

## **HCD Model Universal Design Local Ordinance (AB 2787)**

### I. Purpose and Intent

*[To be provided by adopting local government]*

### II. Findings

*[Required by H&SC section 17959—to be provided by local government]*

III. Definitions. For the purpose of this *[ordinance/chapter]*, the following terms shall have the following definitions:

**Accessible:** Consistent with or as defined by the California Building Code, Chapter 11A.

**ANSI A117.1:** The most current version of the “Standard on Accessible and Usable Buildings and Facilities”, commonly known as “ICC/ANSI A117.1”, published by the International Code Council and American National Standards Institute, Inc.

**Bathroom:** A room containing a toilet (water closet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub. It includes a compartmented bathroom in which the fixtures are distributed among interconnected rooms.

**Building Department:** As defined by the California Building Code.

**Building Official:** As defined by the California Building Code.

**CBC, Chapter 11A:** Chapter 11A of the California Building Code (located in Part 2, Title 24, California Code of Regulations), or its successor provisions.

**City/County Financial Assistance:** *[if applicable, local government shall define consistent with local ordinances, and may include or exclude any local funds: local tax exempt or taxable bonds, redevelopment agency funds, general funds, housing trust fund or impact funds, etc.]*

**City/County Nonfinancial Assistance:** *[if applicable, local government shall define consistent with local ordinances, and may include expedited or front-of-the-line permit processing, density bonuses or other discretionary zoning approvals, specified fee waivers, etc.]*

**Common Use Room:** A room commonly used by residents or guests to congregate.

**Condominium:** As defined by the California Building Code.

**Custom-built: home:** *[Local government shall define consistent with local ordinances.]*

**Dwelling Unit:** As defined by the California Building Code.

**New Construction:** *[Local government shall define consistent with local ordinances. However, the definition for “new construction” shall explicitly exclude “substantial rehabilitation” as defined in this ordinance.]*

**Owner-Occupied:** Any residential dwelling unit not intended, at the time of application for the building permit, to be occupied as a rental dwelling.

**Powder Room:** A room containing a toilet (water closet) and lavatory (sink), but no bathtub or shower. It includes a compartmented powder room in which the fixtures are distributed among interconnected rooms.

**Primary Entry:** The principal entrance through which most people enter a building or residential unit, as designated by the Building Official.

**Rental:** Any residential dwelling unit not intended, at the time of application for a building permit, to be occupied by the owner.

**Single-Family Residential Dwelling:** *[Define consistent with local ordinances]*

**Substantial Rehabilitation:** The reconstruction of the primary entry, hallway, or one bathroom or powder room on the route from the primary entry, when that reconstruction is required to be consistent with the most current version of the California Building Standards Code.

**Visitable Residential Dwelling:** A residential unit subject to the requirements of this *[ordinance/chapter]* by virtue of being within the scope of this *[ordinance/chapter]* as defined in *[section IV, below, and “Standards” paragraphs]*.

#### IV. Scope and Application

A. **Unit Coverage** : *[\_\_ percent (\_\_%) of **OR All**]* residential dwelling units which are, or are intended to be, *[owner-occupied **OR** rental **OR** owner-occupied and rental]* for which an application for a new construction building permit is submitted to the Building Department 30 or more days after the effective date of this *[ordinance/chapter]*; and *[\_\_ percent (\_\_%) of **OR all**]* residential dwelling units which are, or are intended to be, *[owner occupied **OR** rental **OR** owner-occupied and rental]* for which an application for a substantial rehabilitation building permit is submitted to the Building Department 30 or more days after the effective date of this *[ordinance/chapter]* shall be Visitable Residential Dwellings.

*[NOTE: If less than 100% of any option is selected, the administrative process for*

*identifying or determining which residential dwelling unit or units will be subject to the ordinance/chapter shall be specified in this ordinance/chapter by the city/county.]*

B. Unit Types: New construction and substantial rehabilitation of the following types of residential dwellings shall be subject to this *[ordinance/chapter]*: *[The city/county must choose either B.1 or B.2, or an option which is substantially the same.]*

**Option B.1.** All single-family, duplex, and triplex residential dwellings except for custom-built homes.

**Option B.2.** All single-family, duplex, or triplex residential dwellings only in developments in which at least five single-family, duplex and triplex residential dwellings, or any combination thereof, are being constructed within a one-year period, except for custom-built homes.

#### V. Exemptions

A. When the applicant adequately demonstrates and the Building Official determines that compliance with any portion of any regulation under this *[ordinance/chapter]* would create an undue hardship, or that equivalent facilitation is not available, an exception to that portion of the regulation shall be granted.

B. When the applicant adequately demonstrates and the Building Official determines that compliance with any portion of any regulation under this *[ordinance/chapter]* would create an undue hardship due to topographical conditions of the site *[and/or the size of the site]* *[and/or other site constraints]* *[and/or legal constraints]* and that no equivalent facilitation is available, an exemption to that portion of the regulation shall be granted.

C. When the applicant adequately demonstrates and the Building Official determines that a residential dwelling unit is being reconstructed or substantially rehabilitated as a result of a *[natural disaster]* *[any disaster]*, an exemption to all or any portion of this *[ordinance/chapter]* shall be granted.

D. This ordinance shall not be applicable to any residential structure constructed or substantially rehabilitated if the primary entry of that structure is above grade because the primary entry is located over subterranean or grade-level parking.

#### VI. Standards: Primary Entrance:

A. New Construction—Mandatory to Install: There are no mandatory installations related to a Primary Entrance in a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: The following options for the accessible entrance on the primary entry level shall be offered and, if accepted,

installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*:

1. An exterior accessible route that is either:
  - a. Consistent with the requirements of CBC Chapter 11A; or
  - b. Not be less than forty inches (40") wide and not have a slope greater than one (1) unit vertical in twenty (20) units horizontal.
2. The accessible primary entrance that is consistent with the requirements of CBC Chapter 11A.
3. The floor or landing at and on the exterior and interior side of the accessible entrance door that is either of the following:
  - a. Consistent with the requirements of CBC Chapter 11A; or
  - b. The width of the level area on the side to which the accessible entrance door swings shall extend twenty-four inches (24") past the strike edge of the door.
4. The exterior accessible entry door that is either:
  - a. Consistent with the requirements of CBC Chapter 11A, or
  - b. Have a thirty-four inch (34") net clear opening.
5. A second exterior door that is installed in a manner so that it is accessible as provided in this *[paragraph VI]* with a thirty-two inch (32") net clear opening.
6. Where at least one eyehole is provided in the accessible entry door, one shall be at standard height and a second one that is between forty-two inches (42") and forty-four inches (44") from the finished floor.
7. Where at least one doorbell is provided for the accessible entry door, one that is between forty-two inches (42") and forty-eight inches (48") from the finished floor must be offered.

C. Substantial Rehabilitation: Any substantial rehabilitation of the primary external entrance shall comply with the requirements of *[subsection B of this paragraph VI]*, and all of the requirements and options in *[subsection B paragraph XIII]* applicable to the primary entrance shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*.

## VII. Standards: Interior Routes:

A. New Construction—Mandatory to Install: There are no mandatory installations related to Interior Routes in a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: The following options for accessible interior routes on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*:

1. At least one accessible route through the hallways consistent with the requirements of CBC Chapter 11A from the accessible entrance of the dwelling unit to the primary entry level powder room or bathroom, a common use room, and the kitchen if located on the primary entry level.

2. No sunken or raised area in the bathroom or powder room, the common use room, and the kitchen, if on the primary entry level, on an accessible route.

3. Handrails installed in a manner consistent with CBC Chapter 11A on one or both sides of the accessible route, at the option of the purchaser/owner.

4. Handrail reinforcement installed on one or both sides of the accessible route.

5. An accessible route with a minimum width of forty-two inches (42"). A thirty-nine inch (39") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen, if on the primary entry level, that must be accessible have a minimum clear door opening of thirty-four inches (34"), and a thirty-six inch (36") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of thirty-six inches (36").

C. Substantial Rehabilitation: Any substantial rehabilitation of the interior route which leads to one primary floor powder room or bathroom shall comply with the requirements of *[subsection B of this paragraph VII]* and the requirements and options in *[subsection B of paragraph XIII]* applicable to the interior route from the primary entrance shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*.

#### VIII. Standards: Primary Floor Powder Room/Bathroom Entry and Facilities

A. New Construction—Mandatory to Install: There are no mandatory installations related to the powder room, bathroom, or other facilities in a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: The following options for the accessible bathroom or powder room on the route from the primary entrance shall be

offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*:

1. At least one powder room or bathroom, at the option of the purchaser/owner, on the primary entry level of a Visitable Residential Dwelling which complies with the requirements of CBC Chapter 11A.

2. Clear space in the bathroom or powder room that is either:

a. Consistent with the requirements of CBC Chapter 11A; or

b. Outside of the swing of the door and either a forty-eight inch circle, forty-eight inches by sixty inches (48" x 60") or a sixty-inch (60") diameter circle, at the option of the purchaser/owner.

3. A bathtub or shower meeting the requirements of ANSI A117.1

4. Either of the following:

a. Grab bar reinforcement consistent with CBC Chapter 11A; or

b. Grab bars installed in a manner consistent with CBC Chapter 11A for the toilet, shower/bath, or lavatory, or any combination thereof, at the option of the purchaser/owner.

5. Faucets and handles not requiring tight grasping, pinching, or twisting of the wrist and consistent with the requirements of CBC Chapter 11A.

6. A lavatory or sink installed consistent with CBC Chapter 11A.

7. A toilet installed consistent with CBC Chapter 11A.

8. Removable cabinets under the lavatory/sink.

9. Where mirrors and towel fixtures are provided in the accessible bathroom or powder room, installation consistent with the requirements of CBC Chapter 11A.

C. Substantial Rehabilitation: Any substantial rehabilitation of one powder room or bathroom on the route from the primary entrance shall comply with the requirements of in *[subsection B of this paragraph VIII]* and the requirements and options in *[subsection B of paragraph XIII]* applicable to that bathroom or powder room shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*.

## IX. Standards: Kitchen and Facilities

A. New Construction—Mandatory to Install: There are no mandatory installations related to a kitchen in a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: If there is a kitchen on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIII]*:

1. An accessible route to the kitchen, with a pathway through the kitchen to the stove, oven, or combination stove-oven consistent with the requirements of CBC Chapter 11A.

2. One or more of the following, at the purchaser/owner's option:

a. At least a forty-eight inch by sixty-inch (48" x 60") clear space in front of a stove at the base of a U-shaped kitchen;

b. At least a thirty-inch by forty-eight inch (30" x 48") clear space in front of the sink (counting open access underneath, if available);

c. At least one eighteen-inch (18") wide breadboard and/or at least eighteen inches (18") in counter space at a thirty-four inch (34") height, or any combination thereof, at the option of the purchaser/owner.

3. Sink controls consistent with CBC Chapter 11A.

4. Adjustable sink and/or removable under-sink cabinets consistent with Chapter 11A.

5. Hood fan controls at light switch level or lower level.

C. Substantial Rehabilitation: For any substantial rehabilitation of a kitchen on the primary entry level, there are no requirements either to install or offer any installations or components.

#### X. Standards: Common Use Room:

A. New Construction—Mandatory to Install: There are no mandatory installations related to a common use room in a Visitable Residential Dwelling

B. New Construction—Mandatory to Offer: The following options for the common use room on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*:

1. At least one common use room, such as a dining room or living room, on the

accessible route. Sunken or raised areas not exceeding fifty percent (50%) of the area of the room's floor space shall be permitted as an option of the purchaser/owner in a common use room on the accessible route when an accessible route connects a usable portion of the common use room to the accessible bathroom or powder room and the accessible exterior entrance door.

2. No sunken areas in a common use room on an accessible route.

3. Standards related to access to and flatness of any other common area room on the primary entry level.

C. Substantial Rehabilitation: For any substantial rehabilitation of a common use room on the primary entry level, there are no requirements either to install or offer any installations or components.

#### XI. Standards: Bedroom

A. New Construction—Mandatory to Install: There are no mandatory installations related to a bedroom in a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: If there is a bedroom on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*:

At least one bedroom on the accessible route of travel with all components meeting the requirements of *[paragraph XIII]*. A closet shall have at least a thirty-two inch (32") net opening and adjustable closet rods and shelving. A family room or den may satisfy this bedroom requirement if a sleeping structure (such as a bed, futon, hide-away, or Murphy bed) can be placed in the room and if the room complies with provisions for emergency escape and rescue and smoke alarms in the California Building Code.

C. Substantial Rehabilitation: For any substantial rehabilitation of a bedroom on the primary entry level, there are no requirements either to install or offer any installations or components.

#### XII. Standards: Miscellaneous Areas

A. New Construction—Mandatory to Install: There are no mandatory installations related to miscellaneous areas of a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*:

If on the primary entry level, miscellaneous areas or facilities (such as a patio or yard, laundry room, or storage area) for the dwelling must have an accessible route to and from the accessible entrance, either through the dwelling unit or around the dwelling unit.

C. Substantial Rehabilitation: For any substantial rehabilitation of a miscellaneous area on the same floor as the primary entry, there are no requirements either to install or offer any installations or components.

### XIII. Standards: General Components

A. New Construction—Mandatory to Install: There are no mandatory installations related to general components in a Visitable Residential Dwelling

B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*:

1. Rocker light switches and controls installed pursuant to either of the following:

a. In all rooms required to be accessible and on the accessible route.

b. Throughout the balance of the residential dwelling unit.

2. On an accessible route in an interior room or hallway, interior doors or openings for rooms and routes of travel required to be accessible consistent with CBC Chapter 11A.

EXCEPTIONS: A thirty-four inch (34") clear doorway width may be requested from a hallway with a thirty-nine inch (39") width, and a thirty-six inch (36") clear doorway width may be requested from a hallway with a thirty-six inch (36") width.

3. The width of the level area on the side toward which an accessible door swings consistent with CBC Chapter 11A.

4. If the Building Official or owner/purchaser determines that the accessible route and doorway width options prescribed by Chapter 11A are not feasible and that a less wide accessible route is necessary, a functional alternative to ensure that all entries into rooms required to be accessible may be approved by the Building Official or purchaser/owner if it meets at least one of the following requirements and if the hallway is not less than thirty-six (36") inches in width:

a. The entry door to the room must be at the end of a hallway or passageway, or open directly from another room on an accessible route of travel, so that no turn of ninety degrees (90°) or more is necessary to enter the room.

b. The hallway wall opposite the room must be inset enough to allow an area of at least eight inches (8") wide with at least a sixty-inch (60") run centered on the center of the entry door opening [e.g., an 8" by 60" notch or alcove.]

c. The hallway wall on the same side as the room must be inset enough to allow an area of at least eight inches (8") wide with at least a sixty-inch (60") run centered on the center of the entry door opening [e.g., an 8" by 60" notch or alcove.]

d. The hallway wall directly opposite the room door must open to another room with at least a sixty-inch (60") opening on a level with the accessible passageway or hallway.

NOTE: Doors or openings to the rooms required to be accessible may be wider and the notch or alcove smaller if equivalent access is not impeded. In addition, for a doorway at the end of a hallway or in other circumstances, the notch or alcove need not be centered on the doorway if equivalent access is not impeded.

5. Hand-activated door hardware complying with CBC Chapter 11A.

6. Flooring throughout the residential dwelling unit consistent with CBC Chapter 11A.

7. The installation of all receptacle outlets, lighting controls and environmental controls throughout the balance of the residential dwelling unit must comply with CBC Chapter 11A or applicable provisions of the California Electrical Code.

8. Standards pertaining to residential structures from ANSI A117.1 may be used throughout this [*ordinance/chapter*] when CBC Chapter 11A does not contain specific standards or when the ANSI Standards are equivalent to the Chapter 11A standards.

#### XIV. Standards: New Construction or Substantial Rehabilitation—Permissive Options

A. The developer or builder of a VISIBLE Residential Dwelling must offer an opportunity to select any the features listed in this [*ordinance/chapter*] to an owner or prospective owner of a VISIBLE Residential Dwelling at the earliest feasible time after the owner, purchaser, or prospective purchaser is identified.

B. The developer or builder of a VISIBLE Residential Dwelling shall construct or install any requested features identified in this [*ordinance/chapter*] unless it would result in an unreasonable delay in the construction or significant unreimbursable costs to the developer or builder.

C. The developer or builder of a VISIBLE Residential Dwelling, at his or her option, may offer or utilize standards for structural or design features, components or

appliances and facilities, including but not limited ANSI Standards, which meet or exceed Chapter 11A and which offer greater availability, access or usability, and these are deemed to be in compliance with this *[ordinance/chapter]*.

XV. Enforcement:

A. It is unlawful for any person or entity to fail to comply with the requirements of this *[ordinance/chapter]*.

B. *[Local option] The city/county may prescribe administrative, civil, or criminal penalties or consequences, or any combination thereof, for violations of this [ordinance/chapter] which are consistent with those applicable for what it deems comparable municipal provisions. These may include, but are not limited to, enforcement provisions of the State Housing Law, sections 17910, et seq., of the California Health and Safety Code; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.]*

C. Remedies under this *[paragraph/section]* are in addition to and do not supersede or limit any and all other remedies, civil, criminal, or administrative. The remedies provided herein shall be cumulative and not exclusive.

D. *[Local Option] Whenever the Building Official or designee reinspects or otherwise takes any enforcement action against a residential dwelling unit which is governed by this [ordinance/chapter] to determine compliance with this [ordinance/chapter], the Building Official may assess fees against the owner to recover the costs to the [city/county] according to a fee schedule established by the [city/county]. The assessment and collection of these fees shall not preclude the imposition of any administrative or judicial penalty or fine for violations of this [ordinance/chapter] or applicable state laws or regulations.*

E. *[Local Option] [The city/county may/shall develop a means of providing public certification as to any residential dwelling unit's compliance with this [ordinance/chapter]. No such certification shall be affixed to the residential dwelling unit or the property on which it is located without the authorization of the owner or renter.]*

XVI. Severability. *[The city/county may adopt appropriate language.]*

XVII. Effective Date: *[The city/county may adopt appropriate language.]*