

[Effective July 1, 2002, the bill passed the Kansas House with a unanimous vote on May 14, 2002 and the Kansas Senate with 39 in favor and only 1 opposed. The access features the bill requires are: a step-free entrance (side, back, front, and garage) on an accessible route; all wide doors on the accessible floor; accessible path within/through the dwelling's accessible floor; reinforcements of specific bathroom walls in the bathroom on the accessible floor; electrical/environmental controls located in useable/accessible heights/locations on the accessible floor. The bill covers newly constructed single-family, duplex, and triplex dwellings constructed with any type of assistance from the state or administered by the state. The state estimated that the total number of units covered would be approximately 40-60 a year. Passing the bill took four years of labor-intensive education and persuasion on the part of Kansas advocates, many of whom are members of the national organization Disability Rights Action Coalition for Housing (DRACH).]

HOUSE BILL No. 2020

AN ACT establishing accessibility standards for certain dwellings.

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

Section 1. As used in this act:

- (a) "Dwelling" means any single family residence and each individual living unit in a duplex or triplex residential building which is constructed with public financial assistance.
- (b) "Public financial assistance" means:
 - (1) A building contract or similar contractual agreement with any state agency;
 - (2) any real estate received by the owner through a donation by the state;
 - (3) state tax credits;
 - (4) grant assistance from state funds;
 - (5) state loan guarantees; or
 - (6) federal funds administered by the state or a state agency.
- (c) "Secretary" means the secretary of the Kansas department of commerce and housing.

Sec. 2. (a) Except as provided by this act, dwellings shall be designed and constructed to have at least one accessible entrance on an accessible route. If the entrance is served by a ramp, the ramp shall have a maximum slope not to exceed a ratio of one inch rise to every 12 inch horizontal run and shall have a level landing at the top and bottom of each run. Accessible entrance doors and doorways shall have a minimum clear opening of 32 inches. The accessible entrance may be any entrance at the front, side, back or garage of the dwelling that is served by an accessible route. The accessible route shall be no less than 36 inches wide with a slope not to exceed a ratio of one inch rise to every 20 inch horizontal run. If a patio door serves as an accessible entrance, a standard six-foot

sliding patio door assembly shall be deemed to be sufficient to comply with the requirements of this subsection. The threshold of such doors shall not exceed 1/2 inch or, in the case of a sliding door, 3/4 inch.

(b) All doorways located on the same floor on which the accessible entrance is located within the dwelling intended for user passage within the dwelling shall be sufficiently wide to allow passage by persons using wheelchairs. Except for doors serving closets having less than 15 square feet in area, all doors located on the same floor on which the accessible entrance is located which are intended for user passage shall provide a minimum 32-inch clear opening with the door open 90 degrees measured between the face of the door and the doorstep.

(c) An accessible route located on the same floor on which the accessible entrance is located shall be designed and constructed in such a manner that a 36-inch wide route is provided with a slope not to exceed a ratio of one inch rise to every 20 inch horizontal run. Such route shall have ramped or beveled changes at door thresholds. Beveled edges of such thresholds shall not exceed 1/2 inch or, in the case of a sliding door, 3/4 inch.

(d) In bathrooms located on the same floor on which the accessible entrance is located, the walls at the bathtub, shower and toilet shall be reinforced so that grab bars may be installed at a later date, if needed. Such reinforcement shall be sufficient enough to support a sheer force of 250 pounds.

(e) Light switches, electrical outlets, thermostat controls and other controls located on the same floor on which the accessible entrance is located shall be placed so that a person using a wheelchair can access the controls using either a forward or sideward approach. Such controls shall be placed no less than 15 inches nor more than 48 inches from the floor in the case of a forward approach. Such controls shall be placed no less than nine inches nor more than 54 inches from the floor in the case of a sideward approach. If multiple controls serve the same elements, only one need be accessible.

Sec. 3. Except as provided by this act, the design and construction of all new dwellings shall conform to the accessibility standards specified in section 2, and amendments thereto.

Sec. 4. (a) Whenever public financial assistance for dwellings is available, information concerning the requirements of this act shall be included in any notice or educational material regarding the availability of such financial assistance. Prior to releasing funds to a person receiving such financial assistance, the administrator of the program or other appropriate officer or employee shall require the person who is to receive such financial assistance to sign an affidavit of intent to comply with the requirements of this act.

(b) Except as provided by section 5, and amendments thereto, any person who accepts public financial assistance and fails to comply with the requirements of this act may be ineligible to receive public financial

assistance in the future.

Sec. 5. (a) Upon application therefor, the secretary may waive any requirement of section 2, and amendments thereto. Applications for a waiver shall be submitted to the secretary. If the secretary determines that such compliance is financially or environmentally impractical, the secretary may waive such requirement. The secretary shall render a decision regarding any application submitted pursuant to this section within 60 days of receipt thereof.

(b) Unless otherwise provided by rules and regulations adopted by the secretary, proceedings to consider a waiver under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) Appeals from the decision of the secretary shall be governed by the provisions of the act for judicial review and civil enforcement of agency actions.

Sec. 6. The provisions of this act shall not apply to any dwelling which is:

(a) A private residence which is owner-occupied or which is under contract for occupation by the owner;

(b) a private residence for which an individual tax credit;

(c) a private residence which is financed with funds from the federal housing administration, rural development programs administered by the United States department of agriculture or under a single-family mortgage guarantee assistance program;

(d) a private residence for which rental vouchers or certificates under 42 U.S.C. §1437 are accepted;

(e) financed with public funds other than state funds or federal funds administered by the state or a state agency; or

(f) a dwelling the design or construction of which commenced prior to July 1, 2002, as evidenced by (1) a payment for such design or construction, (2) a contract for such design or construction or (3) or other proof sufficient to the secretary as prescribed by rules and regulations.

Sec. 7. The secretary shall adopt any rules and regulations necessary to implement the provisions of this act.

HOUSE BILL No. 2020—page 3

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the
HOUSE, and passed that body
HOUSE adopted

Conference Committee Report

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE

as amended

SENATE adopted
Conference Committee Report
President of the Senate.
Secretary of the Senate.
APPROVED
Governor.