

COUNCIL OF THE COUNTY OF MAUI
WATER AND INFRASTRUCTURE
COMMITTEE

August 9, 2019

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Water and Infrastructure Committee, having met on July 22, 2019, makes reference to County Communication 18-198, from Councilmember Elle Cochran, transmitting a proposed resolution entitled "URGING THE DEPARTMENT OF PUBLIC WORKS TO INCORPORATE VISITABILITY STANDARDS IN THE COUNTY'S BUILDING CODE FOR NEW RESIDENTIAL CONSTRUCTION."

The purpose of the proposed resolution is to ask the Department of Public Works to consider the incorporation of visitability standards into the County's Building Code for new residential construction, analyze the feasibility of incorporating visitability standards into the County's Building Code, and report to the Council on the Department's findings and recommendations for appropriate legislation.

Your Committee notes the Council's Infrastructure and Environmental Management Committee (2017-2019 Council term) met on October 1, 2018 and December 3, 2018.

On July 12, 2019, the Chair of your Committee transmitted a revised proposed resolution, entitled "URGING THE DEPARTMENT OF PUBLIC WORKS TO EVALUATE THE INCORPORATION OF VISITABILITY STANDARDS FOR NEW RESIDENTIAL CONSTRUCTION IN THE COUNTY'S BUILDING CODE," incorporating background information, a definition of "visitability," revisions to the six proposed visitability standards, the deletion of the clauses urging the Department to conduct a feasibility analysis and report to the Council, and other amendments to the resolution. The revised proposed resolution states: "visitability" refers to the design of housing that can be lived in or visited by people

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with mobility limitations, who have trouble with steps, or who use wheelchairs or walkers.”

The Director of Public Works stated the Department anticipates proposing changes to the Building Code in early 2020 to incorporate the 2018 International Building Code. She further stated the Department has no objections to the resolution and is open to making changes to the Building Code. However, she acknowledged there may be challenges in incorporating the proposed standards. As part of the Building Code update, the Department will be talking to the community, including design and construction professionals, to determine how to balance various concerns.

Anthony Riecke-Gonzales, a principal at Riecke Sunnland Kono Architects, Ltd., was designated as a resource person by your Committee. He has experience designing affordable homes and has served as a Governor’s appointee on the State Disability and Communication Access Board. He said a four-bedroom, three-bathroom affordable home on Maui typically has an area of 1,000-1,200 square feet, excluding the garage. Mr. Riecke-Gonzales estimated the area needed to implement the revised proposed standards to be 30-40 square feet, which can be challenging to add to smaller homes. He said enlarging a home translates to a higher price, and even a small increase could prevent prospective owners from qualifying for a home loan.

Your Committee was interested in learning about the potential minimum cost associated with the proposed standards. Mr. Riecke-Gonzales said incorporating features less extensive than the revised proposed standards would cost approximately \$1,500-\$2,000, based on his experience on Department of Hawaiian Home Lands affordable-housing projects. For those projects, options are provided for accessibility features, such as switching out a tub for a roll in shower, which does not add much cost.

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Mr. Riecke-Gonzales said the features he described were different from Americans with Disabilities Act standards, some of which apply to state and federally funded housing projects. He further stated U.S. Department of Housing and Urban Development projects are required to follow Uniform Federal Accessibility Standards, which are less stringent than those listed in the revised proposed resolution.

Your Committee expressed support for responsible planning for inclusivity, allowing people to age in place, and making all types of new homes wheelchair-accessible for residents and their visitors. Your Committee further stated such improvements would help people feel less isolated and improve their quality of life.

However, your Committee also acknowledged the need to address the potential costs to homeowners. Your Committee further suggested real property tax credits as a way to provide assistance. The Director said along with evaluating the visitability standards, the Department will explore incentives and grants, in particular through the Department of Housing and Human Concerns. Your Committee suggested the Department of Housing and Human Concerns could also create a grant program for retrofitting existing homes to include visitability features.

Your Committee inquired about the possibility of including a process to waive the proposed standards, which may be warranted given site conditions and affordability concerns. The Director said the Department would include this in the evaluation process.

Your Committee voted 5-0 to recommend adoption of the revised proposed resolution and filing of the communication. Committee Chair Lee, Vice-Chair Paltin, and members Kama, Molina, and Sinenci voted "aye." Committee members Hokama and Rawlins-Fernandez were excused.

Your Water and Infrastructure Committee **RECOMMENDS** the following:

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1. That Resolution _____, attached hereto, entitled "URGING THE DEPARTMENT OF PUBLIC WORKS TO EVALUATE THE INCORPORATION OF VISITABILITY STANDARDS FOR NEW RESIDENTIAL CONSTRUCTION IN THE COUNTY'S BUILDING CODE," be ADOPTED; and
2. That County Communication 18-198 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



ALICE L. LEE, Chair

Resolution

No. _____

URGING THE DEPARTMENT OF PUBLIC
WORKS TO EVALUATE THE INCORPORATION
OF VISITABILITY STANDARDS FOR NEW
RESIDENTIAL CONSTRUCTION IN THE
COUNTY'S BUILDING CODE

WHEREAS, a November 2016 study titled "State of Hawaii Analysis of Impediments to Fair Housing Choice with a Focus on People with Disabilities" ("Analysis") was prepared by the Center on Disability Studies at University of Hawaii at Manoa for eight agencies throughout the State, including the County's Department of Housing and Human Concerns; and

WHEREAS, using data from the U.S. Census Bureau, 2010–2014 American Community Survey 5-Year Estimates, the Analysis stated the County of Maui is home to approximately 16,700 people with disabilities, comprising 10.6 percent of the County's total population; and

WHEREAS, among the people in the County over 64 years old, an estimated 7,500 people, or 34 percent, have a disability; and

WHEREAS, the State of Hawaii Department of Business, Economic Development & Tourism ("DBEDT") published data in 2018 showing the State's population over the age of 64 years is projected to grow from 244,000 in 2016 to 393,000 in 2045, significantly outpacing the State's overall population growth; and

WHEREAS, population growth among older adults poses significant challenges to the State's and Maui County's economic, physical, and social structures; and

WHEREAS, the Analysis presented 2015 DBEDT data showing Maui County's population was estimated to grow by 25 percent from 2015 to 2025, resulting in a projected 13,949 new housing units required by 2025; and

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WHEREAS, the term “visitability” refers to the design of housing that can be lived in or visited by people with mobility limitations, who have trouble with steps, or who use wheelchairs or walkers; and

WHEREAS, the U.S. Department of Housing and Urban Development endorsed the visitability concept in its 1996 “Fair Housing Planning Guide, Volume 1;” and

WHEREAS, the Analysis recommended six visitability standards:

1. At least one zero-step entrance;
2. Interior doors, including bathrooms, with 32 inches or more of clear passage space;
3. At least a half bath (preferably a full bath) on the main floor;
4. Reinforcement in bathroom walls for future grab bar installation (important to support aging-in-place);
5. Space to maneuver a wheelchair in food preparation facilities if provided on the floor served by the zero-step entrance; and
6. Light switches and electrical outlets within comfortable reach for all; and

WHEREAS, the Analysis further stated “a growing number of architects and builders are coming to realize that including visitability features increases construction costs only minimally or not at all, and is a selling point appreciated by many home buyers of all ages”; and

WHEREAS, requiring visitability features for new residential construction would not require costly retrofitting to existing homes and would support accessibility; and

WHEREAS, the Analysis highly recommended that local governments make visitability a requirement of building codes; and

WHEREAS, the inclusion of visitability standards for new residential construction in the County’s Building Code will improve the quality of life for persons with mobility limitations by designing homes

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with features that enhance accessibility and inclusiveness, thereby allowing them to perform daily activities with a measure of ease and independence; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it urges the Department of Public Works to evaluate the six visitability standards set forth in the Analysis, with a view toward incorporating those or similar standards for new residential construction in a proposed bill to amend the County's Building Code; and
2. That certified copies be transmitted to the Honorable Michael P. Victorino, Mayor, County of Maui, and Rowena Dagdag-Andaya, Director of Public Works, County of Maui.