

From: Patrick A. Heaney
Sent: Thursday, October 23, 2008
To: Deb Harris
Subject: IR 1815 – revision (a)

Intro. Res. No. 1815-2008
Introduced by Legislator Stern

Laid on Table 9/16/2008

**RESOLUTION NO. -2008, ADOPTING LOCAL LAW NO. - 2008,
A LOCAL LAW TO ADD CERTAIN UNIVERSAL DESIGN AND
ADAPTABILITY REQUIREMENTS TO THE AFFORDABLE
HOUSING PROGRAM**

WHEREAS, there was duly presented and introduced to this County Legislature, at a regular meeting held on , 2008, a proposed local law entitled, "A LOCAL LAW TO ADD CERTAIN UNIVERSAL DESIGN AND ADAPTABILITY REQUIREMENTS TO THE AFFORDABLE HOUSING PROGRAM" now, therefore, be it

RESOLVED, that said local law is enacted in form as follows:
LOCAL LAW NO. -2008, SUFFOLK COUNTY, NEW YORK
A LOCAL LAW TO ADD CERTAIN UNIVERSAL DESIGN AND ADAPTABILITY
REQUIREMENTS TO THE SUFFOLK COUNTY AFFORDABLE HOUSING OPPORTUNITIES
PROGRAMS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the availability of affordable and accessible housing opportunities is vital to persons with disabilities and others who wish to age in place, while living fully independent lives in our community.

This Legislature also finds that the addition of certain Universal Design and Adaptable Design applications into the construction of new dwelling units funded under the Suffolk County Affordable Housing Opportunities Programs will allow a person with a disability to occupy or visit the home, or age in place and that the addition of such applications is recommended by public and private individuals and groups, including, without limitation, the Suffolk County Senior Citizen Task Force.

Therefore, the purpose of this local law is to require any new dwelling unit constructed with the assistance of the County on a vacant parcel under the 72-h transfer program, or certain multi-family units dedicated to affordable purposes pursuant to the requirements of Article 36 of the Suffolk County Administrative Code shall comply with the Universal Design and Adaptability requirements described herein.

Section 2. Amendments.

Article 36 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

ARTICLE XXXVI AFFORDABLE HOUSING

§ A36 -1. Definitions.

ADAPTABLE DESIGN – Construction that minimizes the cost of a future alteration so that an individual with a disability can age in place, including the installation of interior wall bracing in bathrooms to support the installation of support rails.

PERSON WITH A DISABILITY – A person who has a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or a record of such an impairment; or a condition regarded as such an impairment as further defined by the Americans with Disabilities Act.

UNIVERSAL DESIGN - the design and production of items and spaces which can be accessed and utilized by individuals regardless of age, size or disabilities.

§ A36-3 Universal and Adaptable Design Requirements.

A. Any new dwelling unit that is to be constructed with the assistance of the County of Suffolk pursuant to § A36-2(B) of this article (“72-h transfer program”) or § A36-2(C) of this article (“Workforce housing program”) shall comply with the design and construction requirements set forth in this section A36-3.

B. The design and construction of a new dwelling unit shall comply with the following requirements:

- 1) At least one step-less entry shall be provided into a ground floor dwelling unit, and may be located at the front, rear or side of the building with a threshold not exceeding one-half inch in height.
- 2) All interior passage doorways on the ground level of a dwelling unit shall have an unobstructed opening of at least thirty-six inches when the door is open at a ninety-degree angle.
- 3) At least one bathroom shall be located on the ground level of the dwelling unit, containing a clear floor space of thirty by forty-eight inches centered on and contiguous to the sink, which is not encroached by the swing path of the bathroom door.

- 4) To minimize alteration costs for a person with a disability or individuals who desire to age in place, the ground floor of a dwelling unit shall be designed with the following adaptable features.
- a. At least one room which can be converted into a bedroom.
 - b. The required ground floor bathroom shall have walls that are reinforced with wood blocking between the interior studs, capable of supporting grab bars as follows:
 - i. two reinforcements on the back wall of the bathtub, each at least twenty-four inches long, at least twenty inches wide and not more than twenty-four inches from the head end wall and not more than twelve inches from the foot end wall, one in a horizontal position at least thirty-three inches, but not more than thirty-six inches above the floor, and one nine inches above the rim of the bathtub;
 - ii. one backing reinforcement on the foot end wall of the bathtub, at least twenty inches long, at least eighteen inches wide and located at the front edge of the bathtub;
 - iii. one backing reinforcement on the head end wall of the bathtub, at least twelve inches long, at least eighteen inches wide and located at the front edge of the bathtub;
 - iv. ground floor interior shower walls shall include backing reinforcements on at least two walls on which the control valves are not located, each centered at least thirty-three inches, but not more than thirty-six inches, above the floor and at least eighteen inches wide; and
 - v. All walls adjacent to the toilet shall have horizontal backing reinforcements, each at least thirty-three inches, but not more than thirty-six inches, above the floor, and sufficient to allow for a twenty-four inch grab bar on the wall behind the toilet and another forty-two inch grab bar on one of the other adjacent to the grab bar.
- 5) Each heating zone in a ground floor dwelling unit shall contain a thermostat located on the wall at least fifteen inches but not more than forty-eight inches above the floor.

C. Each municipality, developer or participating employer that receives County assistance under § A36-2(B) and § A36-2(C) shall submit assurance to the Workforce Housing Director that construction activities will be provided in compliance with this section.

D. The Workforce Housing Director is hereby authorized, empowered and directed to promulgate rules and regulations necessary to implement this section and is further directed to take all other actions necessary to ensure compliance with the requirements of this section.

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: