

AN ORDINANCE      **95641**

**AMENDING CHAPTER SIX OF THE CITY CODE TO REQUIRE SPECIFIC DESIGN FEATURES TO CREATE BARRIER-FREE CONSTRUCTION IN NEW SINGLE FAMILY HOMES, DUPLEXES AND TRIPLEXES BUILT WITH FINANCIAL ASSISTANCE FROM THE CITY.**

\* \* \* \* \*

**WHEREAS**, the TEXAS GOVERNMENT CODE, Section 2306.514 requires universal design in single family homes receiving federal and state funds administered by the Texas Department of Housing and Community Affairs; and

**WHEREAS**, the federal Fair Housing Act Amendments of 1988 require universal design elements in all newly constructed multi-family housing of four or more units; and

**WHEREAS**, the Community Revitalization Action Group has recommended that the City of San Antonio “establish urban design, neighborhood planning, accessibility and sustainability guidelines” for developers seeking public assistance, with the goal of creating stable, sustainable neighborhoods with diverse populations; and

**WHEREAS**, universal design provides barrier-free housing for persons throughout their life and this sustainability in affordable housing ensures that, not only will the home continue to be affordable, but it will also continue to serve the physical needs of family members and visitors from childhood to senior years; and

**WHEREAS**, a home is the single largest financial investment for most families and the average cost of universal design features included in new construction is much less than later modification for accessibility when such features are required; and

**WHEREAS**, the senior population will double by the year 2030 and most of these seniors (85%) prefer to remain in their homes (AARP), and universal design retains elders in the neighborhood to provide cultural stability and continuity; and

**WHEREAS**, approximately 18% of U. S. citizens are persons with disabilities; and

**WHEREAS**, senior citizens and persons with disabilities benefit especially from universal design in affordable single family homes, duplexes, and triplexes; **NOW THEREFORE**;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 6, Buildings, of the City Code of San Antonio, Texas is hereby amended by adding a new Article XII, Universal Design and Construction Requirements For New Single Family Homes, Duplexes And Triplexes Built With Funds Administered By The City Of San Antonio as follows:

**Sec. 6-298-299. Reserved.**

**Article XII. Universal Design and Construction Requirements For New Single Family Homes, Duplexes And Triplexes Built With Funds Administered By The City Of San Antonio.**

**Sec. 6-300. Universal Design and Construction Requirements.**

If a person receives financial assistance from city, state, or federal funds administered by the City of San Antonio for the construction of new single family homes, duplexes, or triplexes, that person shall construct the units in accordance with all other city codes and the following requirements.

- (a) At least one entrance shall have a 36-inch door and be on an accessible route. (An accessible route is a continuous, unobstructed path at least 36 inches wide connecting all interior and exterior elements and spaces of a house and site including corridors, parking, curb ramps, crosswalks and sidewalks and served by a no-step, flat entrance with a beveled threshold of ½ inch or less).
- (b) All interior doors shall be no less than 32 inches wide, except for a door that provides access to a closet of fewer than 15 square feet in area.
- (c) Each hallway shall have a width of at least 36 inches and shall be level with ramped or beveled changes at each door threshold.
- (d) All bathrooms shall have the walls reinforced around the toilet for potential installation of grab bars. Walls around the shower and tub shall be reinforced for potential installation of grab bars or a pre-manufactured tub and shower surround may be used which includes grab bar(s) certified to meet the ADA requirement to bear a 250 pound load. Wall reinforcements shall comply with the standards set forth in requirement 6, Reinforced Walls For Grab Bars of the Fair Housing Act Design and Construction Guidelines; Federal Register/Volume 56 No.44/Wednesday, March 6,1991/Rules and Regulations, a copy of which is attached hereto an incorporated herein for all purposes as Attachment I.
- (e) Each electrical panel, light switch or thermostat shall be mounted no higher than 48 inches above the floor. Each electrical plug or other receptacle shall be at least 15 inches from the floor.
- (f) An electrical panel located outside the dwelling unit must be between 18 inches and 42 inches above the ground and served by an accessible route.

(g) All hardware installed to open/close doors and operate plumbing fixtures shall be lever handles.

**Sec. 6-301. Applicability.**

(a) This article applies to the construction of all new single family homes, duplexes or triplexes, for which an application for financial assistance from the City of San Antonio or its agents is received and for which a building permit will be issued under the City of San Antonio Building Code after the effective date of this ordinance.

(b) City of San Antonio financial assistance covered by this article includes but is not limited to:

- (1) Contractual agreements involving a City of San Antonio funded program or fund, including the San Antonio Housing Trust Foundation, Inc. or similar programs;
- (2) Real estate purchase, lease, fee waiver, tax phase in, tax abatement;
- (3) Donation of land by the City of San Antonio or its agents; or
- (4) Disbursement of federal, state, or city construction funds, for example but not limited to, U. S. Department of Housing and Urban Development funds such as Community Development Block Grant Program (CDBG) funds, Housing Investments Partnership Act (HOME Program) funds, and Housing Opportunities for Persons With Aids Program funds, and funds disbursed under the Federal Emergency Management Act.

**Sec. 6-302. Waiver Of Exterior Accessibility Requirements.**

(a) The Director of Development Services or his designee may only grant modifications or an exemption to the requirements of this Article regarding full compliance with exterior path of travel on an individual case-by-case basis. The criteria for granting a modification or exemption are as follows:

- (1) The lot rises or falls so steeply from the street that a maximum 1:12 slope cannot be achieved without extensive grading; and
- (2) No vehicular access to the back of the house will be available by means of an alley.

(b) Appeals of orders, decisions or determinations made by the Director of Development Services may be made to the Building and Fire Code Board of Appeals.

**Sec. 6-303. Implementation.**

(a) A copy of this ordinance and attachments shall be included in city contracts funding the new construction of single family homes, duplexes and triplexes entered into by the City of San Antonio or its agents, for example but not limited to, The San Antonio Housing Trust Fund, the Department of Housing and Community Development and the Community Initiatives Department.

(b) Architects and builders shall:

- (1) Clearly stamp or print "Universal Design" on plans submitted in accordance with this Article;

- (2) Clearly identify design elements complying with Section 6-300 and attached to City of San Antonio funding contracts; and
- (3) Certify that the plans comply with the requirements of this Article.

(c) Plan checking, construction inspections and enforcement shall be accomplished by the Development Services Department in accordance with existing procedures.

**SECTION 2.** Should any article, section, part, paragraph, sentence, phrase, clause, or word of this Ordinance, or any appendix hereof, for any reason, be held illegal, or invalid, or any exception to or limitation upon any general provision contained in this Ordinance or its attachments or held to be unconstitutional or invalid, the remainder shall, nevertheless, stand as effective and as valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid.

**SECTION 3.** The City Clerk for the City of San Antonio is hereby directed to publish notice of the Ordinance as required by the Charter of City of San Antonio and the laws of the State of Texas.

**SECTION 4** This ordinance shall take effect on the tenth day from the date of passage hereof.

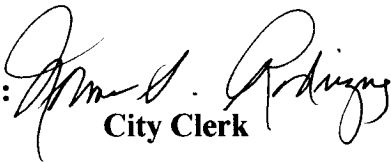
**PASSED AND APPROVED** this 18<sup>th</sup> day of APRIL, 2002.



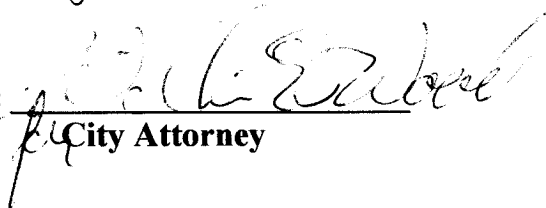
M A Y O R

EDWARD D. GARZA

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney