

**REPORT OF THE DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT AND THE
DEPARTMENT OF REHABILITATIVE SERVICES ON**

**Regulatory Provisions
Affecting Accessible Routes
into Certain Buildings and the
Promotion of Universal Design
Elements in Dwelling Units -
Final Report (HJR 648, 2011)**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 15

**COMMONWEALTH OF VIRGINIA
RICHMOND
2012**



Robert F. McDonnell
Governor

James S. Cheng
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

William C. Shelton
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

September 6, 2012

MEMORANDUM

- TO:** The Honorable Bob McDonnell, Governor
Members of the General Assembly of Virginia
- FROM:** Bill Shelton, Director
Department of Housing and Community Development
- SUBJECT:** Final report, pursuant to HJR 648, addressing accessible routes for persons with disabilities and the promotion of universal design features in dwelling units.

House Joint Resolution 648 (2011) requested the Department of Housing and Community Development and the Department of Rehabilitative Services to study the feasibility and appropriateness of amending the Uniform Statewide Building Code with respect to accessible routes for persons with disabilities entering public and private buildings and facilities. The resolution also charged the agencies with considering actions that could promote the increased use of universal design features in dwelling units.

The study was conducted over two years. The initial and final reports were due, respectively, by the first day of the 2012 and 2013 sessions of the General Assembly. The initial document reported on activities associated with the study during 2011. This final document reports on activities associated with the study during 2012. An advisory Work Group that drew upon a wide range of individuals with expertise in building design and accessibility issues provided invaluable assistance and insights to the agencies in initiating and completing the study in an expeditious manner. Thanks to the work of the advisory Work Group during the initial and the final study year, in the final report the state agencies will forward to the Board of Housing and Community Development (Board) seven building code change recommendations that address relevant regulatory considerations for the 2012 Uniform Statewide Building Code (USBC) regulatory cycle now underway.

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Preface

House Joint Resolution 648 (2011)¹ requested the Department of Housing and Community Development (DHCD) in cooperation with the Department of Rehabilitative Services (DRS)² to undertake a two-year study addressing the accessibility of portions of the built environment to persons with disabilities. The resolution identified the following areas of concern:

- Proposed amendments to the Uniform State Building Code (USBC) addressing access routes into public buildings and privately-owned buildings used by the public;
- Enhanced incentives for the greater use of universal design elements in dwelling units;
- Costs of retroactive and prospective construction mandates to private businesses and local governments, technical and feasibility issues relating to compliance requirements, and the feasibility of requiring universal design features in dwelling units;
- Prioritization of existing accessibility set-aside provisions for building renovation; and
- Consider findings and recommendations for USBC accessibility amendments.

The resolution required the participating agencies to complete their meetings before November 30 of each year and to submit an executive summary and report to the Governor and General Assembly before the first day of the next Regular Session of the General Assembly.

The Departments invited representatives of an array of stakeholder organizations to serve on a Work Group. Participants encompassed potentially affected business groups, the building and construction community, design professionals, local governments and representatives of the disability community. The agencies with primary responsibility for the study provided staff support and technical assistance.³

The Work Group met on August 12, 2011, October 14, 2011 and March 29, 2012 at the Virginia Housing Center. The initial meeting included a review of the purposes of and schedule for the study, presentations of relevant background information by agency staff and participants (including provisions of key regulations), information about the growing number of Virginians with disabilities and opportunities for addressing accessible routes and entrances. Participants also discussed various approaches to promoting greater use of universal design. Finally, members of the group considered the probable timeline for the development of the 2012 USBC and its interaction with any recommendations included in the final HJR 648 report.

The second 2011 and the 2012 meetings addressed in more detail seven potential areas for changes in the 2012 building code, the availability of information about accessibility features in rental and home sales listings, the need for greater public awareness of accessibility issues, and increasing use of the existing livable homes tax credit. DHCD also informed Work Group members of opportunities that local code enforcement personnel will have in 2012 to 2014 to receive training intended to increase their knowledge and awareness of mandated accessibility requirements and standards as well as the importance of assuring that both new construction and existing buildings are in compliance. The Work Group developed its final recommendations at the March 29, 2012 meeting and through several subsequent conference calls with the sub-groups on code change recommendations.

¹ See Appendix A

² After July 1, 2012, because of the passage of HB 1291 and SB 678 and other administrative actions, DRS will be known as the Department for Aging and Rehabilitative Services (DARS).

³ See Appendix B for invited participants and agency staff.

Table of Contents

Transmittal Letter	i
Preface	ii
Executive Summary	iv
2011 Preliminary and the 2012 Final Report	
Background	1
Work Session Summaries	1
August 12, 2011	1
October 14, 2011	5
March 29, 2012	7
Appendix A: Study Resolution	12
Appendix B: Study Participants and Support Staff	13
Appendix C: Code Changes Proposed for the 2012 Code Cycle	14
Appendix D: Proposed Barrier Removal Legislation	24
Appendix E: Matrices for Type C Accessible Dwelling Units	25

Executive Summary

During 2011 and 2012, the Department of Housing and Community Development and the Department of Rehabilitative Services established an advisory body (the Work Group) to assist in responding to the direction provided by HJR 648. The HJR 648 Work Group met twice during 2011 and completed its work on March 29, 2012.

During 2011, the Work Group focused its initial efforts on sharing information and perspectives while reviewing the current state of activities, programs and regulations that address accessibility. The Work Group identified issues that should receive immediate attention and that appeared amenable to the development of a set of consensus recommendations. To accomplish this task, the Work Group established sub-groups to develop specific code changes and policy recommendations to be included in the final HJR 648 report to the General Assembly.

The areas under review included the:

- Development of proposed changes to the Uniform State Building Code (USBC);
- Review of the costs associated with retroactive and prospective construction mandates;
- Exploration of the use of various incentives and market-driven initiatives encouraging the greater use of visitability and universal design elements in new one- and two-family construction, and;
- Consideration of whether the Americans with Disabilities Act (ADA) barrier removal requirements should be incorporated into the USBC. This consideration would address how such requirements could be implemented in existing buildings after weighing the legal, technical and cost concerns that would have to be addressed in order to achieve a consensus on appropriate actions.

With respect to incentives to encourage the greater use of universal design and visitability features, the Work Group agreed that that this constituted a significant challenge for both the near and long-term. The importance of expanding stakeholder awareness of existing incentives through more frequent and formal outreach efforts was identified as an important concern. Work Group members noted that several extant ideas and programs can be or are already in use to increase the accessibility of one- and two-family dwellings for persons with mobility limitations. Forging disparate individual efforts into a more coherent and comprehensive set of activities and programs the HJR 648 Work Group and its sub-groups developed seven code changes and draft legislation addressing a barrier removal tax credit. DHCD also committed to conduct statewide accessibility training through 2014 for local code enforcers of the USBC.

Background

In response to the provisions of HJR 648 (2011), the Department of Housing and Community Development (DHCD) and the Department of Rehabilitative Services (DRS) invited representatives from potentially affected interest groups to serve on the Work Group that would consider responses to the issues included in the resolution. Participants invited to the initial work sessions included business and trade groups, the building and construction community, design professionals, local governments and representatives of the disability community.

Work Session Summaries

August 12, 2011

The initial work session focused on familiarizing participants with the purposes of the study and providing information that would be essential to the members.

Increasing Education and Awareness: Following the introduction of the participants, Mr. Ron Clements of VBCOA initiated and a general discussion ensued about the importance of incorporating an educational component in efforts aimed at attaining and fostering the removal of barriers in existing buildings. Members noted that this was of particular significance in addressing accessible routes from private and public parking facilities to the entrances of existing buildings.

Mr. Ken Fredgren of the Reston Accessibility Committee cited that organization's experience within the Reston area in this regard. Mr. Emory Rodgers, Deputy Director DHCD, noted that efforts to increase professional awareness of accessibility had accelerated in recent years. For example, the Virginia Society-American Institute of Architects had conducted several accessibility seminars for architects during the past two years. The Jack Proctor Virginia Building Code Academy (JPVBCA) has conducted accessibility code training for code enforcement personnel. In addition, as noted by Ms. Gayle Brunk of the Valley Associates for Independent Living, building officials at the state, regional and local levels have also conducted accessibility training. From a different perspective, the Homebuilders Association of Virginia has introduced regional building associations to its Easy Living®/Visitability program, which promotes design features intended to make homes more user friendly for persons with mobility limitations. The group consensus was that more frequent, formal and substantial efforts are needed to reach more stakeholders.

Relevant Standards and Regulations: To provide the members of the Work Group with a consistent body of information, DHCD staff briefed those present on the Uniform Statewide Building Code (USBC) and American National Standards Institute (ANSI), A117.1 accessibility standards. Staff discussed how these related to the purpose and objectives included in HJR 648.

In the case of new building construction or a change of occupancy or significant alteration to an existing building, the USBC provides the mandatory requirements for accessible routes from parking facilities, accessible entrances and work area accessibility.⁴ This includes items such as bathrooms, accessible switches as well as environmental controls and lever door hardware. Dwelling units in hotels and apartments must be accessible. However, neither state law nor the USBC regulations include any retroactive accessibility requirements for existing buildings and parking facilities other than signage for accessible parking spaces.

Familiarity with the existing regulatory provisions was necessary because HJR 648 specifically charged DHCD and DRS with studying the appropriateness of the building code's accessible route requirements for existing buildings as well as ways to promote, through incentives, universal design features in dwelling units. Related issues included the cost of retroactive or new construction mandates and technical feasibility. Finally, HJR 648 directed the participants to examine the prioritization of a 20% set-aside for accessibility features that the Americans with Disabilities Act (ADA) requires in the case of certain building renovation projects.

Background for HJR 648: Mr. Fredgren provided additional information about the origin of the study resolution and his experiences working on accessibility concerns with local businesses in Reston, Virginia. Based on that experience, he and others in the Reston Accessibility Committee (RAC) had reasoned that if signage was subject to retrofit requirements, perhaps the ADA requirement for barrier removal could address the restriping of parking spaces designated for persons with disabilities. This also led to the question of whether restriping of certain existing parking lots lacking designated accessible spaces could be accomplished through the 2012 USBC regulatory process or if it would require legislative direction. Other questions concerned the number of spaces that might be required in the retrofit of an existing parking lot without designated accessible parking spaces as well as the consequences if creating such parking spaces took the property out of conformity with local zoning requirements. Noting that parking lot restriping does not currently require a building permit, the Work Groups discussed enforcement options in the event that retrofit requirements were adopted. Mr. Fredgren noted that one indicator of the significance of this issue was the fact that the Virginia DMV has issued over 305,000 disability parking permits and their number continues to grow each year.

Mr. Fredgren pointed to another concern. Virginia law currently does not allow local governments to amend the USBC or adopt provisions that exceed its requirements. He suggested Virginia incorporate retrofitting provisions for "shortest accessible routes" into the USBC, then

⁴ Under the USBC, Change of Occupancy currently means a change in the use or occupancy of a building that would place it in a different division of the same group of occupancies (e.g., A-1 Assembly to A-3 Assembly) or in a different group of occupancies (e.g., M Mercantile to R Residential) or a change in the purpose or level of activity in the building that changes the application of the building code to it. An alteration is any construction or renovation to an existing building that is not a repair or addition,

local governments would be empowered to enforce such provisions. The subsequent discussion noted the rationale for the decision in 1973 to supersede all local building codes and develop a single, uniform set of standards with statewide applicability. This allowed the same construction methods and materials to be used across the Commonwealth by eliminating duplicative and contractor provisions from local codes. Local building officials and representatives subject to USBC regulations expressed concern about legislation that would permit varying requirements from locality to locality. Staff noted that local governments have sometimes used proffered conditions in connection with zoning cases to gain voluntary building code requirements for new construction that also might be applicable to some existing buildings where special use permits might be required for rehabilitation projects. Mr. Fredgren concluded this discussion by noting that the demographics of an aging population and its purchasing power increasingly make it good business to increase the accessibility for existing buildings.

ADA Priorities: The accessible requirements for a change of occupancy are more extensive than for alterations. Alterations involving a work area require that 20% of certain costs be used on accessible requirements. The ADA has an extensive list of priorities, but the list is a *guideline* that also allows for consideration of cost factors and the technical feasibility of each project. The Work Group explored whether the 20% set-aside could be listed and prioritized in the USBC/IBC for alterations, as is the case for a change of occupancy. Taking this approach--providing a mandated list of priorities in the case of alterations--creates certain challenges. The 20% depends on the cost of qualifying alterations underway in the work area; the monies available may only be able to undertake work to lower switches or receptacles and install lever hardware, but not provide accessible entrances or bathrooms. Other alternative regulatory approaches could include adding the prioritization list into alterations or doing away with the 20% and requiring some limited number of required accessible features. There was general agreement that cost had to be a consideration for any recommendations.

Mr. Harold Stills, a VBCOA representative, asked if HJR 648 was intended to require all occupancies for existing buildings to have an accessible route and entrance. In the subsequent discussion, the conclusion was that HJR 648 was not prescriptive, but that one of its principal purposes was for the study group to establish scoping provisions and gain consensus for any regulatory or legislative changes for any recommendations affecting any occupancies.

Residential Accessibility and Universal Design Issues: Mr. Rodgers reminded participants that the Virginia Housing Policy Task Force is concurrently looking at impediments to affordable housing and encouraging incentives for builders to offer options for one- and two-family dwellings that increase their accessibility. There is also interest in having the USBC establish definitions and standards in the 2012 USBC for universal design and visitability.

HJR 648 charged the study group to look at how one- and two-family dwelling units may be encouraged to incorporate accessible features and incentives. In recent years, the national model codes have mainstreamed accessibility requirements into the basic egress and other trade

requirements. For example, doors must have 32 inches clear width with lever hardware. Various levels of accessible one- and two-family dwelling units can be studied. The first is generally referred to as visitability/Easy Living® approach that the HBAV encourages its membership making available as design construction options to home purchasers. This includes a step free entrance, 32” clear width doors on all first floor doors, 36” corridors, a first floor bedroom, a first floor full bath with grab bars and a kitchen allowing wheelchair entry. The second is a more rigorous set of accessible requirements generally referred to as universal design that includes accessible cabinets, controls, door hardware, switches and sinks, and counters meeting A117.1 dimension and reach requirements. All entrances must be accessible and bathrooms must have the five-foot turn-around dimension. Although there are now requirements for accessible dwelling units in new and altered hotels and apartments, there is not a matching consensus or mandate for one- and two-family dwelling units. Many of the participants expressed their preference for incentives over mandates as the best option, pointing to the availability of incentives such as the recently amended “livable homes” tax credit legislation that gives builders access to up to \$5000 per qualifying unit.

2012 USBC Schedule: Mr. Rodgers reviewed the probable schedule for adoption of the 2012 USBC. The process would begin with stakeholders reviewing the model codes and current 2009 USBC for significant changes and drafting code changes. The Board of Housing and Community Development (BHCD) would approve the Notice of Intended Regulatory Action (NOIRA) and hold its first public hearing in 2012. In 2013, numerous Work Groups would convene to review code changes; the BHCD would meet to consider code changes; and, the BHCD would approve proposed regulations. The BHCD would approve final regulations and hold a second public hearing in late 2013. The final 2012 USBC would take effect by mid-2014. This schedule depends on receiving administrative approvals by the Attorney General, the Secretary of Commerce and Trade and the Governor’s Office. The process normally takes at least two years from the publication of the NOIRA to the effective date and final approvals.

The initial meeting concluded with recommendations for the following additional information and items to be considered at the Work Group’s subsequent meeting in October:

- As part of the discussion of education on accessibility needs and requirements, DHCD’s Training and Certification Office would identify opportunities in the 2012 JPVBCA training schedule to conduct accessibility training on an annual basis.
- Members would receive a copy of the current accessible parking signage requirements.
- Mr. Fredgren would provide additional information on the disability population and the issuance of accessible parking permits.
- Options for parking lot striping and local government accessibility requirements for existing building were to be discussed further at the subsequent meeting.
- Change of occupancy and alteration requirements were to be discussed further.

- Staff would provide additional information on definitions of universal design and visitability.

October 14, 2011

The October work session followed up on items identified during the initial meeting in August.

Accessibility Training Opportunities: As promised at the previous meeting, Mr. Rodgers opened the session with a review of the 2012 schedule of accessibility training sessions for residential and commercial buildings. Members of the Work Group were invited to participate in one of the sessions. DHCD provided contact information for any member wishing to reserve a place at a convenient time and location.

Additional Data Sources: Mr. Fredgren provided additional information on the number of Virginians with disabilities and the categorization of those disabilities. He called attention to the 2004 estimate of 1.49 million Virginians with varying degrees of disabling conditions out of a then population of nearly 7.5 million. He also noted other sources of information on the topic that were available for review. Additional materials included recent newspaper articles addressing the continuing shortage of housing with visitability or universal design accessibility features. The articles noted the growing but still slow market response to this housing need. The ensuing discussion recognized that despite the desire of builders to see demand, persons with disabilities continue to face difficulties in finding housing with needed accessibility features. Matching potential demand with supply has continued to be challenging. Work Group members suggested the possibility of improving the process by working with the Realtors and the property listing companies.

Existing Building Code Provisions for Accessibility Enhancing Features: Mr. Vernon Hodge of DHCD's Division of Building and Fire Regulation provided an overview of the current USBC/International Existing Building Code (IEBC)/International Building Code (IBC) and ANSI (A117.1) accessibility definitions and code requirements for existing buildings, including historic buildings. The USBC currently requires that an existing building undergoing alterations to the primary workspace or to the building must include accessibility features equal to up to 20% of the applicable work costs.

The standard includes the prioritization of accessibility features that should be considered first: these include accessible parking, an accessible route and entrance and then bathrooms and work area improvements. When there is a partial or complete change of occupancy, specific accessibility features must be included. These include an accessible route from the parking area and one accessible route to primary work areas, an accessible entrance and loading zone, accessible parking (where provided) and signage. The ensuing discussion highlighted several areas that need further clarification, such as a full or partial change of occupancy. Such items could be included in code changes developed during the 2012 USBC revision.

The Work Group discussed a number of regulatory code changes, identifying eight to be considered by sub-groups for review at the next meeting currently scheduled for March 29, 2012. Support staff would work with the lead for each sub-group, familiarizing them with the code change form, the format and style for code changes and sample code changes. Work during the interim between meetings would emphasize the importance to a successful code change process of preparing a supporting statement that outlines the need, the cost and the ability to gain a consensus supporting the change.

Other Areas for Possible Work Group Recommendations: Some possible recommendations that could be incorporated into the final HJR 648 report in 2012 include increased cooperation between advocacy groups and the Virginia Association of Realtors in developing a set of accessibility criteria for the MLS on each dwelling unit. Further enhancements to the livable homes tax credit could also be considered; however, members noted that the current amount allocated for the credit is not being fully used. Thus, a more important step with respect to the tax credit may involve actions that increase public awareness of the benefit.

- Future Meetings: The next meeting dates were to occur during March and possibly April 2012. The March meeting will provide for the review and finalizing of 2012 regulatory code changes so that they can be considered during the subsequent code change cycle. Members will also review other possible recommendations that promote and encourage greater accessibility in new homes. These could include mandating additional accessibility features, developing more effective visitability incentives and promoting the wider use of universal design features in homes. The Work Group will also explore steps to encourage owners of existing buildings that operate as places of public accommodation to make improvements addressing accessible parking and routes to accessible entrances and other technically achievable interior accessible features.
- For the purpose of increasing visitability to and accessibility by occupants of one- and two-family dwelling units, review the width requirement for interior doors within single-family dwellings as well as other proposals addressing visitability or the implementation of features of universal design.
 - Visitability and universal design are related but distinct concepts. Visitability generally focuses on the shorter term of guest visitation. Universal design addresses a broader array of items influencing the overall longer-term livability of a residence for an occupant with varying disabling conditions. Visitability might incorporate provisions of the A117.1 Type C standard providing 32” clear width doors to habitable spaces, zero-step entrance, accessible bath and 36” corridors on the first floor. Consideration of visitability standards would necessarily also address which, if any, residential occupancies might be subject to the standard’s threshold requirements.
 - Code changes addressing universal design would likely be more difficult to scope. The extensive range of options could include the use of A117.1 Type B standards for

- bathrooms, grab bars, controls and switches, structural supports for a stair lift or a closet size designed to accept insertion of an elevator, showers for wheelchair entry and appliances within the required reach ranges.
- Consider implementing standards addressing the thickness of carpet underlayment in commercial buildings. (Carpet standards address carpet pile but do not consider underlayment thickness.)
 - Consider whether the restriping of parking lots should be considered as an alteration under the USBC, thereby triggering a requirement that certain accessibility requirements be met.
 - There are differences between the ADA provisions for parking lot restriping and those of the USBC. The ADA considers restriping as an alteration while the USBC/IBC does not. This distinction could be the focus of a code change. If restriping were considered an alteration, then existing parking facilities would need to add accessible parking spaces, including van spaces, according to the current provisions of the model International Building Code's Table 1106.1.
 - Examine current code provisions addressing when permits are necessary for issues involving accessibility.
 - Provide greater clarity in delineating what constitutes a change of occupancy (partial or full) and how accessibility provisions should be applied.
 - Re-examine and make recommendations addressing the number of accessible parking spaces that should be required for various building occupancies.
 - Another code change that could be considered would involve the review of the number of accessible parking spaces that should be mandated for specific occupancies under current conditions. Examples included certain medical facilities, including physicians' offices where outpatient procedures are performed, as well as certain classes of restaurants.
 - Examine the prioritization of components within the accessibility upgrades associated with building alternations to determine amounts to be spent on upgrading the path of travel to the primary function area.
 - Examine the barrier removal requirements of the ADA (and related federal regulations) to determine the feasibility of recommending as a legislative proposal incorporating specific retrofitting provisions as part of the USBC.
 - Current Virginia policies would suggest that implementing retroactive barrier removal and increases in the parking space requirements for existing facilities would require legislative direction.

March 29, 2012

The Work Group reconvened on March 29, 2012, to review and consider for submission possible changes to provisions of the Uniform Statewide Building Code (USBC) during the current regulatory cycle. As noted previously, the 2012 code change cycle should be completed

by mid-2014. Final regulations incorporating any of the Study Group’s proposed code changes that are accepted by the Board of Housing and Community Development would then become effective along with the provisions of the 2012 USBC. The Work Group approved the following recommendations for code changes that address various accessibility issues identified by HJR 648:⁵

- Door Widths--The Work Group approved a proposed code change that would require minimum interior door widths of 31¾ inches for access to habitable spaces on the main level of new one- and two-family dwellings. Currently, the building code requires only that one entrance door must have a 36 inch width; that requirement would remain.
- Carpet Padding—The Work Group approved a proposed code change that would modify the application of standards for carpet pads found in the A117.1 standards by clarifying the meaning of the term “firm” to address the effect of carpet padding as well as the carpet pile itself. This is intended to make the code provisions addressing rolling resistance for wheelchairs more user-friendly. The Work Group included discussion on the technical measurement used to determine the term “firm” and enforcement mechanisms.
- Optional Standards for Accessible Housing Units—The Work Group approved a proposed code change that would provide standards for owners and builders, as an option, installing universal design features for accessibility. The standards derive from the A117.1 Type C standards, the Fair Housing Accessibility Guidelines and the Easy Living® Home Standards.⁶ This code change would provide for an accessible entrance, corridors, bathroom and bedroom on the first floor and an accessible food preparation area. The Work Group approved the code change for submission into the 2012 USBC regulatory process with a modification for accessible controls. A second code and related change may be submitted addressing expanded dimensions for kitchens, corridors and bathrooms after staff reviews these issues by conference call with Sub-group I.
- Guidance for Building Owners on Priorities for Accessibility Expenditures During Building Alterations—The Work Group approved a proposed code change incorporating a note that provides guidance on applying priorities for accessible features starting at an accessible parking space, an accessible exterior accessible route, an accessible entrance and then interior accessible features. Twenty percent of building project costs for affected structures must already be dedicated to improved accessibility features. The note does not mandate specific features; instead, it gives non-mandatory guidance for building owners, design professionals and building officials on the most effective use of funds for enhancing building accessibility.
- Accessible Parking Features—The Work Group approved a proposed change that would define the restriping, resurfacing or reconfiguring of an entire parking lot to be an

⁵ The formal code change request documents may be found in Appendix C.

⁶ See the matrix in Appendix E outlining the provisions of the various approaches to increased accessibility.

alteration that would require a building permit. At that point, the owner would have to provide accessible parking spaces on the same basis as newly constructed parking lots. The building code does not currently consider restriping, resurfacing and reconfigurations as alterations. The Work Group also discussed whether to require additional and larger accessible parking spaces as for newly constructed parking lots.

- Minimum Requirements for the Designation of Accessible Parking Spaces—The Work Group approved submitting a code change that would increase the required minimum number of accessible parking spaces for parking lots with more than 25 total spaces. The discussion considered whether to impose this new requirement on existing parking lots that were restriped, resurfaces or reconfigured and whether this requirement should apply to all parking lots or be limited to certain classes of building occupancies and types of businesses. The existing accessible parking requirements have remained unchanged for more than twenty years.
- Accessible Parking Requirements for Certain Types of Health Care and Dining Facilities—The Work Group approved a code change that would require medical outpatient facilities, physician and dentist offices to provide at least 10% of accessible parking spaces serving these occupancies. The code change would also require at least 5% of the parking spaces serving restaurants, cafeterias and similar dining facilities to be accessible. Additional discussion considered whether the 5% requirement for restaurants should apply to parking garages or other facilities. The provisions of the 2009 USBC only require additional accessible parking spaces for hospital outpatient facilities.

Financial Incentives for Increased Building Accessibility: The Work Group reviewed a tax incentive proposal for inclusion in the final report to the General Assembly. Currently, the federal Disabled Access Credit provides small businesses with access to tax credits for expenses incurred in providing access to persons with disabilities through actions such as providing accessible routes, accessible parking spaces, an accessible entrance or other interior accessible features.⁷ The Architectural Barrier Removal Tax Deduction encourages businesses of any size to remove architectural and transportation barriers to the mobility of persons with disabilities and the elderly. The barrier removal must meet the guidelines and requirements of the Architectural and Transportation Barriers Compliance Board under the Americans with Disabilities Act of 1990. Ramps, parking lots, walkways and entrances are among the examples of architectural barriers whose costs may be deducted. Although the deduction is limited to \$15,000 per tax year, taxpayers may add costs that exceed the limit to the basis for the property and depreciate them over time.⁸

⁷ “Tax Benefits for Businesses Who Have Employees with Disabilities,” see the following resource: <http://www.irs.gov/small/article/0,,id=185704,00.html>.

⁸ IRS Publication 535 (2011) Business Expenses, see <http://www.irs.gov/publications/p535/ch07.html>.

The legislative proposal considered by the Work Group would provide an additional state incentive for building owners. It would offer a tax credit of up to \$1,000 per building to eligible properties that provide either accessible parking spaces, an accessible route from the parking spaces to the public entrance, an accessible public entrance or some combination of the three up to 50% of the construction costs not to exceed \$1,000 for each existing building. The program would sunset after five years, with the annual amount of credits available in any single year capped at one million dollars. DHCD would administer the program. Appendix D provides draft legislation encompassing the concepts considered by the Work Group.

Increasing Awareness: The Work Group concluded its work by discussing ways to educate further business owners, building officials and advocacy groups to encourage barrier removal in existing businesses that are places of public accommodation under the Americans for Disability Act (ADA). State agencies, non-profit organizations and federal agencies already provide a variety of accessibility educational and training options. Despite the existing array of accessibility education and training, the Work Group expressed a strong belief that there is still a need for continuous informal and formal accessibility educational and training programs. Strong leadership and collaboration will be essential to fostering a successful sharing of information and educational programs covering the requirements of the Fair Housing Accessibility Guidelines, ADA and the USBC. All segments of the public and private sectors including advocacy groups, local, state and federal agencies, realtors, design professionals, builders, code enforcers, businesses and elected leaders need to participate to insure that the built environment is accessible for all citizens.

Examples of the accessibility training programs DHCD conducts included the following:

- DHCD has provided training to code enforcement personnel addressing the USBC accessibility requirements for new construction and alterations/reconstruction. While this will be carried forward on a continuous basis, DHCD has already provided one-day accessibility training programs that have reached 250 code enforcement personnel. Annual classes are now being planned to carry this effort forward.
- DHCD has conducted three additional in-depth accessibility classes in 2012 taught by experts from the International Code Council. This effort will continue.
- DHCD also has joined with entities like the Virginia-Society AIA and the code officials associations to conduct and sponsor accessibility training at seminars, annual conferences and regional meetings.
- DHCD conducts triennial statewide code update training that accompanies each new edition of the USBC. This training covers all new accessibility changes. The 2012 USBC is scheduled to be finalized in mid-2014, at which time this mandated statewide code update training will be offered for approximately 2,500 code enforcement personnel.

During the period covered by the HJR 648 study, the Work Group held three meetings, developing seven proposed building code changes and the concept for a tax incentive program to encourage building owners to improve critical accessibility features. DHCD, DRS and the Work Group members cooperated in developing this final report for submission to the General Assembly. The work effort succeeded through the members' commitment to finding ways to improve accessibility in existing buildings using a consensus building approach. In their individual capacity and as representatives of various interested parties, the participants are to be commended for sharing information, cooperatively striving to find common ground and for listening to diverse views on the possible effects the code changes being prepared for submission to the Board of Housing and Community Development during the 2012 USBC regulatory cycle.

2011 SESSION

ENROLLED

HOUSE JOINT RESOLUTION NO. 648

Requesting the Department of Housing and Community Development, in cooperation with the Department of Rehabilitative Services, to study the feasibility and appropriateness of amendments to the Uniform Statewide Building Code to provide accessible routes for persons with disabilities into public and private buildings and facilities and promote universal features in dwelling units. Report.

Agreed to by the House of Delegates, February 4, 2011
Agreed to by the Senate, February 22, 2011

WHEREAS, it is in the interest of the Commonwealth to ensure the accessibility of persons with disabilities to all public buildings and private buildings open to the public and to provide universal design features in dwelling units; and

WHEREAS, it is in the interest of the citizens of the Commonwealth for persons with disabilities to enjoy maximum self-sufficiency in the built environment; and

WHEREAS, providing the shortest accessible route that connects to accessible parking and passenger loading zones and accessible building and facility entrances, as well as the use of universal design features in dwelling units, are among the first steps to creating maximum self-sufficiency for persons with disabilities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Housing and Community Development, in cooperation with the Department of Rehabilitative Services, be requested to study the feasibility and appropriateness of amendments to the Uniform Statewide Building Code to provide accessible routes for persons with disabilities into public and private buildings and facilities and promote universal features in dwelling units.

In conducting its study, the Department of Housing and Community Development, in cooperation with the Department of Rehabilitative Services, shall:

1. On or before July 1, 2012, complete a study on proposed amendments to the Uniform Statewide Building Code to provide access routes for persons with disabilities into public and private buildings or facilities and enhance the availability of incentives for the greater use of universal design features in dwelling units;

2. Examine the costs of retroactive or new construction mandates to private businesses and local governments and technical and feasibility issues addressing compliance requirements that may affect the structural integrity of buildings, the feasibility of requiring universal design features in dwelling units, and other similar issues;

3. Examine additional options, including prioritizing components of accessible routes and establishing a different distribution schedule for the use of the 20 percent of renovation dollars required in the Uniform Statewide Building Code (USBC) for improving accessibility in existing buildings where accessible routes and entrances are deemed technically infeasible; and

4. Submit the joint findings and recommendations of the Departments on the feasibility and appropriateness of amendments to the Uniform Statewide Building Code.

The Departments shall include as participants in the study representatives of stakeholders including business groups, the building community, design professionals, local governments, the disability community, and others as it deems appropriate.

Technical assistance shall be provided to the Department of Housing and Community Development and the Department of Rehabilitative Services by the Virginia Disability Commission, the Virginia Board for Persons with Disabilities, the Department for the Blind and Vision Impaired, and the Department for the Deaf and Hard-of-Hearing. All agencies of the Commonwealth shall provide assistance to the Departments for this study, upon request.

The Department of Housing and Community Development and the Department of Rehabilitative Services shall complete their meetings for the first year by November 30, 2011, and for the second year by November 30, 2012, and the Director of the Department of Housing and Community Development and the Commissioner of the Department of Rehabilitative Services shall submit jointly to the Governor and the General Assembly an executive summary and report of their findings and recommendations for publication as a House or Senate document for each year. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the next Regular Session of the General Assembly and shall be posted on the General Assembly's website.

ENROLLED

HF648R

Appendix B: Study Participants and Support Staff

Invited Study Participants

Representative	Organization
Laurie Aldrich	Virginia Retail Merchants Association
Joel Andrus	Virginia Retail Merchants Association
Teri Barker Morgan	Virginia Board for People with Disabilities
Matthew Barkley	Fairfax Department of Family Services
Gayl Brunk	Valley Associates for Independent Living (VAIL)
David Burds	Endeppence Center of Northern Virginia (ECNV)
Audrey Clark	Fairfax County Director of Building Plan Review
Vantoria Clay	Endeppence Center, Inc. (ECI)
Ron Clements	Chesterfield County Engineering Supervisor (representing Virginia Building Code Officials Association-VBCOA)
Marcia Dubois	Department of Rehabilitative Services
Tom Elliott	City of Charlottesville Building Official
Ken Fredgren	Reston Accessibility Committee
Brian Gordon	Apartment and Office Building Association
Katie Hellebush	Virginia Hospitality & Travel Association
Kelly Hickok	Resources for Independent Living (RIL)
Steve Johnson	Endeppence Center, Inc. (ECI)
Ronald Lanier	Virginia Department for the Deaf and Hard of Hearing
Karen Michalski-Karney	Blue Ridge Independent Living Center
Edward Mullen	Home Builders Association of Virginia (HBAV) - Reed Smith
Nicole Riley	State Director, National Federation of Independent Businesses (NFIB)
Steve Smallwood	City of Fredericksburg Director of Building and Development Services
Jim Snowa	Virginia Society of the American Institute of Architects (VS-AIA)
Jane Ward Solomon	Department of the Blind and Visually Impaired
Harold Stills	Hanover County Building Inspections Plans Examiner (VBCOA)
Marion Stillson	Reston Accessibility Committee
Mike Toalson	Chief Executive Officer, Home Builders Association of Virginia (HBAV)
W. Francis Vineyard	City of Charlottesville Building Inspector

DHCD Support Staff

Emory Rodgers	Deputy Director, Division of Building and Fire Regulation
Vernon Hodge	Technical Services Manager, Division of Building and Fire Regulation
Janice Firestone	Program Support Specialist, Division of Building and Fire Regulation
Bill Ernst	Policy Office Manager, Division of Administration

Appendix C: Code Changes Proposed for the 2012 Code Cycle

[The nine following pages present Code Change Forms addressing the principal recommendations included in the study report.]

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change
Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: 2011 HJR 648 Workgroup

Representing: _____

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

Code(s) and Section(s): USBC, Virginia Construction Code Section 310.6 (IRC Section R311.2.1)

Proposed Change (including all relevant section numbers, if multiple sections):

Add new Section R311.2.1 to the International Residential Code to read as follows:

R311.2.1 Interior doors. All interior doors to habitable spaces, bathrooms and toilet rooms which are located on the level of the dwelling containing the egress door required by Section R311.2 shall have doorways that have a clear opening of 31¾ inches (805 mm) minimum. The clear opening of such doorways having swinging doors shall be measured between the face of the door and stop, with the door open 90 degrees. Where the egress door required by Section R311.2 is located on a split level, bi-level or tri-level entryway, or does not otherwise open to the main level of the dwelling, the level of the dwelling to have interior doors conforming to this section shall be the main level of the dwelling.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to have all interior doors used for maneuvering through the main level of new dwellings to have a clear opening of 31¾ inches to facilitate the movement of wheelchair users on that level without having to modify the doors later. The opening dimension specified permits the use of a standard 2'-8" door, which is already common practice in multi-family dwelling construction and is not significantly more expensive than the standard 2'-6" (30") doors, which some builders are currently using for powder room and bedroom doors. This requirement would not apply to closet or pantry doors or any similar doors not serving a room of the dwelling.

Submittal Information

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

600 East Main Street
Suite 300
Richmond, VA 23219

Email Address: taso@dhcd.virginia.gov

Fax Number: (804) 371-7092

Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: 2011 HJR 648 Workgroup

Representing: _____

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

Code(s) and Section(s): USBC, Virginia Construction Code Section 1109.16

Proposed Change (including all relevant section numbers, if multiple sections):

Add new Section 1109.16 to read as follows:

1109.16 Carpet pad. Carpet pad, cushion or backing, if used, shall comply with ICC A117.1. The use of the term "firm" in Section 302.2 of ICC A117.1 shall mean that the carpet pad, cushion or backing shall not contribute to the sinking or lowering of the bottom of the carpet or carpet tile more than ¼ inch (6.4 mm) when traversed by the wheels of the user of a wheelchair.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to clarify the requirement for firmness of newly installed carpet pad, cushion or backing. The pad, cushion or backing should not contribute to the resistance of movement for wheelchair users beyond that of the carpet itself. It has been noted that heavy padding used in some hotels to achieve a plush look and feel for the floor covering makes it difficult to traverse for a wheelchair user.

Submittal Information

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
600 East Main Street
Suite 300
Richmond, VA 23219

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information (Check one): Individual Government Entity Company

Name: 2011 HJR 648 Workgroup Representing: _____

Email Address: _____ Telephone Number: _____

Proposal Information

Code(s) and Section(s): USBC, Virginia Construction Code Sections 310.6 (IRC Section R320.2) and 1109.16

Proposed Change (including all relevant section numbers, if multiple sections):

Add new Section R320.2 to the International Residential Code to read as follows:

R320.2 Universal design features for accessibility in dwellings. Dwellings constructed under the International Residential Code not subject to Section R320.1 may comply with Section 1109.16 of Part I of the Uniform Statewide Building Code (13 VAC 5-63) and be approved by the local building department as dwellings containing universal design features for accessibility.

Add new Section 1109.16 to the Virginia Construction Code to read as follows:

1109.16 Dwellings containing universal design features for accessibility. Group R-5 occupancies not subject to Section R320.1 of the IRC and Group R-3 occupancies not subject to Section 1107.6.3 may comply with this section and be approved by the local building department as dwellings containing universal design features for accessibility.

1109.16.1 Standards for dwellings containing universal design features for accessibility. When the following requirements are met, approval shall be issued by the local building department indicating that a dwelling has been constructed in accordance with these standards and is deemed to be a dwelling containing universal design features for accessibility.

1. The dwelling must comply with the requirements for Type C units under Section 1005 of ICC A117.1 with the following changes to those requirements.

1.1. That at least one bedroom be added to the interior spaces required by Section 1005.4 of ICC A117.1.

1.2. In the toilet room or bathroom required by Section 1005 of ICC A117.1, in addition to the lavatory and water closet, a shower or bathtub complying with Section 1004.11.3.2.3 of ICC A117.1 shall be provided and shall include reinforcement for future installation of grab bars in accordance with Section 1004.11.1 of ICC A117.1.

1.3. That the exception to Section 1005.4 of ICC A117.1 is not applicable.

1.4. That there be a food preparation area complying with Section 1005.7 of ICC A117.1 on the entrance level.

1.5. That any thermostat for heating or cooling on the entrance level complies with Section 1005.8 of ICC A117.1.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to establish an optional standard for accessible dwellings in recognition that such features are not required in single-family dwelling construction, but that there needs to be a consistent standard when such features are desired. The proposal utilizes new Type C dwelling unit requirements developed for the ICC A117.1 standard through the International Code Council's code development process and also incorporates features from the Virginia EasyLiving Home program, for which tax credits are available. In addition, specifications consistent with the federal HUD guidelines for bathtub and showers are used.

Submittal Information

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
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Email Address: taso@dhcd.virginia.gov
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: 2011 HJR 648 Workgroup

Representing: _____

Proposal Information

Code(s) and Section(s): USBC, VCC Section 3411.7 and USBC, VRC, Sections 410.7 and 705.2

Proposed Change (including all relevant section numbers, if multiple sections):

Add a note to Section 3411.7 of the Virginia Construction Code and to Sections 410.7 and 705.2 of the Virginia Rehabilitation Code to read as follows:

Note: In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order.

1. Accessible parking spaces and an exterior accessible route.
2. An accessible entrance.
3. An interior accessible route to the altered area.
4. At least one accessible restroom for each sex or a single unisex restroom.
5. Accessible drinking fountains.
6. Accessible controls, operating mechanisms and hardware.
7. When possible, additional accessible elements such as storage and alarms.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to add the suggested priority list from the Americans with Disabilities Act to the USBC as guidance for spending up to 20% of the cost of an alteration to a primary function area to upgrade the path of travel to the primary function area.

Submittal Information

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

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Richmond, VA 23219

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: 2011 HJR 648 Workgroup

Representing: _____

Proposal Information

Code(s) and Section(s): USBC, Virginia Construction Code Sections 108.1 and 3411.9.5

Proposed Change (including all relevant section numbers, if multiple sections):

Add new Item #5 to Section 108.1 and add new Section 3411.9.5 to read as follows:

5. Restriping, resurfacing or reconfiguring a parking lot, which would be required to provide accessible parking spaces if newly constructed.

3411.9.5 Accessible parking spaces. When existing parking lots are restriped, resurfaced or reconfigured, accessible parking spaces shall be provided as required for newly constructed parking lots.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to modify the USBC to be consistent with the U.S. Department of Justice's legal brief that restriping of parking lots is an alteration under the Americans with Disabilities Act (ADA) and must comply with the ADA's alteration rules. The proposal also adds a requirement for permits to be obtained when restriping, reconfiguration or resurfacing of a parking lot occurs to assure compliance. The code change would not require a building official to actively inform owners to restripe parking lots and would only apply when restriping, resurfacing or reconfiguration of a parking lot is untaken at the option of an owner. When restriping, resurfacing or reconfiguration occurs, if meeting the current requirements for accessible parking spaces is technically infeasible, as with other types of alterations, the rules for new construction do not apply. This requirement would not affect dirt, gravel or grass parking lots. It could require an existing lot to add accessible spaces, signage, van spaces or correct dimensional mistakes.

Submittal Information

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
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Richmond, VA 23219

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: 2011 HJR 648 Workgroup

Representing: _____

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

Code(s) and Section(s): USBC, Virginia Construction Code Table 1106.1

Proposed Change (including all relevant section numbers, if multiple sections):

Modify table as shown:

TABLE 1106.1

ACCESSIBLE PARKING SPACES

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2 <u>3</u>
51 to 75	3 <u>4</u>
76 to 100	4 <u>5</u>
101 to 150	5 <u>6</u>
151 to 200	6 <u>7</u>
201 to 300	7 <u>8</u>
301 to 400	8 <u>10</u>
401 to 500	9 <u>12</u>
501 to 1000	2 <u>3</u> % of total
1,001 and over	20 <u>30</u> , plus one <u>two</u> for each 100, or fraction thereof, over 1,000

Supporting Statement (including intent, need, and impact of the proposal):

This code change increases overall accessible parking spaces in all occupancies compared to the specific occupancies in Sections 1106.2 through 1106.4. There is attached some data on the growing elderly and aging of our citizenry. This code change could also be considered in addition to two other proposals from the HJR 648 workgroup for accessible parking, especially the proposal for increased parking spaces for doctor and dentist offices and eating establishments. It has been more than 20 years since the table in the code has been in existence without change.

Submittal Information

Date Submitted:

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
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Richmond, VA 23219

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change
Number: _____

Proponent Information (Check one): Individual Government Entity Company

Name: 2011 HJR 648 Workgroup Representing: _____

Email Address: _____ Telephone Number: _____

Proposal Information

Code(s) and Section(s): USBC, Virginia Construction Code Section 1106.3

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 1106.3 to read as follows:

1106.3 Hospital Medical outpatient facilities, physician and dentist offices and buildings used as restaurants, cafeterias or similar dining facilities. At least 10 percent, but not less than one, of care recipient and visitor parking spaces provided to serve hospital medical outpatient facilities, physician and dentist offices shall be accessible and at least 5 percent, but not less than one, of parking spaces provided to serve restaurants, cafeterias or similar dining facilities shall be accessible.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal would require slightly more accessible spaces at newly constructed physician and dentist offices and at restaurants due to the latest studies of the numbers of persons with disabilities using such facilities. Virginia specific demographic data is attached. The term "hospital outpatient facilities" in the current code is changed to "medical outpatient facilities" to cover those facilities that are not on a hospital campus or even operated by a hospital.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

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371-7150

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Fax Number: (804) 371-7092
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APPENDIX D PROPOSED BARRIER REMOVAL LEGISLATION

_____ SESSION

SENATE BILL NO. _____ HOUSE BILL NO. _____

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.13, relating to creation of a tax credit for expenses to remove barriers for access to and usability of places of public accommodation by persons with disabilities.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.13 as follows:

§58.1-339.13. Places of public accommodation barrier removal tax credit.

A. *For taxable years beginning on and after January 1, _____, any taxpayer or corporation undertaking actions to remove barriers from an existing place of public accommodation, as defined in this section, to provide greater access to and usability for persons with disabilities shall be entitled to a credit against the tax imposed pursuant to either §58.1-320 or §58.1-400 for an amount equal to 50 percent of the total amount spent removing such barriers. Such a credit shall require prior approval as provided for in subsection C.*

For purposes of this section, “place of public accommodation” means a facility subject to title III of the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) and meeting the definition of public accommodation therein.

B. *The amount of the credit shall not exceed \$1,000 or the total amount of tax imposed by this chapter, whichever is less, in the year such barriers are removed. If the amount of the credit exceeds the taxpayer or corporation’s tax liability for such tax year, the amount which exceeds such liability may be carried over for credit by the taxpayer or corporation in the next five taxable years until the total amount of the tax credit has been taken.*

C. *Prior to applying for the credit pursuant to this section, the taxpayer or corporation shall first make application to the Department of Housing and Community Development. Such proposal shall describe the barriers to be removed, and the expected cost and completion date. The Department of Housing and Community Development shall issue a certification for an approved application to the taxpayer or corporation after determination that the barrier removal actions fall within the requirements for the removal of barriers outlined in applicable federal regulations implementing the Americans with Disabilities Act. The taxpayer or corporation shall attach the certification to the applicable income tax return. The total amount of tax credits granted under this section for any taxable year shall not exceed \$1 million. In the event approved tax credit proposals exceed the \$1 million amount, the Department shall apportion the money by dividing the \$1 million by the total amount of approved tax credits to determine the percentage each taxpayer or corporation with an approved proposal shall receive. Credits granted to a partnership, limited liability company or electing small business corporation (S corporation) shall be allocated to the individual partners, members or shareholders, respectively, in proportion to their ownership or interest in such business entities.*

2. That the provisions of this act shall expire on July 1, _____; however, any remaining carry forward tax credits may continue to be claimed in accordance with the provisions of subsection B.

APPENDIX E: MATRICES FOR TYPE C ACCESSIBLE DWELLING UNITS

Codes and Standards for One & Two Family Dwelling Units: Accessible Elements						
<u>Accessible Element</u>	<u>2009 IRC</u>	<u>2012 IRC</u>	<u>2012 IRC plus A117.1 Visitability (Type C)</u>	<u>2012 IRC plus Type C and Universal Design (Proposed by HJR 648 Study)</u>	<u>Easy Living®</u>	<u>Universal Design</u>
Exterior door - one 36 inch	yes	yes	yes	yes	yes	yes
Zero entrance or ramps/lift	no	no	yes	yes	yes	yes
Interior space/corridors	no / 36 inches	no / 36 inches	no/36 inches	main level/ 36 inches	main level	all
Interior doors/thresholds	no	no	31 3/4" / 1/4"	31 3/4" / 1/4"	32 inches / 1/4"	36 / level
Bathroom-lavatory/water closet	no	no	yes	yes	yes	yes
First level shower or bathtub and reinforcement for grab bars	no	no	no	yes	no	yes
Food preparation area	no	no	yes	yes	yes	yes
Accessible lighting controls and outlets	no	no	yes	yes	no	yes
Accessible thermostat	no	no	no	yes	no	yes
Bedroom at entrance level	no	no	no	yes	yes	yes

