

AMENDED IN SENATE MAY 8, 2013
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 Sections 18941.10 and 50466~~ to 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 public housing facilities with residential dwelling units, as defined, for which requests for building permits are~~

~~submitted on and after July 1, 2014, to 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.~~

This bill would require, as part of the next intervening code adoption cycle of the California Building Standards Code adopted after December 1, 2013, that the Division of the State Architect, in consultation with the Department of Housing and Community Development, propose, and that the Building Standards Commission adopt, building standards requiring public housing facilities to provide a specified number of residential dwelling units that have compliant mobility and communications features that make them accessible for persons with disabilities, and that clarify the definition of “public housing,” as specified.

The bill would also require the Department of Housing and Community Development to adopt regulations that require owners and managers of multifamily housing projects that have received a department grant or loan, and that have accessible units, to give priority for those units to persons with disabilities, as specified.

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

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

- 1 *SECTION 1. Section 18941.10 is added to the Health and*
- 2 *Safety Code, to read:*
- 3 *18941.10. As part of the next intervening code adoption cycle*
- 4 *of the California Building Standards Code (Title 24 of the*
- 5 *California Code of Regulations) adopted after December 1, 2013,*
- 6 *the Division of the State Architect, in consultation with the*
- 7 *Department of Housing and Community Development, shall*

1 *propose, and the Building Standards Commission shall adopt,*
2 *building standards, as follows:*

3 *(a) Standards requiring that, in public housing facilities with*
4 *residential dwelling units, at least 10 percent, but no fewer than*
5 *one unit, of the total number of residential dwelling units provide*
6 *mobility features that comply with Sections 11B-809.2 to*
7 *11B-890.4, inclusive, of the California Building Standards Code*
8 *(Title 24 of the California Code of Regulations), or any standards*
9 *that may be adopted later providing greater accessibility.*

10 *(b) Standards requiring that, in public housing facilities with*
11 *residential dwelling units, at least 4 percent, but no fewer than*
12 *one unit, of the total number of residential dwelling units provide*
13 *communications features that comply with Section 11B-809.5 of*
14 *the California Building Standards Code (Title 24 of the California*
15 *Code of Regulations), or any standards that may be adopted later*
16 *providing greater accessibility.*

17 *(c) Standards clarifying that the definition of “public housing”*
18 *as defined in Section 202 of the California Building Standards*
19 *Code (Title 24 of the California Code of Regulations) includes*
20 *multifamily housing that receives financial assistance from any*
21 *state government, local government, or public agency, including*
22 *from the California Housing Finance Agency, the Department of*
23 *Housing and Community Development, the California Tax Credit*
24 *Allocation Committee, local redevelopment agencies and their*
25 *successors, cities, counties, and cities and counties, and public*
26 *housing authorities.*

27 *(d) Standards defining “financial assistance” as the provision*
28 *of any land at less than fair market value, or direct financial*
29 *assistance, including loans, grants, guarantees, project-based*
30 *rental assistance, or state or federal low-income housing tax*
31 *credits.*

32 *SEC. 2. Section 50466 is added to the Health and Safety Code,*
33 *to read:*

34 *50466. The Department of Housing and Community*
35 *Development shall adopt regulations that give priority for*
36 *accessible units to persons with disabilities in multifamily housing*
37 *projects that have received a department grant or loan, and that*
38 *have accessible units. The regulations shall do all of the following:*

39 *(a) Require owners and managers to adopt suitable means to*
40 *ensure that information regarding the availability of accessible*

1 residential dwelling units reaches eligible individuals with
2 disabilities and to take reasonable, nondiscriminatory steps to
3 maximize the use of those units by eligible disabled individuals
4 who require the accessibility of the particular unit.

5 (b) Require an owner or manager, when an accessible unit
6 becomes vacant, to offer the unit:

7 (1) First, to a current occupant of another unit within the same
8 project, or a comparable project under common control, with a
9 disability and who requires the accessibility feature of the vacant
10 unit who is occupying a unit that does not have those features, or
11 if no such current occupant exists, then

12 (2) Second, to an eligible qualified applicant, currently on the
13 owner's or manager's waiting list, if one exists, with a disability
14 and who requires the accessibility features of the vacant unit.

15 (c) Require the owner or manager, when offering an accessible
16 unit to an applicant who does not have a disability and who does
17 not require accessibility features of the unit to require the applicant
18 to agree to move to a nonaccessible unit if the accessible unit is
19 needed for a person with a disability.

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

21 (a) ~~There exists within the urban and rural areas of the state a~~
22 ~~significant number of people with disabilities who lack accessible,~~
23 ~~decent, safe, and sanitary housing. The lack of affordable,~~
24 ~~accessible housing is a significant problem for adults and children,~~
25 ~~contributing to chronic homelessness and unnecessary~~
26 ~~institutionalization.~~

27 (b) ~~In particular, there is a shortage of housing that provides for~~
28 ~~sufficient accessibility for people who need accessible features in~~
29 ~~their homes, including people who use mobility devices or who~~
30 ~~have sensory disabilities.~~

31 (c) ~~Ensuring that state accessibility requirements for assisted~~
32 ~~multifamily housing projects meet or exceed the accessibility~~
33 ~~standards required for federally assisted multifamily housing~~
34 ~~projects will reduce confusion, will provide for a more~~
35 ~~comprehensive approach to accessibility, and will result in the~~
36 ~~provision of much needed additional accessible units.~~

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

~~CHAPTER 6.25. ACCESSIBLE MULTIFAMILY HOUSING ACT OF
2013~~

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

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

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

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

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

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

~~(a) "Financial assistance" means the provision of any land or any financial assistance, including proceeds of any bond or indenture, loan or grant or bond insurance or guarantees, loans, grants, rental assistance, operational assistance, development assistance, downpayment assistance, rehabilitation assistance, or housing tax credits, including housing in which some or all units~~

1 are subject to affordability restrictions due to the provision of
2 density bonuses or other incentives from the local government.

3 (b) ~~“Public housing,” as defined in Section 202 of the California~~
4 ~~Building Standards Code (Title 24 of the California Code of~~
5 ~~Regulations) shall include housing that receives financial assistance~~
6 ~~from any state, local government, or public agency, including from~~
7 ~~the California Housing Finance Agency, the Department of~~
8 ~~Housing and Community Development, the California Tax Credit~~
9 ~~Allocation Committee, local redevelopment agencies and their~~
10 ~~suecessors, cities, counties, and cities and counties, and public~~
11 ~~housing authorities.~~

12 ~~SEC. 3. If the Commission on State Mandates determines that~~
13 ~~this act contains costs mandated by the state, reimbursement to~~
14 ~~local agencies and school districts for those costs shall be made~~
15 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
16 ~~4 of Title 2 of the Government Code.~~