

ORDINANCE NO. ____

AN ORDINANCE AMENDING [CITY/COUNTY CODE CHAPTER XXX] RELATED TO
UNIVERSAL RESIDENTIAL DESIGN

WHEREAS, the [CITY/COUNTY] desires to promote and preserve the public health, safety and general welfare of [CITY/COUNTY] citizens and visitors by ensuring equal access to housing for all populations, regardless of age, physical ability or stature without impacting housing costs and affordability; and

WHEREAS, the [CITY/COUNTY] desires that any person can visit the homes of their friends and families safely; and

WHEREAS, the [CITY/COUNTY] desires to enhance the full use of housing, regardless of age, physical ability or stature, in order to accommodate a wide range of individuals in all new residential development within the [CITY/COUNTY]; and

WHEREAS, the [CITY/COUNTY] desires that residential development within the [CITY/COUNTY] incorporates design features that enhance residents' ability to remain in their homes throughout the myriad of contexts in which people function throughout their life cycles, and in a manner that produces homes that are typical in appearance and appealing to a wide audience..

NOW, THEREFORE, BE IT ORDAINED BY THE [GOVERNING BODY] OF THE [CITY/COUNTY] AS FOLLOWS:

SECTION 1. That the [GOVERNING BODY] hereby approves and adopts the amendments to Section XXX of the [CITY/COUNTY CODE] as set forth in the document

attached hereto and incorporated herein by reference as "Exhibit A," with deletions shown in strikethrough and new language shown as underlined text.

SECTION 2. That this ordinance shall be effective upon its approval.

EXHIBIT A

SECTION XXX. Universal Residential Design

SECTION XXX.010 Purpose. The purpose of this Chapter is to:

1. Promote and preserve the public health, safety, and general welfare of the people of [CITY/COUNTY] regardless of age, physical ability or stature by ensuring equal access to housing for all people without significantly impacting housing costs and affordability.
2. Ensure that all people can visit the homes of their friends and family members safely.
3. Enhance the full use of housing, without regard to the age, physical abilities or stature of a home's occupants or guests, in order to accommodate a wide range of individual preferences and abilities, in new and renovated residential development within [CITY/COUNTY].
4. Incorporate design features into residential dwelling units that enhance residents' ability to remain in their homes during all stages of life.
5. Promote homes acceptable to a wide audience, therefore encouraging their proliferation.

SECTION XXX.020 Definitions. For the purpose of this Chapter, the following terms shall have the following definitions:

1. *A 117.1* means the most recently available ICC Standard for Accessible and Usable Buildings and Facilities published by the International Code Council, Inc.
2. *Accessible* means standards for features, fixtures, designs, or other improvements which create greater usability by people with physical disabilities that are equal to or exceed the minimum requirements for projects under the jurisdiction of [applicable state or local building code].
3. *Building official* means the individual responsible for the enforcement of the [applicable municipality's building codes], or their representative. Terms such as building manager, building and safety manager, and building director shall be synonymous with that of building official.
4. *Constructing or construction* means all new residential construction or substantial rehabilitation of existing owner-occupied one-, two-, or three-family residential buildings for which a building permit is required per local ordinance. For the purposes of this section, rehabilitation includes the total rehabilitation of a kitchen, bathroom, entry, or other interior element that adds substantial accessible or universal features. [reference guidance document]
5. *Duplex* means a detached residential structure containing two (2) attached dwelling units.
6. *Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

7. *Equivalent facilitation* means the use of designs, products, or technologies as alternatives to those prescribed in this ordinance, resulting in substantially equivalent or greater accessibility and usability.
8. *Public financial assistance* shall include one or more of the following local, state or federal subsidies used in connection with the design, development, financing, or construction of a covered dwelling unit:
 - a. a building contract or similar contractual agreement with any local or state agency;
 - b. any real estate received by the owner or developer through a donation by any local or state agency;
 - c. any state tax credits or tax abatement;
 - d. a grant, loan, loan guarantee, or other assistance provided by the [state] Department of Housing or other local or state agency;
 - e. a loan, loan guarantee, rental subsidy, or other assistance provided by the [state] Housing Finance Agency or other local or state agency;
 - f. a grant, loan, rental subsidy, or other assistance provided by the [state] Housing Trust Fund or other local or state entity; or
 - g. any federal funds administered by the municipality, state, or any local or state agency or department in connection with:
 - i. the federal low-income Housing Tax Credit Program (26 U.S.C. 42(a));
 - ii. the HOME Investments Partnership Act (42 U.S.C. 12721 et seq.);
 - iii. the National Housing Trust Fund (12 U.S.C. 4568); or

- iv. Self-Help Homeownership Opportunity Program (SHOP) (42 U.S.C. 12805);
 - v. USDA Rural Development Section 502 Direct Loan Program (7 CFR, Part 3550);
 - vi. USDA Rural Development Section 502 Guaranteed Loan Program (7 CFR, Part 3555); or
 - vii. the Affordable Housing Program through the Federal Home Loan Bank System of FHFA.
9. *Residential dwelling unit* means a dwelling unit for one (1) household in a single-family dwelling, a duplex, or a triplex, without regard to type of ownership or use. Townhome-style designs are excluded from this definition.
10. *Responsible party* means the designer, developer, builder, or owner of a property designated as a universal design home.
11. *Single-family housing* means a structure designed for and/or occupied exclusively by one (1) family.
12. *Triplex* means a building or portion thereof used for occupancy by three (3) households living independently of each other and containing three (3) dwelling units.
13. *Universal design* means the intentional design of built space and the surrounding environment as accessible and usable by the greatest number of people with a wide range of abilities or disabilities, to the greatest extent possible, without the need for concurrent modification and, in housing, incorporating the use of building products or features that have been placed differently, selected carefully, or omitted to

accomplish these ends. Further, universal design is always rendered in a manner that is broadly useful and appealing.

14. *Universal design feature* means the design of any feature, fixture, design, or other improvement to be accessible and usable by all people, to the greatest extent possible, without the need for a specialized design.

Universal features will increase the utility of a residential dwelling or any portion thereof for any person, but especially those with a temporary or permanent disability or any condition commonly occurring as a result of aging related to mobility impairments, sight impairments, hearing impairments, height impairments, cognitive impairments, or environmental sensitivities or any other potential or actual impairment.

15. *Universal design home* shall refer to a residential dwelling that is designed and constructed in compliance with the requirements of this ordinance to incorporate design features that provide safe and convenient use to the greatest extent feasible, regardless of age or physical ability.

SECTION XXX.030 Scope, Application, and Intent.

1. This Chapter may apply to any new design that includes one or more new residential dwelling unit(s) and/or renovation(s) complying with [REFERENCE DOCUMENTS] and submitted to the [PLANNING/RELEVANT DEPARTMENT] after the effective date of the ordinance from which this section is derived. All such entitlements shall contain conditions sufficient to ensure compliance with the provisions herein.
2. All plans submitted for a building permit for a residential development subject to this section shall include construction details and plans showing conformance with the applicable Sections of this Section.

3. The provisions of this Section may apply to:
 - a. Rehabilitation or expansion of an existing residential unit;
 - b. Reconstruction of an existing residential unit destroyed due to fire or natural disaster;
 - c. Accessory dwelling units;
 - d. New single-family dwelling units, and
 - e. New multi-family dwelling units.
4. For purposes of this ordinance, only the first-floor dwelling unit of a multi-story building that qualifies as a covered dwelling unit shall be required to comply with the dwelling unit design provisions standard in [SECTION].
5. Any determinations regarding the application of these provisions by the Building Official may be appealed to the [PLANNING COMMISSION OR RELEVANT DEPARTMENT/AUTHORITY].

SECTION XXX.040 Construction Requirements and AOR Certification.

INCENTIVE LANGUAGE

1. The [City/County] encourages all providers and builders of housing in the [City/County], through appropriate means, to design and construct housing and communities that enable the residents to safely and easily visit neighbors and to “age in place.” (via universal design).
2. In order to receive the incentive, all applications for the development and redevelopment of single-family, duplex, triplex, and for the new development of multi-family residences shall incorporate the following universal or accessible design features into construction:

- a. Universal Design for small dwellings (single, duplex, triplex) (Reference to Guidance Document)
 - b. Accessible design for small dwellings (single, duplex, triplex) (Reference to Guidance Document)
 - c. UD for Multi-family (Reference to Guidance Document)
3. The applicability of these standards to projects that already have accessibility provisions (e.g., multi-family Type A and B units, as defined by A 117.1, or affordable projects with funding requirements) is intended to increase the availability of universal units that are easily customizable.

MANDATE LANGUAGE

1. 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 a building permit application is submitted regarding new construction or substantial rehabilitation is submitted to the [building department or division of City/County] thirty (30) or more days after the effective date of this [ordinance/chapter] shall be Universal Design Homes. All designated senior housing residential projects 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] shall be Universal Design Homes.

[NOTE: If less than 100% of residential dwelling units that are not designated as senior housing 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.]

2. Unit Types: New construction of the following types of residential dwellings shall be subject to this [ordinance/chapter] unless exempted below: [The City/County must choose one of the below options or an option which is substantially the same.]

- a. Option B.1. All single-family, duplex, triplex, and multifamily residential dwellings.
- b. Option B.2. All single-family, duplex, and triplex residential dwellings in any development within which at least five single-family, duplex, or triplex residential dwellings, or any combination thereof, are being constructed within a one-year period.
- c. Option B.3 All new construction multi-family housing units.
- d. Option B.4 All single-family, duplex, and triplex residential dwellings and/or new construction multi-family units financed in whole or in part using public financial assistance.

[NOTE: Choosing B.1 requires all single-family new construction, including a single home being built by/for the owner of a lot not in a subdivision, to comply with universal design standards. Choosing B.2 shifts the burden to builders of 5+ homes annually but may create a loophole of a builder constructing four or fewer homes to avoid the universal design requirements. Option B.4 may be applied to single-family, multi-family, or both, but limits the application of universal design standards to those units constructed through the use of public financial assistance.]

3. All applications for the development of single-family, duplex, triplex, and multi-family residences shall incorporate the following universal or accessible design features into the construction:
 - a. Universal Design for small dwellings (single, duplex, triplex)
 - b. Accessible design for small dwellings (single, duplex, triplex)
 - c. UD for Multi-family (Reference to Doc)
4. The applicability of these standards to projects that already have accessibility requirements (e.g., multi-family Type A and B units, as defined in A 117.1, and affordable projects that may have requirements from funders or others) is intended to add more universal units (which are easily customizable) that would not be present otherwise.
5. Architect of Record Certification. A residential dwelling unit being constructed or renovated under these regulations shall obtain a certification of compliant construction showing conformance with the guidance document from the Architect of Record. This certification is required as a condition of issuance for any subsequently issued Certificate of Occupancy or final inspection.

SECTION XXX.050 Incentive.

1. [The City/County] shall provide incentives designed to encourage the inclusion of universal and accessible design in local housing projects, which may include, but are not limited, to the following options:
 - a. regulatory incentives such as (a) density bonuses; (b) public infrastructure upgrades; (c) fast-track permitting, including streamlined development approval and environmental review processes, as well as pre-approvals; and (c) reduced parking requirements.

- b. financial incentives such as (a) reduced or refunded development fees, including site plan review fees, building permit or inspection fees, required landscaping bonds, water/sewer connection fees, special meeting or public hearing fees, and/or other local fees; and (b) tax abatements or exemptions that lower tax liability for a specified period of time, including Payment in Lieu of Taxes (PILOT).

SECTION XXX.060 Exceptions and Limitations. **IF USING Mandate MODEL**

1. Applications subject to this [ordinance/chapter] may adhere to the universal design requirements described herein via equivalent facilitation, which is intended to accommodate good faith innovations and technological advances not anticipated by this [ordinance/chapter]. Equivalent facilitation is not to be used to resolve defects in design or construction. The responsibility for demonstrating equivalent facilitation rests with the designer, builder, developer, and any other responsible parties.
2. Any responsible party seeking an exception to the universal design standards must demonstrate due diligence in researching and/or attempting compliance or equivalent facilitation and show that compliance would result in an undue hardship and equivalent facilitation is not attainable. A hardship must be due to conditions that are unique to the property, such as size, location, or topography.
3. 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 attainable, an exception to that portion of the regulation shall be granted.

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

SECTION XXX.070 Implementation **INCLUDE IF USING MANDATE MODEL**

1. It is unlawful for any person or entity to fail to comply with the requirements of this [ordinance/chapter].
2. [Local option] The [City/County] Violators of this [ordinance/chapter] may be subject to administrative, civil, or criminal penalties or consequences, or any combination thereof, for violations of this [ordinance/chapter] so long as such penalties or consequences are not inconsistent with penalties or consequences associated with violation of comparable municipal provisions. These may include, but are not limited to, enforcement provisions of the [applicable state/local law]; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.
3. 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.
4. [Local Option] Whenever the Building Official or designee reinspects or otherwise takes any enforcement action against a residential dwelling unit 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.

5. [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 and, if applicable, the tenant.

SECTION XXX.080 Severability

1. It is hereby declared to be the intention of the [City/County] that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional, illegal, or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.