

08 - 0100

Adaptability Design Elements

**Legislative report about the possibility of incorporating
the adaptability design elements in the State Building Code**

**2007 Minnesota Laws, chapter 140, article 4, section 60;
Incorporating adaptability design elements; report.**



**MINNESOTA DEPARTMENT OF
LABOR & INDUSTRY**

January 15, 2008

Background

The Department of Labor and Industry's (DLI) charge was to explore the impact of incorporating the adaptability design elements in the State Building Code for the following International Residential Codes (IRC) and International Building Codes (IBC):

- (1) IRC-1; (single-family dwelling)
- (2) IRC-2; (two-family dwelling)
- (3) IRC-3; (townhouse)
- (4) IBC R-2; and (apartment)
- (5) IBC R-3. (not more than two dwelling units in a building)

Note that IRC-3, IBC R-2, and IBC R-3 structures having four or more dwelling units are currently required to comply with the building code and provide features of accessibility.

DLI established a committee to assist in the development of this report. Members of the committee include: Margot Imdieke-Cross, Minnesota State Council on Disability; Diane Sprague, private consultant; Julee Quarve-Peterson, private consultant representing Builders Association of Minnesota; and, Jack Horner, private consultant representing Minnesota Multi-Housing Association. DLI staff for the committee included Curt Wiehle and Herman Hauglid.

The 2007 state building code covers three types of dwelling units and sleeping units: accessible units; Type A units; and Type B units. The three types of units can be considered as rungs on a ladder with Type B units positioned as the bottom rung, Type A units located the next rung up and accessible units as the top rung. Each subsequent unit incorporates the provisions of the unit below it and provides additional criteria for accessible design.

Accessible units are generally transient in nature and are required in hospital patient rooms and hotel guest rooms where the occupants have no expectation of adapting units to meet their needs. Thus, accessible units have the highest level of accessible features. Type A and Type B units are generally permanent type housing units required in apartments, condominiums and townhouses. The type of unit the department considers to include the adaptability design elements that are the subject of this report is the Type B unit. Type B units are considered a "safe harbor" for the accessibility requirements of the Federal Fair Housing Act and provide basic wheelchair access into and through the unit.

Type B units require:

- Accessible building entrance on an accessible route, which include a no-step entrance;
- Usable doors to include a minimum door size at the primary entry door of 3 feet and 2-feet-10-inches at interior passage doors;
- Accessible public and common areas (such as lobby, mail boxes, community room, pool, laundry, etc.);
- Accessible route, at least 36 inches in width, into and through all rooms and spaces in the unit;

- Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
- Reinforcement for future installation of grab bars in the bathroom; and
- Kitchen and bathrooms provide basic approaches and maneuvering spaces for wheelchair users.

Although Type B units provide some wheelchair accessible features such as a no-step entrance, a 36 inch accessible route into and throughout the unit and other features outlined above, they are not necessarily considered to be wheelchair friendly. Type A units are considered to provide greater wheelchair access. In addition to the features of a Type B unit, Type A units require:

- A lowered work area in the kitchen and access to the kitchen sink;
- Appliances are required to be wheelchair accessible;
- A wheelchair turning space (5-foot circle) is required in all rooms;
- Wheelchair maneuvering clearance is required next to doorways and doors are required to provide accessible hardware; and
- At least one bathroom is required to be wheelchair accessible with access to one of each type fixture in the room.

Over the past decade, Minnesota has witnessed an increase of housing construction of all types. Townhouse, single family and duplex developments have been constructed with no requirements to provide physical access. In contrast, 1-in-8 Minnesotans were age 65 or older in the year 2000, and the Minnesota Department of Human Services projected in its extensive "2030 Planning Initiative" that this figure will reach a ratio of 1-in-4 in two decades.

The population in our state is aging and with age comes physical limitations. The majority of older individuals do not use wheelchairs, but instead have ambulatory disabilities and may use mobility devices such as scooters, walkers and canes. Difficulty with steps, with reaching, bending and with getting around safely in the bathroom are high priority access issues for older adults. These same seniors also strongly indicate in study after study, including the extensive "Fixing to Stay" surveys done by the American Association of Retired Persons, that they want to live in their homes for as long as possible.

In addition, according to the United States Department of Labor, Disability Division, younger Minnesotans with disabilities have one of the highest rates of employment in the country. With employment, for many, comes home ownership. The option of living as independently as possible for as long as possible in one's own home provides for many, an optimum quality of life while saving state dollars. Planning and incentives will be necessary in order to make this option possible.

Advisory Committee feedback

While developing a rule to extend the Type B provisions of the code to essentially all types of housing units would be relatively easy for the agency to accomplish, it would

have cost implications for new home buyers and may not actually serve the intended population. One reason that extending current code provisions for Type B units may not achieve the desired result is that the current code contains a significant exception for multistory units. Multistory dwelling units, which include units with basements, are not required to be Type B units. It is felt that this exception would capture and exclude a large percentage of the targeted housing units. Also, while the accessibility chapter of the state building code is applicable statewide, the entire building code is not. Most areas of the state that are not enforcing the building code are not currently equipped to enforce the accessibility chapter of the code. Further, the state building and accessibility codes only apply to new construction. Changes to these codes would have no effect on existing dwellings not undergoing alterations. Many seniors live in existing housing.

Attached to this report is a list of approaches and strategies used throughout the country to encourage development of housing with features of accessibility. This report does not endorse any particular approach to resolving this issue, however, some approaches for consideration in achieving more accessible housing include:

- outreach and education could be provided to home builders, developers, realtors and local building code officials interested in constructing a new home
- outreach and education to seniors and individuals with disabilities who desire features of accessibility in their home
- tax incentives (for builders and buyers)
- financial incentives (for builders and buyers)
- develop an "opt out" checklist approach where customers must explicitly decide not to include accessible and adaptable design features in construction of their new homes
- a percentage of overall units could be required to be Type B. In a housing complex where speculative housing is being constructed, a percentage could be required to be Type B dwellings.
- single family, two-family, or triplex housing intended as rental could be required to have a percentage of Type B dwellings.

Conclusion

The building code should not be modified at this time to incorporate the types of housing that are the subject of this report. More extensive research and dialogue are warranted to determine if modifying the building code is the most practical approach to use for increasing accessibility and adaptability in housing. Helping seniors successfully age in place and helping persons with disabilities live as independently as possible are major state, fiscal and community care policy responsibilities. For these reasons, an investigation should not solely involve DLI. Instead, the state Department of Human Services; the Minnesota State Council on Disability; the Minnesota Housing Finance Agency; and key organizations representing seniors, persons with disabilities, and homebuilder or developer trade associations should also be actively involved in the process.