

SUBJECT: Construction requirements for affordable housing

COMMITTEE: Urban Affairs — favorable, with amendments

VOTE: 7 ayes — Carter, Burnam, Clark, Edwards, Ehrhardt, Hodge, Najera
0 nays
2 absent — Bailey, Hill

SENATE VOTE: On final passage, Local and Uncontested Calendar, May 3 — 30-0

WITNESSES: For — Judith Sokolow, Advocacy Inc.; Ann V. Denton, The Enterprise Foundation; John Henneberger, Texas Low Income Housing Information Service; Susan M. Maxwell, Texas Planning Council for Developmental Disabilities; Jonas Schwartz, United Cerebral Palsy of Texas; Tom Tyree, Disability Policy Consortium

Against — None

On — John Garvin, Texas Department of Housing and Community Affairs

BACKGROUND: The Texas Department of Housing and Community Affairs (TDHCA) administers the state’s Housing Trust Fund and the federal HOME block-grant program and Low Income Housing Tax Credit Program.

The Housing Trust Fund is the only state-funded low-income housing program. Funds may be used to buy, rehabilitate, and build affordable housing. The program benefits households at or below 80 percent of the area’s average median family income (AMFI).

The HOME program, funded by the U.S. Department of Housing and Urban Development, is aimed at expanding the supply of affordable housing for households at or below 80 percent of the AMFI. TDHCA distributes block-grant funds through statewide or regional competition or by direct award.

The Low Income Housing Tax Credit Program promotes the construction of affordable housing by issuing federal tax credits for new construction and rehabilitation of multifamily residential developments. A developer who sets aside 100 percent of a project for qualified tenants may claim the maximum tax credit eligible for a development. The program benefits households at or below 60 percent of the AMFI.

DIGEST: SB 623 would amend Government Code, chapter 2306 by setting certain construction requirements for affordable homes built with state or federal money in programs administered by TDHCA for families at or below 80 percent of the AMFI.

Such houses would have to be built so that at least one entrance door, no matter the location, was accessible by a ramp or a no-step entrance. The net clearance of the entrance opening would have to be at least 34 inches. Each interior door on the first floor would have to be at least 32 inches wide unless the door provided access to a closet of less than 15 square feet. Each hallway on the first floor would have to be level and at least 36 inches wide, and door thresholds would have to be ramped or beveled.

On the first floor of the house, the walls in each bathroom would have to be reinforced in case grab bars needed to be installed later. Electrical panels or breaker boxes, light switches, or thermostats could not be higher than 48 inches above the floor, and electrical plugs or other receptacles would have to be at least 15 inches above the floor. In addition, each breaker box would have to be located inside the house on the first floor.

A person who built these houses could apply to TDHCA for a waiver of the requirement to build an entrance that was accessible by ramp if the cost of grading the terrain to meet this requirement was prohibitively expensive.

The bill would take effect September 1, 1999, and would apply to affordable housing for which new construction began on or after that date.

SUPPORTERS SAY: SB 623 would provide a low-cost, efficient way to encourage construction of affordable housing that would be minimally accessible for disabled residents and visitors. These modifications would not drive up the cost of construction substantially and would allow someone who was wheelchair-bound to have basic access to the house and to move about inside. It would ensure that

people living in affordable housing could invite friends and relatives with disabilities into their homes, as well as individuals who needed to use a wheelchair even temporarily.

Research has shown that the cost of making these modifications adds about \$200 to the cost of each house. Design modifications easily could be made without having to increase the size of the house.

Houses built with wider hallways on the first floor, reinforced bathroom walls, and lower light switches are cheaper to build than to modify later, should a family member become disabled in the future. Low-income residents who became disabled could remain in their homes without the necessity to spend tax dollars to retrofit and rehabilitate the homes.

OPPONENTS
SAY:

SB 623 would add to the cost and reduce the supply of affordable houses in Texas. Mandating that all affordable houses would have to have these requirements, whether or not the residents actually needed them, would drive up costs for everyone. These modifications should be made on an as-needed basis.

Requiring larger doors, particularly in bathrooms, would set up a kind of domino effect. A larger door requires a larger bathroom, and that cuts into the usable space in other rooms, which already have minimum square footage. These modifications, therefore, could require an additional 20 square feet per house. Because of zoning requirements, certain cities may require a larger lot if the square footage is increased to more than that of a standard affordable home, which is around 1,200 square feet. This could drive the costs up by between \$500 and \$2,000 per house.

It would be an inefficient expenditure of government funds to modify houses to accommodate disabled visitors or residents who might become disabled sometime in the future.

OTHER
OPPONENTS
SAY:

Placing electrical panels or breaker boxes closer to the ground could create a potential safety hazard for younger children. Some prospective residents with children could be reluctant to buy these houses, especially if there were no disabled family members.

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NOTES: The committee amendment would change from 30 to 34 inches the required net clearance of the entrance door and increase the required width of each interior door from a standard 30 inches to at least 32 inches.