



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 040263

Introduced March 18, 2004

Councilmember Blackwell

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending The Philadelphia Code by enacting a new Chapter 17-1200 entitled "VisitAbility" by requiring newly constructed single and multi-family dwellings to be constructed according to established designed principles; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. A new Chapter 17-1200 of The Philadelphia Code entitled "VisitAbility" is hereby enacted, to read as follows:

CHAPTER 17-1200. VISITABILITY

§17-1201. Legislative Findings.

The City Council of the City of Philadelphia finds:

(1) VisitAbility is a design criterion that affords all persons basic access to residential buildings. The VisitAbility standard is lower than full accessibility. Therefore, VisitAbility is not the same as Americans with Disabilities Act (ADA) or the National Rehabilitation Act of 1973, Section 504 compliant accessibility. ADA compliant dwellings will automatically be VisitAble; however, VisitAble dwellings are not necessarily ADA compliant;

(2) Designing as many units as possible to be VisitAble allows people with disabilities the opportunity to visit as many neighbors as possible;

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(3) *Constructing units to be VisitAble includes the creation of a zero step entrance; wider doors and passageways within the dwelling and locating at least one bathroom or powder room on the visitable entry floor.*

§17-1202. *Definitions.*

“Financial assistance from the City” means:

a) *a building contract or similar contractual agreement involving a City-funded program or fund, including but not limited to the Redevelopment Authority of the City of Philadelphia, the Philadelphia Housing Development Corporation, the Philadelphia Housing Authority, or a similar program ,*

b) *a real estate purchase, lease, or donation by the City or its agents;*

c) *a preferential tax treatment, bond assistance, mortgage assistance, or similar financial advantages from the City or its agents;*

d) *disbursement of federal or state construction funds, including but not limited to, funds disbursed from the Pennsylvania Housing Finance Agency; the federal Community Development Block Grant program, Home Investment Partnership program, Housing Opportunities for Persons with AIDS program, Section 108 Loan Guarantee program, Supporting Housing program or Hope VI fund program; or*

e) *a City contract to provide funding or a financial benefit for housing.*

§17-1203. *Scope of Coverage.*

This Chapter applies to new construction of single-family or multi-family dwelling unit or units on or after the effective date of this Ordinance that is funded with financial assistance from the City.

§17-1204. *Waivers.*

(1) *The Redevelopment Authority (“RDA “), its designee or successor, may waive the requirements of §17-1205(1) (Zero Step Entrance) by issuing a visitability waiver if the applicant demonstrates that the topographical conditions of a site are unsuitable for construction. Likewise, if the applicant demonstrates that the interior floor plan is unsuitable for construction, the RDA, its designee or successor, may waive the requirements of §17-1205 (2) or (3).*

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(2) *A person requesting a waiver under this Section must file an application with the RDA, its designee or successor, attaching any documents necessary to demonstrate the applicant's eligibility for the waiver.*

(3) *When the RDA, its designee or successor, has received the application, the office shall post a notice at the property site stating that:*

(a) *the RDA has received the application;*

(b) *written comments may be filed with the RDA no later than the 10th day after the notice of the application was posted; and*

(c) *a decision on the application will be made and posted no later than the 15th day after the notice of application was posted.*

(4) *If the RDA determines that the waiver is appropriate, the office shall issue a waiver to the applicant, in writing no later than the 15th day after the notice of application is posted*

(5) *The RDA and the Office of Housing and Community Development (OHCD), its designees or successors, shall convene a committee comprised of representatives from the RDA, OHCD, the Mayor 's Office of People with Disabilities, the Philadelphia Association of Community Development Corporations (PA CDC), the Philadelphia Affordable Housing Coalition (PAHC), and the advocacy groups, Liberty Resources, Eastern Paralyzed Veterans Association, Disabled in Action and the Disabilities Law Project for the purpose of promulgating regulations to address issues relating to the waiver process and issues relating to enforcement of this design principle.*

§17-1205. *Design and Construction Requirements.*

(1) *Zero-Step Entrance.*

For a unit to be Visitable, it must provide at least one Zero-Step Entrance with a minimum 32" clear opening. A zero-step entrance is one with no step at the exterior door and with less than 1/2" difference between the inside and outside surfaces, or with a threshold with less than a 1/2" rise. When selecting sliding doors, choose those with the lowest bottom track and providing at least 34" clear opening.

The entrance door shall be located on the front, side or rear of the building as long as the path of travel to the entrance is accessible.

(2) *Doorways and Passage ways.*

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All doors within individual dwelling units intended for user passage on the visitable entry level floor, except those serving closets less than 15 feet square in area, must provide a minimum 32" clear opening. All passageways on the visitable entry-level floor of a unit must be 36" wide.

(3) *Powder Room.*

There must be at least one bathroom or powder room on the visitable entry level floor of the unit which complies with specification "B" set forth in the most current edition of the American National Standard for Buildings and Facilities-Providing Accessibility and Usability for Physically Handicapped People (ANSI A 117.1).

In addition, a wall hung lavatory shall be required and the entry door to the powder room/bathroom shall be hinged to swing outwards into the passageway rather than inwards into the powder room.

SECTION 2. This Ordinance shall supersede all statutes or parts of statutes, local, special or general, or regulations, including but not limited to the Pennsylvania Uniform Construction Code, codified at 35 P.S. §7210.301 and Title 4 of The Philadelphia Code entitled "The Philadelphia Building Construction And Occupancy Code," to the extent that they are inconsistent with or in conflict with this Ordinance.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. If any clause, sentence, paragraph or phrase of this Ordinance shall, for any reason, be adjudged by any court of competent jurisdiction, or administrative agency, to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or phrase thereof so found to be unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon final approval.

Explanation:

Italics indicate new matter added.