

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 06-0415

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

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: December 7, 2006

AN ORDINANCE CONCERNING

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

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

~~By repealing and reordaining, without amendment~~

~~Article - Zoning~~

~~Section(s) 1-136(c)~~

~~Baltimore City Revised Code
(Edition 2000)~~

By repealing and reordaining, without amendment

Article - Building, Fire, and Related Codes

Section(s) 2-103 (IBC § ~~202.2.16.4~~ and ~~.5~~ § 202.2.16.3 - .5)

Baltimore City Revised Code
(Edition 2000)

By adding

Article - Building, Fire, and Related Codes

Section(s) 2-103 (IBC Chapter 34A)

Baltimore City Revised Code
(Edition 2000)

Recitals

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

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 06-0415

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 ~~(e) 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**

29 **Section 202 Definitions**

Council Bill 06-0415

1 **202.2 Supplemental definitions.** Notwithstanding any different definition in the
2 International Building Code, the following terms have the meanings given in this § 202.2.

3 **202.2.16 Dwelling.** “Dwelling” includes, but is not limited to, any one or more of the
4 following:

5 **202.2.16.3 Multiple-family dwelling.** “Multiple-family dwelling” means a building
6 or part of a building that contains more than 2 dwelling units.

7 **202.2.16.4 1-family dwelling; single-family dwelling unit.** “1-family dwelling” or
8 “single-family dwelling unit” means a building that contains only 1 dwelling unit and
9 is used only for that purpose.

10 **202.2.16.5 2-family dwelling.** “2-family dwelling” means a building that contains 2
11 dwelling units and is used only for that purpose.

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

14 **SECTION 34A01 SCOPE**

15 **34A01.1 GENERAL.** THIS CHAPTER APPLIES TO EVERY SINGLE-FAMILY DWELLING, WHETHER
16 DETACHED, SEMI-DETACHED, OR ATTACHED, AND TO ALL GROUND-FLOOR DWELLING UNITS OF
17 ANY 2-FAMILY DWELLING OR OF ANY MULTIPLE-FAMILY DWELLING THAT CONTAINS 4 OR
18 FEWER DWELLING UNITS ~~(AS THOSE TERMS ARE DEFINED IN CITY ZONING CODE § 1-136(c)),~~
19 THAT:

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

Council Bill 06-0415

1 6. EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, RECEIPT OF ANY OTHER
2 FORM OF FUNDING OR FINANCIAL BENEFIT FROM THE CITY OR A CITY AGENCY.

3 **34A01.2 EXCLUSIONS.** THIS CHAPTER DOES NOT APPLY TO:

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

11 **SECTION 34A02 ACCESSIBLE ENTRY**

12 **34A02.1 REQUIREMENTS.** EVERY DWELLING THAT IS SUBJECT TO THIS CHAPTER MUST
13 PROVIDE AT LEAST 1 ENTRANCE THAT:

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

25 **SECTION 34A03 ACCESSIBLE INTERIOR**

26 **34A03.1 "ENTRY LEVEL" DEFINED.** IN THIS § 34A03, "ENTRY LEVEL" MEANS ~~EVERY~~ THE
27 LEVEL AT WHICH AN ACCESSIBLE ENTRANCE IS PROVIDED UNDER § 34A02.1.

28 **34A03.2 INTERIOR DOORS.** ON ~~EVERY~~ THE ENTRY LEVEL OF THE DWELLING, EACH DOOR
29 DESIGNED TO ALLOW PASSAGE MUST HAVE AN UNOBSTRUCTED OPENING OF AT LEAST 32
30 INCHES WHEN THE DOOR IS OPEN AT A 90-DEGREE ANGLE.

Council Bill 06-0415

1 **34A03.3 ENVIRONMENTAL CONTROLS.**

2 **34A03.3.1 "ENVIRONMENTAL CONTROL" DEFINED.** IN THIS § 34A03.3,
3 "ENVIRONMENTAL CONTROL" MEANS ANY SWITCH OR DEVICE THAT CONTROLS OR
4 REGULATES LIGHTS, TEMPERATURE, FUSES, FANS, DOORS, SECURITY SYSTEMS, OR SIMILAR
5 ~~FEATURE~~ FEATURES INCLUDED IN THE CONSTRUCTION OF THE DWELLING UNIT.

6 **34A03.3.2 REQUIREMENTS.** ON ~~EVERY~~ THE ENTRY LEVEL OF THE DWELLING, EACH
7 ENVIRONMENTAL CONTROL MUST BE LOCATED:

- 8 A. NO HIGHER THAN 48 INCHES ABOVE THE FLOOR AND NO LOWER THAN 15 INCHES
9 ABOVE THE FLOOR, AND
- 10 B. IF AN ENVIRONMENTAL CONTROL IS LOCATED DIRECTLY ABOVE A COUNTER, SINK,
11 OR APPLIANCE, NO HIGHER THAN 3 INCHES ABOVE THE COUNTER, SINK, OR
12 APPLIANCE.

13 **34A03.4 HABITABLE SPACE.** ~~EVERY~~ THE ENTRY LEVEL OF THE DWELLING MUST CONTAIN AT
14 LEAST 1 INTERIOR ROOM THAT:

- 15 A. HAS AN AREA OF NOT LESS THAT ~~70~~ 108 SQ. FT., AND
- 16 B. CONTAINS NO SIDE OR DIMENSION NARROWER THAN ~~7~~ 9 FEET.

17 **34A03.5 BATHROOM.** ~~EVERY~~ THE ENTRY LEVEL OF THE DWELLING MUST CONTAIN AT LEAST
18 1 BATHROOM THAT CONTAINS:

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

26 D. THE FOLLOWING MINIMUM DIMENSIONS:

- 27 1. 30"-BY-48" OF CLEAR FLOOR SPACE OUTSIDE OF THE DOOR SWING,
- 28 2. 30"-BY-48" OF CLEAR FLOOR SPACE PARALLEL TO AND CENTERED ON THE
29 SINK, AND
- 30 3. 48"-BY-56" OF CLEAR FLOOR SPACE AT THE TOILET FOR A SIDE APPROACH.

Council Bill 06-0415

SECTION 34A04 WAIVERS

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

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

34A04.1.1 “DISPROPORTIONATELY EXPENSIVE” DEFINED. FOR PURPOSES OF THIS SECTION, “DISPROPORTIONATELY EXPENSIVE” MEANS THAT THE COST OF GRADING THE TERRAIN TO MEET THE REQUIREMENT EXCEEDS 5% OF THE FAIR MARKET VALUE OF THE UNIMPROVED PROPERTY.

SECTION 34A05 RELATIONSHIP TO OTHER LAWS.

34A05.1 FEDERAL AND STATE LAWS. FEDERAL AND STATE LAWS ALSO GOVERN MULTIPLE-FAMILY DWELLINGS AND PUBLIC ACCOMMODATIONS. NEWLY CONSTRUCTED MULTIPLE-FAMILY MAY ALSO BE SUBJECT TO THE FEDERAL AMERICANS WITH DISABILITIES ACT AND THE FEDERAL FAIR HOUSING ACT AND THEIR RESPECTIVE GUIDELINES.

34A05.2 CITY LAW. THIS CHAPTER APPLIES TO SOME DWELLINGS THAT ARE NOT COVERED BY FEDERAL OR STATE LAW, SUCH AS NEWLY-CONSTRUCTED SINGLE-FAMILY DWELLINGS.

34A05.3 MORE RESTRICTIVE LAW CONTROLS. TO THE EXTENT THAT THE PROVISIONS OF THIS CHAPTER ARE NOT IDENTICAL TO FEDERAL OR STATE LAWS, THE MORE RESTRICTIVE LAW CONTROLS.

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

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

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

Council Bill 06-0415

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City