

Joint PC/BOCC Hearing  
2016 Comprehensive Plan  
May 24, 2016



- I'm Chuck Frayer, chair of the Commission on Aging Housing Committee
- 
- I'm here to support incorporating the Aging Readiness Plan recommendations in to the 2016 Comprehensive Plan
- 
- Our population is changing with over 10,000 people a day turning 65 and the northwest becoming a place to retire
- 
- The Commission on Aging is looking at all aspects of housing
- We are currently engaging the community
- 
- We learned from Dr Alan DeLaTorre, that many experts now believe that the communities that fare best in the 21<sup>st</sup> Century will be those that tackle the challenges and embrace the positive possibilities that are created by a population as it ages
- 
- We learned from Dr Patrick Roden, what aging in place means and how it can be achieved physically, emotionally, and socially is an interdependent way with others, not independent and in isolation
- 
- We have learned that over 87% of individuals if given the choice want to age-in-place
- 
- Policies and strategies proposed for the comp plan are critical for the health and well-being of the entire community
- 
- Other communities have learned the value of these kinds of policies both in terms of savings and achieving a high quality of life for all residents (I'm submitting to you today, a white paper by Katie Spegal, MSG and Phoebe Liebig, Ph D , titled "Visitability Trends, Approaches, and Outcomes" )
- 
- In closing, I just turned 65 and have been in this chair for 45 years Accessibility isn't an old age thing Many of you here or watching this meeting tonight could find yourself in my place It's time to create the community for tomorrow – forget about tomorrow



## **VISITABILITY: TRENDS, APPROACHES, AND OUTCOMES**

Katie Spegal, MSG and Phoebe Liebig, Ph.D

### **Background**

The rapid increase of “visitability” legislation in the United States over the past 14 years demonstrates a growing awareness of the need for housing with specific features that allow easy, safe, and convenient access by any individual with a mobility impairment. Access to visitable homes is limited to the main floor or habitable grade level of new single-family homes, duplexes or triplexes. “Visitability” focuses on accommodations that a guest would utilize, such as the entrance to a home and a first-floor bathroom and hallways, rather than on features used by residents of the dwelling.

Required features in visitability ordinances differ in many ways. However, the most common features designated in visitability ordinances include 1) at least one accessible route into a dwelling, 2) accessible entrance doors; 3) specifications for hallway widths throughout the main floor, and 4) electrical/environmental controls in accessible locations. Also common in visitability laws is the availability of waivers if compliance is not feasible due to topographical factors. Some of the more unusual specifications include a usable first-floor kitchen that is wheelchair-maneuverable, wall reinforcements in first-floor bathrooms provided for the possible installation of grab bars, a no-step entrance into the home, and electrical panels/breaker boxes in accessible locations, either on the first floor or adjacent to the accessible route. (See Appendices A-C)

The first visitability legislation was passed in Florida and is known as ‘The Florida Bathroom Law’ (1989). This law only requires one feature. The habitable-grade

level bathrooms of single-family dwellings, duplexes, triplexes, condominiums, and town homes must have a 29'' clear opening Oversight is provided by local building departments, in connection with their other enforcement responsibilities

Since the Florida law was enacted, legislation has been passed at both the state and local levels that encompasses a wider range of visitability features but most activity has occurred at the local level (See Figure 1 ) While many laws rely on mandates, incentive- and voluntary-based visitability programs have also begun to spread throughout the country Today, there are more than 25 locations with visitability legislation establishing some kind of program

These programs are difficult to track for several reasons First, not all locations use the term "visitability" in their enactments Second, no pattern of organizations accountable for oversight of visitability ordinances exists Thirdly, ordinances and laws often do not specify the agency responsible for implementation Finally, no widely used method is used for keeping track of how many visitable homes have been built Thus, little is known about the outcomes of visitability programs.

### **Study**

The purposes of this study were threefold.

- 1) to update existing information on visitability enactments,
- 2) to categorize ordinances and laws according to approaches (e.g mandates, incentives) used to bring about visitability, and
- 3) to examine the outcomes of the various laws and ordinances since their enactment

These outcomes included the identification of what entity has responsibility for implementation and the actual numbers of homes built with visitability features

## **Methods**

### **Process/Procedure**

Initially, this research was conducted to expand upon an earlier study, the results of which were presented at the Gerontological Society of America (Nishita et al , 2001) Investigation into visitability legislation was completed through a two-step process that lasted from July, 2002 to April, 2003 Identifying the correct person or group for appropriate information was accomplished through a “snowball” method of recommended contacts

Step One involved summarizing what visitability legislation and programs currently exist Four strategies were used to collect this information. First, existing studies were reviewed, including an AARP study investigating accessibility and visitability features (Kochera, March 2002) and our own earlier study conducted at the National Resource Center on Supportive Housing and Home Modifications (Nishita et al , 2001) Second, members of the visitability list serve that is sponsored by the University at Buffalo in New York (VISITABILITY-LIST@LISTSERVE BUFFALO EDU) were contacted for any recent information pertaining to visitability Thirdly, an e-mail letter was sent to approximately 700 independent living centers, statewide independent living councils, and other related organizations A comprehensive nationwide list of these entities was provided by the Independent Living Research Utilization Center (ILRU, 2002), a national center for research, training, and assistance

for independent living. Finally, an Internet search was conducted using various search engines with the keyword, “visitability”

In Step Two, after initial knowledge about a visitability program was obtained, a targeted Internet search of city and state community and legislative websites was performed to find possible contacts. Once a potential interviewee was identified, an e-mail was sent or a telephone call was made to the specified individual, organization (e.g., Centers for Independent Living, Disabilities Commissions), or department in an attempt to answer several questions. The first query concerned who had oversight/enforcement over the ordinance or program. The second was whether the legislation was producing any results (i.e., if any new homes had been built and if so, how many). The third focused on the nature of the implementation process and effectiveness of the program. Often, more than one contact attempt was required, and follow-up questions were usually necessary in order to secure complete and comprehensible information regarding the current impact of the law or program.

### **Sample**

A total of 113 persons/organizations was contacted. Of these, 77 provided either specific information or recommended another contact. The persons contacted included building officials, city council members, individuals from building and planning departments, and the departments of community affairs, affordable housing, aging and disabilities. A total of 11 states and 24 cities was targeted in this search.

### **Results**

We were successful in updating the existing information on visitability legislation and programs. The Nishita et al (2001) presentation identified a total of six mandated

visitability laws, and the Kochera (March 2002) study provided information about three further mandates. Our research was successful in locating a total of 16 cities and states with mandated visitability laws.

Building on Kochera's (March, 2002) study, we separated "visitability" legislation into five categories:

- 1) Builder Mandates Tied to Use of Public Funds,
- 2) Builder Mandates, Beyond Public Subsidies,
- 3) Builder Incentives,
- 4) Consumer Incentives, and
- 5) Consumer Awareness/Promotion

Most mandated "visitability" laws only affect publicly-financed housing, while a few others are applicable to all private homes as well. Incentive-based programs are split, based on who is the target of the incentive, builders or consumers. The final category includes legislation that is designed to raise awareness about the benefits of visitable housing features in the community.

#### **Builder Mandates Tied To Public Funds**

The majority of visitability laws, at both the state and local level, pertain to housing that receives some kind of public financial assistance from the city, state, or federal government. The following summarizes these mandates and provides information regarding oversight/enforcement and implementation outcomes.

##### *Local Government Ordinances*

Several ordinances require visitability features in housing receiving local public funding. The first ordinance of this kind was passed in Atlanta, Georgia in 1992,

requiring certain visitability criteria for new single-family dwellings, duplexes, and triplexes that receive *city assistance*. The City's Bureau of Buildings is the party responsible for enforcing the visitability requirements, and it monitors compliance through the building inspector's assessment prior to issuing building certification. As of 2002, over 600 homes had been built in Atlanta under this ordinance.

Visitability ordinances in Urbana, Illinois (2000) and Long Beach, California (2002) also specify visitability criteria for new single-family dwellings and duplexes receiving *city assistance*. In Urbana, city staff review blueprints before any building takes place. If any housing built with city financial assistance does not comply with the visitability ordinance, the Building Safety Manager will not issue a permit for construction. As of October 2002, 35 visitable homes had been built, another 15 were scheduled for completion by the end of the 2002 calendar year. In Long Beach, the Planning and Building Department is responsible for enforcement of the ordinance. However, due to the recent enactment of this law, no projects have been built.

The Town of Southampton, New York (2002) has passed several resolutions that require certain "Adaptability" and "Visitability" features in single-family, multi-family, and senior housing funded with *town assistance*. The Planning Board and the Town Building Inspector enforce these resolutions. However, these laws exceed the requirements of the State Building Construction Code and have been submitted to the State Building Code Council for evaluation. As of April, 2003, no housing had been built due to the need for state-level review.

Other localities have broadened the concept of public funding. Onondaga County, New York (2002) has an ordinance that affects all new single-family dwellings and



duplexes that receive *county assistance* San Antonio, Texas (2002) enacted a city ordinance that affects new single-family homes, duplexes, or triplexes receiving *city, state, or federal financial assistance* Iowa City, Iowa (2002) requires structures constructed with *state or federal assistance* to be in compliance, while the Austin, Texas (1998) ordinance applies to new single-family dwellings, duplexes, and triplexes constructed with any *public funds*, like San Antonio

Compliance in Onondaga County is monitored by the Administrator of Community Development and in Iowa City by the Head of Housing and Inspection Services As of March, 2003, no housing had been built in Onondaga County that would fall under the visitability requirements. Information was unavailable from San Antonio, and Iowa City is not tracking the number of building permits for homes built with accessibility features In Austin, the ordinance states that the City Manager will monitor the administration of visitability ordinance The Neighborhood Housing and Community Development Office provides technical assistance and on-site inspections, and also contributes to the monitoring of the ordinance At the end of 2002, a total of 278 visitable homes had been built in Austin

#### *State Laws*

Half of the statewide visitability ordinances concern housing built with *state or federal assistance* These include Texas (1999), Georgia (2000), and Kansas (2002) The Texas and Georgia ordinances apply only to single-family affordable housing Kansas includes not only single-family dwellings, but duplexes and triplexes as well In Texas, the successful passage of Austin's ordinance led to the statewide enactment. The state's Department of Housing and Community Affairs monitors compliance, at the end of FY

2001, a total of 296 visitable single-family units had been constructed that were funded by the Housing Trust Fund. The Texas Bootstrap Loan Program provides up to \$30,000 in mortgage loans to low-income families. These housing projects fall under the Texas visitability law. A total of 143 units in FY 2000-2001 were funded by this program, and 147 units were awarded funding for FY 2002-2003.

The Georgia and Kansas statutes do not clearly state who shall monitor compliance. In Kansas, the Department of Commerce and Housing staff reported that they are responsible for waiving any visitability requirements. Furthermore, while the ordinance does not specify enforcement, programs in the Housing Development Division that provide funding are responsible for monitoring and ensuring compliance. As of January 2003, Kansas had 12 single-family homes and 12 duplexes under construction that fall under the visitability requirements. Also, the State Housing Trust Fund had a single family home under construction that would fall under the ordinance. In Georgia, however, the number of homes built under its law is unknown.

The Minnesota (2001) state ordinance differs from the others because it specifies what type of housing is required to follow the visitability criteria. Housing that receives *any funding from the Minnesota Housing Finance Agency (MHFA)* falls under the provisions of the law. Other funding sources may be utilized as well, however, if any MHFA funds are used, compliance is mandatory. As of February, 2003, 17 single-family homes and 338 multi-family homes funded by MHFA had been built in compliance with the state's visitability criteria.

### **Builder Mandates, Beyond Public Subsidies**

Few governments have passed visitability legislation pertaining directly to privately financed housing. This, in part, is due to protests from builders who do not want to be told how to construct private housing. This issue was a common occurrence when many of the ordinances were introduced. Ultimately most were written to apply only to publicly-financed housing.

Currently only two localities require visitability features in *all new single-family homes*. Naperville, Illinois (2002) and Pima County, Arizona (2002). In Naperville, the Transportation, Engineering, and Development Department has oversight, as of September, 2002, over 100 visitable homes were under construction.

It is unclear what entity oversees the Pima County legislation, however, the Planning Department was found to be somewhat involved in compliance issues. Records are not kept of submitted building plans, therefore the number of homes built can only be determined following the completion of construction. The total number of permits issued for single-family residences is tracked, however, and between the enactment date of October 8, 2002 and May 19, 2003, 1410 permits were issued, indicating that each of these homes is to be built under the new visitability criteria. The Southern Arizona Homebuilders Association (SABHA) has contested the passage of Pima County's visitability law twice in court. SABHA believes that the law infringes upon the Arizona constitution, although it has been defeated twice in court, once in federal court in October, 2002 and again in state court in April, 2003. In April, SABHA claimed that the law inhibited a person's constitutional right to privacy. However, the judge ruled that while privacy inside a home is clearly a constitutional right, privacy regarding

construction is not. The outcome of these court cases indicates that visitability laws are reasonable and appropriate.

Vermont (2000) is the only state that applies a visitability ordinance to non-subsidized housing. Its law is unusual, requiring five specific visitable features in 'spec' homes, or those homes built by a developer prior to obtaining a purchaser. These features include: 1) one first-floor exterior door at least 36 inches wide, 2) 34-inch wide first-floor interior doors with thresholds that are ramped or beveled, 3) 36-inch wide level interior hallways, 4) environmental controls and outlets located in accessible locations, and 5) reinforced bathroom walls. The department responsible for enforcement, as well as how many 'spec' homes have been built, is unknown.

Vermont's law also includes a consumer education component. The Department of Aging and Disabilities Assistive Technology Division is in charge of educating home buyers about visitable homes in an effort to promote public awareness. The Vermont legislature gave the Department authority to build a demonstration house, however, no funds were appropriated for this project. Promotion of visitable housing has been stated as a goal of the 2002-2005 State Plan on Aging.

The City of Irvine, California provides another example of a unique method of promoting visitability features. In 1999, the Universal Design Program was implemented, requiring builders to provide a list of 33 optional accessibility features to consumers, all beyond the characteristic visitability requirements. Builders, however, are not required to incorporate these features into homes. Consumers ultimately decide whether or not they would like the features included in their new home. As of 2002, 14 builders were participating in this program. Recently, the City of Irvine was awarded the

2002 Accessible America Award from the National Organization on Disability This award recognizes and praises the citywide focus on accessibility from housing, through transportation, to education and beyond

### **Builder Incentives**

While the goal for many advocates is to have visitability mandated, a handful of incentive-based programs have been successful in promoting the construction of visitable housing The Accessible Housing Demonstration Grant Program in Illinois (1999) has led to the construction of 50 visitable homes, with 46 more under construction in January, 2003, and the participation of 21 developers The program gives \$5,000 to each builder who incorporates four specified features into each 'spec' home they build The required four features are 1) one no-step entrance into the home with a 36-inch wide entrance door, 2) 32-inch clearance at interior passage doors, 3) environmental controls in accessible locations, and 4) reinforced bathroom walls for the possible installation of grab bars This program officially began in 2002, and it will continue either through 2004 or until the fund of \$ 1 million is completely exhausted

Southampton, New York offers reduced fees or building permit waivers for those who incorporate "Basic Access" features into the construction of one- and two-family detached housing. The Town outlines "Basic Access" features as 1) one step-less entrance into a dwelling, 2) 32-inch clearance on first-floor doors and hallways, and 3) a half-bath located on the first floor that is wheelchair maneuverable A \$300 credit is offered for building larger homes that have more expensive permit fees In addition, should the builder or homeowner opt to include home modifications to aid persons with mobility impairment, the Town's Building Inspector will "fast track" the building permit

application and fees that are related to enhancing access features. This incentive approach initially was advocated by the Town's Disability Advisory Committee and is conducted by the Building and Zoning Division.

Freehold Borough, New Jersey implemented an incentive program in 1997 by waiving construction permit fees for the addition or construction of accessibility features in public and private dwellings. This program is overseen by the Freehold Borough Construction Code Enforcing Agency. The number of permits using this waiver since 1997 is, however, unknown.

### **Consumer Incentives**

Virginia (1999) and Georgia (1999) have implemented tax credit incentive programs of up to \$500 for consumers who add specific accessibility features to their homes. In Virginia, the law designates five different features homeowners can choose to promote accessibility. One or more of the following features must be included in order to receive the credit: 1) one no-step entrance, 2) 32-inch clear opening at interior passage doors, 3) reinforcement in bathroom walls and the installation of grab bars around the toilet, tub, and shower, 4) accessible light switches and outlets, and 5) universal design features or the accessibility or adaptability features outlined in the Virginia Uniform Statewide Building Code (USBC). This program, which incorporates home adaptation and visitability features, is overseen by the Virginia Department of Taxation. For tax years 2000 and 2001, there were 47 claims filed to receive this credit.

In Georgia, the tax incentive program is available to disabled persons and their spouses for the purchase of a new single-family home with all four accessibility features or for the retrofitting of an existing home that includes one or more of those features.

These comprise 1) one no-step entrance into the home, 2) 32-inch wide interior passage doors, 3) reinforced bathroom walls, and 4) light switches and outlets placed in accessible locations. In Georgia, the Department of Revenue is responsible if an audit of this program is needed, however, it does not track how many persons have used this tax incentive.

A recent (June 2003) ordinance passed by Escanaba, Michigan, offers a \$150 rebate to property owners who incorporate several features: an accessible entrance (no steps), 32" doors on the first floor, an accessible route and wall reinforcements in the first floor bathrooms. The City Manager is responsible for monitoring administration of this law.

#### **Consumer Awareness**

Several programs have relied on broader approaches to promote visitability. They include raising consumer awareness and increasing the marketability of a home to promote both the construction and purchase of homes with visitable features. Persuasion of builders by local officials has also been found to be a useful method.

#### *Consumer Information*

Two localities in California have instituted consumer awareness programs. Since 1998, San Mateo County has distributed two brochures, "Residential Visitability" and "Universal Design Recommendations", to developers, builders, consumers, city officials, and the general public. The San Mateo Commission on Aging and Commission on Disabilities developed these informational pamphlets. A Joint Housing Taskforce was established to aid these Commissions in working closely with the County Board of Supervisors and the County Planning Commission to promote these ideas in housing.

---

plans. The recommendations set forth are applicable to new and multi-family housing. Thus far, the Commission on Disabilities has been successful in having its visitability and universal design recommendations incorporated into two affordable housing projects. Continuous efforts by the Commission have furthered the goal of raising awareness and increasing construction of visitable or universally designed housing in various parts of the county.

Sacramento, California recently found that a mandated visitability ordinance would be in conflict with the State Uniform Building Code, similar to the experience of Southampton, New York. Instead, the city approved the Universal Access Strategy plan in February, 2003. This plan calls for language to be included in single-family and citywide residential design standards encouraging universal design features. The ordinance provides for an annual evaluation to determine how many homes have been built with universal design features, as well as whether any modifications to the plan are needed. A plan to implement a program similar to that in Irvine, California is underway. The Universal Access Strategy also calls for the adoption of AB 2787, a recent (2002) California law. Implementation of that statute will lead to model building codes for universally designed housing by 2005.

Syracuse, New York passed a resolution in 2003 which serves as a recommendation to builders to include visitable features in new one- and two-family houses. The Commissioner of Community Development was named to promote and encourage accessibility features in new home construction. Information regarding the addition of accessibility features in new homes is distributed to builders when they apply for a permit. It is unknown whether any accessible homes have been built.



### *Marketability*

The 'Visit-Able Home Program' was established in Visalia, California (2001) to raise consumer awareness by designating homes with a 'Certified Visit-Able' logo. Builders who wish to have their homes certified must include three criteria in their building plans: 1) one zero-step entrance; 2) 32-inch clearance into bathrooms, and 3) wall reinforcement in bathrooms.

The 'Certified Visit-Able logo' is believed to be a good marketing strategy, and builders who receive certification are free to use this trademark to attract consumers to buy their homes. Dennis Lehman, Chief Building Official, who had his home built under the Visit-Able guidelines reported that the extra construction costs totaled \$84. As of October, 2002, this certification program, overseen by the Chief Building Official and Development Services Manager, had led to the construction of 280 homes with the Visit-Able logo; however, the building division no longer keeps track of the number of homes built under this program.

A similar program, the 'Easy Living Home Project', was instituted in Georgia in 2002. This program resulted from a partnership between local long-term-care accessibility advocates, AARP, and the Home Builders Association of Georgia. It was designed to raise consumer and builder awareness, as well as to increase the numbers of accessible homes, without passing legislation. Homes are certified with an Easy Living Home seal following construction that incorporates three specified accessibility features: 1) a zero-step entrance onto the main floor; 2) trouble-free usage of one bedroom, kitchen, full bathroom, and living room area, each on the main floor of the home, and 3) 32-inch entrances throughout the entire main floor, including entries into bathrooms to

allow for easy passage. The Project targets single-family homes, town homes, and attached homes of less than four units. Program officials believe these homes have high marketable value for all persons, not just those with mobility impairments. Their goal is to provide a model program to be presented, and implemented, nationwide by July, 2003. Fifteen homes have been certified, 136 homes were waiting for final inspection as of January, 2003.

In 1987, Livermore, California instituted a Housing Implementation Program (HIP) in order to manage the city's growth. Builders who participate in the HIP receive 'points' from the Planning Department, and then can advertise their housing projects as in compliance. In 2002, universal design aspects were included in the City of Livermore's HIP in a continuing effort to have housing projects built that are good for the town. Builders who wish to participate must submit their proposals and other required documents, which must be approved by the Design Review Committee, the Planning Commission, and the City Council. To date, no housing projects have been built that utilize the HIP universal design guidelines. However, a 30-unit affordable housing complex was built that incorporated visitability, although it was not required by the city.

*Persuasion*

Bolingbrook, Illinois attempted to pass a visitability ordinance in 1999, however, due to the large amount of voluntary compliance by builders, it is believed the ordinance is not needed. Persuading builders to construct visitable homes appears to be accomplished through a "jawboning" process involving the Mayor, the Village Attorney, and the Director of Community Development.

When developers purchase land for a subdivision, they must meet with these three key players prior to their building plans being approved. During that meeting the developers are encouraged to incorporate visitability features into their properties. The Mayor plays a major role by showing that inclusion of these features is not only a good idea, but is fairly easy to do. When the builders agree, they meet with the building commissioner who explains how other builders in the area have incorporated visitability features into the construction of homes. The Bolingbrook Building Department then inspects the homes to be sure the features have been included, as per the developers' agreement. Approximately 460 visitable homes, with most or all of the suggested visitable features, had been built as of January, 2003.

#### **Number of Visitable Homes Built**

Between 1992 and 2003, there have been over 1573 visitable housing projects completed as a result of builder mandates tied to public funds. There are also 15 housing projects under construction that will fall under this category when completed. In addition, 1510 homes are either under construction or already have permits issued in the two areas where visitability legislation is applicable to all single-family homes. Ninety-seven homes also have been completed under incentive-based programs within this time span, and 336 are known to be under construction. Lastly, voluntary efforts have led to the building of 785 visitable housing projects, with 3 in the construction process. In sum, a total of 2455 visitable homes have been built.

#### **Conclusions/Recommendations**

Our research shows that the majority of visitable housing has been built under mandates tied to financial assistance from one or more levels of government. Housing

built under these laws only affects a limited population, most new housing does not receive public subsidies. By contrast, Naperville, Illinois and Pima County, Arizona demonstrate that nearly the same number of visitable single-family homes can be built by requiring visitability to be incorporated into all new single-family homes. These two programs can set the standard for other areas that decide to require visitability in single-family housing built without any public funding.

While not as successful as mandates, voluntary efforts have produced effective results. Dissemination of information about visitability focusing on raising consumer awareness and the increased marketability of single-family homes have yielded a large number of visitable homes. Persuasion has also been an effective course of action. One advantage of voluntary programs is that they create less resistance in the community among builders and consumers. This encouragement of visitability may be slower paced than mandates, but also may provide a more positive way to advance the issue. On the other hand, builder- and consumer-based incentives have been less effective than the other methods, even though they have led to the construction of a number of visitable homes.

### **Lack of Uniform Approaches**

One obstacle to visitability legislation is the absence of a uniform approach to promote the construction of visitable homes nationwide. Between mandated, incentive, and voluntary efforts, localities greatly differ in how they require or encourage visitability. Without a consistent approach to enacting and enforcing visitability legislation, it is difficult for other locations wishing to enact similar ordinances to know

which mechanisms work best. In addition, the variability of required features creates a challenge for those states and localities that wish to join the visitability movement.

To overcome these disparities, *The Inclusive Home Design Act* was introduced in Congress in the fall of 2002, requiring single-family homes built with federal assistance to include three accessibility criteria. They included 1) a zero-step or other accessible entrance, 2) 32-inch doorways on the first floor, and 3) an accessible bathroom. The bill was not passed, however, it will be proposed again in 2003.

In California, AB 2787 was passed in 2002 requiring the Department of Housing and Community Development to design a model ordinance for adoption by localities wishing to enact universal design features that include visitability elements. The development of voluntary model ordinances may promote visitability more rapidly by providing a template for local governments to follow.

#### **The Value of Non-Mandated Approaches**

Voluntary programs, such as those in Georgia and Visalia, California, have established a process that provides a replicable method for expanding the numbers of visitable homes. These programs have instituted a feasible process for builders and consumers, laying out straightforward terms for having homes certified as visitable. Each locality with a voluntary program demonstrates concerted advocacy of many organizations and public entrepreneurs, such as the Coalition of Citizens with Disabilities in Bolingbrook, IL, the Commission on Disabilities in San Mateo County, CA, and the Development Services Manager in Visalia, CA. These several advocates demonstrate “job-owning”, a devotion to, and an effective way of making sure things happen. Voluntary efforts take more time, energy, and work on the part of dedicated individuals,

to ensure that the anticipated outcome does in fact, occur. This “job-owning” process can establish a more effective method of promoting and tracking the construction of visitable homes than do mandates.

Incentive-based approaches have also established themselves as an important approach to increasing construction of visitable housing. Various techniques have been used, such as builder and consumer tax incentives and the waiving of building fees. In particular, the Accessible Housing Demonstration Grant Program in Illinois has been very successful in recruiting homebuilders to construct homes with visitability features. The Illinois Housing Development Authority has laid out an entire application and oversight process in order to remain actively involved with the builders and continue to promote construction. Other states might consider creating a similar demonstration program.

Virginia has also set an example by encouraging consumer participation via the tax laws. Other states might also consider using income tax incentives, paralleling incentives for other housing issues such as solar power.

### **Advocacy**

Disability advocates have been very successful in getting legislation passed, especially in Naperville, Illinois and Pima County, Arizona, where both laws apply to all single-family homes. The Commission on Persons with Disabilities in Naperville, and the Tucson Commission on Disability Issues in Pima County played crucial advocacy roles. Disability groups have also played a large role in the promotion and monitoring of visitable housing legislation in many other areas, including the states of Vermont, Georgia and Kansas, and Bolingbrook, Illinois and San Mateo County, California. They

---

often were our best sources of information on the statutes and outcomes of legislation. In addition, they “carry” the issue of visitable housing, rather than other players such as government officials. Advocates for the elderly would be well advised to join with the disability groups to help increase the spread of visitability legislation nationwide.

### **Overcoming Builder Resistance**

Overall awareness of visitability is rising, and advocates and opponents have begun speaking out. Generally, builders make up a large majority of the opponents. The National Association of Home Builders has taken the stance that visitability should be encouraged and monitored under voluntary programs, rather than through mandates. Members of the organization do not want to be told how to build dwellings, or experience decreased marketability of their homes, due to increased costs. Again, voluntary and incentive programs can play a key role by successfully managing and promoting participation among builders, as demonstrated in Illinois and Georgia, as well as Visalia, Livermore, and San Mateo County in California and Bolingbrook, Illinois. The technical assistance provided to builders in Bolingbrook provides an excellent example of how city officials can work with and convince builders to produce a significant number of visitable homes.

### **The Future of Visitability**

While the debate over how to best promote visitability continues, a question arises whether visitability, as a policy issue, is likely to command center stage in the future. Universal design and home modifications are two alternate methods of creating accessible housing that have gained in popularity. Many of the voluntary programs discussed earlier have universal design components, for example the cities of Visalia,

Livermore, and Irvine in California. Furthermore, California's AB 2787 also emphasizes universal design principles which go far beyond visitability. Indeed, many advocates believe that settling for visitability is not an option. Rather, universal design is seen as the ultimate solution to ensuring safe, easy access into all housing for all persons, regardless of age or levels of impairment. It may well be that the "half a loaf" approach of visitability for new homes will be eclipsed by the principles of universal design in the coming decades. Similarly, modifications to existing homes that make it safer and easier to carry out activities by both residents and visitors may prove beneficial for greater numbers of Americans for all ages, now and in the future.



## References

Kochera, A (2002) Accessibility and Visitability Features in Single Family Homes A Review of State and Local Regulations Washington, D C AARP Public Policy Institute #2002-03

Lehman, D (2003) Chief Building Official, Visalia CA Private Communication

Nishita, C , Perelman, E , Liebig, P S , and Pynoos, J (2001) “The Rise of Visitability Legislation Among Cities and States. A Diffusion of Innovation” Presentation to the Gerontological Society of America. Chicago, IL