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Bill No: 2004-0635, **Version:** 2

Committee: Committee on Planning, Zoning &
Land Use

Status: Passed Finally

Presented by Mr. Udin

AS AMENDED

Ordinance supplementing the Pittsburgh Code, Title Two-Fiscal, Chapter 265, Exemptions for Residential Improvements, by adding Section 265.04.1 - "Visitability Design Tax Credit", authorizing tax credits for newly constructed residential housing, and certain renovated single-family dwellings, duplexes, tri-plexes, town homes and row houses, and adapted reuses of industrial and commercial buildings that are renovated or converted for residential use that are constructed with a minimum standard of visitability.

WHEREAS, no statutory requirements presently exist on a federal, state or local level that requires new single family homes and duplexes, tri-plexes, town houses and row houses, or those undergoing major reconstruction, and adapted reuses of industrial and commercial buildings that are renovated or converted for multi-family residential use, to install visitable features for persons with and without disabilities; and

WHEREAS, people with disabilities and their immediate families are often isolated to their own homes because of insurmountable barriers at the homes of their acquaintances, and often experience difficulty in locating a home to rent or buy that meets their needs; and

WHEREAS, certain features in construction make new houses visitable, and in many cases livable, and that encouraging homeowners of newly built and renovated houses to meet at least this minimum standard of visitability will allow people with disabilities more freedom to visit other homes and to locate a home for themselves to rent or buy; and

WHEREAS, Allegheny County has the second highest proportion of senior citizens of any county in the United States. And as people get older, many become trapped by the physical barriers of their home. Many seniors cannot get out of their homes without assistance to seek medical care, and attend to daily living needs. This creates a serious threat to public health, and a heavy cost of social services; and

WHEREAS, installing visitability features in newly constructed or renovated homes is far more cost effective than making necessary accessibility modifications at a later time; and

WHEREAS, the added cost of providing these visitability standards is minimal and is far outweighed by the public good they have the potential to provide.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Supplement Title Two-Fiscal - Chapter 265, Exemptions for Residential Improvements adding Section 265.04.1, "Exemption for Visitable Design"

Section 1. Title and Purpose

(a) Pittsburgh Visitability Design - This Section shall be known as "Exemptions for Visitability Design".

(b) The purpose of this Section is to provide visitable housing to all individuals, with or without disabilities, by offering a tax credit to encourage that new and renovated single-family dwellings and duplexes, tri-plexes, town houses and row houses and adapted reuses of industrial and commercial buildings that are renovated or converted for multi-family residential use, contain the visitability features set forth in this section, which will enhance both visitability and usability for visitors and residents.

Section 2. Definitions

- (a) "Visitability"- the presence of architectural design features, as outlined in this Section, which allow basic access and use of a residential dwelling by people with significant mobility impairments, and which minimize the cost of full accessibility modifications, if necessary, at a later time.
- (b) "Circulation path" - An exterior or interior way of passage from one place to another for pedestrians.
- (c) "Significant mobility impairment" - The disability of a person who needs assistive mobility technology in the form of a wheelchair, walker, crutches or similar device to move along a circulation path.
- (d) "Powder room" - A toileting room having at a minimum, a water closet and a lavatory.
- (e) "Pedestrian Site Arrival Point" - A place where pedestrians may enter a dwelling unit site from a public right of way. These typically include sidewalks, driveways, streets, alleys, or paths.
- (f) "No-step Entry" - An entry to a housing unit that has no steps or barriers to people with significant mobility impairments. In entrances with thresholds less than two (2) inches, thresholds may be beveled with maximum slope of 1-2 to comply with this provision. Thresholds may be a maximum of two (2) inches high, except in cases of entrances from garages, where they may be a maximum

of four (4) inches high. In garage entrances with thresholds no greater than four (4) inches, thresholds may be beveled with a maximum slope of 1:2 to comply with this provision.

(g) ~~"Acceptable Slope" - length of slopes~~

(h) ~~An entry to a housing unit that has no steps or barriers to people with significant mobility impairments. In entrances with Thresholds less than two (2) inches, thresholds may be beveled with a maximum slope of 1:2 to comply with this provision.~~

~~Thresholds may be a maximum of two (2) inches high, except in cases of entrances from garages, where they may be a maximum of four (4) inches high. In garage entrances with thresholds no greater than four (4) inches, thresholds may be beveled with a maximum slope of 1:2 to comply with this provision.~~

(I) "Acceptable Slope" - length of slopes Type 1 slope 1:8 for slope length 5' or less (max. Rise 7.5")

Type 2 slope 1:10 for slope length 12' or less (max. Rise 14.4")

Type 3 slope 1:12 for slope length more than 12' up to 30'

Section 3. Visitability

(a) Applicability -

(1) This Ordinance applies to new construction of, and substantial renovation to, single-family dwellings and duplexes, tri-plexes, town houses and row houses; and adapted reuses of residential, industrial, and commercial buildings that are renovated or converted for residential use.

(b) Design Requirements -

(1) *Building Entrances*: Building entrances must comply with Sections 3(b)(1)(i) through 3(b)(1)(ii). Where a no step from entrance is not in keeping with the neighborhood context, or where is not technically feasible, the visitable entrance shall be provided at the rear or side of a dwelling.

(i) Each applicable unit must have a minimum of one no-step entry, approachable by a firm, stable and slip resistant circulation path with an acceptable slope.

Exception. Where the average slope of the property line along and contiguous to the public right of way exceeds a slope of 1:12, the slope of the circulation path may be greater, if necessary to provide access to the entry, but may not exceed the average slope of the property line.

(ii) Entry doors must have a minimum clear open width of at least 32".

(2) *Interior Doorways*: All interior doorways, excluding closets and doors to basement stairs, on the visitable entry floor must have a minimum clear open width of 32".

(3) *Interior Circulation Paths*: Circulation paths into and throughout the visitable entry level floor of the dwelling must be at least 36" wide.

(4) *Powder Rooms and Bathrooms*: Each housing unit must have a minimum of one powder room on the visitable entry level floor, with a 30" by 48" minimum clear floor space contiguous to the water closet and the lavatory. The clear space under a lavatory can be included in this measurement and clear spaces contiguous to the water closet and lavatory are permitted to overlap. Powder room doors on the visitable floor must have lever door hardware and reinforcement in the walls adjacent to water closets, bathtubs and showers, mounted at a height of 33 to 36 inches above the finished floor, for the future installation of grab bars if needed

(5) *Light Switches*: Light switches may not be higher than 48" above the finished floor.

Section 4. Exemptions for Visitability Design

(a) Any persons installing the design features contained in this Section, upon review and certification by the Bureau of Building Inspection, may apply for and receive tax exemption upon the improvements above that which is authorized in Section 265.04.

(b) Persons responsible or liable for the payment of taxes due on newly constructed or renovated residential units that contain visitable design features, as outlined herein, may apply for and

receive a tax credit for property taxes assessed upon the eligible property in an amount not to exceed \$2,500.

Section 5. Procedures for Obtaining Exemption

- (a) The request for tax credit must be in writing on a form prescribed by the Treasurer for the City of Pittsburgh, and made available by the Treasurer or the Bureau of Building Inspection.
- (b) Zoning Office, Bureau of Building Inspection and Treasures Office upon request shall provide anyone applying for a building permit the following information in promoting and encouraging visitable design:
 - (1) General information, written in a form easily understood by the general public that details the benefits of visitability design and the City's incentives for installing the principle features.
 - (2) An application form for the exemption.
 - (3) Instructions to complete the form including an outline of the procedures necessary in applying for the tax credit, written in a form easily understood by the general public.
- (c) At the time a person applies for a building permit for new residential construction or improvement, the applicant shall notify the Zoning Officer of the applicant's intent to install the visitable design features required in this Chapter, including the submission of drawings and specifications documenting such intention. When the visitable design improvements or proper construction has been completed, the property owner must notify the Bureau of Building Inspection so that an inspection of the improvements or construction may be made. When the Bureau has completed its inspection and verified the installation of the visitability design features, it shall provide a certificate of completion in addition to any other certificates as may be required by this Code.
- (d) The eligible property owner shall apply for the tax credit with the City Treasurer, on a form obtained from the Treasurer Zoning Officer or Bureau of Building Inspection, within thirty days of receipt of the certificate of completion.

Section 6. Application of Tax Credit

- (a) The Treasurer shall review the application for completeness, and if done so in accordance with this Section, shall give a credit in the amount designated herein toward property taxes assessed by the City on the visitable residence. Such credit shall be in addition to those exemptions granted in other Sections of this Chapter. Tax Credits applications not process by November 30

will not take effect until the year following the next year.

- (b) Any exemption from taxes shall be limited to the assessed valuation attributable to the cost of the new construction or renovation.
- (c) The credit shall not exceed \$2500, or the total amount of the increased amount of property taxes owed during the first five years from when the tax credit is approved, whichever is less.

Section 7. Reporting on Impact

- (a) The Department of City Planning will submit an Annual report to City Council outlining both the cost and effectiveness of this tax credit on visitable housing.

Section 8. Effective Date

- ~~(a) The effective date of this Ordinance shall be ninety days after passage.~~
- (a) The effective date of this Ordinance shall be the later of ninety (90) days after passage, or following said ninety (90) day period the date upon which there is enacted into law a statute passed by the General Assembly of the Commonwealth enabling the City of Pittsburgh to authorize the tax credits herein provided for.