

## VISITABILITY

*Prepared by the Housing Committee for Unit Discussion*

The League of Women Voters of the United States Position:

“Support policies to provide a decent home and a suitable living environment for every American family.”

**Objectives:** Awareness of the idea of visitability  
Understanding of the benefits for people with and without disabilities  
Advantages to society of building with visitability  
Outline advocacy opportunities for the future

**Definition:** Visitability is a movement to change home construction practices so that virtually all new homes — not merely those custom-built for occupants who currently have disabilities — offer a few specific features making the home easier for mobility-impaired people to live in and visit. This requires a few essential features in every new home:

- At least one zero-step entrance approached by an accessible route on a firm surface no steeper than 1:12, proceeding from a driveway or public sidewalk
- Wide passage doors (minimum 32” opening)
- At least a half bath/powder room on the main floor

**Rationale:** Visitability increases sustainability by allowing individuals to age in place. It helps people to remain living in the community as opposed to nursing homes. It allows seniors and others with mobility limitations to lead more socially active lives by offering them the possibility of visiting their friends and family. It adds ease and convenience for all. As our population lives longer, and the “silver tsunami” of baby boomers hit old age, the need for more accessible housing is rising, and the lack thereof is a large source of unacceptable and unnecessary fiscal waste for society.

**History:** Although this general concept has sprung up in many places around the world, the acknowledged mother of Visitability in the U.S. is Eleanor Smith, founder of Concrete Change. In her own words: “I had driven past typical homes thousands of times since my disability came about at age three. I had paid the price of lack of access over and over again, when I could not go to friends’ parties, suffered from being unable to get my wheelchair through bathroom doors when visiting, faced great difficulty finding an apartment or house I could rent.”

“In fact, I had lived for six months in a home where I had to crawl on the floor to enter the bathroom. And I had seen wheelchair users looking out from behind the screen doors of their inaccessible, rampless homes and walker-users sitting on their porches with no way to come down into their yards. Nothing had changed in that moment in 1986 except a flash of noticing.”

Around that time, and since, much legislation has been passed that has helped establish the civil rights of people with disabilities, including: the Air Carrier Access Act of 1986; Americans with Disabilities Act of 1990; Architectural Barriers Act of 1968; Civil Rights of Institutionalized Persons Act of 1997; Fair Housing Amendments Act of 1988; Individuals with Disabilities Education Act of 2004; National Voter Registration Act of 1993; the Rehabilitation Act of 1973; Telecommunications Act of 1996; and the Voting Accessibility for the Elderly and Handicapped Act of 1984.

**Current status:** More recently, the Olmstead Decision by the Supreme Court of the United States in 1999 held that it is a violation of the Americans with Disabilities Act (ADA) for states to discriminate against people with disabilities by providing services in institutions when the individual could be served more appropriately in a community-based setting. In accordance, state and local governments have set about making plans to implement the decision, but the promise is still unfulfilled for a great many people, who are on waiting lists for services in the community.

One of the reasons our country is making strides toward more home and community based services is not due to the human rights aspect, but to the increasing acknowledgement by legislators that institutionalization is just too costly. “Medicaid has evolved to become our nation’s primary payer for long-term services and supports, financing nearly half (43 percent) of all spending on long-term care services... Individuals who predominantly used institutional long-

term services had higher per capita spending compared with those who used predominantly community-based services (\$62,750 vs. \$31,341).<sup>1</sup>

At about half the cost on average, home and community based services provide savings, and, for most, a more desirable life style. We will need to expand the workforce to provide services in the community, and the amount of accessible housing of all types. The current shortage is exacerbated by the difficulty of locating accessible housing. Many people who become hospitalized face obstacles when they are released, finding that steps leading to their homes keep them out. If they manage to get in, with assistance, they often find themselves isolated and unable to leave, even in an emergency.

Retrofitting homes for basic access is much more expensive, and generally less aesthetically pleasing than incorporating these features during the design and construction of a new home. Whereas the average cost of a ramp is \$3300, the cost of a no step entrance in new construction ranges from \$0 on a slab to \$250 over a basement or crawl space. The expense of making a bathroom usable to someone who has acquired a mobility problem can run to many thousands of dollars.

**The Ask:** *Every new home built to be visitable*--which is a purposely low bar. There are some advocates asking for additional features that would be wonderful: wide hallways, switches at reachable heights, grab bars in the bathroom (or at least, reinforced walls for easy installation) and more. However, simply building new houses that allow people with mobility issues to “get in and pee” is the basis for alleviating many of the problems outlined thus far. Concrete Change and many disability advocates believe that this is a more achievable goal. The “method is policy, because the market alone is not enough to address the segregation, public health problems and fiscal waste of continuing to build houses with no access.”<sup>2</sup>

Sadly, most homebuilders are not stepping up to address the issue on their own, even considering that this could be a burgeoning new market for home sales. Builders are content to stick with plans and practices that don’t even offer visitability as an option, unless it is raised by the consumer, and most consumers are not aware of concepts like visitability, accessibility, and universal design....until they need it. Building homes with steps is simply a matter of a habit that needs to change.

**Existing policies:** In March 1998, Parliament passed a mandate creating access to all new homes throughout England and Wales. A housing access movement is developing across the U.S. as well. Atlanta, Georgia; Austin and San Antonio in Texas; Urbana, Naperville and Bolingbrook in Illinois; Long Beach, California; and Pima County, Ariz., have all adopted visitability laws.

In Ohio, Toledo has an ordinance, and on October 26, 2011, Cincinnati City Council established a Visitability Task Force. The Task Force consisted of disability agency representatives, home builders and city officials. After many meetings and much push back from builders, an incentive program was passed by City Council. It is a completely voluntary program, which does not hold promise for creating visitable housing in any meaningful amount, in the absence of most builders’ willingness to suggest it.

At the state level, in January of 2012, proponents testified in support of House Bill 332 (Visitability Tax Credit) as a first step to promote more accessible housing. This bill died, but something similar may be reintroduced in 2013. The board of directors of the Ohio Housing Finance Agency created a policy that makes access features a requirement for developers who take advantage of federal tax credits for affordable housing, but Vermont is the only state to require comprehensive visitability in certain new, single family homes built with and without public funds.

Many states, Ohio included, have laws that restrict local building codes from exceeding the state code. Opinions on whether this can be overcome seem to vary according to which side of the visitability issue the attorney represents.

Federal law requires access for people with mobility impairments only to all new multifamily residences and to a small percentage (5 percent) of single-family units constructed with public funds. Current housing policy, therefore, does not address the vast majority of single-family homes.

The Inclusive Home Design Act is federal legislation that would increase the supply of visitable houses throughout the country. Representative Jan Schakowsky (D-IL) first introduced the bill in 2003, reintroduced it in 2005, in 2007, 2009 and 2012. “The legislation would cover all single-family homes that receive assistance from the federal

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<sup>1</sup> Kaiser Commission Issue Paper: Medicaid and the Uninsured: Medicaid’s Long-Term Care Users; October 2011

<sup>2</sup> Eleanor Smith

government, including construction funding and tax credits. H.R. 4202 would require that single-family homes using federal financial assistance be constructed with at least one zero-step entrance, thirty-two inches of clear passage space for all interior passage doors on the main floor, and an accessible bathroom with at least a toilet and sink on the main level. Like the local visitability legislation that preceded and inspired it, the federal bill permits the zero-step entry to be located on an accessible route at the front, side, or back of the home, or through an attached garage.”<sup>3</sup>

**Summary:** Visitability is environmentally friendly, economically sustainable, and adds convenience for everyone from cradle to grave. It costs little or nothing. Moreover, the costs of not building basic access into every new home are serious. When a threshold step keeps people with disabilities and seniors *in* a home it keeps them out of jobs, away from shopping, and out of community life, and it prevents them from making valuable contributions to our society as individuals, as workers, as consumers, and as taxpayers, and creates a fundamentally unsafe living condition. When a threshold keeps people with disabilities and seniors *out* of a home, it results in isolation, segregation, loss of family connections, unnecessary and expensive institutionalization, and increased health care costs.

#### **What can advocates do?**

Talk to family and friends about visitability. Most people, once they have been exposed to the idea, wonder why it is not the rule, rather than the exception.

Let your legislators and officials at every level know that surveys show that people overwhelmingly want to age in place, and that you support ideas that will add value and contain health care costs at the same time.

Know a builder or an architect? Tell them the need exists and the building techniques exist that make visitability work in almost any terrain or climate.

When you visit home shows and remodeling exhibits, ask realtors and remodelers if they understand accessibility. Many seem to think an accessible house is a ranch, even if it has steps to get in and narrow doorways.

Call the Center for Independent Living Options at 513-241-2600 for more information and ways to get involved.

#### **Internet Resources for more information:**

AARP-<http://www.nhc.org/media/documents/fs167-expanding-implementation.pdf>

Concrete Change- <http://concretechange.org>

It's Our Story- <http://youtu.be/ob2fnXvMQDA>

Universal Design Living Laboratory- <http://www.udll.com>

#### ***Legal Context of Accessible Housing***

##### **The ADA does not require housing to be accessible.**

Many people are familiar with the Americans with Disabilities Act (ADA), a landmark federal law requiring accessibility in employment, public accommodations, and local government operations. However, the ADA does not cover residential housing. The federal Fair Housing Act was amended in 1988, before the ADA was passed by Congress, to include protections for people with disabilities and setting accessibility standards for multifamily housing.

##### **Multifamily housing built since 1991 is required to meet accessibility standards.**

The design and construction standards in the Fair Housing Amendments require new residential buildings with four or more units to be accessible. This law applies to high-end condominiums as well as affordable rental housing. However, it applies only to new construction. Older buildings and even rehabilitation of old schools and factories into housing do not have accessibility requirements unless they receive Federal funding.

##### **There are no accessibility requirements for single family homes.**

The ADA does not apply. The Fair Housing Act design and construction standards do not apply. In order to increase the supply of accessible housing, some local jurisdictions have passed visitability standards for new single family construction.

##### **Owners and tenants have the right to make needed accessibility modifications.**

Under the Fair Housing Act, people with disabilities have the right to make reasonable modifications to homes. In the case of rental property, a tenant may change the unit to meet their needs; however, the tenant must pay for the modifications. The tenant needs to inform and work with the landlord, but the owner cannot veto a needed modification. Similarly, a condominium or homeowner association cannot prevent an owner from making needed changes to their home, even if the changes do not conform to association rules. In such a case, the federal fair housing right to make a reasonable modification trumps the homeowner association rules.

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<sup>3</sup> Increasing Home Access: Designing for Visitability, AARP Public Policy Institute, 2008

### **HOME helps people with disabilities enforce their fair housing rights.**

Housing Opportunities Made Equal (HOME) is a private fair housing agency serving the greater Cincinnati area. People who are aware of new multifamily buildings that are not accessible should call HOME. People who have been prevented from making reasonable modifications to existing housing should call HOME about enforcing their rights. HOME's knowledgeable staff will investigate the situation. They will discuss enforcement options including mediation, filing an administrative complaint with the U.S. Department of HUD, or working with a HOME cooperating attorney to file a lawsuit.

### **Information Resources**

- Fair Housing Accessibility First, [www.fairhousingfirst.org/](http://www.fairhousingfirst.org/)
- Joint HUD/DOJ Statement on Reasonable Modifications under the Fair Housing Act  
[http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_7502.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_7502.pdf)
- Housing Opportunities Made Equal of Greater Cincinnati (HOME), [www.homecincy.org](http://www.homecincy.org), 513-721-4663.

### **Accessible and Visitable Housing - April 2013 Unit Discussion Questions**

1. Thinking about where you live now and other places you have lived:
  - Could someone in a wheelchair visit you? (Is there a no-step entrance? Are the doorways wide enough? Is there a bathroom on the first floor?)
  - Have you ever had problems with family or friends being unable to visit or stay with you because your home wasn't accessible? Has someone in your household ever had a temporary disability, like a broken leg, that made steps impossible or very difficult? What did you do?
  - Has the desire for fewer steps or a more accessible house ever been a consideration for you in moving?
2. What kind of features makes a house accessible? Do people with disabilities all need the same type of accessible features? What modifications would a person who was deaf need? A person who was blind?
3. Local home builders do not offer visitable designs for new homes in the Cincinnati area. If a buyer wants their new home to be visitable, they have to pay for custom modifications. Advocates for people with disabilities argue that when new home construction receives taxpayer subsidies, the builder should be required to make the homes visitable. Assuming it does not cost the builder any more, is this a reasonable public policy in order to increase the housing stock available to people with disabilities and an aging population? Or should cities not interfere with the market as the Home Builders Association of Greater Cincinnati argues?
4. Since most of our housing stock is older and very little is accessible, people often need to make modifications like adding ramps. Do you think it is fair that the law allows tenants to make modifications to rental property even if the owner doesn't like it? Do you think it is fair that the law allows a condo owner with a disability to make a modification that he needs even if it violates Condo Association rules?