

Atlanta City Ordinance of 1992
#92-0-0938

Municipal Clerk
Atlanta, Georgia

EXHIBIT A

AN ORDINANCE
BY: COUNCIL MEMBER MYRTLE DAVIS

AN ORDINANCE ADDING A NEW SECTION TO THE CITY OF
ATLANTA CODE OF ORDINANCE ARTICLE F, DIVISION 3
ENTITLED: BARRIER FREE REQUIREMENTS WHERE
FUNDING OR ASSISTANCE FROM PUBLIC FUNDS IS
RECEIVED, PARAGRAPH 8-2182

WHEREAS, no statutory requirements presently exist on a state or local level to require that new single-family, duplex or triplex dwellings be constructed to provide accessible housing for disabled persons; and

WHEREAS, people with disabilities and their immediate families are often isolated into their own homes because the homes of most of their acquaintances contain insurmountable barriers, and often experience difficulty in finding a suitable house to rent or buy; and

WHEREAS, certain features in construction make new houses visitable, and in many cases livable, for persons with disabilities.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: Statement of Intent.

The provisions of this ordinance are specifically enacted to further the policy of the city of Atlanta to provide that new single-family, duplexes and triplexes which are constructed with public funds, as herein described, be provided with design features to provide accessibility and usability for physically disabled people.

The purpose of this ordinance is to specially promulgate certain standards which may be less restrictive than ANSI A117.1 while economically providing solutions to accessibility.

SECTION 2: Applicability.

The following regulations shall be applicable to new, single-family dwellings, duplexes, and triplexes which receive city assistance. For purposes of this (code section) "city assistance" shall mean funding or assistance from the City of Atlanta, or any agent thereof, through any of the following means: (I) receipt of a building contract or similar contractual agreement involving any city-funded program or fund, including but not limited to the Urban Residential Finance Authority (URFA), the Housing Trust Fund, or similar programs; (ii) real estate purchased, leased or donated from the City of Atlanta or any agency thereof, (iii) receipt of preferential tax treatment, bond assistance, mortgage assistance, or similar financial advantages derived from the City of Atlanta, or any agency thereof; (iv) dispersal under city auspices of any Federal or State construction

funds such as CDBG; or (v) receipt of any other funding or financial benefit from the city of Atlanta or any agency thereof.

SECTION 3: Design Requirements.

The following design requirements shall apply:

Requirement 1. Building Entrances.

Applicable dwelling units shall be designed and constructed to have at least one building entrance on an accessible route served by a ramp complying with ANSI A117.1-1986, Section 4.8, having a maximum slope not to exceed twelve (1:12), unless it is impractical to do so because of terrain or unusual characteristics of the sight. Such building entrance doors shall comply with ANSI A117.1, 4.13, and shall have a minimum clear opening of 32 inches.

Any entrance at the front, side or back of acceptable as long as it is served by an accessible route such as a garage or sidewalk.

Requirement 2. Interior door criteria.

All dwelling units, whether or not on an accessible route, shall be designed in such a manner that all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by persons in wheel chairs. Lever hardware is required.

Doors, except those serving closets less than 15 feet square in area, within individual dwelling units intended for user passage must provide minimum 32" clear opening. A 2' 10" door or standard 6' 0" sliding patio door assembly is deemed sufficient to comply with this requirement, provided however, compliance with ANSI Section 4.13.6 (Maneuvering Clearance at Doors) shall not be mandatory.

Requirement 3. accessible routes into and through the dwelling unit.

An accessible route shall be designed and constructed in such a manner that a 36" wide level route, except at doors, must be provided through the main floor of the unit with ramped or beveled changes at door thresholds.

Requirement 4. Wall reinforcement in bathroom.

Reinforcement in the walls shall be provided at designated locations as specified by ANSI A 117.1, Section 4.24, Section 4.32, figure 48 and figure 49 so that grab bars may be installed, if needed, at a later date without the necessity of removing portions of the existing wall.

Requirement 5. Light switches, electrical outlets, thermostats and other environmental controls.

All applicable dwelling units shall be designed and constructed in such a manner that all premises contain light switches, electrical outlets, thermostats and other controls in accessible locations.

Controls shall meet the requirements of ANSI A117.1, Section 4.25. Where multiple controls serve the same elements (e.g., two remote switches for a light) only one need be accessible.

Section 4: Contracts.

The provisions of this (code section) shall be incorporated in all city of Atlanta contracts.

Section 5: Waiver of Exterior Disability Accessibility Regulations.

The requirements of Section 3 Requirement 1 (Building Entrances) herein may be waived by the Commissioner of the Department of Housing or (Commissioner), through the issuance of an "Exterior Disability Accessibility Waiver" ("waiverx").

A person requesting said waiver shall file an application for disability accessibility waiver with the Commissioner, including all documents necessary to prove the existence of the exemption standard herein. The application shall demonstrate that typographical conditions on the sight render it impossible to comply with the provisions of said section.

If the application so demonstrates, the Commissioner shall issue an Exterior Disability Accessibility Waiver to the applicant, in writing, within ten (10) days of receipt of a completed application which shall become an official component of any issued contract. The Commissioner shall retain a copy of said waiver in the Department's official records, and shall also forward a copy of said waiver to the Director of the Bureau of Buildings at the time of issuance.

Section 6: All ordinances or parts of ordinances in conflict with this ordinance are hereby repeal to the extent of said conflict.

Section 7: This ordinance shall become effective immediately upon approval by the Mayor or upon becoming law without approval.

ADOPTED as amended by Council June 15, 1992
APPROVED by the Mayor June 18, 1992

Signed by
Olivia P. Woods
Municipal Clerk, C.M.C.

What would we do differently?

We are sometimes asked what we would add or change if we wrote the law today.

For one thing, we would make it more explicit what entity is responsible for enforcing the ordinance. We lost the first year of enforcement through each of two city departments claiming that the other was responsible. For another, we would consider writing in that the zero-step entrance can not be eliminated from the home during the first year of occupancy. In some instances we have learned that the builder has told buyers in advance that they can remove the ramp if they don't like it, then the builder created a legal but less than ideal ramp, then shortly after moving in the homeowner removed the ramp. This of course should be illegal, but is legal under the Atlanta ordinance. Few have removed the ramps, but we believe that virtually no one would do so if they had experienced the advantages for a year. Yet even from a perspective of several years since 1992, we would weigh carefully whether to write this added requirement into the law. It might encourage a perception that ramps are undesirable, or further disturb those who feel access laws are an unfair invasion into property rights, and thus be a deal-breaker in passing the ordinance.

On the subject of ramps, we can note that many of the homes built under the ordinance do not have ramps per se, but rather have sidewalks that meet the porch without a step because the lot has been graded with this in mind. However, some of the homes have ramps, especially those in officially-designated historic districts where the foundation is required to be higher than other foundations. Many attractive ramps have been constructed.