address this "fear of the unknown" on the part of local builders in several ways. First, advocates should attempt to show that they understand the many difficulties faced by builders, emphasize elements of the model legislation that provide flexibility and exceptions to help address these difficulties, and express a willingness to work with builder groups to address additional concerns. Second, advocates should be prepared to provide examples from other jurisdictions that have enacted accessibility ordinances showing how inclusive design features have been incorporated in housing design in ways that are both cost-effective and aesthetically attractive, and that have broad appeal to potential homebuyers or renters. Third, builders will need to be shown the broad market for housing with inclusive design features that will exist over the coming decades. This will require use of national and state-specific data on current and projected numbers of the 65+ population, persons with disabilities, persons with diagnosed chronic disease and family caregivers, to illustrate current and potential need for inclusive design housing. It should also attempt to show how simple, common sense features that make homes safer and more comfortable can appeal to an even wider range of people—families with small children, households planning for retirement, families anticipating
that a parent will need to move in with them, persons wanting to simply their housekeeping, etc. Advocates may also attempt to assure builders by offering to engage in joint efforts to educate the public on the importance and benefits of inclusive design housing to help build this broad potential market.

Responding to Home Builder Arguments

The following responses to the major objections expressed by builders in opposing past efforts to enact accessibility laws and ordinances may provide guidance in formulating state-specific responses to likely builder opposition to inclusive home design legislation.

- Mandates of zero-step home entrances are impractical and extremely difficult to construct in areas of the county where ground slopes and varied topography are common. Flat entrances can undermine long proven methods of preventing water entry at residential doors or require that ramps, retaining walls or other unsightly features be added to the front of homes that reduce their appeal and marketability.

Builders who have constructed zero-step entrances for residences or commercial buildings explain that such entrances are nearly always easy to construct, whether the terrain is flat or hilly. The accessible entrance can be constructed at the front, side or back of a home, wherever is the most feasible for the site conditions. A driveway or sidewalk can provide a gradual access route from a public street or sidewalk, and zero-step entrances can be provided through a connected garage. In communities with accessibility requirements, housing officials claim that zero-step entrances can almost always be achieved without an access ramp, and even where a ramp is necessary, it can be incorporated in the design of porches and decks on the side or back of homes in ways that are hardly noticeable.

For the 40 percent of new home construction that involves a slab-on-grade foundation, zero-step entrances are typically easy and inexpensive to construct. The methods used for homes are virtually identical to those used for slab-built commercial buildings, such as banks, grocery stores or restaurants. This may require an additional overhang above an entrance door for weather protection, which may contribute slight additions in material and labor costs. However, this would be a preferred feature for most residents even without a zero-step entrance.

For homes designed with basements and crawlspaces, a number of solutions are available that provide low-cost and attractive zero-step entrances. Builders often use porches as a bridge to an inclined sidewalk. Lowering the first-floor rim joists into a notch in the foundation wall at the time of construction is another approach that has been used by builders for decades for situations unrelated to access, such as lowering the height profile of a building to not exceed local height requirements. Builders also
recommend setting the floor joists down inside the foundation with hangers, which can save up to a foot in floor height.

With all these methods, situating a home properly on the lot and appropriate lot grading are essential. In many cases, builders explain that zero-step entries can be achieved by grading alone, by taking time to use available dirt at the construction site to gradually slope access sidewalks and create water flow away from the sidewalk and from the foundations of the home. While this may require more time with a machine operator, experienced builders consider it "revenue neutral," since it may eliminate having to haul excess dirt away from the building site.

- State and local mandates of accessible design features add significant design and construction costs that will make new housing more difficult to sell and force builders to minimize any profit. Requiring full bathrooms, kitchens or bedrooms on a home’s entrance level will increase the home’s footprint and square footage and add significant construction costs. Accessibility requirements can easily add between $10,000 and $40,000 to the cost of every new home.

Advocates who have encountered builder opposition in efforts to enact accessible housing ordinances complain about the builders' tactic of greatly inflating the technical problems and costs of including accessibility features in new construction as their most misleading, but effective, advocacy tool. Total costs associated with architectural designs and project approval that may apply to numerous homes, or site development costs applicable to multi-home developments, are typically attributed to the cost of each home. The costs of accessibility features are often presented as add-on costs to existing housing, rather than the far lower costs of including the same features in a home's initial design and construction.

While cost comparisons remain limited, researchers and officials in communities with accessibility ordinances continue to affirm the minimal additional costs of including accessibility features in initial construction. In communities with nearly a decade experience with accessibility ordinances, such as Atlanta and San Antonio, officials claim that accessibility features can be added for as little as $500 to $900 in added building costs. The Executive Director of the Suffolk County (NY) Community Council has estimated that it costs only $700 dollars more to build a house with universal design principles, including a more spacious bathroom.

Perhaps the most useful estimate of per unit costs of building housing with design features that closely resemble the AARP model legislation was provided by the city of Davis, California, in adopting its accessible housing ordinance in 2007. Based on the cost estimates in the follow chart, the Davis City Council adopted the finding that the
“majority of costs associated with accessible and visitable features were deemed negligible and not likely to have significant impact on the cost of construction if planned for early in project development stages.”  (source: Davis California, General Development Plan, 2007)

<table>
<thead>
<tr>
<th>Accessibility Feature</th>
<th>Estimated Cost per Unit from Developers/Builders</th>
</tr>
</thead>
<tbody>
<tr>
<td>An accessible route that connects a zero threshold entry to the garage, driveway, or</td>
<td>It can vary. Making the entry to the garage accessible is likely to be the most cost effective, and may not</td>
</tr>
<tr>
<td>sidewalk.</td>
<td>cost much extra. If a small ramp to the threshold is needed, concrete and forming could cost $10-20 per</td>
</tr>
<tr>
<td>(Required in both visitable and accessible housing units.)</td>
<td>square inch or the project could use another material to reduce costs. If the project has an uneven grade,</td>
</tr>
<tr>
<td></td>
<td>costs of providing an accessible path increase and make the project less feasible.</td>
</tr>
<tr>
<td>Accessibility Feature</td>
<td>Estimated Cost per Unit from Developers/Builders</td>
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<tr>
<td>Zero threshold entry at a minimum of one exterior door that is 34 inches wide.</td>
<td>To avoid water entering the unit, a zero threshold entry requires good overhead weather protection. In the garage, access would be adequately covered, but additional overhangs might be necessary if the unit has a front or rear entrance with a zero threshold. Costs of additional overhang would contribute to slight additions in materials and labor costs, but these are likely negligible. Including the wider door with a zero entry threshold is estimated to be a cost of less than $25.</td>
</tr>
<tr>
<td>(Required in both visitable and accessible housing units.)</td>
<td></td>
</tr>
<tr>
<td>At least one accessible route to the primary floor bathroom, common use room, kitchen, and bedroom. (Required in both visitable and accessible housing units.)</td>
<td>No additional cost if included in the original unit design, although it could redistribute small amounts of space to the hallway and out of other rooms in the unit. A slight cost could result if there is an increase in the overall unit footprint to accommodate the accessible route rather than redistributing the original unit square footage. Ability to include accessible route needs to be in the design software used for the architectural renderings of the project.</td>
</tr>
<tr>
<td>At least one bathroom, consisting of at least a toilet, lavatory, and a bathtub or shower must be provided on the first floor. (Required in accessible housing units.)</td>
<td>Adding a shower/bath where one was not originally planned could add $3,000. The other costs associated with the inclusion of a full bathroom on the main floor are a matter of limited square footage and space that would be distributed differently than if the unit only included a half bath. Grab bar backing installed in the wall is a negligible cost of only the extra pieces of lumber required.</td>
</tr>
<tr>
<td>One accessible common use room (Required in accessible housing units.)</td>
<td>No additional cost. Upfront design necessary.</td>
</tr>
<tr>
<td>One accessible first floor bedroom. (Required in accessible housing units.)</td>
<td>In homes that are greater than two thousand square feet, there is often a bedroom on the first floor, so it is unlikely to result in any additional cost to those units. However, as the housing unit and parcel sizes decrease, the ability to have a bedroom on the main floor becomes more difficult due to the limited square footage of space.</td>
</tr>
<tr>
<td>40 inch pathway through the kitchen. (Required in accessible housing units.)</td>
<td>Should be possible without additional cost if planned initially with housing construction. May cause a slight increase in the overall unit footprint.</td>
</tr>
<tr>
<td>Single Action Hardware at Accessible Entrance (Required in both accessible and visitable housing units.)</td>
<td>$50-$100</td>
</tr>
</tbody>
</table>

The Davis cost estimates provide a marked contrast to the cost estimates typically provided by builder groups. Builders have asserted, for example, that including wider
36-inch doors throughout the first floor of a home would add hundreds of dollars or more to new home prices, when actual builder costs to purchase a 36” door rather than a standard 30” door can be shown to be only $4 to $10 more per door, and this doesn’t take into account the reduced framing and drywall costs from the wider wall openings that offset this minimal cost. Similarly, builders claim that provide larger bathrooms with adequate floor clearance can add thousands of dollars in construction costs, where experienced builders claim, as does the Davis cost estimates, that this can be accomplished fairly easily by “stealing” a few inches from neighboring rooms. A recent trend in home design and renovation is to remove walls and combine spaces, for example, by placing a kitchen as part of a larger family room. This tends to open up space, remove the need for hallways and allows space for a full bathroom, or a bedroom, without greatly increasing a home’s footprint or overall square footage.

- No market demand exists for housing with accessibility features. Few people have yet to appear at builders’ sales offices requesting accessible features in new homes. Potential buyers who are offered the option of various accessibility features typically reject them because of the added costs or fear that the features will be obtrusive and unappealing and limit the home’s resale value.

These are not realistic arguments even under current market conditions. The people who visit builders’ sales offices are generally younger families looking for first home opportunities in lower-cost suburban locations. As a result, new housing tends to be built for younger people, rather than older or disabled persons who tend to look for more accessible housing in urban and inner suburban locations that are closer to services and transportation. Moreover, builders typically do not explain optional features and rarely incorporate the options in model homes. The emphasis is typically on the added cost of design “upgrades” rather than their potential benefit, since most builders don’t want to take the time or cost to redesign their basic floor plans and tend to overcharge for any modifications. As one St. Louis developer has commented, it is very difficult to get people generally to talk about the need for changes related to aging, clients are “more amenable to modifications if they are attractive and can add to resale value...but unless they are seen in a model, potential buyers show little interest if they are just described as options.”

In communities where both mandatory and voluntary accessible housing programs have been in place for a number of years, builders tend to use accessible features as a selling tool. “Buyers tend not to notice the features, unless we point them out to them,” the president of a San Antonio home development company has explained. “When we explain the features, the changing demographics, and how their parents may want to visit or live there with them,” people tend to respond positively to the wider doors and hallways and “more open feel of the floor plan.” We tend to get “real positive
responses," commented a Georgia builder. "Accessibility features can be done in such a way that it really looks good. You don’t realize that it is different.”

In contrast to the limited market described by builders, the potential number of people that could benefit from housing with inclusive design features is already significant and growing. According to 2010 census data, there are 54 million Americans with at least one physical disability; a number roughly equal to the current combined populations of California and Florida. Given higher rates of disability as people age, the number of people with mobility, hearing or vision impairments will increase significantly as the 65+ population more than doubles over the next four decades to 89 million people. Not reflected in the disability data are tens of millions of American adults with diagnosed chronic conditions, such as arthritis or cardiovascular disease, that tend to become more debilitating with age. In addition, an estimated 65 million people, including 19 million working adults, serve as caregivers for a chronically ill, disabled, or aged family member or friend in any given year, either in their home or in the home of the person receiving care. Taken together, these groups constitute not only a large majority of the nation’s adult population, but a huge and growing segment of the housing market.
Sample Advocacy Letter #1

The Honorable Robert Jordan
State Assembly
1 Capitol Square, Room 175

Dear Assemblyman Jordan:

I am writing on behalf of AARP, and our nearly 184,000 members located throughout the state, to request your support, and co-sponsorship, of Assembly Bill, No. 58, the “Inclusive Home Design Act.” This important legislation seeks to change the design, construction or rehabilitation of housing that receives state assistance to reflect the changing needs and preferences of our state’s population and to appeal to the broadest possible market of potential home buyers and renters.

As you are well aware, the design and construction of much of the single-family housing in our state has changed little since the mid-1900s and was built primarily to accommodate the needs of younger, healthy, working households. Most detached homes continue to be elevated above the ground or built over basements that require two-to-three step entrances that present access barriers for persons with disabilities and that limit the ability of infirm older residents to both enter and exit the home. Many semi-detached townhomes, row houses or other multi-level structures continue to be built with narrow footprints, or built above garages, so that essential rooms, such as full bathrooms, kitchens and bedrooms, are located one or two floors above the entry level. Any number of events—an accident, stroke, heart condition, serious illness or operation, or the accumulated infirmities that accompany aging—can confine an older person to an upper level floor, near a bedroom or bathroom, and limit their ability to maintain interactions with family and others outside the home that are essential for their physical and emotional well being.

Inclusive home design seeks to address these problems by anticipating the needs of all potential residents throughout the 50-to-60-year average useful life of a home and by including common sense design features in the initial design and construction of a residence to improve access, safety and convenience, while also enabling older residents to remain in their homes as long as possible without additional home modifications. This provides long-term cost savings for home owners, as well as
potential savings for state programs by helping older residents avoid premature or unnecessary institutional care.

The Inclusive Home Design Act would require that all one-to-three unit single-family housing that is constructed or substantially rehabilitated with financial assistance for a state program or agency, or with federal funds administered by a state department or agency, must include seven inclusive design standards. These include at least one step-free exterior entrance, wider entry and interior doors and hallways, more accessible electrical controls and outlets, reinforced walls around bathroom fixtures for later installation of grab bars, and requirements for a kitchen or other food preparation area, a full bathroom, and at least one general purpose room that can be converted into a bedroom, all on the home’s entrance level. These requirements are based on the design standards and specifications for “Type C” single family dwellings recently included in the widely recognized A117.1-2009 accessible design standards of the International Code Council (ICC) and the American National Standards Institute (ANSI).

Two important considerations will drive the need for housing with inclusive design features over the coming decades. First, it is very likely that all people will experience a temporary or permanent disability or physical impairment at some point in their lifetime. With average life expectancy now exceeding 78 years, and expected to increase to over 80 years of age in 2020, far greater numbers of people will “age into disability” with a doubling of the age 65+ population prior to 2050. They will join the more than 54 million Americans already identified as having mobility, vision, hearing or work-related disabilities in the 2010 census. An even greater number of Americans have been diagnosed with chronic illnesses or conditions, including arthritis, high blood pressure or heart disease, that become more debilitating with age. The Centers for Disease Control and Prevention estimate, for example, that one-in-three adults, or 83 million people, have one or more types of cardiovascular disease.

A second factor is the changing attitudes of the majority of Americans regarding what is needed in a home and how the home will be used. Not only are Americans becoming less willing to change homes at this time than at any other time since the 1940s, they are also expressing a clear determination to remain in their current homes for as long as possible. AARP surveys have consistently shown large majorities of adults, from age 45 to over 80 years, expressing a desire to live independently in their current communities and to age in place in their own homes. Moreover, an estimated 65 million people, including 19 million working adults, serve as caregivers for a chronically ill, disabled, or aged family member or friend in any given year, either in their home or in the home of the person receiving care. Given these trends, it can reasonably be expected that most, if not all, newly built housing will have at least one severely disabled or impaired resident over the coming decades.

When you combine the different constituencies that will likely benefit from housing with inclusive design features—older persons, persons with disabilities and chronic conditions, households in their 50s considering retirement, and family caregivers—the
result constitutes not only a large majority of the nation's adult population, but a huge and growing segment of the housing market. Given our state's large and growing older population, it makes little sense to continue building housing that will require that many of our friends and neighbors will have to make expensive home modifications to be able to remain in their homes, or be required to move away to more supportive housing, if they can find it.

Again, AARP strongly urges your support of Assembly Bill No. 58, the Inclusive Home Design Act. Our office would hope to have an opportunity in the near future to meet with you to discuss why this legislation is important to so many of our State's older residents. Thank you for your time and your consideration of this request.

If you have any questions or need further information, please feel free to contact [name and title] at [phone number] or [email address].

Sincerely,
Sample Advocacy Letter #2

The Honorable Patricia Edwards  
State Senate  
1 Capitol Square, Room 175

Dear Senator Edwards:

On behalf of AARP and our more than 94,000 members located throughout the state, I want to thank you for the opportunity to respond to the comments you have received from your county homebuilders association in opposition to Senate Bill, No. 28, the “Inclusive Home Design Act.” AARP has endorsed this important legislation, which proposes to change the design of single-family housing constructed or rehabilitated with state assistance to reflect the changing needs and preferences of our state’s aging population and to appeal to the broadest possible market of potential home buyers and renters.

Inclusive home design seeks to address the numerous barriers that confront older persons and persons with disabilities in contemporary housing design by anticipating the needs of all potential residents throughout the 50-to-60-year average useful life of a home and by including common sense design features in the initial design and construction of a residence to improve access, safety and convenience. Features such as zero-step entrances, larger doors and wider hallways add spaciousness to a home that can benefit both persons with mobility disabilities as well as families with small children. Adding full bathrooms and rooms that can used as bedrooms on the entrance level of a home can assure that injured or disabled residents are not trapped or confined on an upper level floor, and also enable older residents to remain in the homes as long as possible without additional home modifications. This provides long-term cost savings for home owners, as well as potential savings for state programs by helping older residents avoid premature or unnecessary institutional care.

Your letter highlights three objections expressed by the homebuilder to the legislation: that it infringes on homeowner rights, that the requirements for zero-step entrances, wider doors and hallways and additional first floor rooms will add “tens of thousands of dollars” to the price of all new homes, and that no market demand exists for housing with inclusive design features.
While AARP would prefer that all new housing be built with inclusive design features, you will notice that the legislation applies only to single-family housing with less than three units that is constructed or substantially rehabilitated with loans, grants, loan guarantees, tax credits or other assistance under programs operated by a state department or agency, or federal assistance administered through a state agency. As such, the design standards essentially become a qualifying condition for receipt of valuable state assistance, not a mandatory requirement of the building code. As with all other state program requirements, an owner or builder who does not want to comply with the design standards can choose not to apply for assistance.

Homebuilders have frequently made similar claims of excessive cost to state legislatures and municipal bodies across the country in opposition to earlier accessible housing proposals. Most were found to be greatly inflated. Total costs associated with architectural designs and project approval that may apply to numerous homes, or site development costs applicable to multi-home developments, are typically attributed to the cost of each home. Cost estimates for specific accessibility features are often presented add-on costs to existing housing, rather than the far lower costs of including such features in a home’s initial design and construction, which is what the legislation proposes.

While cost comparisons remain limited, researchers and officials in communities with accessibility ordinances continue to affirm the minimal additional costs of including accessibility features in initial construction. In communities with nearly a decade experience with accessibility ordinances, such as Atlanta and San Antonio, officials claim that accessibility features can be included in new home construction for as little as $500 to $900 in added costs, not the “tens of thousands of dollars” claimed by the builders. In considering a 2007 proposal that included similar design standards as Senate Bill No. 28, for example, the City Council of Davis, California, reviewed cost estimates applicable to each design requirement and adopted the finding that the “majority of costs associated with accessible and visitable features were deemed negligible and not likely to have significant impact on the cost of construction if planned for early in project development stages.”

In contrast to the limited market described by builders, AARP believes that the number of people that could benefit from housing with inclusive design features is already significant and growing. According to 2010 census data, there are 54 million Americans with at least one physical disability; a number roughly equal to the current combined populations of California and Florida. Given higher rates of disability as people age, the number of people with mobility, hearing or vision impairments will increase significantly as the 65+ population more than doubles over the next four decades to 89 million people. Not reflected in the disability data are tens of millions American adults with diagnosed chronic conditions, such as arthritis or cardiovascular disease, that tend to become more debilitating with age. In addition, an estimated 65 million people, including 19 million working adults, serve as caregivers for a chronically ill, disabled, or aged family member or friend in any given year, either in their home or in the home of
the person receiving care. Taken together, these groups constitute not only a large majority of the nation’s adult population, but a huge and growing segment of the housing market.

Given our state’s large and growing older population, and recent polls in which older adults consistently express a preference to age in place in their own homes, it makes little sense to use state subsidies to continue build housing that segregates people by age, disability or family status, or that will require that many of our friends and neighbors will need to make expensive home modifications to be able to remain in their home, or move away to more supportive housing, if they can find it.

Again, AARP appreciates the opportunity to clarify these misconceptions regarding Senate Bill No. 28, the Inclusive Home Design Act. Our office would welcome any opportunity to provide you and your Senate colleagues with additional information to highlight why this legislation is so important for so many of our state’s older residents.

If you have any questions or need further information, please feel free to contact [name and title] at [phone number] or [email address].

Sincerely,
<table>
<thead>
<tr>
<th>Year</th>
<th>County or City</th>
<th>Mandatory or Voluntary</th>
<th>Type of Housing Covered</th>
<th>Description of Program and Supportive Design Features**</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>Livermore, CA</td>
<td>Voluntary</td>
<td>All new single-family and multi-family residential construction</td>
<td>Housing Implementation Program that offers builders bonus points for including basic visitability features in new housing; several accessibility design features were added to HIP's program requirements in 2002</td>
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<tr>
<td>1992</td>
<td>Atlanta, GA</td>
<td>Mandatory</td>
<td>All single-family, duplex and triplex homes constructed with city assistance</td>
<td>Requirements include both basic visitability and accessibility design features; defined city assistance as building contracts, bond assistance, preferential tax treatment and donated or leased land</td>
<td>First state or local law with accessible entry requirement &amp; waiver procedures</td>
</tr>
<tr>
<td>1997</td>
<td>Freehold Borough NJ</td>
<td>Voluntary</td>
<td>All new or existing public and private residential dwellings</td>
<td>Permits waiver of permit fees for owners or builders for construction or addition of basic visitability features</td>
<td></td>
</tr>
<tr>
<td>1998</td>
<td>Austin, TX</td>
<td>Mandatory</td>
<td>All single-family, duplex and triplex homes constructed with city assistance</td>
<td>Requirements include both basic visitability and accessibility design features; patterned on the Atlanta visitability ordinance</td>
<td></td>
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<tr>
<td>1999</td>
<td>Irvine, CA</td>
<td>Voluntary</td>
<td>All new single-family residential construction and developments</td>
<td>Consumer awareness program that requires builders to offer potential buyers a menu of 33 optional accessibility features, with no requirement to include them unless requested and paid for by the buyer.</td>
<td>California's 2002 law authorizing localities to adopt voluntary codes is based on the Irvine ordinance</td>
</tr>
<tr>
<td>2000</td>
<td>Urbana, IL</td>
<td>Mandatory</td>
<td>One and two family dwellings receiving city financing or land donations</td>
<td>Requires basic visitability and accessibility design features, plus requirements for non-slip floors, entrance landings and drainage slopes.</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>Amarillo, TX</td>
<td>Mandatory</td>
<td>New single family housing built with federal assistance</td>
<td>Requirement that affordable housing be constructed with basic visitability features</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>Visalia, CA</td>
<td>Voluntary</td>
<td>New single-family homes</td>
<td>Visitable Home program provides certification for new homes with basic visitability features</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>Albuquerque, NM</td>
<td>Voluntary</td>
<td>New single-family homes</td>
<td>Consumer awareness program that awards builders for constructing new homes with basic visitability and accessibility features</td>
<td></td>
</tr>
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<td>2001</td>
<td>Ft. Worth, TX</td>
<td>Mandatory</td>
<td>New single-family housing units receiving city assistance</td>
<td>Requirement that new housing be constructed with basic visitability and accessibility features</td>
<td></td>
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<tr>
<td>2001</td>
<td>Howard County, MD</td>
<td>Voluntary</td>
<td>Single-family housing</td>
<td>Established a &quot;Homes for Life&quot; coalition to educate public and builders about visitability needs</td>
<td>The County passed a mandatory program in 2005 (see below)</td>
</tr>
<tr>
<td>2001</td>
<td>San Mateo County CA</td>
<td>Voluntary</td>
<td>Single-family housing</td>
<td>Consumer awareness efforts including pamphlets providing &quot;Universal Design Recommendations&quot; for builders, public officials and the public</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>Pima County, AZ</td>
<td>Mandatory with additional recommended design features</td>
<td>All new residential construction and rehabilitation of existing residential building applying for a building permit</td>
<td>Requires all design features of the ANSI standards relating to visitably and accessibility previously applicable to multifamily development; also includes recommended features on accessible bathtubs and shower compartments.</td>
<td>Applies to all new homes: First local ordinance to reference ANSI standards</td>
</tr>
<tr>
<td>2002</td>
<td>Napperville, IL</td>
<td>Mandatory</td>
<td>All new construction of single-family homes</td>
<td>Requires all new housing to include basic visitability features, but does not include a zero-step entrance requirement</td>
<td>Applies to all new homes; passed two days after Pima Co.</td>
</tr>
<tr>
<td>2002</td>
<td>Long Beach, CA</td>
<td>Mandatory</td>
<td>New single-family dwelling and duplexes constructed with city assistance</td>
<td>Requires that new housing be constructed with basic visitability features</td>
<td></td>
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<tr>
<td>2002</td>
<td>San Antonio, TX</td>
<td>Mandatory</td>
<td>New single-family, duplex, triplex homes constructed with city, state or federal funding</td>
<td>Requires basic visitability and accessibility design features applicable to all rooms in the dwelling, plus requirements for accessible utility panels</td>
<td>First ordinance to include all federal, state &amp; city funding</td>
</tr>
<tr>
<td>2002</td>
<td>Pittsburgh, PA</td>
<td>Mandatory</td>
<td>Single-family, duplex &amp; triplex homes built with public funds</td>
<td>Requirement that all new assisted housing include basic visitability design features</td>
<td></td>
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<tr>
<td>2002</td>
<td>Iowa City, IA</td>
<td>Mandatory</td>
<td>All new single-family housing constructed with federal or state assistance</td>
<td>Requires new homes to have basic visitability and accessibility features, plus lever door handles and single-lever faucet controls</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>Onondaga County NY</td>
<td>Mandatory</td>
<td>Single-family homes &amp; duplexes constructed with county funds</td>
<td>Requires that new housing be constructed with basic visitability features</td>
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<tr>
<td>2002</td>
<td>Southampton, NY</td>
<td>Voluntary</td>
<td>New construction of single-family homes</td>
<td>Builder incentives of reduced permit fees or waiver of building permits for new construction of homes with basic visitability features</td>
<td>Southampton enacts a mandatory program in 2005 (see below)</td>
</tr>
<tr>
<td>2003</td>
<td>Chicago, IL</td>
<td>Mandatory</td>
<td>New single-family homes and townhouses built in planned developments</td>
<td>Requires that 20 percent of dwellings constructed in planned developments include basic visitability and accessibility features</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>Escanaba, MI</td>
<td>Voluntary</td>
<td>New single-family dwellings</td>
<td>Provides a $150.00 cash rebate to property owners for homes built with basic visitability features, plus bathrooms wall reinforcement</td>
<td></td>
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<tr>
<td>2003</td>
<td>Bolingbrook, IL</td>
<td>Mandatory</td>
<td>All new homes built within the village boundaries</td>
<td>Requires that all new construction include basic visitability and accessibility features; imposes fines for omission of any design feature, assessed for each day a violation occurred or continued to occur</td>
<td>Applies to all new homes; viewed as strongest visitability standard to that time</td>
</tr>
<tr>
<td>2003</td>
<td>St. Louis County MO</td>
<td>Mandatory</td>
<td>New residential construction and substantial rehabilitation with county assistance</td>
<td>Requires all new construction and rehabilitation to incorporate basic visitability features</td>
<td></td>
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<tr>
<td>2003</td>
<td>Sacramento, CA</td>
<td>Voluntary</td>
<td>New single-family dwellings</td>
<td>Universal access strategy program to promote use of language in residential design standards encouraging use of visitability and accessibility design features</td>
<td>Sacramento enacted CA model voluntary bill in 2010 (below)</td>
</tr>
<tr>
<td>2003</td>
<td>Syracuse, NY</td>
<td>Voluntary</td>
<td>New one and two family homes</td>
<td>Directs Community Development office to promote and encourage visitability features in new home construction</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>St. Petersburg, FL</td>
<td>Mandatory</td>
<td>New residential buildings with one to three units constructed with funding from, or flowing through, the city</td>
<td>Requires all basic visitability and accessibility features, plus lever door handles, and exterior grading that permits later addition of ramps where a no-step entrance is impractical</td>
<td></td>
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<tr>
<td>2004</td>
<td>Houston, TX</td>
<td>Voluntary</td>
<td>New construction of affordable single-family homes (sales price below area median sales price)</td>
<td>Voluntary Visitability Program provides $400.00 in cost reimbursement to building that include basic visitability features in new construction</td>
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<td>2004</td>
<td>St. Louis, MO</td>
<td>Mandatory and Voluntary</td>
<td>All new affordable residential construction funded with loans or grants from the Affordable Housing Commission</td>
<td>Requires inclusion of basic visitability features in all new construction with no exceptions; provides a long list of additional universal design features, linked to ANSI standards that builders may include to obtain extra consideration or support</td>
<td>First local code to describe both interior and exterior features needed for universal design homes</td>
</tr>
<tr>
<td>2005</td>
<td>Toledo, OH</td>
<td>Mandatory</td>
<td>All affordable single-family, duplex and triplex housing built with any public assistance</td>
<td>Requires inclusion of basic visitability features in all new assisted housing</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>Auburn, NY</td>
<td>Mandatory</td>
<td>All new residential dwelling built with city, state or federal assistance</td>
<td>Requires inclusion of basic visitability features in all new construction</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>Arvada, CO</td>
<td>Mandatory</td>
<td>All single-family and duplex units in developments with seven or more units</td>
<td>Requires inclusion of basic visitability features in 15% of new units, with an additional 15% of units also required to have accessible, no-step entrances</td>
<td>Allowed for $2,500 fee-in-lieu of adding visitability features</td>
</tr>
<tr>
<td>2005</td>
<td>Prescott Valley AZ</td>
<td>Voluntary</td>
<td>New residential construction</td>
<td>Public awareness program to disseminate materials about visitability building features and practices, with certification for homes with basic visitability features</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>Philadelphia, PA</td>
<td>Mandatory</td>
<td>New affordable housing units constructed for sale or rent with funding from the city's Housing Trust Fund</td>
<td>New construction developments required to provide basic visitability and accessibility features in 10% of units, and an additional 4% of units accessible to persons with sensory impairments</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>Scranton, PA</td>
<td>Mandatory</td>
<td>All one- to three- family homes built with city funds</td>
<td>Requires inclusion of basic visitability features in all assisted residential construction</td>
<td></td>
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<tr>
<td>2005</td>
<td>Southampton, NY</td>
<td>Mandatory</td>
<td>All housing (townhouse, garden apartments, apartment buildings) built in zoned Senior Citizen and Multifamily Planned Districts</td>
<td>Zoning offers development sites near town centers and waivers of zoning restrictions on building size, density, land use, etc., for new units that must include all basic visitability and accessibility design features otherwise applicable to high-density multifamily housing developments</td>
<td>Incentive zoning approach to bypass need for State waiver of limitations against local changes to the State building code</td>
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<tr>
<td>2005</td>
<td>Howard County, MD</td>
<td>Mandatory and Voluntary</td>
<td>All new residential units built within age-restricted Residential; Senior-Institutional (R-SI) zoning districts</td>
<td>Zoning district offers waivers of setback, density, open space and other requirements where housing is built with basic visitability and accessibility features, plus 20 recommended or optional design features</td>
<td>Similar incentive zone approach as used by Southampton (see above)</td>
</tr>
<tr>
<td>2006</td>
<td>Murietta, CA</td>
<td>Mandatory</td>
<td>Fifteen percent (15%) of all new owner-occupied and rental residential units required to be accessible dwelling units</td>
<td>Accessible dwellings required to include all basic visitability and accessibility design features plus additional universal design features relating to door and faucet handles and controls, room clearances, smoke alarms, communications systems, etc.</td>
<td>Ordinance has strong design requirements but applies only to a small percentage of new construction</td>
</tr>
<tr>
<td>2006</td>
<td>Allegheny County PA</td>
<td>Voluntary</td>
<td>New residential construction or substantial renovation projects</td>
<td>Residential Visitability Tax Credit Program offers tax credits of lesser of $2,500 over five years, or increase in property taxes, for adding basic visitability and accessibility features, plus lever faucets</td>
<td>Pittsburg announced joint implementation of the visitability tax credit in 2008</td>
</tr>
<tr>
<td>2006</td>
<td>Milwaukee, WI</td>
<td>Mandatory</td>
<td>Affordable housing constructed or rehabilitated for ownership or rental with city Housing Trust Fund assistance</td>
<td>Not less than 2%, or $100,000, of Trust Fund assistance each year must fund basic accessibility or visitability features in new or rehabilitated housing units each year</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>Birmingham, AL</td>
<td>Mandatory</td>
<td>All single-family homes and townhouses constructed with city and federal support</td>
<td>Requires that assisted dwellings include basic visitability features: emphasis on features &quot;that adapt to individual and family needs&quot;</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>Rockford, IL</td>
<td>Mandatory</td>
<td>One-to-three unit residential dwellings built with any funds subject to city control</td>
<td>Requirements include basic housing visitability and accessibility features, plus requirement for accessible entry door landings</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>Lafayette, CO</td>
<td>Mandatory</td>
<td>All units in new multi-family and mixed-use housing developments with four or more units</td>
<td>Requires that 85% of units, or all ground floor units, in a development include basic visitability features and reinforced bathroom walls</td>
<td>Includes fee-in-lieu of compliance option</td>
</tr>
<tr>
<td>2007</td>
<td>Montgomery County MD</td>
<td>Voluntary</td>
<td>All new residential construction or rehabilitation</td>
<td>Design for Life program with two certification levels for homes with basic visitability features or additional &quot;Livability&quot; features relating to bathrooms &amp; kitchens</td>
<td>County also passed waivers for access ramps in 2006</td>
</tr>
<tr>
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<tr>
<td>2007</td>
<td>Davis, CA</td>
<td>Mandatory and Voluntary</td>
<td>All new single-family residential units; with mandatory design standards for units in larger planned developments requiring Planning Commission approval</td>
<td>Multi-level requirements: All new market-rate and middle-income units must include basic visitability features; affordable housing units must include both basic visitability and accessibility features; smaller and higher-density projects provided incentives to encourage compliance with both standards</td>
<td>Approach combines mandatory zoning standards, together with voluntary code compliance</td>
</tr>
<tr>
<td>2007</td>
<td>Pine Lake, GA</td>
<td>Mandatory</td>
<td>All new single-family and attached single-family homes</td>
<td>Requires all new construction to include both basic visitability and accessibility design features, plus a 42&quot; minimum width requirements for hallways</td>
<td>Applies to all new housing</td>
</tr>
<tr>
<td>2007</td>
<td>Tucson, AZ * &quot;Inclusive Home Design Ordinance&quot;</td>
<td>Mandatory</td>
<td>All new residential construction, alterations and renovation of existing residential buildings applying for building permits</td>
<td>Requires all design features of the 1988 ANSI design standards relating to visitably and accessibility that previously applied only to multi-family housing; also includes recommended features on accessible bathrooms and shower compartments.</td>
<td>Applies to all new housing construction and rehabilitation</td>
</tr>
<tr>
<td>2007</td>
<td>Dublin City, CA</td>
<td>Mandatory and Voluntary</td>
<td>All new construction of single-duplex and triplex residential dwellings for which application is made for a construction permit</td>
<td>Requires all new dwellings in a developments of 20 or more units to install mandatory features, including accessible electric switches and plugs, lever or easy grasping handles and faucets, installed grab bars in entry level bath and entrance doorbell; other basic visitability and accessibility features must be offered by builders to potential buyers and must be installed where requested</td>
<td>Approach attempts to go beyond the California voluntary model act to include mandatory features where site or zoning approvals are needed</td>
</tr>
<tr>
<td>2007</td>
<td>Fairfax County, VA</td>
<td>Voluntary</td>
<td>New construction of residential housing and public buildings</td>
<td>Part of 50+ Action Plan to education builders and the public on benefits of accessible design; uses building permit process to rectify barriers to accessibility</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>Johnson County, IA</td>
<td>Voluntary</td>
<td>New residential construction and renovation</td>
<td>Homes for Life program offering certification for new dwellings that include either basic visitability features or both visitability and accessibility design features</td>
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<tr>
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<td>2009</td>
<td>Suffolk County, NY County Legislature</td>
<td>Mandatory</td>
<td>All new residential dwellings assisted with county funding or donated land</td>
<td>Requires that all new construction include basic visitability design features, plus entry bathroom wall reinforcements and a habitable entry floor room that can be converted to a bedroom</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>Suffolk County, NY Planning Commission</td>
<td>Voluntary</td>
<td>New or rehabilitated residential housing within jurisdiction of individual towns and villages</td>
<td>Universal Design enabling ordinance authorizing local governments to enact incentive-based codes to encourage construction of housing with basic visitability features and with kitchen, bedroom and full bathroom on the entrance level floor</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>Islip, NY</td>
<td>Voluntary</td>
<td>Residential construction and rehabilitation of single family dwellings</td>
<td>Towns offers expedited permit processing and limited zoning code waivers for homes that include three or more basic visitability or accessibility features</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>Brookhaven, NY</td>
<td>Voluntary</td>
<td>New construction of single-family housing requiring a town building permit</td>
<td>Creates a separate universal design building permit with lower permit fee for new homes built with basic visitability features</td>
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<td>2010</td>
<td>San Diego, CA</td>
<td>Voluntary</td>
<td>Residential developments that include single-family and duplex dwellings</td>
<td>City offers variety of zoning incentives for two levels of accessible dwellings units: Tier I dwellings that provide for external accessibility; Tier II that include all basic visitability and accessibility features plus clearance, countertop and faucet requirements for kitchens and bathrooms</td>
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<tr>
<td>2010</td>
<td>Sacramento, CA</td>
<td>Voluntary</td>
<td>Residential developments of 20 or more single-family or duplex dwellings</td>
<td>Adopted the State voluntary model universal design ordinance requiring builders to offer over 30 design features to buyers and install any selected features; requires at least one model home to be accessible</td>
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<td>2010</td>
<td>Philadelphia, PA</td>
<td>Mandatory</td>
<td>New residential developments with 50 or more attached, semi-detached or townhouse units</td>
<td>Requires that 10 percent of new dwelling units in a development be &quot;accessible&quot; with basic visitability features</td>
<td>The 10% requirement reflected % of older city residents needing home care services</td>
</tr>
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<td>Description of Program and Supportive Design Features**</td>
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<td>2011</td>
<td>Freemont, CA Davis, CA</td>
<td>Voluntary</td>
<td>Residential developments of 20 or more single-family or duplex dwellings</td>
<td>Adopted the State voluntary model universal design ordinance requiring builders to offer over 30 design features to buyers and install any selected features; requires at least one model home to be accessible</td>
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<tr>
<td>2011</td>
<td>Westchester County NY &quot;Inclusive Design Ordinance&quot;</td>
<td>Mandatory</td>
<td>New residential construction receiving assistance from the County's fair and affordable housing programs</td>
<td>Requires that not less than 50 percent of new units be constructed with basic visitability features, plus a required full entry-level bathroom and kitchens and bathrooms that comply with accessibility standards for ANSI A.117.1 Type B multifamily units</td>
<td>AARP New York led the effort to enact the Westchester County ordinance</td>
</tr>
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| 1989 | FLORIDA | Florida Bathroom Law  
*FL Building Code Sec. 11.11.1*                                                                 | mandatory             | All single-family homes, duplexes and triplexes                                                            | At least one bathroom provided on habited grade levels with a door with a 29” clearance | First state visitability law for single-family housing                |
| 1998 | GEORGIA | Georgia Accessibility Tax Credit  
*HB 1621*                                                                                           | voluntary             | Homes purchased or renovated by owners with disabilities                                                   | Provided up to $500 in tax credits for homes that include four accessibility features: No-step entry; 32” interior doors; accessible switches/plugs; and reinforced bathroom walls. | See additional Georgia 1999 & 2000 initiatives                           |
| 1999 | TEXAS   | Texas Visitability Law  
*SB 623*                                                                                               | mandatory             | Single-family homes constructed for low-income families with state or federal funds                         | Requires all affordable homes to have both basic visitability and basic accessibility features plus installation of electric breaker boxes on an inside first-floor wall. |                                                                      |
| 1999 | VIRGINIA| Virginia Livable Home Tax Credit  
*VA Code Title 58.1-339.7*                                                                             | voluntary             | All newly constructed or retrofitted homes of Virginia taxpayers                                           | Provided up to $2,000 (originally $500) in tax credits for homeowners who retrofit their homes to include basic visitability and accessibility features based on ANSI standards, plus fire alarms, etc., to assist the sensory disabled | Virginia increased the tax credit from $5,000 in 2011 made builders of new accessible homes eligible for the tax credit |
| 1999 | GEORGIA | EasyLiving Home Program  
*Developed by the GA EasyLiving Home Coalition, incl. AARP GA and the GA Builders Association*  | voluntary             | New and remodeled single-family homes                                                                     | Provides certification as EasyLiving homes for new housing that includes basic visitability features plus requirement that kitchen and bath have maneuvering clearance of 30” by 48” | The program ended in 2009 Similar EasyLiving Home programs were initiated in KS, MO, NH, TN, TX & VA |
| 2000 | ILLINOIS| Illinois Accessible Housing Demonstration Grant Program  
*P.A. 91-451 310 ILCS 95/3*                                                                         | voluntary             | At least 10% of all new single-family homes in developments receiving grant funding                         | Grant program to encourage builder to build "spec" homes with basic visitability and basic accessibility features plus requirement that bathrooms have clear floor space of 30” by 48”. |                                                                      |
| 2000 | VERMONT | Vermont Visitability Law  
*Act 88 (2000)*  
*VT Statutes Title 20, Cha. 174, Sec. 2907*                                                           | mandatory             | All new construction of single-family dwellings; except owner-built and prefabricated housing manufactured outside the state. | All residential construction must include basic visitability and basic accessibility features, but no specific requirement for an entry level bathroom. | The Vermont law has the broadest application to new home construction of all current state visitability statutes. |
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<td>2000</td>
<td>GEORGIA</td>
<td>Georgia Visitability Law&lt;br&gt;SB 433&lt;br&gt;GA Code 8-3-172</td>
<td>mandatory</td>
<td>New affordable homes constructed with state or federal funds from the State Office of Housing.</td>
<td>Requires all basic visitability and accessibility features, plus requirement that the main electric breaker box be located inside the dwelling on the first floor.</td>
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<td>2001</td>
<td>MINNESOTA</td>
<td>Minnesota Visitability Law&lt;br&gt;HF 5 / Ch. 4 Art. 4 Sec. 35</td>
<td>mandatory</td>
<td>All new single-family, duplexes and triplexes financed in whole or in part by the Housing Finance Agency.</td>
<td>Requires new affordable housing to include all basic visitability design features.</td>
<td>Waivers to specific requirements considered on basis of affordability to the target low-income population.</td>
</tr>
<tr>
<td>2002</td>
<td>KANSAS</td>
<td>Kansas Accessibility Act&lt;br&gt;H.B. 2020</td>
<td>mandatory</td>
<td>All new single-family, duplexes and triplexes receiving any public assistance from a state agency or administered by a state agency.</td>
<td>Requires all basic visitability and accessibility features, but only a requirement that where a bathroom is located on the same floor as the accessible entrance, it must include reinforced walls for later installation of grab bars sufficient to support a shear force of 250 pounds.</td>
<td>The 2002 Act provided the broadest definition of public assistance at that time, including donated land and any federal or state tax credits.</td>
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<tr>
<td>2002</td>
<td>CALIFORNIA</td>
<td>California Voluntary Model&lt;br&gt;Universal Design Ordinance&lt;br&gt;AB 2787&lt;br&gt;Model adopted in 2005 as Sec. 17959 Health &amp; Safety Code</td>
<td>voluntary</td>
<td>Localities may choose to apply requirements to all or a percentage of new and rehabilitated homes. Builders must offer all features as options and at cost to the purchaser.</td>
<td>Enabling statute permitting local jurisdictions to adopt supportive design features that must be offered to prospective home purchasers that include all basic visitability and accessibility design features, plus many universal design elements, including minimal space clearance for kitchens, accessible tubs/shower, removable accessible cabinets, rocker light switches, adjustable closet bars/shelves, etc.</td>
<td>While encouraging use of a broader range of supportive features, the law restricts localities to enacting only weak voluntary programs in which all design features are optional to buyers.</td>
</tr>
<tr>
<td>2003</td>
<td>KENTUCKY</td>
<td>Kentucky Housing Corporation&lt;br&gt;Universal Design Standards&lt;br&gt;KHC Design Standards, as revised in 2006</td>
<td>mandatory</td>
<td>All new single-family, duplex and triplex units where KHC provides more than 50% of total construction costs.</td>
<td>Required features include basic visitability and accessibility features, plus additional requirements relating to bathroom clearance space, spacing of toilets, minimum space under sinks and single-lever faucets.</td>
<td>Requirements also apply to new manufactured and modular housing.</td>
</tr>
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| 2003 | OREGON  | OR Subsidized Development Visability Act  
ORS 456.506 - 456.514  
Rules: OAR 813-310               | mandatory              | All new rental housing developed with state grants and loans or federal funds or credit administered by state agencies. | Requires basic visitability and accessibility design features, plus requirements for at least one visitable common living space and, in rental developments of 20+ units with community spaces, at least one accessible powder room with a stepless entry. | Standards were updated in 2009 to include later unit additions to existing assisted rental projects.                                          |
| 2006 | MICHIGAN| Inclusive Home Design Act  
Act 182 of 2006  
MCL 125.2811-2814               | mandatory              | At least 50% of all new family residential real estate receiving funding from the State Housing Development Authority. | Requires basic visitability and accessibility design features that are consistent with ICC A117.1 standards for Type B or "sleeping" dwelling units. Includes vehicular routes as meeting requirement for external access. | First State initiatives to use the term "inclusive" to describe features that exceed basic visitability.                                                                                   |
| 2006 | NEW JERSEY | Accessibility of Affordable Housing Act  
P.L.2005, c.350 C.522.27D-311+  
Amends MI Uniform Construction Code Act PL1975 c.217C.52.27D | mandatory              | All new residential construction receiving funding from the state Neighborhood Preservation Balanced Housing Program. | Requires new assisted housing construction to have a adaptable entrance and interior route of travel, and an adaptable full-service bathroom, kitchen and room suitable for use as a bedroom on the first floor. "Adaptable" units conform to barrier-free design standards in the State UCC. | Act applies to units from converted commercial or industrial buildings if most units are to be used for low- and moderate-income housing. |
| 2006 | Pennsylvania | Residential Visitability Design Tax Credit Act  
Act 132 of 2006                     | voluntary              | New home construction or renovation projects that include design features offering access to disabled individuals. | The Act authorizes local jurisdictions to offer tax credits of up to $2,500 to property owners who build residences with basic visitability and basic accessibility features. | Adoption followed a Housing Finance Agency demonstration program that showed accessible homes could be built in a variety of settings and at little additional cost. |
| 2007 | OHIO    | Ohio Housing Finance Agency Visitability Requirements  
OHFA Program Guidelines | mandatory              | All newly constructed housing in properties qualifying for financing or federal tax credits administered by OHFA. | Requires basic visitability design features, plus a minimal floor clearance of 30" by 48" in the main floor bathroom/half bath. | Program largely limited to multi-family rental housing projects for low-income households.                                                                                                      |
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<tr>
<td>2010</td>
<td>Connecticut</td>
<td>Visitable Housing Act&lt;br&gt;<em>Public Act 10-56 (HB 5372)</em></td>
<td>voluntary</td>
<td>Exempts builders of one to four family residential buildings from obtaining a State Building Code variance for visitable homes.</td>
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<td>Defines a “visitble home” as having at least one accessible means of entry, interior doors with a 32&quot; wide unobstructed opening, and a full or half bath on the entry level floor. The Act also empowers local jurisdictions to offer property tax abatements for visitable homes.</td>
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<tr>
<td>2010</td>
<td>Florida</td>
<td>Florida Housing Finance Corp. Universal Design and Visitability&lt;br&gt;<em>FHAC Rulemaking 67-48.004/1a and 67-21.003/1a Standards in Part III.B.2 of the FHFC Universal Application and in the FHFC Universal Design and Visitability Manual</em></td>
<td>mandatory</td>
<td>Developments involving new construction or rehabilitation that apply for Housing Finance Agency assistance must include required design features, with scoring points for including all optional features in at least 15% of new units.</td>
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<td>New construction must include twenty-one supportive design features that include all visitability and accessibility design features, plus additional features such as lever-action door handles, minimum bath floor clearances, accessible door bells, and lighting requirements. Standards include 11 optional design features plus six additional required features for elderly housing developments.</td>
</tr>
<tr>
<td>2011</td>
<td>Maryland</td>
<td>Sales of New Homes—Minimum Visitability Features&lt;br&gt;<em>HB 437 MD Annotated Code 10-80!</em></td>
<td>voluntary</td>
<td>Builders receiving plan approval for building 11 or more new homes in a subdivision must offer visitability features to potential buyers, plus identify lots conducive to such features.</td>
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<td>HB 437 defines minimum visitability features as: a ground-level accessible entry with a 36&quot; door clearance; an accessible route from the entry to a garage or public street with no vertical change in level greater than 1.5&quot;; and entry thresholds that are no higher than 1.5&quot; above the interior floor.</td>
</tr>
<tr>
<td>2011</td>
<td>Virgin Islands</td>
<td>Visitable Housing Design and Incentive Program&lt;br&gt;<em>Bill No. 29-0042</em></td>
<td>voluntary</td>
<td>Homeowners who build or renovate a single-family home</td>
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<td>Owners who build or retrofit homes with basic visitability features are eligible for a 20 percent property tax reduction for ten years.</td>
</tr>
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</table>

Notes:
- A rule challenge filed in August, 2011, effectively halted implementation of the new design standards for the 2011 application cycle. FHFC is litigating the challenge.