



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 06-0415, **Version:** 0

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

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D R A F T INTRODUCTORY* D R A F T

CITY OF BALTIMORE COUNCIL BILL

Introduced by: Councilmember Curran

A BILL ENTITLED

AN ORDINANCE concerning

Building Code - Visitability Requirements for Publicly Assisted Dwellings

FOR the purpose of requiring certain visitability features for 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)

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.

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

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

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

Baltimore City Revised Code

Article - Zoning

§ 1-136. Dwelling.

(c) Types of dwellings.

The following are the types of dwellings:

- (1) Attached dwelling: a dwelling that is joined to another dwelling at 1 or more sides by an approved party wall or walls.
- (2) Detached dwelling: a dwelling that is surrounded on all sides by yards on the same lot.
- (3) Multiple-family dwelling: a dwelling that contains 2 or more dwelling units.
- (4) Semi-detached dwelling: a dwelling that is:
 - (i) joined to another dwelling at only 1 side by an approved party wall; and
 - (ii) otherwise surrounded by yards on the same lot.
- (5) Single-family dwelling: a dwelling that contains only 1 dwelling unit.

Article - Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City modifications.

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

Chapter 2
Definitions

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.

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.

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

A. NO HIGHER THAN 48 INCHES ABOVE THE FLOOR AND NO LOWER THAN 15 INCHES ABOVE THE FLOOR, AND

B. IF AN ENVIRONMENTAL CONTROL IS LOCATED DIRECTLY ABOVE A COUNTER, SINK, OR APPLIANCE, NO HIGHER THAN 3 INCHES ABOVE THE COUNTER, SINK, OR APPLIANCE.

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

A. HAS AN AREA OF NOT LESS THAN 70 SQ. FT., AND

B. CONTAINS NO SIDE OR DIMENSION NARROWER THAN 7 FEET.

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

A. A TOILET,

B. A SINK,

C. REINFORCED WALLS AT THE TOILET, TO ALLOW FOR FUTURE INSTALLATION OF GRAB BARS, AND

D. AT LEAST 30-BY-48 INCHES OF CLEAR FLOOR SPACE UNOBSTRUCTED BY THE DOOR SWING, SO THAT A PERSON IN A WHEELCHAIR CAN ENTER THE ROOM, CLOSE THE DOOR, USE THE FIXTURES, AND EXIT.

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.

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.

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