

Assembly Bill No. 1400

CHAPTER 648

An act to add Section 17959.6 to the Health and Safety Code, relating to housing.

[Approved by Governor October 1, 2003. Filed with Secretary of State October 1, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1400, Wolk. Housing: accessibility.

(1) The existing State Housing Law requires the Department of Housing and Community Development, in consultation with specified state agencies, to develop guidelines and at least one model ordinance for new construction and home modifications that are consistent with particular principles of universal design or other similar design guidelines to enhance housing for, among others, persons with disabilities. Commencing January 1, 2005, a city, county, or city and county may, by ordinance, modify code requirements if it determines that it is reasonably necessary and substantially the same as the guidelines or model ordinance. Existing law also encourages developers of housing for senior citizens, persons with disabilities, and others, in a city or county where a universal design ordinance has not been adopted, to seek information regarding the principles of universal design, and authorizes the California Department of Aging, in partnership with specified entities, to develop and provide consumer advice regarding home modification for seniors and persons with disabilities.

This bill would, within the State Housing Law, require a developer of any new residential housing development, beginning 90 days after the Department of Housing and Community Development adopts a standard form, but no sooner than July 1, 2004, to provide a buyer a list of specified universal accessibility features that would make the home entrance, interior routes of travel, kitchen, and bathrooms, fully accessible to persons with disabilities. It would provide that a willful violation of these provisions shall be punishable by a civil penalty of \$500. Because a violation of the State Housing Law is a misdemeanor under other provisions, the bill would create a state-mandated local program by creating a new crime. The bill would authorize the Department of Housing and Community Development to adopt implementing regulations and to develop a standard form providing the information required by the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 17959.6 is added to the Health and Safety Code, to read:

17959.6. (a) Ninety days after the Department of Housing and Community Development certifies and makes available a standard form pursuant to subdivision (h), but in no event sooner than July 1, 2004, for housing developments for which a building permit application is submitted on or after that date, a developer of any new for-sale residential housing development, including, but not limited to, a single family dwelling, duplex, triplex, townhouse, condominium, or other homes, shall provide to a buyer a list of universal accessibility features that would make the home entrance, interior routes of travel, the kitchen, and the bathrooms fully accessible to persons with disabilities.

(b) (1) (A) The list shall include the features described in paragraphs (2) to (7), inclusive, and any others that the developer deems necessary or appropriate to effectuate the purposes of this section.

(B) To the extent that any of the features described in paragraphs (2) to (7), inclusive, are included in Chapter 11A of the California Building Code (Part 2 of Title 24 of the California Code of Regulations), they shall be listed consistent with, and shall be installed in a manner at least consistent with, that chapter. A developer that lists and installs materials and features in a manner at least consistent with Chapter 11A or successor chapters of the California Building Code, shall be deemed to be in compliance with the requirements of this subparagraph. Other features shall be listed and installed in a manner appropriate to effectuate the purposes of this section.

(C) Notwithstanding subparagraph (B), the developer and buyer may agree in writing to different standards than those provided in subparagraph (B) if the different standards and their deviation from the standards in subparagraph (B) are clearly disclosed.

(2) General external adaptations:

(A) Accessible route of travel to the dwelling unit.

(B) Accessible landscaping of the side and rear yards.

(C) Accessible route from the garage or parking area to the dwelling unit primary and secondary entries.



- (3) Doors, openings, and entries:
 - (A) Accessible primary front door, doorway, and threshold.
 - (B) Accessible interior doors and doorways.
 - (C) Accessible secondary exterior doors, doorways, and thresholds.
 - (D) Accessible levered handles on all specified doors.
 - (E) An entry door sidelight or high and low peephole viewers.
 - (F) Visual fire alarms and visual doorbells.
 - (G) Accessible sliding glass door.
- (4) General interior adaptations:
 - (A) Accessible routes to at least one bedroom, bathroom, and kitchen from the primary entrance.
 - (B) Accessible switches, outlets, and thermostats.
 - (C) Visual fire alarms and visual doorbells.
 - (D) Rocker light switches.
 - (E) Closet rods and shelves adjustable from three feet to five feet six inches high.
 - (F) A residential elevator or lift.
 - (G) If provided, a service porch with accessible workspace, cabinets, and appliances.
- (5) Kitchen:
 - (A) Adequate accessible clear floorspace at appliances.
 - (B) Repositionable sink and countertop workspaces.
 - (C) Accessible cabinets and drawers, including pullout shelves, bread boards, and Lazy Susans.
 - (D) Accessible sink features and controls.
 - (E) Accessible built-in or provided appliances, including refrigerator, stove, oven, dishwasher, and countertop microwave or convection oven.
 - (F) Enhancements such as a contrasting color edge at countertops, contrasting floor designs marking accessible routes and work areas, antiscald device on plumbing fixtures, and undercabinet lighting.
- (6) Bathrooms and powder rooms (applicable to one or more bathrooms, at the option of the buyer):
 - (A) Grab bar backing and grab bars in all requested locations.
 - (B) Accessible clear floorspace and turning circles.
 - (C) Accessible sink (lavatory) with adequate knee space and protection.
 - (D) Accessible toilet (water closet).
 - (E) Accessible roll-in shower in lieu of a standard tub or shower.
 - (F) Accessible faucet handles and an adjustable handheld showerhead.
 - (G) Enhancements such as a contrasting color edge at countertops, contrasting floor designs marking accessible routes and work areas, and antiscald device on plumbing fixtures.



(7) Any other external or internal feature requested at a reasonable time by the buyer that is reasonably available and reasonably feasible to install or construct and makes the residence more usable for a person with disabilities in order to accommodate any type of disability.

(c) For each feature on the list required by subdivision (b), the developer shall indicate whether the feature is standard, limited, optional, or not available.

(d) If a developer chooses to offer those features listed in subdivision (b) as modifications that may be made to a home, the developer shall indicate on the list required by subdivision (b) at what point in the construction process the buyer must notify the developer that the buyer wishes to purchase the features.

(e) If a local jurisdiction adopts a model ordinance developed pursuant to Section 17959 that requires developers to provide standard or optional accessibility features in homes described in subdivision (b), a developer subject to that ordinance is required to include on the list required by subdivision (b) only those features beyond those required by the ordinance.

(f) Nothing in this section shall be construed to require a developer to provide the features listed in subdivision (b) during the construction process or at any other time, unless the developer has offered to provide a feature and the buyer has requested it and agreed to provide payment.

(g) Any willful violation by a developer of this section shall be punishable by a civil penalty of five hundred dollars (\$500).

(h) The department may adopt regulations that it determines are necessary and appropriate for the use and enforcement of this section. The regulations may include, but not be limited to, providing specificity to any features not otherwise covered as mandatory features in Chapter 11A or 11B of the California Building Code, additional mandatory requirements for forms, and additional procedures for offer or acceptance of features. The department may develop, certify, and make available a standard form providing the information required by this section, except for costs, and that standard form shall be exempt from adoption pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). A developer's use of a form substantially the same as that developed and distributed by the department shall be deemed to comply with this section.

(i) Pursuant to Section 17959, upon adoption by the department of guidelines or a model ordinance that defines those features deemed to provide universal accessibility, those guidelines or that model ordinance shall supersede the features listed in subdivision (b).



(j) This section shall not be construed to require action by the California Building Standards Commission pursuant to the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

