SB 2594 SD2 – RELATING TO HOUSING

Chair Brower and Yamane, Vice Chairs Nakamura and Todd, and members of the committees:

We are very pleased and encouraged that your committees are now hearing testimony a second time on legislation that will transform the visitability and aging-in-place capacity of the residential landscape in Hawai‘i by promoting the construction of affordable housing that is easily accessible to people with mobility challenges. We also appreciate the time and advice you have given us leading up to today.

Our testimony focuses on how SB 2594 SD2 might be improved to strengthen its opportunity to pass in the Legislature this session, as described below.

I. Remove the requirement for visitability in renovations because of (a) the burden this might place on offices responsible for building permitting and inspection (each renovation is unique and determining what is needed to meet visitability standards might be a complicated and time-consuming process), and (b) the cost of some renovations might be substantially increased (e.g., needing to demolish old walls and add new ones to make a bathroom large enough to be accessible). Similar legislation in other states typically applies only to new construction, not renovations.

If we understand correctly, the four exceptions in SECTION 3, amending Chapter 356D, were added to address concerns of the Hawai‘i Public Housing Authority that costs for its planned public housing renovations might be increased substantially. We fully support the Hawai‘i Public Housing Authority in this regard, especially since renovations will include a number of fully accessible units that exceed visitability...
standards. If SB 2594 SD2 is amended to remove the visitability requirement for renovations, then these four exceptions should be deleted to avoid confusion as to their application. Also please note that the following exception appears to be in error because the Americans with Disabilities Act does not apply to residential housing, except for common use areas open to the public at large:

(2) Exceed the requirements for housing as provided by the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq., as amended.

II. Follow the lead of many jurisdictions around the country and specify in subsection (b) that new construction must meet criteria for a Type C (Visitible) Dwelling Unit under A117.1-2009 of both the American National Standards Institute (ANSI) and the International Code Council (ICC) (an overview of Type C criteria is appended below).

We make this recommendation because SB 2594 SD2 goes beyond Type C by requiring an accessible full bathroom (rather than just a half bathroom) and also by requiring an accessible bedroom on the main floor (compared to no bedroom requirement). Such requirements might substantially increase construction costs and lead to opposition to the bill on that account. One of the primary arguments for Type C visitable features is that they do NOT increase construction costs if included at the design stage.

You may also want to consider amending SB 2594 SD2 to clarify that visitability standards would apply to all units in buildings with elevators, but only to first floor units in multi-story buildings without elevators. Such an amendment would be in line with text in the Federal Fair Housing Act (the Fair Housing Act, Hawai‘i Revised Statutes, Chapter 515, does not refer to elevators).

III. Make the effective date in SECTION 5 to be January 1, 2019, as stated in SECTIONS 1 – 3.

If you adopt the changes we have suggested here, this legislation’s transformative nature will be self-evident to others. Its power has been recognized by the Honolulu Star Advertiser in a recent front page story and in an editorial. Its power also has been recognized by television channel 4, KITV. We at the Center on Disability Studies, with our visitability partners, stand ready to help you make this legislation a reality and benefit a very large segment of Hawaii’s citizens.

Note: Type C standards with exceptions are attached.
Visitability
An Inclusive Design Approach for Housing

This booklet provides a summary of the goals, benefits, and features of inclusive housing design. It is a preview of the book entitled inclusive Housing: A Pattern Book. Excerpts from the book along with an annotated version of the new ICC/ANSI A117.1 Type C visitability standards will give you a better understanding of what visitability is and why it is important to housing design.

THE CENTER FOR INCLUSIVE DESIGN AND ENVIRONMENTAL ACCESS (IDEA)
Visitability Standards

The rest of this booklet provides a summary of the requirements for visitable dwelling units in ICC/ANSI A117.1 (2009). The ICC/ANSI A117.1 Standard on Accessible and Usable Buildings and Facilities is the consensus standard in the U.S. for defining the details of accessible construction and is referenced by most building codes in the country. In 2008 the ICC committee that develops the A117 Standard developed a new section with technical design criteria for visitability based on a document developed by disability rights advocates for the Inclusive Home Design Act. Referred to as Type C units, the section can be referenced by future visitability laws and programs, thus promoting uniformity and aiding in their interpretation.

Since the standards are developed for use in a legal context, they include many provisions that heretofore have not been included in previous visitability laws to address potential problems with enforcement. For example, one of the issues that needed to be addressed was to clarify what minimum facilities in the home have to be on the accessible level, e.g. kitchen equipment, amount of living space, etc.

This document includes a summary of the Type C (visitable) requirements. Numbers following headings correspond to sections in the standard. Please note that the requirements of the standard are simplified here to provide a concise and easy to understand list of features. In particular, only the key cross-references to other parts of the standard have been included. Consult the standard for the actual wording and more detailed information*.

*Note: The IDEA Center does not warrant the completeness or accuracy of this document nor how it may be interpreted by building or planning officials.

**ICC Type C Units**

While the concept of visitability puts a high priority on a zero step entrance, wide interior clearances, and an accessible bathroom, most visitability laws have included a few additional features. Similarly, the Type C units contain technical criteria for six features: no-step entrances, wider doorways, access to a half-bath on the main floor, reinforcement in bathroom walls for future grab bar installation, maneuvering space in food preparation facilities if provided on the floor served by the zero step entrance, and light switches and electrical outlets within comfortable reach for all.
Unit Entrance (1006.2)

At least one unit entrance shall be on a circulation path complying with Section 1006.5 (Circulation Path) from a public street or sidewalk, a dwelling unit driveway, or a garage.

Connected & Interior Spaces (1006.3 & 1006.4)

A circulation path complying with Section 1006.5 (Circulation Path) shall connect the unit entrance located on the circulation path to the following spaces:

a. An entrance level toilet room or bathroom complying with Section 1006.6 (Toilet Room or Bathroom).

b. One additional habitable space with an area 70 square feet [6.5 sq. m] minimum.

c. When provided on the entrance level, a food preparation area complying with Section 1006.7 (Food Preparation Areas).

Exception: A toilet room or bathroom shall not be required in units with less than 120 square feet [11 sq. m] of habitable space on the entrance level.

Circulation Path (1006.5)

Components (1006.5.1): The circulation path shall include one or more of the following elements: Walking surfaces with a slope not steeper than 1:20, doors and doorways, ramps, compliant elevators (Section 407.409), and compliant platform lifts (Section 410).

Walking Surfaces (1006.5.2) and Thresholds (1006.5.3.2): Thresholds and slopes not steeper than 1:20 shall comply with Section 303 (Changes in Level). Section 303.2 permits abrupt changes in level up to 1/4 in. [6.4 mm]. Section 303.3 states, “Changes in level greater than 1/4 in. [6.4 mm] in height and less than 1/2 in. [13 mm] maximum in height shall be beveled with a slope no greater than 1:2. Changes in level greater than 1/2 in. [13 mm] in height shall be ramped and comply with Section 405 (Ramps) or 406 (Curb Ramps).”

Exception: Thresholds at exterior sliding doors shall be permitted to be 3/4 inch [19 mm] maximum in height, provided they are beveled with a slope not steeper than 1:2.

Clear Width (1006.5.2.1): The clear width of the circulation path shall comply with Section 403.5 (Clear Width) which states, hallways and corridors must have at least 36 in. [915 mm] clear width.

Exception: Pinch points (short, narrower areas) are allowed to be 32 in. [815 mm] clear for a distance of 24 in. [610 mm] maximum (see figure).
Doors and Doorways (1006.5.3.1): Swinging doors shall have a clear opening of 31 3/4 in. [810 mm] minimum measured from the jamb to the inside face of the door and stop with the door open at 90 degrees. Sliding and folding doors shall be measured from the jamb to the inside edge of the door in the open position. Automated doors may be used if they meet all applicable code requirements, including the requirements in ICC/ANSI A117.1.

Exception: Doorways to closets with 15 SF [1.4 sq. m] space maximum.

Ramps (1006.5.4): Ramps shall comply with Section 405 (Ramps).

Exception: Handrails, intermediate landings and edge protection are not required where the sides of ramp runs have a vertical drop-off of 1/2 inch [13 mm] maximum within 10 inches [255 mm] horizontally of a ramp run.

Toilet Room or Bathroom (1006.6)

Toilet rooms or bathrooms covered by Section 1006.4 (Interior Spaces) shall include the following features:

a. A lavatory and a toilet.

b. Reinforcement and space clearances for the future installation of grab bars at toilets.

Note: If more than one bathroom is provided on the entry floor, reinforcement is required in at least one full bathroom on that floor.

c. The wall reinforced for the future installation of grab bars shall be 18 inches [455 mm] from the centerline of the toilet.

d. Lavatories must be at least 15 inches [380 mm] from the centerline of the toilet.

e. Space clearances at the toilet must meet or exceed the minimum requirements for at least one of the following sections:

“Parallel Approach” (1004.11.3.1.2.1):

i. Measured from the wall behind the toilet, there shall be a minimum clear space of 56 inches [1420 mm].

ii. Measured from the wall designated for the future installation of grab bars, there shall be a minimum clear space of 48 inches [1220 mm].

iii. Vanities or lavatories beside the toilet may overlap required space clearances.
“Forward Approach” (1004.11.3.1.2.2):

i. Measured from the wall behind the toilet, there shall be a minimum clear space of 66 inches [1680 mm].

ii. Measured from the wall designated for the future installation of grab bars, there shall be a minimum clear space of 48 inches [1220 mm].

iii. Vanities or lavatories beside the toilet may overlap required space clearances.

“Parallel or Forward Approach” (1004.11.3.1.2.3):

i. Measured from the wall behind the toilet, there shall be a minimum clear space of 56 inches [1420 mm].

ii. Measured from the centerline of the toilet, there shall be a minimum clear space of 42 inches [1065 mm].

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**Food Preparation Areas (1006.7)**

a. When provided on the entrance level, the food preparation area shall include a sink, a cooking appliance, and a refrigerator.

b. Clearances between all opposing base cabinets, counter tops, appliances or walls within the food preparation area shall be 40 inches [1015 mm] minimum.

*Exception: Spaces that do not have a cook-top or conventional range shall be permitted to have a minimum clearance of 36 inches [915 mm] wide.*

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**Lighting Controls & Receptacle Outlets (1006.8)**

The centerline of receptacle outlets and operable parts of lighting controls located a minimum of 15 inches [380 mm] and a maximum of 48 inches [1220 mm] above the finished floor.

*Exception: The following shall not be required to comply with Section 1006.8:*

1. Receptacle outlets serving a dedicated use (e.g. ovenless intended for refrigerators or laundry equipment).

2. Controls mounted on ceiling fans and ceiling lights.

3. Floor receptacle outlets.

4. Lighting controls and receptacle outlets over countertops.