

ARIZONA CIVIL RIGHTS ADVISORY BOARD

Minutes of Public Meeting

December 12, 2014

Board Members Present

Jeff Lavender

Janet Bain

Daisy Flores

Howard Meyers

Board Members Absent

Robert Garcia

Juan Ciscomani

Beverly Dupree

Staff Members Present

Sandra Kane, Executive Director

Jennifer Larson, Legal Counsel

I. Call to Order

Board President Jeff Lavender called the meeting to order at 1:10 p.m., with the following additional Board Members present: Janet Bain, Daisy Flores and Howard Myers. The meeting took place at the Pima County Housing Center conference room at 801 W. Congress St., Tucson, AZ 85745.

II. Approval of Minutes of Meetings of September 12, 2014

Upon motion by Daisy Flores, which was seconded by Howard Meyers, the Board unanimously approved the meeting minutes for September 12, 2014.

III. Public Forum re: Pros and Cons of Inclusive Design Ordinance, and Possible Extension beyond Pima County.

(a) Call to Public for experiences and recommendations regarding inclusive design for single family homes.

Pima County Supervisor Richard Elias stated that he's been in office for twelve years and was in office when the ordinance in Pima County was finalized. This ordinance made a huge difference in peoples' lives. The builders opposed this ordinance at the time it was passed. They were told that people would not want to buy homes, and that the costs were going to be astronomical and impossible. They were told that the Ordinance would bankrupt the smaller builders. Advocates for inclusive home design were tenacious and hard-working and able to transcend the negativity and predetermined ideas about the disabled and mobility impaired. The political environment has changed since the Ordinance passed. When city of Tucson passed it, the same issues came up. It has been a healthy change for the county. There are no more derisive comments made about the ordinance. This ordinance taught the City of Tucson and Pima County a huge lesson about mobility.

Betty Villegas stated that she is the Housing Program Manager for Pima County, and she represented the private sector on the bond advisory committee in 1997. One of the committee members was in a wheelchair and was an advocate for inclusive design. The committee was developing an RFP for bond funds for housing. Ms. Villegas discussed her

personal experience with accessible housing. Her father came home from the Korean War and was in a wheelchair. The VA built a new home for them that was accessible. Before moving into the accessible home, she remembers her father having difficulty in the previous home that was not accessible. She feels it doesn't make sense to not have inclusive design homes for our veterans who come home. No one should have to go through a big expense to live in their home.

Yves Khawam is the Building Official for Pima County. He gave a PowerPoint presentation explaining the substance of Pima County's Inclusive Home Design Ordinance. The Ordinance stems from the American National Standard Accessible and Usable Buildings and Facilities Code (ANSI A117.1), which is the accessibility standard that is adopted throughout the country. The Ordinance was adopted in 2002 and applies only to new construction. The Pima County Inclusive Design Ordinance does not require full accessibility, but it does require a significant amount of accessibility. In passing the Ordinance, the proponents of the Ordinance negotiated with the home builders to include a provision that if any element cost over \$200.00, it could be waived. The Ordinance requires at least one accessible entrance into the unit. The accessible entrance consists of a landing which is at least 36" x 36" and the threshold is no higher than ¾ of an inch. The accessible route then takes you into the accessible levels of the house, which is basically on the A grade floor. In a two story house, only the first level of that house is required to be accessible. There are exceptions to that, for example if there is a sunken or raised portion of a living room. The only glitch in the Ordinance is that the home builders wanted to strike the requirements for ramps to be installed within the dwelling itself. In effect, under the Ordinance, whenever there is a change in level greater than a half inch, it may be stepped, which detracts from the accessibility. The City of Tucson, in its adoption of the same ordinance, maintained the ramp requirement more throughout the entire house. The Ordinance requires that electrical switches and thermostats all need to be accessible, which means that they need to be within 15 inches (with few exceptions) of the floor and 48 inches of the floor. The Ordinance does not contain any accessibility requirements for the kitchen counters, which can be at the normal height. Door hardware, this is an important one. Lever hardware is standard for all doors on the accessible route instead of door knobs, which require twisting. The Ordinance requires blocking behind the walls in bathrooms for grab bar reinforcement. With the blocking already in place in the walls, if someone becomes disabled and requires grab bars, they can be easily installed and bolted on with no modifications involved. The door to the bathroom also needs to be accessible.

The Inclusive Home Design Ordinance is beneficial because 70% of people will experience a disability of some sort during their life. Sometimes its temporary or sometimes its longer. It's much more cost effective to build accessibility into the housing stock as opposed to retrofitting stock whenever you need to. Over 24,000 homes have been built in the unincorporated areas of the County that meet the Ordinance requirements. The County has received no appeals for waiving a requirement in the last few years. Builders are basically complying with the Ordinance without requesting any further review from the County. Homes built with the Inclusive Home Design requirements do not appear institutional in nature.

Mr. Khawam offered the following recommendations if inclusive home design is expanded statewide:

- In the Ordinance, the accessibility requirements are tied to 1998 version of ANSI A117.1. (With each new building code that is adopted, there's a different ANSI version tied to the new building code.) He recommended that the requirements not be static, but be pegged to whatever building code is in effect at any given time.
- He recommended including a provision to address door design and the need for zero step entrance effects on weep screeds associated with framed wall construction.
- He recommended requiring that one bathroom on the accessible floor be accessible, unless there is only a master bathroom on that floor in which case an additional powder room would be required to be accessible.
- He recommended ending the accessibility route when there is a change in elevation of 3 vertical feet from the accessible entrance.
- He recommended waiving pocket door hardware from the accessibility requirements.

Bill and Collett, who advocated for adoption of the Ordinance, provided telephonic comments and explained that they have a lot of documents and information from the timeframe of when the Ordinance was being debated and welcomed questions from the Board. Aging in place has become a real reason to have this Ordinance.

Dr. Stephanie Parker stated that she has worked with people with disabilities for many years. She founded the Aurora Foundation, which impacted 1500 people. She stated that what we all seek as human beings is to have opportunities that everybody else has. The design of homes is very important to those with disabilities. Inclusion is key to humanity. New legislation was introduced in Congress called ABLE - Achieving a Better Life Experience. This legislation will help disabled individuals establish a tax-free bank account. The individual, as well as family and friends, can deposit funds into the account. The beneficiary can withdraw money and it is tax free as long as the money goes to the purchase of a home, and to ensure that the home is fully accessible for them. The House of Representatives passed the bill almost unanimously. It went to the Senate this last week. This is an extraordinary opportunity for people to have access to funds for a future they want in a tax free environment.

Sherri Santi works at the Disability Resource Office at the University of Arizona. She is the Physical Accessibility Coordinator for the University. She was minimally involved in the discussions regarding the Inclusive Home Design Ordinance in Tucson. She stated that the Board has a greater opportunity to have a clearer and smoother introduction of the ordinance because of the work done in Tucson. The inclusive design idea is based on designing for the greatest amount of needs. Lever handles are usable for everyone. These slight changes make a difference even though the features are minimal. Inclusive design creates homes that easily adaptable.

Jay Young is the Executive Director of the Southwest Fair Housing Council (SWFHC) in Tucson. The SWFHC supports the Inclusive Home Design Ordinance in Pima County, and they support the efforts to expand it throughout Arizona. On the Board's home tour prior to the meeting, he learned that the costs of adding accessible features to housing were minimal, and the home did not appear noticeably different from other homes. The SWFHC

gets questions from tenants about making modifications to housing. This ordinance makes it easier on everybody to make those modifications.

Maria Ramirez-Trillo spoke on behalf of AARP. AARP has 800,000 members in Arizona. Housing should be adequate to meet the needs of all individuals. Older Americans are 13% of the population (40 million) as of 2010. This number will rise to 20% of the population (89 million) in 2050. More housing for older adults will be needed. It is projected that by 2050, 21% of households will have at least one resident with a physical limitation. For homes built in 2000, there is a 60% probability that they will house a resident with a physical limitation and a 91% probability that a disabled visitor will come to that home. Home buyers who do not anticipate their physical needs can be trapped if they cannot afford to move or modify their homes. Accessible home design can support residents to live active lifestyles. AARP supports an ordinance that incorporates inclusive home design.

Mark Burke is with Habitat for Humanity. He has been building homes with inclusive design that comply with the Ordinance for 12 years. They are building homes not houses. They also remodel homes.

Corky Poster is an architect with Poster Frost Mirto and a professor at the U of A. He states that accessibility requirements should be viewed as value added to homes as opposed to costs. These kinds of ordinances allow changes to the construction industry. The industry opposes the changes at first but then they will get used to it. He shared his story about being in a wheelchair and assessing a building for accessibility. He applauds the Board's effort.

Gail Bouchee is the Housing Program Coordinator for DIRECT Center for Independence. She stated that there is never enough money to modify or adapt the existing housing stock for disabled individuals. The cost to make a home accessible is less than 1%. The Board asked Ms. Bouchee where her organization gets their funds. She stated that they obtain funds from the City of Tucson and Pima County.

Sandra Kane, Executive Director of ACRA, shared with the Board the written comments received from the Southern Arizona Home Builders Association (SAHBA), and the verbal comments from the Home Builders Association of Central Arizona (HBACA). SAHBA has indicated they will oppose the expansion of the Ordinance. HBACA is also opposed to expansion of inclusive design requirements due to costs for homebuyers and low demand for accessible homes. They worked with the City of Phoenix to require that every builder have one model home that includes a zero grade entrance. There is a similar ordinance in Mesa, AZ. They also entered into discussions with the Paralyzed Veterans of America, Arizona Chapter. They offer reasonable modifications when the home is being built which are done on an individual basis. They are strongly opposed to changes throughout the State.

Jeff Lavender inquired whether the ordinance would come from just a local level or if the legislature could do a statewide ordinance. Ms. Kane stated that local municipalities adopt different building codes. Yves Khawam stated that Title 9 and Title 11 building codes are pre-empted by the State in certain instances. These are at the discretion of the legislature. Sandra Kane stated that when the Arizonans with Disabilities Act was adopted statewide, it

included provisions to incorporate ADA features. Yves Khawam stated that there is a state mandate for barriers for pools. Daisy Flores inquired whether there are any other state legislatures that are doing this in the housing area. Mr. Khawam stated Vermont may have a statewide ordinance. Janet Bain requested to hear from the Habitat for Humanity representative regarding SAHBA's comments opposing inclusive design needed clarification. Mark Burke of Habitat for Humanity stated some of the comments needed specification, but the types of concerns raised by SAHBA can be worked with architects and are not insurmountable.

At the conclusion of public comments, Jeff Lavender explained ACRA's role and its abilities, which includes letter writing and making suggestions. Mr. Lavender proposed having a hearing in Maricopa County regarding the issue of inclusive design in home construction. Daisy Flores asked if the Board could hear from the representatives from the builders and requested a copy of the Tucson Ordinance.

IV. Planning for Future Meetings

Jeff Lavender suggested holding the hearing in Maricopa County in January due to the expiration of some of the Board members' terms and the transition of the Attorney General. Daisy Flores mentioned previous action regarding drafting a letter to the new Governor regarding data collection by law enforcement officers. Sandra Kane asked if Ms. Flores could start drafting a proposed letter so that it could be discussed at the next meeting. Ms. Flores indicated that she would request Beverly Dupree's help in drafting the letter. Janet Bain inquired whether the Board could do anything about the way people look at law enforcement to change perceptions about police, but other Board members indicated that this would be better addressed by law enforcement agencies. Ms. Flores requested an update on the federal civil rights case involving the Maricopa County Sheriff's Office. Sandra Kane suggested providing a brief update on the Attorney General's civil rights litigation in Colorado City. The Board decided to hold the next ACRA meeting on January 27 or 29, 2015.

V. Adjournment

Janet Bain moved to adjourn the meeting, and Howard Meyer seconded the motion. The ACRA meeting was adjourned at 3:01 pm.