

November 7, 2005

Santa Monica, CA

INFORMATION ITEM

To: Mayor and Councilmembers

From: City Staff

Subject: Request of the Disabilities Commission Regarding the Release of the Model Visitability Ordinance

Introduction

This report provides supplemental information to a request by the Disabilities Commission that the City Council urge Governor Schwarzenegger to direct sufficient state resources to the completion of the model visitability ordinance so that interested cities, including Santa Monica, can adopt a visitability ordinance.

Background

Visitability is basic physical accessibility in private homes, allowing access for people with physical disabilities, particularly those who use a wheelchair. Features for visitability include, at a minimum: one no-step entrance, one ground floor bathroom large enough for wheelchair access, and interior doorways and halls that allow wheelchair access to the bathroom and main gathering room. The goal is to gradually increase the stock of accessible private residences so that, over time, more houses will be accessible, helping to meet the overwhelming need for accessible housing nationwide.

California's building code requires accessibility for new commercial or multi-unit housing, in line with requirements in the Americans with Disabilities Act's Accessibility Guidelines. The codes do not generally apply to privately funded, one and two family dwellings and three unit condominium projects, however. A bill introduced in the House of Representatives this year (HR 1441, the Inclusive Home Design Act) would require all newly constructed, federally assisted, single-family houses and town houses meet minimum standards of visitability for persons with disabilities.

Discussion

In 2001, the City of Santa Monica hired the Center for Inclusive Design and Environmental Access, at State University New York Buffalo, to review existing visitability ordinances and research basic universal access, to solicit public input, and to make a recommendation on the form that Santa Monica's visitability ordinance should take. The consultants, in presenting their initial ideas, received input from interested parties, including builders and persons with disabilities, and were ready to proceed with standards development when their efforts were superseded by a new state law.

On September 20, 2002, then-governor Davis signed Assembly Bill 2787 into law, authorizing the state Housing and Community Development Department (HCD) to create a model ordinance for universal design. The bill also requires cities and counties that adopt a visitability ordinance to use one that is substantially the same as the state model ordinance.

The draft State model ordinance was presented to the HCD director appointed by Governor Schwarzenegger. A specific date for final approval has not been announced,

however, it is hoped that the final model ordinance will be ready for local adoption before the end of this fiscal year (June 2006).

In light of the delays in HCD's release of the model ordinance, the Disabilities Commission voted unanimously on May 2, 2005 to ask the City Council to request that the Governor of California direct sufficient resources to the task of completing the model visitability ordinance so that interested cities and counties, including Santa Monica, can adopt the model visitability ordinance. (See Attachment I, letter from the Disabilities Commission.)

Summary

The Disabilities Commission asks that the City Council request that Governor Schwarzenegger direct sufficient resources to the completion of the model visitability ordinance so interested cities and counties, including Santa Monica, can adopt a visitability ordinance.

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Attachment 1: Letter from the Disabilities Commission



Disabilities Commission
1685 Main Street
PO Box 2200
Santa Monica, California 90407-2200

Attachment 1

City of
Santa Monica™

September 21, 2005

Honorable Pam O'Connor
City Council Members
City of Santa Monica
1685 Main Street
Santa Monica CA 90401

Dear Mayor O'Connor and City Council Members;

As you know, affordable and accessible housing is and has, for many years, been the highest concern of Santa Monicans with disabilities. The purpose of this letter is to urge the City Council to take some affirmative steps, on behalf of the City's residents with disabilities, toward a visitability ordinance in light of the State's delay in issuing the long-awaited model visitability ordinance.

By way of background, "visitability" refers to guidelines for homeowners to make accessibility improvements when making major alterations to their property. These improvements may include, for example, widening doorways and creating accessible bathrooms, pathways, and entrances. The idea is to gradually increase the City's stock of accessible private residences, so that over time, more and more houses will be accessible, thereby meeting the overwhelming need for accessible housing.

Major cities such as Atlanta and Austin have passed visitability ordinances, as have smaller communities such as Naperville, Illinois and Pima County, Arizona. Oregon and Texas have passed state-wide guidelines, and Congress continues to consider this issue as well (in 2003, H.R. 5683, the Inclusive Home Design Act, was introduced and reintroduced this year as HR 1441). Santa Monica can and should join this growing list of cities and states.

It is our understanding that the City has not taken action on the issue of visitability because it awaits the issuance of the State's model visitability ordinance. It is our further understanding that the State Architect has drafted the regulations, but Governor Schwarzenegger has yet to give permission to release them. Given this delay and the uncertainty as to when such regulations will take effect, if ever, it behooves the Council to request that the Governor take formal steps to make sure that the State's model ordinance is released as soon as

possible in order to make Santa Monica more accessible and desirable to persons with disabilities residing here or who desire to live here.

The Disability Commission, therefore, urges the City Council to request that Governor Schwarzenegger allocate sufficient funds and direct State staff to complete and release the model visitability ordinance. Please advise the Commission how it can provide further assistance on this issue.

Thank you for your consideration on this matter.

Respectfully,

A handwritten signature in cursive script that reads "Christofer Arroyo".

Christofer Arroyo, Chair, for the
Disabilities Commission