

AMENDED IN SENATE APRIL 24, 2013

SENATE BILL

No. 550

Introduced by Senator Jackson

February 22, 2013

An act to add Chapter 6.25 (commencing with Section 50655.1) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 550, as amended, Jackson. Accessible housing.

Existing law establishes various programs under the Department of Housing and Community Development, including the California Housing Rehabilitation Program for the development of low-income and multifamily rental housing in the state. Existing law creates the Multifamily Housing Program under the department to provide a standardized set of program rules and features applicable to all housing types based on the existing California Housing Rehabilitation Program. Among other things, the program provides financial assistance to fund projects for, among other things, the development and construction of new, and rehabilitation or acquisition and rehabilitation of, existing, transitional, or rental housing developments, and establishes a project selection process for loans for these projects. Existing law also requires the department to establish a program for the purpose of housing assistance for the physically or developmentally disabled, or mentally disordered.

This bill would create the Accessible Multifamily Housing Act of 2013, which would require ~~new and substantially rehabilitated assisted multifamily housing projects~~ *public housing facilities with residential dwelling units*, as defined, for which *requests for building permits are issued submitted* on and after July 1, 2014, ~~to be designed and~~

~~constructed to be readily accessible to and usable by individuals with mobility, vision, and hearing impairments~~ *include specified percentages of residential dwelling units that provide compliant mobility and communications features, as specified.*

By imposing additional enforcement duties on local officials, this bill would create a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares as follows:

2 (a) There exists within the urban and rural areas of the state a
3 significant number of people with disabilities who lack accessible,
4 decent, safe, and sanitary housing. The lack of affordable,
5 accessible housing is a significant problem for adults and children,
6 contributing to chronic homelessness and unnecessary
7 institutionalization.

8 ~~(b) California housing and building codes and standards do not~~
9 ~~currently provide~~ *In particular, there is a shortage of housing that*
10 *provides* for sufficient accessibility for people who need accessible
11 features in their homes, including people who use mobility devices
12 or who have sensory disabilities.

13 (c) Ensuring that state accessibility requirements for assisted
14 multifamily housing projects meet or exceed the accessibility
15 standards required for federally assisted multifamily housing
16 projects will reduce confusion, will provide for a more
17 comprehensive approach to accessibility, and will result in the
18 provision of much needed additional accessible units.

19 SEC. 2. Chapter 6.25 (commencing with Section 50655.1) is
20 added to Part 2 of Division 31 of the Health and Safety Code, to
21 read:

1 CHAPTER 6.25. ACCESSIBLE MULTIFAMILY HOUSING ACT OF
2 2013

3
4 50655.1. (a) This chapter shall be known, and may be cited,
5 as the Accessible Multifamily Housing Act of 2013.

6 ~~(b) (1) New and substantially rehabilitated assisted multifamily~~
7 ~~housing projects shall be designed and constructed to be readily~~
8 ~~accessible to, and usable by, individuals with disabilities. Subject~~
9 ~~to paragraph (2), a minimum of 10 percent of the total dwelling~~
10 ~~units, or at least one unit in the assisted multifamily housing~~
11 ~~project, whichever is greater, shall be made accessible for persons~~
12 ~~with mobility impairments. An additional 4 percent of the units,~~
13 ~~but no fewer than one unit, in the project shall be accessible for~~
14 ~~persons with hearing or vision impairments.~~

15 *(b) (1) In public housing facilities with residential dwelling*
16 *units, at least 10 percent, but no fewer than one unit, of the total*
17 *number of residential dwelling units shall provide mobility features*
18 *that comply with Sections 11B-809.2 to 11B-890.4, inclusive, of*
19 *the California Building Standards Code (Title 24 of the California*
20 *Code of Regulations) and shall be on an accessible route as*
21 *required by Section 11B-206, or any greater accessibility*
22 *requirements later adopted in the California Building Standards*
23 *Code.*

24 *(2) In public housing with residential dwelling units, at least 4*
25 *percent, but no fewer than one unit, of the total number of*
26 *residential dwelling units shall provide communications features*
27 *that comply with Section 11B-809.5 of the California Building*
28 *Standards Code (Title 24 of the California Code of Regulations)*
29 *or any greater level of communication features later adopted in*
30 *the California Building Standards Code.*

31 ~~(2)~~

32 (3) The California Housing Finance Agency, the Department
33 of Housing and Community Development, or other state or local
34 government agency may prescribe a higher percentage or number
35 than that prescribed in paragraph (1), upon a determination that a
36 higher percentage is necessary for a particular program, project,
37 or area, based on census data or other available current data or in
38 response to evidence of a need for a higher percentage or number
39 received in any other manner.

1 (c) This chapter shall apply to all ~~assisted multifamily housing~~
 2 ~~projects~~ *public housing facilities* for which *requests for building*
 3 ~~permits are issued~~ *submitted* on and after July 1, 2014.

4 50655.2. The following terms have the following meanings
 5 for purposes of this chapter:

6 (a) ~~“Accessible” means that a multifamily housing unit is on an~~
 7 ~~accessible route and is adaptable and otherwise in compliance with~~
 8 ~~the standards set forth in Section 8.32 (a), (b), and (c) of Title 24~~
 9 ~~of the Code of Federal Regulations.~~

10 (b) ~~“Assistance”~~

11 (a) *“Financial assistance”* means the provision of any land or
 12 ~~in-kind contributions, as well as~~ any financial assistance, including
 13 proceeds of any bond or indenture, loan or grant or bond insurance
 14 or guarantees, loans, grants, rental assistance, operational
 15 assistance, development assistance, downpayment assistance,
 16 rehabilitation assistance, or housing tax credits, *including housing*
 17 *in which some or all units are subject to affordability restrictions*
 18 *due to the provision of density bonuses or other incentives from*
 19 *the local government.*

20 (e) ~~“Assisted multifamily housing project” means any newly~~
 21 ~~developed or substantially rehabilitated multifamily housing~~
 22 ~~receiving assistance from state or local public agencies,~~

23 (b) *“Public housing,” as defined in Section 202 of the California*
 24 *Building Standards Code (Title 24 of the California Code of*
 25 *Regulations) shall include housing that receives financial*
 26 *assistance from any state, local government, or public agency,*
 27 including from the California Housing Finance Agency, the
 28 Department of Housing and Community Development, the
 29 California Tax Credit Allocation Committee, local redevelopment
 30 agencies and their successors, cities, counties, and ~~city~~ *cities* and
 31 counties, and public housing authorities.

32 SEC. 3. If the Commission on State Mandates determines that
 33 this act contains costs mandated by the state, reimbursement to
 34 local agencies and school districts for those costs shall be made
 35 pursuant to Part 7 (commencing with Section 17500) of Division
 36 4 of Title 2 of the Government Code.

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