

**CITY OF BALTIMORE  
COUNCIL BILL 06-0415  
(First Reader)**

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Introduced by: Councilmembers Curran, Kraft, Young, Holton, Rawlings Blake, Conaway,  
D'Adamo, Spector, Reisinger, Harris, Mitchell, Clarke, Welch

Introduced and read first time: April 24, 2006

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Fire Department, Department of Transportation, Baltimore Development Corporation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Building Code – Visitability Requirements for**  
3 **Publicly Assisted Dwellings**

4 FOR the purpose of requiring certain visitability features for dwellings newly constructed with  
5 public assistance; setting certain standards for accessible entries and interior features;  
6 authorizing waivers under certain circumstances; defining certain terms; providing for a  
7 special effective date; and generally relating to visitability requirements for publicly assisted  
8 dwellings.

9 BY repealing and reordaining, without amendment

10 Article - Zoning  
11 Section(s) 1-136(c)  
12 Baltimore City Revised Code  
13 (Edition 2000)

14 BY repealing and reordaining, without amendment

15 Article - Building, Fire, and Related Codes  
16 Section(s) 2-103 (IBC § 202.2.16.4 and .5)  
17 Baltimore City Revised Code  
18 (Edition 2000)

19 BY adding

20 Article - Building, Fire, and Related Codes  
21 Section(s) 2-103 (IBC Chapter 34A)  
22 Baltimore City Revised Code  
23 (Edition 2000)

24 **Recitals**

25 No local laws currently require that new single-family dwellings be constructed to be  
26 visitable by persons with disabilities.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1 Persons with disabilities and their families are often isolated in their own homes because  
2 their homes and the homes of others contain insurmountable barriers. Making houses  
3 visitable would make it easier for families with disabilities to visit, rent, or buy a home.

4 Certain features in construction make new houses visitable and, in many cases, livable for  
5 persons with disabilities.

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
7 Laws of Baltimore City read as follows:

8 **Baltimore City Revised Code**

9 **Article – Zoning**

10 **§ 1-136. Dwelling.**

11 (c) *Types of dwellings.*

12 The following are the types of dwellings:

13 (1) *Attached dwelling:* a dwelling that is joined to another dwelling at 1 or more sides  
14 by an approved party wall or walls.

15 (2) *Detached dwelling:* a dwelling that is surrounded on all sides by yards on the  
16 same lot.

17 (3) *Multiple-family dwelling:* a dwelling that contains 2 or more dwelling units.

18 (4) *Semi-detached dwelling:* a dwelling that is:

19 (i) joined to another dwelling at only 1 side by an approved party wall; and

20 (ii) otherwise surrounded by yards on the same lot.

21 (5) *Single-family dwelling:* a dwelling that contains only 1 dwelling unit.

22 **Article – Building, Fire, and Related Codes**

23 **Part II. International Building Code**

24 **§ 2-103. City modifications.**

25 The additions, deletions, amendments, and other modifications adopted by the City are as  
26 follows:

27 **Chapter 2**  
28 **Definitions**

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**Section 202 Definitions**

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Building Code, the following terms have the meanings given in this § 202.2.

**202.2.16 Dwelling.** “Dwelling” includes, but is not limited to, any one or more of the following:

**202.2.16.4 1-family dwelling; single-family dwelling unit.** “1-family dwelling” or “single-family dwelling unit” means a building that contains only 1 dwelling unit and is used only for that purpose.

**202.2.16.5 2-family dwelling.** “2-family dwelling” means a building that contains 2 dwelling units and is used only for that purpose.

**CHAPTER 34A  
VISITABILITY REQUIREMENTS FOR PUBLICLY ASSISTED DWELLINGS**

**SECTION 34A01 SCOPE**

**34A01.1 GENERAL.** THIS CHAPTER APPLIES TO EVERY DWELLING, WHETHER DETACHED, SEMI-DETACHED, OR ATTACHED (AS THOSE TERMS ARE DEFINED IN CITY ZONING CODE § 1-136(C)), THAT:

- A. IS NEWLY CONSTRUCTED ON A VACANT LOT, AND
- B. RECEIVES FUNDING OR OTHER ASSISTANCE FROM THE CITY OR ANY CITY AGENCY (INCLUDING THE HOUSING AUTHORITY OF BALTIMORE CITY) BY ANY ONE OF THE FOLLOWING METHODS:
  - 1. A BUILDING CONTRACT OR SIMILAR AGREEMENT THAT INVOLVES ANY FEDERAL, STATE, OR CITY FUNDS,
  - 2. ACQUISITION, BY GIFT, PURCHASE, LEASE, OR OTHERWISE, OF ANY REAL PROPERTY FOR LESS THAN ITS APPRAISED VALUE, AS DETERMINED BY A CERTIFIED APPRAISER,
  - 3. PREFERENTIAL TAX TREATMENT, SUCH AS PAYMENTS IN LIEU OF TAXES, TAX INCREMENT FINANCING, OR SIMILAR BENEFIT,
  - 4. BOND PROCEEDS OR ISSUANCE ASSISTANCE, A LOAN, OR SIMILAR FINANCIAL BENEFIT,
  - 5. RECEIPT UNDER CITY AUTHORITY OF FEDERAL OR STATE CONSTRUCTION FUNDS, INCLUDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, AND
  - 6. EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, RECEIPT OF ANY OTHER FORM OF FUNDING OR FINANCIAL BENEFIT FROM THE CITY OR A CITY AGENCY.

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**34A01.2 EXCLUSIONS.** THIS CHAPTER DOES NOT APPLY TO:

- A. ADDITIONS TO OR REMODELINGS OF EXISTING BUILDINGS, OR
- B. NEW CONSTRUCTION FOR WHICH CITY FUNDING OR ASSISTANCE IS LIMITED TO EITHER OR BOTH:
  - 1. A PROPERTY TAX CREDIT UNDER CITY CODE ARTICLE 28, § 10-5 {"NEWLY CONSTRUCTED BUILDINGS"}, AND
  - 2. WAIVER OF A CITY LIEN ON PROPERTY WHERE THE LIEN EXCEEDS THE VALUE OF THE PROPERTY.

**SECTION 34A02 ACCESSIBLE ENTRY**

**34A02.1 REQUIREMENTS.** EVERY DWELLING THAT IS SUBJECT TO THIS CHAPTER MUST PROVIDE AT LEAST 1 ENTRANCE THAT:

- A. IS ACCESSIBLE TO, AND USABLE BY, A PERSON WITH A MOBILITY DISABILITY,
- B. DOES NOT INCLUDE STEPS,
- C. HAS A LEVEL CHANGE (INCLUDING ANY LEVEL CHANGE AT THRESHOLD) THAT DOES NOT EXCEED 1/2 INCH AND, IF THE LEVEL CHANGE EXCEEDS 1/4 INCH, IS BEVELED, AND
- D. IS LOCATED ON A CONTINUOUS UNOBSTRUCTED PATH THAT, THROUGH THE USE AS NECESSARY OR APPROPRIATE OF CURB RAMPS, PARKING ACCESS AISLES, WALKS, RAMPS, ELEVATORS, LIFTS, AND THE LIKE:
  - 1. CONNECTS THE LOT ENTRANCE TO THE DWELLING ENTRANCE, AND
  - 2. CAN BE NEGOTIATED BY A PERSON WITH A DISABILITY WHO USES A WHEELCHAIR, BY A PERSON WITH A DISABILITY WHO DOES NOT REQUIRE USE OF A WHEELCHAIR, AND BY A PERSON WITHOUT A DISABILITY.

**SECTION 34A03 ACCESSIBLE INTERIOR**

**34A03.1 "ENTRY LEVEL" DEFINED.** IN THIS § 34A03, "ENTRY LEVEL" MEANS EVERY LEVEL AT WHICH AN ACCESSIBLE ENTRANCE IS PROVIDED UNDER § 34A02.1.

**34A03.2 INTERIOR DOORS.** ON EVERY ENTRY LEVEL OF THE DWELLING, EACH DOOR DESIGNED TO ALLOW PASSAGE MUST HAVE AN UNOBSTRUCTED OPENING OF AT LEAST 32 INCHES WHEN THE DOOR IS OPEN AT A 90-DEGREE ANGLE.

**34A03.3 ENVIRONMENTAL CONTROLS.**

**34A03.3.1 "ENVIRONMENTAL CONTROL" DEFINED.** IN THIS § 34A03.3, "ENVIRONMENTAL CONTROL" MEANS ANY SWITCH OR DEVICE THAT CONTROLS OR REGULATES LIGHTS, TEMPERATURE, FUSES, FANS, DOORS, SECURITY SYSTEMS, OR SIMILAR FEATURE FEATURES INCLUDED IN THE CONSTRUCTION OF THE DWELLING UNIT.

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1           **34A03.3.2 REQUIREMENTS.** ON EVERY ENTRY LEVEL OF THE DWELLING, EACH  
2 ENVIRONMENTAL CONTROL MUST BE LOCATED:

- 3           A. NO HIGHER THAN 48 INCHES ABOVE THE FLOOR AND NO LOWER THAN 15 INCHES  
4           ABOVE THE FLOOR, AND
- 5           B. IF AN ENVIRONMENTAL CONTROL IS LOCATED DIRECTLY ABOVE A COUNTER, SINK,  
6           OR APPLIANCE, NO HIGHER THAN 3 INCHES ABOVE THE COUNTER, SINK, OR  
7           APPLIANCE.

8           **34A03.4 HABITABLE SPACE.** EVERY ENTRY LEVEL OF THE DWELLING MUST CONTAIN AT  
9 LEAST 1 INTERIOR ROOM THAT:

- 10          A. HAS AN AREA OF NOT LESS THAT 70 SQ. FT., AND
- 11          B. CONTAINS NO SIDE OR DIMENSION NARROWER THAN 7 FEET.

12          **34A03.5 BATHROOM.** EVERY ENTRY LEVEL OF THE DWELLING MUST CONTAIN AT LEAST 1  
13 BATHROOM THAT CONTAINS:

- 14          A. A TOILET,
- 15          B. A SINK,
- 16          C. REINFORCED WALLS AT THE TOILET, TO ALLOW FOR FUTURE INSTALLATION OF GRAB  
17          BARS, AND
- 18          D. AT LEAST 30-BY-48 INCHES OF CLEAR FLOOR SPACE UNOBSTRUCTED BY THE DOOR  
19          SWING, SO THAT A PERSON IN A WHEELCHAIR CAN ENTER THE ROOM, CLOSE THE DOOR,  
20          USE THE FIXTURES, AND EXIT.

21           **SECTION 34A04 WAIVERS**

22           **34A04.1 GENERAL.** THE BUILDING OFFICIAL MAY GRANT A WAIVER FROM ONE OR MORE OF  
23 THE REQUIREMENTS OF THIS CHAPTER IF:

- 24          A. THE COST OF GRADING THE TERRAIN TO MEET THE REQUIREMENT IS  
25          DISPROPORTIONATELY EXPENSIVE IN RELATION TO THE VALUE OF THE DWELLING,
- 26          B. THE WIDTH OF THE LOT IS LESS THAN 16 FEET, OR
- 27          C. COMPLIANCE WITH THE REQUIREMENT IS PRECLUDED OR LIMITED BECAUSE OF THE  
28          LOT'S LOCATION IN A FEDERAL, STATE, OR CITY HISTORIC DISTRICT.

29           **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
30 are not law and may not be considered to have been enacted as a part of this or any prior  
31 Ordinance.

32           **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance does not apply to any  
33 dwelling for which an Occupancy Permit is issued within 1 year after the enactment of this  
34 Ordinance.

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1       **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it  
2       is enacted.