

Approved March 24, 1986
Date

MINUTES OF THE Senate COMMITTEE ON Local Government

The meeting was called to order by Senator Don Montgomery at
Chairperson

9:00 a.m./~~p.m.~~ on March 19, 1986 in room 531-N of the Capitol.

All members were present except: Senators Bogina and Gaines who were excused.

Committee staff present: Emalene Correll, Mike Heim, Theresa Kiernan, Lila McClaflin

Conferees appearing before the committee:

Mary Beth Green, Legislative Division of Post Audit
Janet Stubbs, Executive Director of the Home Builders Association of
Kansas
Clark Lindstrom, Property Manager for J. A. Peterson Companies, Shawnee
Mission, KS.
Joan B. Watson, Commissioner, Rehabilitation Services for SRS
Karen McClain, Director, Governmental Affairs, Kansas Association of
Realtors
Jean Barbee, Assistant Executive Director, Kansas Lodging Association
Ray Petty, Legislative Liaison, Advisory Committee on Employment of the
Handicapped
Don Karr, Accessibility specialist, Topeka Resource Center for the
Handicapped

H.B. 2259 - concerning public and governmental buildings;
relating to handicapped accessibility standards. Proposal No. 46

H.B. 2660 - concerning handicapped accessibility standards;
relating to apartment complexes, hotels and motels. Proposal No. 46

The hearing, on these bills, was opened.

Mary Beth Green reviewed the performance audit report from the Legislative Division of Post Audit. She stated in general, the audit shows that the governmental buildings and private apartment complexes examined by the auditors were accessible to physically handicapped individuals. However, despite state and local enforcement efforts, many buildings did not fully comply with the states requirements. School buildings generally had the highest level of compliance with the standards, while private apartment buildings had the lowest level of compliance. The audit makes recommendations for changes in state law and administrative procedures to ensure that the accessibility standards are enforced at the state and local levels.
(Attachment I)

In response to a question Ms. Green stated they limited their sampling of apartment buildings to those that had been built since the law went in to affect.

Janet Stubbs stated her organization supports H.B. 2259 and H.B. 2260. These bills are the result of input from numerous groups and individuals and are a compromise by both proponents and opponents. The Uniform Building Code was selected by the interim committee because of its widespread use by the major cities of Kansas. The UBC does not speak to kitchens for handicapped. If there is a market for units of this type they will be constructed. Included with Ms. Stubbs testimony are the requirements from the UBC 1985 Edition.
(Attachment II)

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Local Government,
room 531 N, Statehouse, at 9:00 a.m./~~p.m.~~ on March 19, 1986

Clark Lindstrom stated his company owns and manages over 4,000 living units throughout Kansas. He does not believe there is a big demand for this type of apartment. He has asked for a waiting list of handicapped individuals from their organizations but has never been able to obtain one. His organization desires a balanced and workable solution that will benefit these individuals and not task the profits of apartment owners. (Attachment III)

Joan B. Watson stated they support the passage of legislation to assure the accessibility of housing. We urge that the standards of the Uniform Building Code be expanded to include necessary interior and exterior modifications. They prefer ANSI standards which would better serve the needs of the disabled. We strongly encourage the use of those standards through the waiver process. (Attachment IV)

Karen McClain stated the realtors realize the importance and benefits of the handicapped living in the community rather than in institutions. They feel that the adoption by the interim committee of the Uniform Building Code Standards is the appropriate step toward providing needed cost effective solutions to the problem. They support H.B. 2660 in its present form. (Attachment V)

Jean Barbee stated if you believe that the state needs to set a uniform minimum standard, then we agree with the bill as drafted by the interim committee which includes the Uniform Building Code (UBC) requirements. We still believe there may be an argument to be made for repealing the existing section of the statutes and leaving the standard-setting up to local units of government. We respectfully request that you exempt hotels and motels from Section 8, the requirement for handicapped access to recreational facilities. (Attachment VI)

Ray Petty opposed the bill. The UBC does not understand the concept of adaptability. He further stated our preference is to maintain ANSI standards in hotels and apartments. However, if H.B. 2660 is going to be accepted by the legislature, it is imperative that the ANSI standards dealing with bathrooms, kitchens, controls and electrical outlets be added to the UBC requirements. (Attachment VII)

Don Karr was present and submitted written testimony which is attached to these minutes. (Attachment VIII) Committee time was up before he had an opportunity to testify.

Senator Salisbury moved to adopt the minutes of the March 17 meeting. Senator Daniels seconded the motion. The minutes were adopted.

The next meeting will be at 9:00 a.m., March 20. The meeting adjourned at 10:02 a.m.


Senator Don Montgomery



PERFORMANCE AUDIT REPORT

Handicapped Accessibility in Kansas

A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
March 1986

*(Attachment I) S.L.G.
3/19/86*

Legislative Post Audit Committee

Legislative Division of Post Audit

THE LEGISLATIVE POST Audit Committee and its audit agency, the Legislative Division of Post Audit, are the audit arm of Kansas government. The programs and activities of State government now cost about \$3 billion a year. As legislators and administrators try increasingly to allocate tax dollars effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by Legislative Post Audit helps provide that information.

As a guide to all their work, the auditors use the audit standards set forth by the U.S. General Accounting Office and endorsed by the American Institute of Certified Public Accountants. These standards were also adopted by the Legislative Post Audit Committee.

The Legislative Post Audit Committee is a bipartisan committee comprising five senators and five representatives. Of the Senate members, three are appointed by the President of the Senate and two are appointed by the Senate Minority Leader. Of the Representatives, three are appointed by the Speaker of the House and two are appointed by the Minority Leader.

Audits are performed at the direction of the Legislative Post Audit Committee. Legislators or

committees should make their requests for performance audits through the Chairman or any other member of the Committee.

LEGISLATIVE POST AUDIT COMMITTEE

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PERFORMANCE AUDIT REPORT

Handicapped Accessibility in Kansas

OBTAINING AUDIT INFORMATION

This audit was conducted by Mary Beth Green and Ellyn Rullestad, Senior Auditors, and Jim Davis and Cindy Lash, Auditors, of the Division's staff. If you need any additional information about the audit's findings, please contact Ms. Green at the Division's offices.

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HANDICAPPED ACCESSIBILITY IN KANSAS

Summary of Legislative Post Audit's Findings

What facilities are currently required to be accessible to handicapped individuals, and what are the applicable requirements? State law requires all public and governmental buildings constructed since 1979 to be accessible to physically handicapped individuals. This audit focused on the accessibility of governmental buildings and private apartment complexes. Governmental buildings include State-owned and leased facilities, city and county buildings, and schools. Apartment complexes with more than 20 units are required to have 10 percent of the apartments accessible. Buildings must comply with the American National Standards Institute 1980 specifications for making buildings accessible. These specifications include provisions for parking, entrance to and exit from buildings, circulation within buildings, and use of public facilities such as bathrooms, telephones, and water fountains.

Who is responsible for monitoring compliance with handicapped accessibility requirements, and what enforcement efforts have those entities undertaken? Various State and local agencies are responsible for enforcing the State's handicapped accessibility requirements. The Department of Administration enforces the requirements in State buildings, while the Department of Education is responsible for public and private schools. Local officials are responsible for enforcing the requirements in local governmental buildings and private apartment complexes. Handicapped accessibility requirements are commonly enforced through plan reviews and on-site inspections. The handicapped accessibility requirements are enforced at the same time other building, mechanical, electrical, and plumbing codes are enforced. However, local officials often enforce only local accessibility requirements which are less stringent than the State requirements. Further, many local officials are not aware of the State's requirements for making buildings accessible.

What is the current status of handicapped accessibility in a sample of public and private buildings? The auditors reviewed 35 buildings for compliance with the State's handicapped accessibility standards and found that the buildings generally were accessible. However, despite enforcement efforts at the State and local levels, most of the buildings did not satisfy all the requirements of State law. School buildings showed the highest level of compliance with the standards of all the types of buildings reviewed. State, city, and county buildings were accessible, but the bathrooms and elevators did not always comply with the State's requirements. None of the apartments were in substantial compliance with all areas of the standards, and numerous accessibility problems were found in the bathrooms and kitchens. Only three of the 11 apartment complexes reviewed had 10 percent of their units accessible as required by State law.

During the 1985 interim, the Special Committee on Local Government recommended changes to the handicapped accessibility requirements for apartments. The resulting legislation, House Bill 2660, would reduce the number of units required to be accessible and establishes separate accessibility requirements for apartments. The audit recommends changes in State law and administrative procedures to ensure that the handicapped accessibility standards are enforced at the State and local levels.

HANDICAPPED ACCESSIBILITY IN KANSAS

State law requires all public and governmental buildings constructed in Kansas since 1979 to be accessible to physically handicapped individuals. During the 1985 legislative interim, the Special Committee on Local Government conducted a review of the handicapped accessibility laws that relate to residential apartment buildings and hotel and motel facilities. The Special Committee recommended amendments to existing statutes and the introduction of new, separate statutory provisions for apartment complexes and hotels and motels. However, broader questions about the current status of handicapped accessibility remain.

The Legislative Post Audit Committee directed the Legislative Division of Post Audit to conduct a performance audit of the accessibility of governmental buildings and private, residential apartment complexes. This audit addresses three questions:

1. **What facilities are currently required to be accessible to handicapped individuals, and what are the applicable requirements?**
2. **Who is responsible for monitoring compliance with handicapped accessibility requirements, and what enforcement efforts have those entities undertaken?**
3. **What is the current status of handicapped accessibility in a sample of public and private buildings?**

To answer these questions, the auditors reviewed State laws and regulations concerning the requirements for buildings to be accessible to physically handicapped persons. They contacted the State officials responsible for enforcing these requirements, as well as local officials in the 10 most populous counties in the State. A number of governmental buildings and apartment complexes were examined for compliance with handicapped accessibility requirements. Finally, Kansas' requirements and enforcement activities were compared to those of other states.

In general, the auditors found that all public and governmental buildings constructed since 1979 must be accessible to physically handicapped persons. Various State and local agencies are responsible for enforcing the accessibility requirements, but their enforcement activities are generally limited to reviewing building plans and conducting on-site inspections. In addition, many local officials only enforce local building codes, rather than the State requirements. Many local officials apparently are not aware of the State's requirements for handicapped accessibility. For a sample of governmental buildings and apartment complexes, the auditors determined that most buildings were at least partially accessible. However, many of these buildings do not fully comply with all the requirements of State law.

What Facilities Are Currently Required To Be Accessible To Handicapped Individuals, and What Are the Applicable Requirements?

Since 1968, laws have been enacted in Kansas to make buildings accessible to individuals who are physically handicapped. Physical handicaps include handicaps of

vision, hearing, and movement. Handicaps of movement include disabilities caused by paralysis, arthritis, aging, motor incoordination, amputation, loss of nervous system control, loss of muscular strength, accidents, or surgery. Movement handicaps generally create the most serious barriers to building access, although sight and hearing impairments also cause problems.

To determine what facilities are required to be accessible to physically handicapped individuals, the auditors reviewed State law and interviewed State officials. They also examined the accessibility guidelines adopted by law. Finally, they contacted 10 other states to determine what accessibility standards have been adopted by those states.

The auditors found that all public and governmental buildings constructed since 1979 must be accessible to physically handicapped persons. State law requires such buildings to comply with the American National Standards Institute A117.1-1980 specifications for making buildings accessible. In general, these specifications include provisions for parking, entrance to and exit from buildings, circulation within buildings, and use of public facilities. These requirements emphasize provisions that allow for wheelchair access, because spaces designed to allow for the use of wheelchairs can generally be used by persons requiring other aids and by other members of the general public.

The auditors contacted officials in 10 other states and found that they have adopted a variety of handicapped accessibility standards. Some states, like Illinois, have more stringent requirements than Kansas, while others have adopted more lenient standards. The other states' requirements are summarized in the box on page three.

All Public And Governmental Buildings Constructed Since 1979 Must Be Accessible To Physically Handicapped Individuals

Governmental buildings include State-owned and leased facilities, as well as city and county buildings and schools. Public buildings include buildings constructed with private funds and used by the general public or in which physically handicapped persons may be employed. Apartment complexes and hotel and motel facilities with more than 20 units are included as public buildings. This audit focuses on governmental buildings and apartment complexes.

State law requires all public and governmental buildings constructed since 1979 to be accessible to individuals with physical handicaps. From 1970 to 1979, only buildings constructed with government funds were required to be accessible. In 1979, accessibility requirements were extended to public buildings constructed with private funds, including apartment buildings.

Buildings renovated in the amount of 25 percent or more of the replacement value of the building must also be made accessible. State income tax credits are available for making existing buildings that are used in a trade or business handicapped accessible. The credit is limited to 50 percent of the expenditure, or \$10,000, whichever is less.

Waivers from the requirements can be obtained if acceptable alternatives are used or if the cost of conforming to the standards exceeds seven percent of the total construction or renovation cost. Any agency responsible for enforcing the accessibility requirements may grant waivers, but the granting agency must notify the Department of Administration's Division of Architectural Services of all actions on waivers. Although the Division has internally approved five waivers since 1979, it has not been notified of any approvals or denials of waiver applications by any other agency or governing body.

SUMMARY OF HANDICAPPED ACCESSIBILITY IN OTHER STATES

The auditors contacted 10 other states, including the four surrounding states, to determine what standards they use for handicapped accessibility. Some states, such as Illinois and California, have adopted more stringent regulations than Kansas. Others, including Missouri and Arkansas, have state regulations for government buildings only. The following is a summary of the other states' standards.

Arizona: Arizona's handicapped accessibility standards were adopted in 1985 and will take effect in 1987. These new standards will apply to public buildings, but not to apartment complexes. The requirements will be enforced by the state Department of Administration.

Arkansas: Arkansas uses the Architectural and Transportation Barriers Compliance Board standards for all city-, county-, and state-funded buildings. Private buildings are not covered by the standards. The State Building Services office enforces the standards through plan review.

California: The California handicapped accessibility standards apply to all public and private buildings. All private, residential apartment units must be adaptable to the handicapped unless they are in specified exempted categories. There is a \$600 cap on the amount a developer must spend on a unit to make it handicapped accessible. Enforcement of these standards is through local building departments and the state Department of Housing and Community Development.

Colorado: Colorado follows the American National Standards Institute guidelines for handicapped accessibility. The standards apply to all buildings used by the public, including apartments. Apartment complexes are required to have at least one and as many as seven units that are accessible or adaptable for the handicapped. Local building departments are responsible for enforcing state requirements.

Florida: Florida has adopted the American National Standards Institute specifications for all governmental and public facilities, but not for apartments. Twenty-five percent of the units in an apartment building must be handicapped accessible, but "accessible" is defined merely as having wider doorways and a level entrance. Local building departments are responsible for enforcement of these standards.

Illinois: Illinois has state standards for handicapped accessibility based on the American National Standards Institute guidelines. All types of buildings are covered except one- and two-family residences. Apartment complexes must have 20 percent of their units adaptable for the handicapped. Local building officials are responsible for enforcement.

Iowa: Iowa's handicapped accessibility standards are based on the American National Standards Institute guidelines and apply to all public and private buildings. Apartment complexes with 12 or more units must have 10 percent of their units adaptable to the handicapped. Enforcement is by the state Building Code Commissioner in conjunction with local building officials.

Missouri: Missouri has statutory requirements for handicapped accessibility of state-owned and leased facilities. Requirements are enforced by the state Fire Marshal and the Division of Design and Construction. Handicapped accessibility standards in city, county, and private facilities are established and enforced by the individual localities.

Nebraska: Nebraska's state handicapped accessibility standards were patterned after the 1961 American National Standards Institute guidelines and cover all governmental and public buildings. Residential properties, including apartment buildings, are specifically excluded. Enforcement of state requirements is by the state Fire Marshal with the help of local code authorities.

Oklahoma: Oklahoma requires all state, county, and municipal facilities to comply with the Building Officials and Code Administrators handicapped accessibility requirements. Private buildings, including apartments, are covered by local standards. The state Board of Affairs enforces standards for state buildings, and local code enforcement authorities are responsible for local buildings.

By Law, Public and Governmental Buildings Are Required To Conform To the American National Standards Institute 1980 Specifications For Handicapped Accessibility

Since July 1, 1981, new or renovated public and governmental buildings have been required to conform to the 1980 American National Standards Institute specifications for making buildings accessible to the physically handicapped. Prior to 1981, such buildings were required to conform to the Institute's 1961 specifications.

The American National Standards Institute specifications were developed to provide uniformity in design criteria and building codes enforced by governmental regulatory agencies. The specifications are guidelines for making buildings accessible and usable. Accessibility and usability allow handicapped individuals to get to, enter, and use a building. Special provisions are made for individuals with sight, hearing, and movement handicaps, although the standards emphasize provisions that allow for wheelchair access.

The specifications generally apply to parking, entry to and exit from buildings, circulation within buildings, and use of facilities such as bathrooms, telephones, and water fountains. For dwelling units such as apartments, there are requirements for kitchens, bathrooms, and laundry facilities. State law requires 10 percent of apartment units to be accessible to physically handicapped persons. The American National Standards Institute specifications allow dwelling units to be adaptable rather than accessible. In adaptable apartments, items such as counters, sinks, and grab bars can be added or moved to accommodate the needs of handicapped individuals.

The American National Standards Institute specifications are very detailed, and the prescribed guidelines range from door widths to the height of the water flow of a drinking fountain. Typical requirements in the major areas of accessibility include:

Parking: Parking spaces for the handicapped must be at least 96 inches wide, with an adjacent access aisle 60 inches wide. Parking spaces shall be marked with the accessibility symbol, and that symbol should not be obscured by a vehicle parked in the space.

Entry and Exit: At least one accessible route from public transportation stops, streets, and parking spaces must be provided to an accessible building entrance. Curb cuts and ramps must be provided, and ground surfaces should be relatively nonslip in all weather conditions. Doorways must have a minimum clear width of at least 32 inches when the door is opened 90 degrees. This door width is designed to allow clearance space for a wheelchair and the user's arms propelling the chair.

Circulation: Elevators, if provided, must have call buttons centered 42 inches above the floor, with buttons at least three-fourths of an inch in diameter. Visible elevator signals must be mounted at least 72 inches above the floor. Audible signals shall sound once for up and twice for down, or say up or down. Stairs must have rough-textured warning surfaces at the top and bottom, with handrails along both sides of the stairway. Ramps must have level landings at the top and bottom.

Bathrooms: At least one handicapped accessible bathroom must be provided, on an accessible route. Toilets, urinals, sinks, cabinets, and mirrors must satisfy height requirements. Faucets must be lever-operated, push-type, or electronically controlled. Water and drain pipes must be insulated or otherwise covered. In public facilities, handrails and grab bars must be provided around toilets, bathtubs, and

shower stalls. Bathrooms in apartments must have grab bars or structural reinforcements that allow for the installation of grab bars.

Kitchens: Appliances and work surfaces should be accessible and usable. Clear floor space of at least 30 inches by 48 inches must be provided in front of appliances. At least one 30-inch surface of counter must be adjustable to heights of 28, 32, and 36 inches. Range controls should not require reaching across burners, and the depth of the sink should not be greater than six and one-half inches. Laundry facilities should include front-loading washing machines and clothes dryers.

The American National Standards Institute specifications are designed to be minimum requirements for accessibility. The specifications require that a reasonable number, but at least one, of each type of accessible element be provided. For example, at least one principal entrance to any building must be accessible and must be located on an accessible route to public transportation stops, accessible parking spaces, and public streets and sidewalks. However, one accessible parking space at an apartment building with five accessible units would not qualify as a reasonable number.

Who Is Responsible For Monitoring Compliance With Handicapped Accessibility Requirements, and What Enforcement Efforts Have Those Entities Undertaken?

To answer this question, the auditors reviewed State law and interviewed State and local officials. They found that requirements for handicapped accessibility are monitored and enforced by various agencies, depending on the type of building and source of funds. Agencies responsible for enforcement include the Departments of Administration and Education, as well as local officials. Handicapped accessibility requirements are commonly enforced through reviews of building plans or on-site inspections. Officials review for compliance with accessibility requirements at the same time they enforce the building, mechanical, electrical, and plumbing codes. At the local level, the auditors found that officials often enforce less stringent local building codes rather than the standards adopted by State law. Many local officials apparently are not aware of the State's handicapped accessibility requirements. These and other findings are discussed in the sections that follow.

Handicapped Accessibility Requirements Are Enforced By a Number of Agencies, Depending on the Type of Building

A variety of agencies enforce handicapped accessibility requirements, depending on the type of building and the funding source. This audit focused on four types of buildings-- State buildings, schools, local government buildings, and private apartment complexes. The agencies responsible for enforcing handicapped accessibility requirements for these types of buildings, along with common enforcement activities, are summarized in the box on page six. In general, the following agencies are responsible for enforcing handicapped accessibility requirements:

State buildings: Department of Administration, Division of Architectural Services. This includes buildings owned and leased by the State, as well as buildings constructed or renovated by institutions governed by the Board of Regents.

Schools: Department of Education. This includes all public and private elementary, secondary, and post-secondary schools not governed by the Board of Regents.

City and county buildings: The local governing body or an agency designated by that body. In practice, local building inspectors monitor compliance and enforce the requirements.

Private apartment buildings: The county or district attorney. In practice, local building inspectors enforce the requirements.

While State law authorizes various agencies to enforce handicapped accessibility requirements, there is often some overlap between two or more agencies. State officials review plans of all schools and other projects using State funds. Local building inspectors, particularly city inspectors, review plans and conduct on-site inspections of most building projects within their particular jurisdictions. Therefore, building projects commonly have at least two responsible agencies checking for compliance with handicapped accessibility requirements. Finally, both State and local officials indicated that project architects and engineers are responsible for meeting all code requirements, and those individuals also conduct inspections during construction. However, all of these officials and architects inspect buildings for compliance with various other codes, as well as the handicapped accessibility requirements.

ENFORCEMENT OF HANDICAPPED ACCESSIBILITY STANDARDS		
Type of Building	Enforcement Agency	Enforcement Activities
State Government	Department of Administration, Division of Architectural Services	Reviews building plans and conducts on-site inspections
Schools	Department of Education	Reviews building plans
Local Government	Local Governing Body (Local Building Inspectors)	Reviews building plans and conducts on-site inspections
Private Apartments	County/District Attorney (Local Building Inspectors)	Reviews building plans and conducts on-site inspections

State Officials Primarily Enforce Handicapped Accessibility Requirements by Reviewing Building Plans

The Departments of Administration and Education both have established procedures for requiring State buildings and schools to comply with the American National Standards Institute handicapped accessibility specifications. The Department of Administration reviews building plans and conducts on-site inspections, while the Department of Education is only required to review building plans.

The Department of Administration reviews building plans and conducts some on-site inspections. For State building projects costing less than \$250,000, the Division of Architectural Services internally develops the building plans in conformance with the State standards. Building plans for projects costing more than

\$250,000 are contracted out to private architects and engineers. Plans drawn by outside architects and engineers are reviewed by the Division's staff for compliance with all applicable building requirements, including the handicapped accessibility specifications. The Division's focus when reviewing plans for handicapped accessibility is on parking spaces, bathrooms, ramps, and elevators. Members of the Division's staff indicated that compliance with the accessibility requirements has not been a major problem.

The Division also performs periodic on-site inspections during construction for all projects. The Division is responsible for reviewing State-leased facilities for compliance with building requirements, including the handicapped accessibility requirements. Facilities with at least 5,000 square feet are inspected, as well as any other facilities that are practical to visit. The Division has granted five waivers from the accessibility requirements in the last six years.

The Department of Education only uses plan approval to enforce accessibility requirements. The Department of Education is required by State law to approve all plans for school construction and renovation. The Department periodically informs all school districts that the construction and renovation of school buildings must comply with numerous building codes, including the American National Standards Institute specifications for handicapped accessibility. An Architect III employed by the Department of Education reviews all school building plans for compliance with the necessary code specifications, and makes recommendations on approval to the Board of Education. State law limits the Department's responsibility for school construction to plan review, and on-site inspections generally are not conducted.

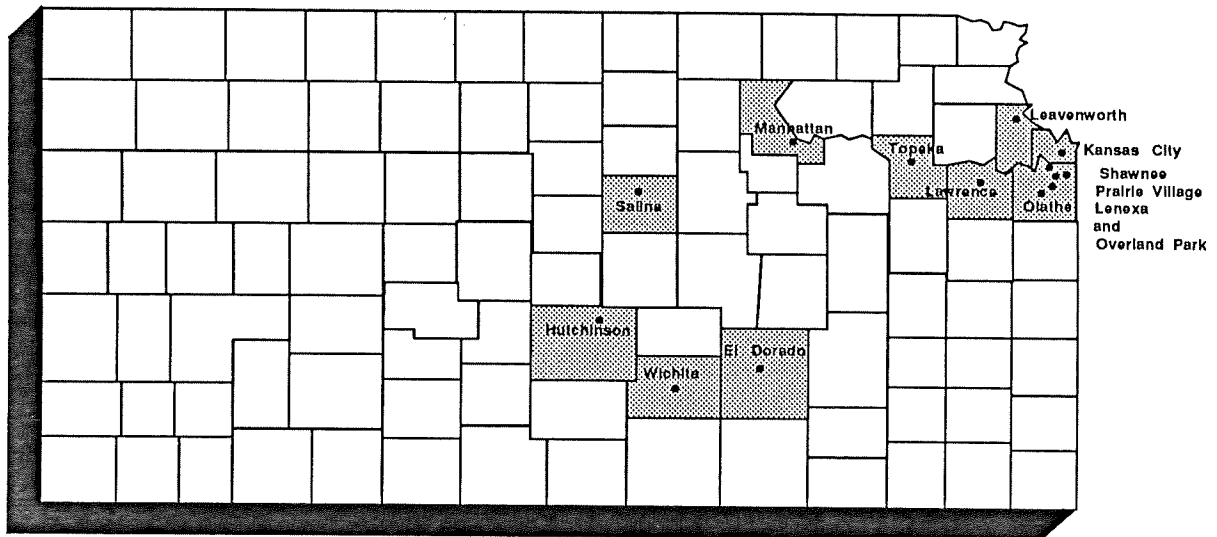
Local Officials Review Building Plans and Conduct On-Site Inspections for Compliance With Local Building Codes

To determine how local officials were enforcing handicapped accessibility requirements, the auditors contacted building inspectors in the 10 most populous counties in the State and in the 14 largest cities in those counties. The counties surveyed were Butler, Douglas, Johnson, Leavenworth, Reno, Riley, Saline, Sedgwick, Shawnee, and Wyandotte. The cities contacted were El Dorado, Hutchinson, Kansas City, Lawrence, Leavenworth, Lenexa, Manhattan, Olathe, Overland Park, Prairie Village, Salina, Shawnee, Topeka, and Wichita. These cities and counties are shown on the map on the following page.

In general, local officials indicated that they enforce the handicapped accessibility requirements of their local building codes, rather than the State's specifications. In most cases, those local building codes are less detailed and stringent than the State requirements. Many local officials apparently are not aware of the handicapped accessibility requirements adopted by the State. Also, because K.S.A. 58-1304 authorizes county or district attorneys to enforce the accessibility requirements for public buildings, there is confusion in some localities about whether building officials have the authority to enforce the State requirements.

Local officials generally enforce local building codes rather than State requirements for handicapped accessibility. Officials in two counties and 13 cities surveyed indicated that they have adopted and enforce local building code requirements for handicapped accessibility, rather than the American National Standards Institute specifications adopted by State law. The most common code adopted was the Uniform Building Code. Only one city and one county indicated that they use the Institute's specifications for handicapped accessibility. The remaining seven counties indicated that they have not adopted any county-wide building code, although two of them

CITIES AND COUNTIES SURVEYED FOR
HANDICAPPED ACCESSIBILITY



The auditors surveyed building officials in the 10 most populous counties in the State and in the 14 largest cities in those counties.

use the Institute's specifications for governmental buildings. A list of the handicapped accessibility requirements adopted by each of the cities and counties surveyed can be found in Appendix A.

Local requirements for handicapped accessibility are not as stringent as the American National Standards Institute specifications. The American National Standards Institute specifications for handicapped accessibility are generally more detailed and stringent than the building codes adopted by local units of government. For example, the Uniform Building Code requires the operable parts of an accessible telephone to be within 54 inches of the floor. The Institute also specifies a maximum height of 54 inches for telephones that may be approached from the side. But, for telephones that must be approached from the front, the Institute specifies a maximum height of 48 inches. The Uniform Building Code does not differentiate between side and frontal approach. A comparison of the American National Standards Institute specifications and the Uniform Building Code requirements can be found in Appendix B.

For apartments, the Uniform Building Code only requires accessible, level floors, 32-inch wide doors, and accessible bathrooms. The Institute's specifications include detailed requirements for kitchens, bathrooms, and laundry facilities, if provided. For example, under the Uniform Building Code, apartment laundry facilities may include only top-loading washing machines and clothes dryers. The American National Standards Institute specifications require front-loading washing machines and clothes dryers, with accessible controls.

The Uniform Building Code also only requires an apartment complex with 21 to 99 units to have one accessible unit, plus one accessible unit for each additional 100 units or fraction of 100 units. State law currently requires apartment complexes with at least 20 units to have 10 percent of the units accessible.

State law requires county or district attorneys to enforce the handicapped accessibility standards in apartment buildings. However, county and district attorneys are not involved in seeing that facilities meet building code requirements during construction. Any enforcement actions taken by county or district attorneys would most likely result from complaints received after the building was completed. Local building inspectors, who in practice conduct the reviews and inspections for compliance with the applicable requirements, are able to enforce the requirements at the same time they enforce other building requirements.

What Is the Current Status of Handicapped Accessibility In a Sample of Public and Private Buildings?

To answer this question, the auditors reviewed a sample of 35 buildings in seven cities across the State. Buildings in Hutchinson, Lawrence, Manhattan, Olathe, Overland Park, Topeka, and Wichita were inspected to determine whether they complied with the American National Standards Institute specifications. The sample included State-owned and leased buildings, city and county buildings, schools, and private apartment buildings constructed or renovated between 1981 and 1985. The auditors originally intended to also visit buildings in Kansas City, but city officials indicated that no new governmental buildings or private apartment complexes had been completed in recent years. The total number of buildings visited, by type of building, is shown below.

<u>Type of Building</u>	<u>Number Sampled</u>
State Buildings (a)	10
City and County Buildings	6
Schools (b)	8
Apartment Complexes	<u>11</u>
Total	<u><u>35</u></u>

(a) Includes buildings for institutions governed by the Board of Regents.

(b) Includes all public and private schools, except those governed by the Board of Regents.

In general, the auditors found that building entrances and the public facilities such as the bathrooms were accessible to physically handicapped persons. However, despite the enforcement actions taken at the State and local levels, most of the buildings did not satisfy all the requirements of State law. State buildings, schools, and city and county buildings were in substantial compliance with the specifications, although some problems were noted. Apartment buildings generally were not in substantial compliance with the American National Standards Institute specifications. Further, most of the apartment complexes were not in compliance with K.S.A. 58-1310, which requires that 10 percent of the units in an apartment complex be accessible to the physically handicapped.

Most Governmental Buildings Were Accessible, But Did Not Satisfy All the Requirements of State Law

Most of the governmental buildings inspected by the auditors were accessible to physically handicapped individuals. However, those buildings often did not satisfy all the requirements of the American National Standards Institute specifications. In comparing

buildings to the specifications, the auditors looked at five major areas: parking, entrance and exit, circulation, bathrooms, and kitchens. Most of the violations in governmental buildings were related to circulation, particularly elevators, and to bathroom fixtures. Some buildings had only a few minor problems while others had numerous deficiencies. Appendix C summarizes the degree of compliance with the American National Standards Institute specifications for each building inspected by the auditors.

School buildings were consistently in compliance with the American National Standards Institute specifications adopted by the State. Of all types of buildings the auditors reviewed, school buildings had the highest level of compliance with the State's requirements. In fact, they were the only group for which the auditors found substantial compliance in every area. Most of the deficiencies found were minor. For example, two of the eight schools visited need to add upright signs to better identify the handicapped parking stalls. Another school building has an elevator that lacks an audible sound when the car arrives and has no raised symbols next to the control buttons.

The Architect III employed by the Department of Education reviews building plans thoroughly for compliance with the handicapped accessibility requirements. Although he does not conduct on-site inspections, the school buildings visited by the auditors consistently complied with the requirements.

State buildings generally complied with the requirements, but some problems were found with bathrooms and elevators. New State buildings and additions to older State buildings are intended to be fully accessible to the physically handicapped. On the whole, these buildings had adequate parking, easily negotiable entries, elevators and ramps to aid circulation, and adaptations for the physically handicapped in the bathrooms. Despite enforcement efforts by the Division of Architectural Services, even new State buildings had some deficiencies in the bathrooms and problems with circulation. Typical problems with new buildings included door handles that required twisting, water pipes that were not insulated or covered, clearance under sinks too low or too narrow to accommodate wheelchairs, and urinals mounted too high. For circulation, elevators sometimes did not have the required audible and visible signals.

Compliance With Handicapped Accessibility Standards Varies Considerably in State Buildings

The auditors found only two problems in the renovation of Nichols Hall at Kansas State University: the handicapped parking symbols painted on the pavement had no accompanying upright signs, and urinals in the men's room were mounted higher than allowed in the American National Standards Institute specifications. By contrast, at the leased Women's Club Building in Topeka, which houses the Insurance Department, the auditors found that no parking was reserved for the handicapped, the elevator lacked an overhead visual signal, and the two bathrooms designated as handicapped accessible had doorways that were too narrow. Fixtures in the bathrooms also had deficiencies including sinks mounted too high, lack of insulation on the hot water and drain pipes under the sinks, and faucet handles which required twisting to operate.

Renovated State buildings generally had the same types of problems as the new buildings, but the problems occurred more often. Further, renovations of State-leased space showed less compliance with the American National Institute standards than did new buildings or renovations of State-owned space. For example, at Jayhawk Towers the auditors found exterior elevator call buttons that are too high and inadequately marked, bathroom door handles and faucets that require twisting, uninsulated pipes, and flush controls on the narrow side of toilet stalls. The Division of Architectural Services did not grant waivers from the accessibility requirements for this building or any of the State buildings visited by the auditors.

Most city and county buildings were accessible, but problems were

noted in several areas. Parking and entry for these buildings tended to comply with State law, but the types of problems noted above for elevators also occurred in city and county building elevators. Of the six buildings in this group, all had one or more deficiencies in the bathrooms. Generally, these were problems such as uninsulated pipes, faucets that required twisting, and fixtures mounted at the wrong height. These problems occurred despite reviews and inspections by the local building inspectors. One structure, the City Park Pavillion in Manhattan, had bathroom doors 29 inches wide; the American National Standards Institute specifications require doors with clear width of at least 32 inches.

Most of the problems found by the auditors in governmental buildings may seem insignificant. However, such problems can create barriers for handicapped people or limit their ability to use facilities. In many cases, it appears that efforts have been made to make buildings accessible, but problems still exist. Better enforcement of State law could help make governmental buildings, as well as public buildings, barrier free.

Compliance With Accessibility Standards Is Inconsistent

While visiting buildings, the auditors often found partial compliance with the accessibility standards. In some cases, it appeared that significant efforts had been made to make the facilities accessible. Yet major impediments to accessibility remained. For example, the City of Manhattan is nearing completion on a raised pavillion with ground-floor bathrooms in City Park. The auditors noted detachable stairs for access onto the pavillion and were informed by the city building inspector that a ramp had also been ordered. The bathrooms had handicapped accessible toilet stalls that met most of the standards, but the doors to the bathrooms were very heavy and had a clear opening space of only 29 inches. Both the Uniform Building Code and the American National Standards Institute specifications require door openings with a clear width of 32 inches. In addition, the parking lot was gravel, which is difficult for persons using wheelchairs, walkers, or canes to negotiate. Also there were no upright signs or other indication of parking reserved for the handicapped.

Most Apartment Complexes Did Not Comply With the State Requirements, and Three of 11 Complexes Did Not Comply With the Local Requirements

State law requires apartment complexes with at least 20 units to make 10 percent of the apartments accessible to handicapped persons. The accessible apartments must comply with the American National Standards Institute specifications. The apartment buildings inspected by the auditors generally did not comply with either of these requirements. For apartment buildings, local officials are enforcing local building codes, primarily the Uniform Building Code. That code specifies that apartment complexes with 21 to 99 units must have one accessible apartment, with one unit for each additional 100 apartments or fraction of 100 apartments.

An interim study of handicapped accessibility requirements for apartment buildings was conducted in 1985 by the Special Committee on Local Government. That Committee recommended legislation that would reduce the number of apartments required to be accessible and would exempt apartment buildings from the American National Standards Institute specifications.

Many apartment complexes did not have the required percentage of units accessible to handicapped individuals. Only three of the 11 apartment complexes reviewed had 10 percent of their units accessible as required by State law. Five developments had the number of accessible units necessary to comply with the Uniform Building Code requirements. Three complexes did not even have the number of accessible units necessary to comply with the Uniform Building Code, and two of those three

complexes did not have any accessible units. For various sizes of apartment complexes, the table below shows the different numbers of accessible units required by the Uniform Building Code and State law.

<u>Number of Units in Complex</u>	<u>Handicapped Accessible Units Required</u>	
	<u>Uniform Building Code</u>	<u>K.S.A. 58-1310</u>
80	1	8
100	2	10
150	2	15
200	3	20
300	4	30

In most of the apartment complexes with handicapped accessible units, those units were either vacant or rented to non-handicapped individuals. Several apartment managers and owners stated that the demand for their handicapped units was minimal. Many of them also indicated that even the number of accessible units required by the Uniform Building Code was too high.

The apartments that were handicapped accessible did not comply with State requirements. Apartment complexes showed the least amount of compliance with the American National Standards Institute specifications of all the building types the auditors reviewed. Accessibility problems were found in all areas covered by the standards. The major problems noted by the auditors are described below for each area of the standards.

Interpretation of the Building Code Relating to Apartments

City building inspectors in Hutchinson and Lawrence told the auditors that none of the apartment complexes built in their cities in recent years were required to have handicapped accessible units. This is not in compliance with State law or the Uniform Building Code. The building inspection departments of both cities interpreted the Uniform Building Code as requiring accessible units only when there were more than 20 units in an individual building. In actuality, the Code states that the requirement applies when there are more than 20 units in the complex, regardless of the number of buildings.

In 1984 and 1985 at least 10 new complexes, with 20 units or more, were built in Hutchinson and Lawrence. In all, these complexes included 445 apartments. Because the complexes were designed as clusters of 4- to 16-plexes, they were not required to have apartments accessible to the physically handicapped. Lawrence city officials did indicate that they began enforcing the State requirements in late 1985.

Parking. Four of the nine apartment complexes with accessible units had no parking reserved for the handicapped, and three needed to improve identification of the parking by using upright signs. Only two apartment complexes were in substantial compliance with the parking standards.

Entry and Exit. With one exception, the apartment complexes were in compliance with the standards included in this area. One apartment complex was considered to be only partially in compliance because the exterior door thresholds to their units were approximately two inches higher than the adjoining sidewalk.

Circulation. Seven of the nine apartment complexes were considered to be only partially in compliance with circulation standards. Problems in this area included no accessible route to the mailbox reserved for the unit, no accessible route to the complex office, interior door clearance of only 30 inches, and thick carpeting. Two apartment complexes were in substantial compliance with these standards.

Bathrooms. Two apartment complexes were considered to be in partial compliance with the standards, but the remaining seven had numerous deficiencies. Typical problems included no grab bars (or improperly placed grab bars) for the toilets and showers, non-removable cabinets at the base of the sinks, faucet handles that required twisting to operate, and fixed shower heads that could not be used as hand-held units.

Kitchens. None of the apartment complexes had kitchens that were in substantial compliance with the standards. Three apartment complexes were in partial compliance, while the remaining six had numerous problems. In general the auditors found ovens with the controls on the back panel, non-removable base cabinets in front of the sinks, sinks that were too deep, no adjustable height counters were available, freezer space was too high in units that were not frost-free, and washers that were top-loading rather than front-loading.

Despite plan reviews and on-site inspections conducted by local building officials, the apartment complexes visited did not satisfy the American National Standards Institute specifications for handicapped accessibility. This occurs in part because local officials are enforcing the accessibility requirements of local building codes, rather than the State requirements. Further, the responsibility for enforcing State accessibility requirements in apartment buildings rests with county or district attorneys. Some local building officials do not think they have the authority or responsibility to enforce the State requirements in those buildings.

During the 1985 interim, the Special Committee on Local Government recommended changes to the handicapped accessibility requirements for apartment units. The Special Committee concluded that apartment buildings and hotels and motels should have separate statutory requirements for handicapped accessibility. House Bill 2660 would remove apartment complexes, hotels, and motels from the definition of public buildings in K.S.A. 58-1310. It would require apartment complexes, hotels, and motels with more than 20 units to conform to the 1985 Uniform Building Code standards, rather than the American National Standards Institute specifications. As mentioned in a previous section of the report, the Uniform Building Code requirements for handicapped accessibility are more lenient and less detailed than the American National Standards Institute specifications. A comparison of the requirements of these two codes is provided in Appendix B.

**Even the Most Accessible
Apartments Did Not Satisfy All the
Requirements**

The auditors found that the Kensington Park Apartments in Topeka had accessibility features seldom found in other apartments visited. The interior of these apartments included open space under the kitchen sink and surrounding countertop to make the space usable by a person in a wheelchair; no cabinet under the sink in the bathroom, which again allows wheelchair approach; push-type handles on the bathroom sink; and grab bars in the shower and adjacent to the toilet. Doors were wide and the exterior door threshold was beveled to accommodate the rise from the sidewalk to the top of the threshold. The apartment had an open layout that would facilitate movement by wheelchair or walker.

Other elements of the apartment complex itself were not as accessible. The handicapped parking stalls did not meet minimum width requirements and lacked upright signs, the laundry room was accessible but washing machines were top-loading and had high coin slots, the complex office was down one-half flight of stairs, and the only accessible route to the mailbox was three to four times longer than the most direct route. Two of the 106 apartments were considered to be accessible to the physically handicapped, which is a sufficient number under the Uniform Building Code. However, to comply with the K.S.A. 58-1310, 11 apartments would have to be accessible.

With House Bill 2660, the number of apartment units required to be accessible to the physically handicapped would also be reduced from the 10 percent mandated by K.S.A.

58-1310 to the Uniform Building Code requirements. That code requires a complex with 21 to 99 units to have one accessible unit, plus one accessible unit for each 100 additional units or fraction of 100 units.

It is difficult to determine the level of need for handicapped accessible apartments. To determine the actual level of need for handicapped accessible apartments, information is needed on the number of people with physical handicaps. The auditors found that there is no such current data available for Kansas. State agencies and advocacy groups have information on their clients, but it is not comprehensive. The 1980 U.S. Census reported that 7.6 percent of Kansans, age 16 to 64, identified themselves as having disabilities that limit the type of work they can do or that prevent them from working. This figure does not differentiate physical and mental disabilities, and does not include persons more than 64 years old. In 1977, the National Center for Health Statistics reported that 3.0 percent of the United States' population uses aids such as canes, special shoes, walkers, and wheelchairs. Even information like this does not indicate how many physically handicapped individuals are in the market for accessible apartments and the desired price range for accessible units.

Although it is difficult to determine the need for handicapped accessible apartments, State law currently requires 10 percent of apartment units to be accessible. Those accessible units must conform to the American National Standards Institute specifications for accessibility. The auditors found that none of the apartment buildings visited complied with both the 10 percent requirement and the Institute's specifications for handicapped accessibility. Also, despite State and local enforcement activities, many governmental buildings do not comply with all the handicapped accessibility requirements.

Conclusion

State law requires all public and governmental buildings constructed since 1979 to be accessible to physically handicapped individuals. State law further requires 10 percent of apartment units, in complexes with at least 20 units, to be accessible. Buildings are required to conform to the American National Standards Institute specifications for handicapped accessibility. Various State and local agencies are responsible for enforcing these standards for handicapped accessibility, but the State does not have a mechanism for ensuring that localities enforce the requirements. As a result, local officials often enforce only local requirements for accessibility, rather than the State standards. These local requirements are generally less stringent and detailed than the State's standards. Further, many local officials apparently are not even aware of the State's requirements.

Despite the enforcement efforts of State and local officials, the auditors found that most governmental buildings and private apartment complexes did not meet all the requirements of State law. Only school buildings, reviewed by the Department of Education, were found to be in substantial compliance with all the requirements. Governmental buildings were generally in compliance with the requirements, but some problems were noted.

The auditors found that apartment complexes generally were not in compliance with the State's standards for handicapped accessibility. House Bill 2660, introduced in the 1986 Session, would provide separate accessibility requirements for apartments and reduce the number of required accessible units.

The bill would essentially amend State law to reflect the requirements adopted by many localities. However, the auditors found that three of the 11 apartment complexes in their sample did not even have the number of accessible units required by the local code. Changing the State standards to reflect local requirements will not necessarily ensure compliance with the law.

Recommendations

1. To ensure that handicapped accessibility requirements are complied with in State buildings, the Department of Administration should ensure that the Division of Architectural Services conducts thorough reviews of such buildings during the planning and construction phases. Plans or sites not in compliance with the requirements should be brought into compliance or waivers should be obtained.
2. To ensure that the State's handicapped accessibility requirements are enforced at the local level, the Department of Administration should uniformly inform local officials of their responsibility for enforcing the American National Standards Institute specifications.
3. To further ensure that the State's handicapped accessibility requirements are enforced at the local level, the Legislature should consider the following:
 - a. Amending K.S.A. 58-1304 to make local building inspectors responsible for enforcing the handicapped accessibility requirements during the planning and construction phases of local building projects. Such an amendment would conform with current local practices. It would also help ensure that local officials enforce the requirements during the planning and construction phases, rather than after a building is completed.
 - b. Amending State law to authorize a State agency to ensure that local units of government enforce the State's handicapped accessibility requirements. The Department of Administration, or any other appropriate agency, could be responsible for ensuring that localities enforce the State's requirements.

APPENDIX A

Handicapped Accessibility Requirements Adopted by Individual Counties and Cities

<u>Counties</u>	<u>Handicapped Accessibility Requirements Adopted</u>
Butler	None
Douglas	None
Johnson	Uniform Building Code, 1982
Leavenworth	None
Reno	None
Riley	None (a)
Saline	None (b)
Sedgwick	American National Standards Institute
Shawnee	None
Wyandotte	Uniform Building Code, 1982
<u>Cities</u>	
El Dorado	Uniform Building Code, 1982
Hutchinson	Uniform Building Code, 1982
Kansas City	Uniform Building Code, 1985
Lawrence	Uniform Building Code, 1979 (c)
Leavenworth	Uniform Building Code, 1982
Lenexa	Uniform Building Code, 1982 (d)
Manhattan	American National Standards Institute
Olathe	Uniform Building Code, 1982
Overland Park	Building Officials & Code Administrators, 1984
Prairie Village	Building Officials & Code Administrators, 1984
Salina	Uniform Building Code, 1985
Shawnee	Uniform Building Code, 1982
Topeka	Uniform Building Code, 1985
Wichita	Uniform Building Code, 1979

- (a) Uses the American National Standards Institute specifications for new county-funded construction and renovation.
- (b) Uses the American National Standards Institute specifications for government buildings.
- (c) Uses American National Standards Institute specifications for city, county, State, and federal projects.
- (d) Uses American National Standards Institute specifications as a guideline, but not a requirement.

APPENDIX B

Comparison of Handicapped Accessibility Requirements

1980 American National Standards Institute

Parking

- Parking spaces shall be 96 inches wide and have adjacent access aisles 60 inches wide. Two parking spaces may share a common access aisle.
- Parking spaces shall be marked with the accessibility symbol, and that symbol shall not be obscured by a vehicle parked in the space.

Entry/Exit

- One accessible route from public transportation stops, accessible parking spaces, and public streets and sidewalks shall be provided.
- The minimum clear width of a door open 90 degrees shall be 32 inches.
- Door handles shall not require tight grasping, pinching, or twisting of the wrist.
- Ramp slopes shall not be greater than 1 vertical to 12 horizontal.

Circulation

- At least one accessible route shall connect the building entrance with all accessible spaces, elements, and accessible dwelling units in the building or facility.
- Floor surfaces shall be stable, firm, and relatively nonslip.
- Elevators shall have visible, audible, and tactile signals, and the doors shall remain open at least three seconds.
- The highest operable part of a telephone shall be no more than 48 inches if a forward approach is necessary, or 54 inches if a parallel approach is possible.
- Drinking fountain spouts shall not be more than 36 inches from the floor, and the water shall flow in a trajectory nearly parallel to the front of the fountain at least four inches high.

1985 Uniform Building Code

Parking

- No requirements (a).

Entry/Exit

- At least one primary entrance shall be accessible.
- Doorways shall have a clear, unobstructed width of not less than 32 inches
- Ramp slopes shall not be greater than 1 vertical to 12 horizontal.

Circulation

- At least one handicapped accessible entrance must be on a level that is accessible to elevators, where provided.
- Telephones shall be installed so that the handset, dial, and coin receiver are within 54 inches of the floor.
- Drinking fountains shall have spouts within 33 inches of the floor and have up-front, hand-operated controls.

Bathrooms

- Doorways shall be at least 32 inches wide (clear floor space varies according to the type of door and angle of approach).
- Sinks shall be mounted to allow at least 29 inches of clearance from the floor.
- Hot water and drain pipes shall be insulated or covered.
- Faucets shall be lever-operated, push type, or electronically controlled.
- The bottom edge of a mirror shall not be more than 40 inches from the floor.
- Toilets shall be 17 to 19 inches high; urinal rims shall be no more than 17 inches above the floor.
- Flush controls shall be mounted on the wide side of the toilet, no more than 44 inches above the floor.
- Toilet grab bars shall be 33 to 36 inches above and parallel to the floor.
- Bathtubs and shower stalls shall have grab bars.
- Bathtubs and shower stalls shall be equipped with seats.

Kitchens

- Clear floor space of 30 inches by 48 inches shall be provided at all appliances.
- Base cabinets shall be removable for the full 30-inch frontage under the sink.
- At least one 30-inch section of counter space shall be adjustable to 28, 32, and 36 inches.
- One bowl of the sink shall be no deeper than six and one-half inches.
- Oven controls shall be located on the front panel.
- If laundry facilities are provided, washing machines and clothes dryers shall be front-loading.

Bathrooms

- Doorways shall be at least 32 inches wide with 44 inches of clear space on each side of the door.
- Sinks shall be mounted to allow at least 29 inches of clearance from the floor.
- The bottom edge of a mirror shall not be more than 40 inches from the floor.
- Toilet grab bars shall be 33 to 36 inches above and parallel to the floor.

Kitchens

- No requirements.

- (a) Cities and counties may have separate requirements for handicapped accessible parking spaces.

APPENDIX C

Buildings' Compliance With Handicapped Accessibility Standards

Substantial Compliance with the 1980 American National Standards Institute Specifications

	<u>Parking</u>	<u>Entry & Exit</u>	<u>Circu- lation</u>	<u>Bathroom</u>	<u>Kitchen</u>
<u>State Government</u>					
Insurance Department Women's Club Building (Topeka)	No	Yes	Partial	No	n/a
Capitol Towers (Topeka)	Yes	Yes	Yes	Partial	n/a
Jayhawk Towers (Topeka)	n/a	Yes	Partial	Partial	n/a
State Printing Plant (Topeka)	Partial	Yes	Yes	Partial	n/a
Kansas Museum of History (Topeka)	Yes	Yes	Yes	Partial	n/a
Nichols Hall Renovation Kansas State University (Manhattan)	Partial	Yes	Yes	Partial	n/a
Haworth Hall Addition University of Kansas (Lawrence)	Yes	Yes	Partial	Partial	n/a
Marvin Hall Renovation University of Kansas (Lawrence)	Yes	Yes	Partial	Partial	n/a
Summerfield Hall Addition University of Kansas (Lawrence)	Yes	Yes	Yes	Partial	n/a
Learned Hall Library Addition University of Kansas (Lawrence)	Partial	Yes	Partial	n/a	n/a

Substantial Compliance with the 1980
American National Standards Institute Specifications

	<u>Parking</u>	<u>Entry & Exit</u>	<u>Circu- lation</u>	<u>Bathroom</u>	<u>Kitchen</u>
<u>Schools</u>					
Brougham Elementary School (Olathe)	Yes	Yes	Yes	Yes(a)	n/a
Indian Trails Junior High School (Olathe)	Yes	Yes	Yes	Yes	n/a
Johnson County Community College Building OCB (Overland Park)	Yes	Yes	Yes	Partial	n/a
Amanda Arnold Elementary School (Manhattan)	Partial	Yes	Yes	Yes	n/a
Independent School (Wichita)	Partial	Yes	Yes	Partial	n/a
Sherman Middle School (Hutchinson)	Yes	Yes	Yes	Yes	n/a
Liberty Middle School (Hutchinson)	Yes	Yes	Yes	Yes	n/a
Petro Allied Health Center Washburn University (Topeka)	Yes	Yes	Partial	Yes	n/a
<u>City and County Government</u>					
Olathe Public Safety Center (Olathe)	Yes	Yes	Yes	Partial	n/a
Riley County Courthouse (Manhattan)	Partial	Yes	Partial	Partial	n/a
City Park Pavillion (Manhattan)	No	Partial	Partial	No	n/a
Fire Station #8 (Topeka)	Yes	Yes	Yes	Partial	n/a
Century II Convention Center Addition (Wichita)	Partial	Yes	Partial	Partial	n/a
Lawrence Arts Center Renovation (Lawrence)	Yes	Yes	Partial	Partial	n/a

Substantial Compliance with the 1980
American National Standards Institute Specifications

	<u>Parking</u>	<u>Entry & Exit</u>	<u>Circu- lation</u>	<u>Bathroom</u>	<u>Kitchen</u>
<u>Apartments</u>					
Deerfield (Olathe)	Yes	Yes	Partial	No	No
Mur-Len Village (Olathe)	Partial	Partial	Partial	No	No
Parkview (Manhattan)	Yes	Yes	Yes	Partial	Partial
Westchester Park (Manhattan)	No	Yes	Partial	No	No
Drury Place (Topeka)	No	Yes	Partial	No	No
Willow Run (Topeka)	No	Yes	Partial	No	No
Kensington Park (Topeka)	Partial	Yes	Partial	Partial	Partial
Shores Apartments (Wichita)	No	Yes	Partial	No	Partial
Silver Springs (Wichita)	Partial	Yes	Yes	No	No
The Villas of Eastgate Village (Hutchinson)	This complex has no handicapped accessible units.				
Aspen West (Lawrence)	This complex has no handicapped accessible units.				

(a) Student bathrooms at Brougham Elementary were in substantial compliance with the American National Standards Institute specifications, but the public bathroom was only in partial compliance.

APPENDIX D

Agency Responses

On March 3, 1986, draft copies of this audit were sent to the Department of Administration and the Department of Education for review. Draft copies were also sent to city officials in Hutchinson, Lawrence, Manhattan, Olathe, Topeka, and Wichita. The Departments of Administration and Education, as well as officials in Lawrence, Manhattan, and Wichita, submitted written responses to the draft report. Those responses are included in this appendix. As of March 13, 1986, no written responses had been received from Hutchinson, Olathe, and Topeka.

STATE OF KANSAS



DEPARTMENT OF ADMINISTRATION
Office of the Secretary

JOHN CARLIN,
Governor
ALDEN K. SHIELDS,
Secretary of Administration

Room 263-E
State Capitol Building
Topeka, Kansas 66612-1572
(913) 296-3011

March 11, 1986

Meredith Williams
Legislative Post Auditor
109 West 9th, Suite 301
Mills Building
BUILDING MAIL



Dear Mr. Williams:

I have reviewed the draft copy of the Handicapped Accessibility in Kansas performance audit report. The report is a thorough synopsis of the laws and enforcement mechanisms pertaining to handicapped accessibility in governmental buildings and private residential apartment complexes. The audit also raises a number of important concerns pertaining to the current status of handicapped accessibility in public and private buildings.

I believe that the State has achieved a commendable level of compliance with criteria set by the American National Standards Institute. The audit found that most State owned and leased buildings comply with State requirements for accessibility by providing adequate parking, easily negotiable entries, adequate elevators and ramps to aid circulation, and adaptations for physically handicapped restrooms.

However, the report points out that while strong efforts have been made to make State owned and leased buildings accessible, problems still exist. Despite enforcement efforts by the Division of Architectural Services, some State buildings have deficiencies in restrooms and with building circulation. These deficiencies can create barriers for handicapped people or limit their ability to use a facility.

Mr. Meredith Williams
March 11, 1986
Page Two

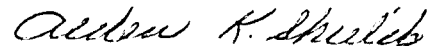
I wholeheartedly concur with the report's recommendation that the Division of Architectural Services conduct thorough reviews of State buildings during the planning and construction phases in order to assure that handicapped accessibility requirements are met. I also agree that plans or sites not in compliance with requirements should be brought into compliance or waivers obtained.

I have instructed the Division of Architectural Services to take every appropriate step to ensure that State owned and leased buildings are barrier-free. Part of this effort shall include development of a detailed plan on how to achieve the goal of total compliance. This plan will include an analysis of the fiscal implications of such an effort in terms of staffing and other associated costs.

I have also instructed the Division of Architectural Services to analyze what would be required to successfully develop a mechanism to ensure that State handicapped accessibility requirements are enforced at the local level. As recommended in the performance audit, this could be done by uniformly informing local officials of their responsibility for enforcing the American National Standards Institute specifications.

I or an appropriate member of my staff would be pleased to appear before the Legislative Post Audit Committee to discuss this important topic.

Sincerely,



Alden K. Shields
Secretary of Administration

AKS:mkr

cc: John Hipp, Director
Division of Architectural Services

Kansas State Department of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612

March 6, 1986

Mr. Meredith Williams
Legislative Post Auditor
Legislative Division of Post Audit
109 West 9th
Topeka, Kansas 66612



Dear Mr. Williams:

We sincerely appreciate receiving the draft copy of your completed performance audit report, "Handicapped Accessibility in Kansas." We have reviewed the audit report and have no recommendations to make at this time.

If you, your staff, or the Legislative Post Audit Committee have any suggestions for improvement as it relates to this audit, feel free to contact my office.

Sincerely,

Harold L. Blackburn
Commissioner of Education

HLB:DMD:tjm



City of Lawrence

KANSAS

CITY COMMISSION

MAYOR

MIKE AMYX

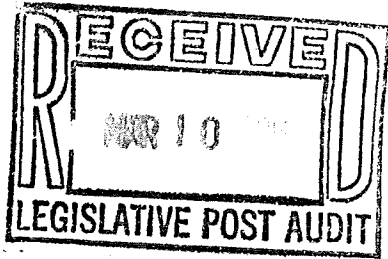
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March 7, 1986

Meredith Williams
Legislative Post Auditor
109 West 9th, Suite 301
Mills Building
Topeka, Kansas 66612-1285

RE: Handicapped Accessibility in Kansas Report

Dear Ms. Williams:

I object to the following material contained in the Legislative Post Audit Committee report concerning the accessibility of buildings within the city of Lawrence to physically handicapped individuals. These concerns are as follows:

- 1) On page 7 of this report it states that it is the responsibility of the county or district attorney to enforce these requirements. Yet, it is implied that as local building officials we do a poor job enforcing these regulations. I agree with the report that this does cause some confusion for enforcement purposes but I believe the confusion lies solely on the back of the state.
- 2) On page 8 of this report it states that local requirements are less stringent than the A.N.S.I. specifications. This is true to a degree. However, one has to realize that building codes relate to access to buildings and bathroom dimensions only. It does not regulate or even mention telephone installations, kitchen clearances, washing machines, clothes dryers, etc. One should also realize that building codes do not relate to placement of appliances and/or telephones.

Meridith Williams
March 7, 1986
Page two

- 3) On page 9 of this report it states that county or district attorneys are to enforce these provisions but want local building inspectors to enforce state regulations at the same time they enforce other building requirements. Is the state or should the state supply the manpower for their own laws? I believe "home rule" would exempt cities from enforcing state regulations.
- 4) On page 12 of this report it states that the City of Lawrence is not in compliance with either the A.N.S.I. specifications or the Uniform Building Code concerning apartment buildings or apartment complexes. This is absolutely not true. The City adopted the A.N.S.I. standards by Ordinance #5438 on March 1, 1983, and it only applies to buildings owned by the City. The ordinance states that: "PURPOSE. These Standards are intended to make all buildings and facilities hereafter constructed, acquired, renovated, or remodeled by the city, which shall be open to and used by the general public, accessible to, and functional for the physically handicapped, to, through, and within their doors, without loss of function, space, or facility where the general public is concerned and reflects great concern for safety of life and limb. In cases of practical difficulty, unnecessary hardship or extreme differences, administrative authorities may grant exceptions from the literal requirements of these Standards or permit the use of other methods of materials, but only when it is clearly evident that equivalent facilitation and protection are thereby secured." It is my understanding that the City of Lawrence does not own apartment buildings or apartment complexes and does not plan on acquiring any in the near future.

I would also like to point out that the City of Lawrence is under the 1979 Edition of the Uniform Building Code that does not require apartment buildings or apartment complexes (as per Uniform Building Code Board of Appeals) to provide any handicapped facilities. Yet, the City of Lawrence is being judged by the State through the 1985 Edition of the Uniform Building Code that does require these facilities.

Also, I wonder why no motels or hotels were included in this report? The City of Lawrence Building Inspection Division has required three motels that have expanded or built new structures recently to comply with local building codes concerning access to buildings and bathrooms meeting handicapped requirements.

Meridith Williams
March 7, 1986
Page three

In closing, I would suggest that a line of communication be established between the Department of Administration/Education and the Heart of America Chapter of the International Conference of Building Officials. This chapter represents a state wide region and most of the larger cities within the state belong. It seems to me it would put a stop to some of the "confusion" alleged in this report if local building officials were asked to participate in "state government" instead of being ignored, unless they need information from us for reports such as this. Better yet, I would like to see the State of Kansas become a member of the Heart of America Chapter so we all could work together in this area of concern or other areas concerning the Uniform Building Code. Also, if we are to enforce state regulations (as recommended), are we going to be reimbursed for actual time spent and other expenses? I would also appreciate your changing the above mentioned areas of your report mentioning the City of Lawrence. More specifically; the boxed in comment on page 12 and remove entirely the "Aspen West" name and comment on page 23.

If you should have any questions pertaining to this matter please contact me.

Sincerely,



Gene Shaughnessy
Chief Building Inspector

GS:dc

cc: Buford M. Watson, Jr.
Lynn A. Goode11

City of



MANHATTAN

CITY COMMISSION:

SUZANNE LINDAMOOD, MAYOR
NANCY ROHLES DENNING
DAVID J. FISER
E. A. KLINGLER, M.D.
J. ERIC (RICK) MANN

CITY HALL, 11TH AND POYNTZ, MANHATTAN, KANSAS 66502
P.O. BOX 748 PHONE: (913) 537-0056

M. DON HARMON, CITY MANAGER

March 10, 1986

Legislative Division of Post Audit
Attn: Meredith Williams
109 West 9th Suite 301
Mills Building
Topeka, Kansas 66612-1285

Re: Handicap Regulations

Dear Meredith Williams:

This letter is in response to the letter we received from your department dated March 3, 1986. Our feeling on the handicap requirements is that they should be the same as the national, state and local codes. All cities and counties should have to adopt the "American National Standards Institute" and be enforced.

The City of Manhattan has met the required door openings in the City Park Pavilion by changing the door closer and letting the door swing wide open.

Sincerely,

Donald Berges

Donald Berges
Acting Chief Code Officer



DB:rw

THE CITY OF WICHITA

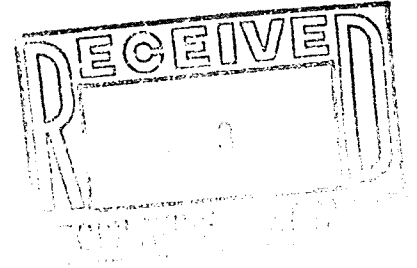
CENTENNIAL 1869-1969



DEPARTMENT OF COMMUNITY FACILITIES

CENTURY II COMPLEX
225 W. DOUGLAS AVE.
WICHITA, KAN. 67202
316 - 264-9121

March 12, 1986



Mr. Meredith Williams
Legislative Post Auditor
109 West 9th, Suite 301
Mills Building
Topeka, Kansas 66612-1285

Dear Mr. Williams:

The City Manager has asked that I review the draft report entitled "Handicapped Accessibility in Kansas".

This response is limited to the several buildings of my purview which are Century II, main Library, Omnisphere, Historical Museum, Lawrence-Dumont Stadium, City Hall, Indian Center and Art Museum. Regarding these structures, only one has been built since 1979 and that is the recently completed addition to Century II known as Expo Hall. It is my understanding that in our conformance with the Uniform Building Code (1979) reference is implied that the American National Standards Institute for the more detailed specifications related to the handicapped regulations could be used which would meet the state requirements. I might also add that a number of changes and additions to accommodate the handicapped have been constructed in recent years to many of the abovementioned buildings.

Although your report does not discuss that which I have experienced as a problem in providing handicapped parking spaces in public metered lots, I take the liberty of bringing this matter to your attention. State statute requires that such spaces be provided at no charge, i.e. no meter installation and it has been my observation for some time that a number of our handicapped spaces in metered public lots are used on a daily basis by people who work in nearby buildings and are therefore provided free parking when accessibility

Mr. Meredith Williams
March 12, 1986
Page Two of Two

should be the overriding factor. This also means that these spaces are not available to other handicapped people who might wish to visit the Library, Century II or other downtown facilities on a short term and/or occasional basis.

To that end, it is my suggestion that the state statute should be amended to allow the cities to determine whether such spaces should be metered or not.

Sincerely,


James P. Clancy, C.F.E.
Director of Community Facilities

JFC:lc

cc: Chris Cherches, City Manager

TESTIMONY FOR
LOCAL GOVERNMENT

MARCH 19, 1986

BY

JANET STUBBS

HOME BUILDERS ASSOCIATION OF KANSAS

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. MY NAME IS JANET STUBBS, EXECUTIVE DIRECTOR OF THE HOME BUILDERS ASSOCIATION OF KANSAS.

I AM APPEARING TODAY IN SUPPORT OF HOUSE BILLS 2259 AND 2660, THE PRODUCT OF AN EXTENSIVE INTERIM STUDY.

THE INTERIM COMMITTEE REPORT CONTAINS EXCELLENT BACKGROUND INFORMATION REGARDING BOTH THE 1968 AND 1978 STATUTES AS WELL AS SB 369 OF THE 1985 SESSION.

HB 2259 AND HB 2660 ARE THE RESULT OF INPUT FROM NUMEROUS GROUPS AND INDIVIDUALS AND ARE A COMPROMISE BY BOTH PROPONENTS AND OPPONENTS.

MY ORGANIZATION MET WITH REPRESENTATIVES OF THE HANDICAPPED AND SOME WICHITA LEGISLATORS AFTER THE SEPTEMBER INTERIM HEARINGS REVEALED POOR COMMUNICATION BETWEEN THE APARTMENT RENTAL COMMUNITY AND THE INDIVIDUALS RESPONSIBLE FOR AIDING THE HANDICAPPED TO FIND HOUSING.

THE APARTMENT MANAGERS HAD UNITS FOR THE HANDICAPPED OF WHICH THE WICHITA GROUPS WERE UNAWARE AND ADVISED THE SAME HANDICAPPED REPRESENTATIVES OF THEIR EAGERNESS TO RENOVATE OTHERS, IF THERE WAS A MARKET DEMAND TO BE MET.

MR. CLARK LINDSTROM FROM WICHITA WILL SPEAK TO YOU ON THE WICHITA SITUATION.

AFTER THE INTERIM COMMITTEE RECOMMENDATIONS WERE MADE, HBAK AGREED TO MEET AND DISCUSS AREAS OF CONCERN WITH MR. RAY PETTY OF THE KANSAS ADVISORY COMMITTEE FOR THE EMPLOYMENT OF THE HANDICAPPED.

THE HOUSE LOCAL GOVERNMENT COMMITTEE ASSIGNED THESE BILLS TO A SUB-COMMITTEE WHERE FURTHER DISCUSSION WAS HELD WITH REPRESENTATIVES OF INTERESTED GROUPS AND AMENDMENTS MADE WHICH WERE ACCEPTABLE TO EVERYONE CONCERNED.

ANSI STANDS FOR AMERICAN NATIONAL STANDARD. THE FOLLOWING IS COPIED FROM THE PURPOSE AND SCOPE SECTION OF THE PORTION OF ANSI ON MAKING THE BUILDINGS AND FACILITIES ACCESSIBLE TO AND USABLE BY THE PHYSICALLY HANDICAPPED PEOPLE:

"2.1 INTENT. THIS STANDARD IS INTENDED FOR ADOPTION BY GOVERNMENTAL BUILDING REGULATORY AGENCIES AT THE FEDERAL, STATE, COUNTY, OR COMMUNITY LEVEL. IT IS INTENDED TO ACHIEVE UNIFORMITY IN THE TECHNICAL DESIGN CRITERIA IN BUILDING CODES AND OTHER REGULATIONS ENFORCED BY THESE AUTHORITIES. THIS STANDARD MAY ALSO BE USED BY NONGOVERNMENTAL PARTIES AS TECHNICAL DESIGN GUIDELINES OR REQUIREMENTS TO MAKE BUILDINGS AND FACILITIES ACCESSIBLE TO AND USABLE BY PHYSICALLY DISABLED PEOPLE."

IT IS OUR VIEW THAT ANSI WAS NEVER INTENDED TO BE ADOPTED IN TOTAL AND ESPECIALLY NOT FOR THE PRIVATE RESIDENTIAL DWELLINGS.

THEREFORE, THE UNIFORM BUILDING CODE WAS SELECTED BY THE INTERIM COMMITTEE BECAUSE OF ITS WIDESPREAD USE BY THE MAJOR CITIES OF KANSAS.

TESTIMONY MAY BE OFFERED THAT IF THE ENTIRE PROJECT IS NOT BUILT

TO ANSI GUIDELINES, THEN AT LEAST HAVE THE KITCHEN AND BATHROOMS BUILT TO ANSI IN THE REQUIRED UNITS.

BATHROOM SPECIFICATIONS OF THE UBC MEET GUIDELINES OF ANSI EXCEPT THERE IS NO MENTION MADE OF GRAB BARS ABOVE THE STOOL NOR IN-TUB OR IN-SHOWER SEAT.

TO BUILD AN ANSI KITCHEN, WE WOULD BE REQUIRED TO DO THE FOLLOWING:

1. PROVIDE THE REQUIRED TURN AROUND SPACE.
2. A 30 INCH SECTION OF KITCHEN COUNTER WHICH COULD BE LOWERED TO A HEIGHT OF 28 OR 30 INCHES FROM THE USUAL 36 INCH HEIGHT.
3. LOWERING OF THE SINK TO THE SAME HEIGHT AS THE 30 INCH SECTION OF COUNTER.
4. REMOVE ALL CABINETS UNDER SINK AND 30 INCH SECTION OF COUNTER.
5. INSTALL A STOVE WITH FRONT CONTROLS.
6. INSTALL EITHER A SIDE-BY-SIDE REFRIGERATOR OR OVER-UNDER.
7. OVEN MUST EITHER BE SELF-CLEANING OR LOCATED BESIDE THE 30 INCH SECTION OF COUNTER.
8. A SHELF UNDER THE TOP CABINETS WHICH WOULD BE WITHIN REACH OF A WHEELCHAIR OCCUPANT.

THE UBC DOES NOT SPEAK TO KITCHENS FOR HANDICAPPED.

OUR OBJECTION TO THIS IS THE COST INVOLVED WHEN WE FIND RARE INSTANCES OF AN INDIVIDUAL WANTING SUCH A UNIT. IF THERE IS A MARKET

FOR UNITS OF THIS TYPE, THEY WILL BE CONSTRUCTED IN NUMBERS IN EXCESS OF THE REQUIREMENTS IN THE UBC.

HBAK BELIEVES THIS BILL CONTAINES A REQUIREMENT FAMILIAR TO BUILDING INSPECTORS AND WHICH WILL BE ENFORCED. THE CURRENT 10% REQUIREMENT HAS NOT BEEN ENFORCED BECAUSE THE CITIES WERE FOLLOWING THEIR OWN BUILDING CODES AND WERE, QUITE FRANKLY, UNAWARE OF THE 10% REQUIREMENT UNTIL APPROXIMATELY ONE YEAR AGO.

WE URGE PASSAGE OF HB 2659 AND 2660.

Access to Buildings and Facilities

Sec. 1213. Buildings containing more than 20 dwelling units or 20 guest rooms shall be accessible to the physically handicapped by a level entry, ramp or elevator. The number of dwelling units or guest rooms accessible to the physically handicapped shall be not less than the following:

- 21 through 99 — one unit
- 100 and over — one, plus one for each additional 100 units or fraction thereof

To determine the total number of accessible units, more than one structure on a building site shall be considered as one building. Habitable rooms, bathrooms, toilet compartments, halls and utility rooms in units that are required to be accessible to the physically handicapped shall be accessible by level floors, ramps or elevators, and doorways to such rooms shall have a clear unobstructed width of not less than 32 inches.

Toilet facilities in accessible units shall comply with Section 511.

Chapters 13-16 NO REQUIREMENTS

surface such as portland cement, concrete, ceramic tile or other approved material which extends upward onto the walls at least 5 inches. Walls within water closet compartments and walls within 2 feet of the front and sides of urinals shall be similarly finished to a height of 4 feet and, except for structural elements, the materials used in such walls shall be of a type which is not adversely affected by moisture.

In all occupancies, accessories such as grab bars, towel bars, paper dispensers and soap dishes, etc., provided on or within walls, shall be installed and sealed to protect structural elements from moisture.

Showers in all occupancies shall be finished as specified above to a height of not less than 70 inches above the drain inlet. Materials other than structural elements used in such walls shall be of a type which is not adversely affected by moisture.

Access to Toilets and Other Facilities

Sec. 511. (a) **Access to Water Closets.** Each water closet stool shall be located in a clear space not less than 30 inches in width and have a clear space in front of the water closet stool of not less than 24 inches.

Where toilet facilities are provided on any floor where access by the physically handicapped is required by Table No. 33-A, at least one such facility for each sex or a separate facility usable by either sex shall comply with the requirement of this section. Except in dwelling units and guest rooms, such facilities must be available to all occupants and both sexes. All doorways leading to such toilet rooms shall have a clear and unobstructed width of not less than 32 inches. Each such toilet room shall have the following:

1. A clear space of not less than 44 inches on each side of doors providing access to toilet rooms. This distance shall be measured at right angles to the face of the door when in the closed position. Not more than one door may encroach into the 44-inch space.
2. Except in dwelling units and guest rooms, a clear space within the toilet room of sufficient size to inscribe a circle with a diameter not less than 60 inches. Doors in any position may encroach into this space by not more than 12 inches.
3. A clear space not less than 42 inches wide and 48 inches long in front of at least one water closet stool for the use of the handicapped. When such water closet stool is within a compartment, entry to the compartment shall have a clear width of 32 inches when located at the end and a clear width of 34 inches when located at the side. A door, if provided, shall not encroach into the required space in front of the water closet. Except for door swing, a clear unobstructed access not less than 48 inches in width shall be provided to toilet compartments designed for use by the handicapped.
4. Grab bars near each side or one side and the back of the toilet stool securely attached 33 inches to 36 inches above and parallel to the floor. Grab bars at the side shall be 42 inches long with the front end positioned 24 inches in front of the water closet stool. Grab bars at the back shall be not less than 24 inches long for room installations and 36 inches long where the water closet

is installed in a stall. Grab bars shall have an outside diameter of not less than 1 1/4 inch nor more than 1 1/2 inches and shall provide a clearance of 1 1/2 inches between the grab bar and adjacent surface. Grab bars need not be provided in Group R, Division 1 apartment houses.

5. When it can be established that the facilities are usable by a person in a wheelchair, dimensions other than those above shall be acceptable.
 - (b) **Access to Lavatories, Mirrors and Towel Fixtures.** In other than Group R, Division 3; Group M; Group R, Division 1 apartment houses and Group B, Divisions 2 and 4 storage occupancies, toilet room facilities shall be as follows:
 1. Except for the projection of bowls and waste piping, a clear unobstructed space 30 inches in width, 29 inches in height and 17 inches in depth shall be provided under at least one lavatory.
 2. Where mirrors are provided, at least one shall be installed so that the bottom of the mirror is within 40 inches of the floor.
 3. Where towel and disposal fixtures are provided, they shall be accessible to the physically handicapped and at least one shall be within 40 inches of the floor.

(c) **Water Fountains.** Where water fountains are provided, at least one shall have a spout within 33 inches of the floor and shall have up-front, hand-operated controls. When fountains are located in an alcove, the alcove shall be not less than 32 inches in width.

(d) **Telephones.** Where public telephones are provided, at least one shall be installed so that the handset, dial and coin receiver are within 54 inches of the floor. Unobstructed access within 12 inches of the telephone shall be provided. Such access shall be not less than 30 inches in width.

Compressed Gases

Sec. 512. The storage and handling of compressed gases shall comply with the Fire Code.

Premises Identification

Sec. 513. Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Access to Buildings and Facilities

Sec. 1213. Buildings containing more than 20 dwelling units or 20 guest rooms shall be accessible to the physically handicapped by a level entry, ramp or elevator. The number of dwelling units or guest rooms accessible to the physically handicapped shall be not less than the following:

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Chapters 13-16 NO REQUIREMENTS

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Premises Identification

Sec. 513. Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

MARCH 19, 1986

#2659 + 2660

NAME IS CLARK LINDSTROM. I AM SENIOR PROPERTY MANAGER FOR J. A. PETERSON COMPANIES OUT OF SHAWNEE MISSION, KS.. MY COMPANY OWNES AND MANAGES OVER 4,000 LIVING UNITS THROUGHOUT KANSAS IN WICHITA, TOPEKA, LAWRENCE, AND THE KANSAS CITY AREA. I AM A MEMBER OF THE WICHITA AREA BUILDERS ASSOCIATION, A FORMER APARTMENT COUNCIL CHAIRMAN OF THAT ORGANIZATION, THE DEAN OF THE LOCAL REGISTERED APARTMENT MANAGERS SCHOOL AND AN ASSOCIATE MEMBER OF THE WICHITA CHAPTER OF THE INSTITUTE OF REAL ESTATE MANAGEMENT. MY PROFESSIONAL EXPERIENCE, OVER THE PAST THIRTEEN YEARS, INCLUDES PROPERTY MANAGEMENT OF APARTMENTS, MOTELS, SHOPPING CENTERS, AND OFFICE BUILDINGS.

I AM HERE TODAY TO GIVE TESTIMONY ON THE ABOVE NOTED HOUSE BILLS PERTAINING TO HANDICAPPED ACCESS. SPECIFICALLY HOW IT EFFECTS THE MULTI-FAMILY INDUSTRY.

OUR INDUSTRY CONTINUES TO EXPERIENCE SEVERE ECONOMIC TIMES. THIS IS PRIMARILY DUE TO HIGH INTEREST RATES, COST INCREASES, AND A GENERAL SLOWING OF THE MARKET. FEW, IF ANY APARTMENT COMMUNITIES BUILT IN THE LAST FIVE YEARS, WITHOUT GOVERNMENT SUBSIDY IN ONE FORM OR ANOTHER, CAN MAKE EXPENSES TO INCOME REFLECT POSITIVE CASH FLOWS. MULTI-FAMILY OWNERSHIP IS SIMPLY NOT AS ATTRACTIVE AS IT WAS A FEW YEARS AGO. IMPLEMENTATION OF UNFOUNDED REQUIREMENTS SIMPLY CONTRIBUTES TO FURTHER DISTRESSING OF OUR INDUSTRY.

LAST WEEK I SURVEYED 15,877 UNITS IN THE WICHITA AREA. I FOUND 40 UNITS HANDICAPPED ACCESSIBLE, 16 WERE OCCUPIED BY HANDICAPPED INDIVIDUALS, 18 WERE OCCUPIED BY NON-HANDICAPPED, AND 6 WERE VACANT. LANDLORDS AND MANAGERS ADVISED ME THAT OF THOSE UNITS OCCUPIED BY THE NON-HANDICAPPED, RENT

(Attachment III) S.L.G.
3/18/86



DATE: _____

TO: _____ FROM: _____

SUBJECT: _____

PAGE 2

REDUCTIONS RANGING FROM \$10-25 PER MONTH WERE NECESSARY TO OBTAIN A LEASES ON LESS DESIREABLE UNITS. THE NOTICIBLE ODD APPEARANCE AND INABILITY TO PROVIDE A BUILT-IN DISHWASHER FORCES US TO TAKE LOSSES. THE INCREASED DESIGN AND FIXTURE EXPENSES FOR THE HANDICAPPED ACCESSIBLE UNITS ULTIMATELY MUST BE PASTED TO THE OTHER RESIDENTS. THEREFORE WE ALL MUST PAY TO SUBSIDIZE THE GOOD INTENTIONS OF THE STATE. IF THIS POSITION IS FAIR, WHY AREN 'T THE OTHER GOODS AND SERVICES INDUSTRIES BEING REQUIRED TO PRODUCE HANDICAPPED ACCESSIBLE ITEMS? SHOULD 1 OR 10 OR 20 PERCENT OF ALL AUTOMOBILES BE MADE HANDICAPPED ACCESSIBLE?

I HAVE ORGANIZED AND PARTICIPATED 'IN FOUR MEETINGS TO INCLUDE MEMBERS OF MY INDUSTRY AND PROPONENTS OF THESE BILLS. EVERY TIME, COMMUNICATION IS IMPROVED, BUT WHEN I HAVE ASKED FOR THEIR "WAITING LISTS " OF HANDICAPPED INDIVIDUALS DESIRING APARTMENTS, THEY NEVER PRODUCE THEM. WHEN OUR INDUSTRY EXPRESSES A DESIRE TO HELP THEIR CAUSE AND CONCEED SECTION OF THIS LEGISLATION , THEY CHANGE THEIR POSITION WITHIN 24 HOURS. Ms. STUBBS HAS OUTLINED THE POSITION OF THE APARTMENT INDUSTRY. WE DESIRE A BALANCED AND WORKABLE SOLUTION THAT WILL BENEFIT THESE INDIVIDUALS AND NOT TASK OUR PROFITS. I BELIEVE THE HANDICAPPED ORGANIZATIONS HAVE YET TO SHOW THE TRUE NEEDS AND DEMANDS OF ALL INVOLVED.

I WILL BE GLAD TO ANSWER ANY QUESTIONS YOU MAY HAVE.

State Department of Social and Rehabilitation Services

Rehabilitation Services

Testimony Pertaining to H.B. 2660

Mr. Chairman, members of the Committee: I am addressing you on the subject of House Bill 2660.

House Bill 2660 does not fully meet the needs of the disabled. The bill specifies that apartments, motels, and hotels shall conform to standards of the Uniform Building Code. But the Uniform Building Code does not include critical requirements of accessibility.

Optimally, Rehabilitation Services supports the American National Standards Institute (ANSI) as they spell out standards for accessibility that are nationally recognized. Disabled persons need more than just a wide doorway. Bathrooms must be larger, kitchens must be larger, hallways must allow mobility, and there are a multitude of other considerations, such as mailboxes, ramps, sidewalks, parking spaces, curb cuts in parking lots or at sidewalks, laundry facilities, and recreation facilities.

We in Rehabilitation Services are supportive of certain modifications as agreed to in the closing discussion of the February 4th hearing. Builders expressed willingness to go beyond the Uniform Building Code Standards.

Rehabilitation Services encourages use of guidelines in the determination of lack of need for compliance when accessibility standards are to be waived. The informed decision should include information from:

- 1) The Rehabilitation Services counselor serving the municipality.
- 2) A facility such as an independent living center that serves the disabled in the municipality: OR
- 3) Appropriate advocacy groups in the municipality.

The person, agency, or governing body holding the authority to grant the waiver is not likely to have the necessary information readily at hand, and cannot make an accurate assessment of need without such assistance. So such information should be required as part of the data in the request for waiver.

Proposed legislation would apparently enable more consistent enforcement of the accessibility standards. Building inspectors, or others designated by the governing body of the municipality, can insure compliance prior to completion of construction or renovation. In the past, compliance was enforced after the fact; and therefore frequently was NOT enforced.

Rehabilitation Services supports Section 8 in the bill - the section requiring any recreational facility in a handicapped accessible complex shall also be

handicapped accessible. Living is not just surviving. The disabled must not be deprived of their right to associate with the able-bodied in a common area or to enjoy the facilities available to others.

Rehabilitation Services supports the passage of legislation to assure the accessibility of apartment complexes, hotels and motels. We urge that the standards of the Uniform Building Code be expanded to include necessary interior and exterior modifications. We prefer ANSI standards which will better serve the needs of the disabled. We strongly encourage the use of those standards through the waiver process.

Joan B. Watson
Commissioner
Rehabilitation Services
for
Robert C. Harder
Office of the Secretary
Social and Rehabilitation Services
296-3271
March 19, 1986

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Statement Regarding H.B. 2660

Title:

Act concerning handicapped accessibility standards; relating to apartment complexes, hotels, and motels.

Purpose:

This bill is intended to establish standards of accessibility for the handicapped, based on the standards of the Uniform Building Code.

Background:

Current legislation has not met with compliance, resulting in the need for legislation that can be enforced. Interested parties have questioned sections of the current statute that specify the number of accessible units required in each motel, hotel, or apartment complex, contending the number is unreasonably high. Some supporters of accessibility legislation concede this point, but still urge passage of legislation that will effectively provide the disabled population with access to hotels, motels, and apartment complexes.

Effects of Passage:

The Uniform Building Code standards, as specified, do not meet the needs of the disabled. Builders have verbally agreed to exceeding Uniform Building Codes for unit interiors. Passage of H.B. 2660 will not provide the standards of accessibility the disabled need.

Rehabilitation Services recommends passage of legislation to require accessibility to apartment complexes, hotels, and motels, but recommends the inclusion of ANSI standards if exceeding Uniform Building Codes is not accepted and specifications of guidelines for data collection for applications of waiver.

Robert C. Harder, Secretary
Office of the Secretary
Social and Rehabilitation Services
296-3271
March 19, 1986



A-V

KANSAS ASSOCIATION OF REALTORS

Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

TO: THE SENATE LOCAL GOVERNMENT COMMITTEE
FROM: KAREN MCCLAIN, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: MARCH 19, 1986
SUBJECT: HB 2660, HANDICAPPED ACCESSIBILITY

On behalf of the Kansas Association of REALTORS®, I come before you today to support passage of HB 2660.

The Kansas Association of REALTORS® recognizes the need for housing for the handicapped in communities. However, we also feel that the provisions and planning for apartments for the handicapped must be done in a logical manner, in a way that reflects the community in which the handicapped are to live.

The REALTOR® Legislative Policy states: "We are aware of the difficulties of the handicapped in finding housing appropriate to their specific needs. We recognize actions already taken by some governments to reduce impediments to handicapped persons in the acquisition of housing and urge the real estate industry to continue providing guidance for needed, cost effective solutions to the housing problems of the handicapped."

The current requirement of 10% handicap accessibility in apartment complexes of 20 units or more appears to have no logical or statistical basis. The record does not reflect why the 10% figure was chosen when the law was originally passed by this legislature. Current census figures do not reflect the fact that 10% of the population is handicapped.

Most important, few communities in the state of Kansas have anywhere near a handicapped population of 10%. It seems, then, that to require all apartment owners to have 10% of their units accessible for the handicapped places unfair business restrictions on those owners, if there is no market in the community

(ATTACHMENT V) 3/18/86 S. LG

for those units. Few persons who are not handicapped choose to live in these apartments. For nonhandicapped persons, these handicapped accessible facilities are, at the very least uncomfortable and awkward. Given a choice, these prospective tenants look elsewhere for an apartment.

The REALTORS®, once again, realize the importance and benefits of the handicapped living in the community rather than in institutions. We feel that the adoption by the Interim Committee of the Uniform Building Code Standards is the appropriate step toward providing needed, cost effective solutions to the problem. Not only is the UBC a widely accepted code in the state of Kansas, its provisions for one handicap unit for between 21 and 100 units, and two units per hundred units thereafter, is a formula which apartment owners can live with. To leave the 10% figure in the statute puts an undue burden on persons trying to run a business in this state.

Accordingly we ask that you adopt the recommendations of the Interim Committee, and pass HB 2660 favorably, in its present form.



A VI
5

DATE: March 19, 1986
TO: MEMBERS OF THE HOUSE LOCAL GOVERNMENT COMMITTEE
FROM: Jean Barbee, Assistant Executive Director
KANSAS LODGING ASSOCIATION
RE: HB-2660

Mr. Chairman and Members of the Committee:

My name is Jean Barbee and I am the Assistant Executive Director of the Kansas Lodging Association.

As we expressed to the Legislative Interim Study Committee this summer, members of the Kansas Lodging Association recognize the need to accommodate travelling handicapped persons as they seek lodging in Kansas.

Quite frankly, its not just a responsibility of our members to accommodate the handicapped, but it's an untapped market of some thirty-six million people that mean better business if we can intice them to stay at our establishments.

Of the thirty-six million handicapped persons in the U.S., five hundred thousand are reportedly in wheelchairs, while some fourteen million are handicapped by being either deaf or hearing impaired. With a population in this country of approximately 235 million people, the percentage of people confined to wheelchairs is approximately two tenths of a percent (0.2%). That low percentage of the total population explains why the members of the Lodging Association were concerned with the existing statute requiring that 10% of all hotel/motel units be handicapped accessible. In all our research, we have been unable to find any building codes or statistics that would substantiate a need for ten percent.

(Attachment VI) S. LG
3/18/86

I would like for you to know that the industry itself is addressing the needs of the handicapped. Some examples of these are:

The Holiday Inns have a standard that requires one out of every seventy-five rooms be equipped for wheelchair access.

Howard Johnson's follows local and state codes regarding number of specially equipped rooms per property, but when there are no local codes, the company requires two percent (2%) of the rooms to be wheelchair accessible. That standard applies for franchises, as well as company-owned properties.

Luxury hotels, too, are committed to serving the needs of handicapped. The Sheraton Plaza Reina at Los Angeles International Airport boasts forty-eight of the 810 rooms which feature extra-wide entrances and closet rungs, light switches and environmental controls positioned conveniently for a guest in a wheelchair.

At the Mayflower Hotel in Washington, D.C., twelve out of 724 rooms are designed exclusively for people confined to wheelchairs.

And, the American Hotel & Motel Association (AH&MA), the national association with which the Kansas Lodging Association is affiliated, is working on a position paper on handicapped accessibility for newly constructed hotels and motels.

The interim study committee heard all these details this summer and as a result of this and other testimony, agreed that the existing 10% requirement was unreasonable.

If you believe that the state needs to set a uniform minimum standard, then we agree with the bill as drafted by the interim committee which includes the Uniform Building Code (UBC) requirements. The cities and towns in Kansas which have adopted a building code, for the most part, already use the UBC. We still believe there may be an argument to be made for repealing the existing section of the statutes and leaving the standard-setting up to local units of government. Kansas is a small-town state and many of the hotel and motel owners live and run their businesses in those small towns.

The larger cities and the larger hotel chains already have standards comparable with those in this bill. We would like to avoid penalizing our small-town, small-business operators with this bill.

The major concern we voiced to the House Committee was with section 8 which requires that recreational facilities be handicapped accessible. This might not be as much of a problem with new construction as with renovation. What we fear is that if the threshold of 25% or more replacement value is passed on renovation, a hotel or motel might be in the position of having to totally redo their recreational facilities. We used an elevated swimming pool as an example to the House Committee and they exempted swimming pools. We appreciate the effort but maybe we emphasized the example too well.

This bill addresses apartment complexes as well as hotels and motels. We ask you to consider that there is a difference. An apartment is a "home" where a person resides on a daily basis and probably spends the greater part of his or her leisure time. Whereas a hotel or motel is a temporary residence, usually for just one or two nights.

We are all inconvenienced by travelling. Amenities may entice us to choose one facility over the other, but the truth is, what we really have a right to expect, and I think what we are trying to achieve for the handicapped person in this bill, are the necessities -- a place to sleep, bathe and use the rest room in privacy and reasonable comfort, if not always in the greatest of comfort or luxury. A swimming pool, or a sauna, or a putting green or a tennis court is a luxury, an amenity.

It would hardly seem appropriate for an owner who is trying to upgrade his property and who is most likely installing handicapped units, to be stymied simply because it is totally unfeasible to redesign his recreational facilities.

{ We appreciate your consideration of our concerns. We respectfully request that you exempt hotels and motels from Section 8., the requirement for handicapped access to recreational facilities.

SESSION OF 1986

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2660

As Amended by House Committee on
Local Government

Brief of Bill*

H.B. 2660 which deals with handicapped accessibility requires all apartment complexes, hotels, and motels which have 20 or more units to conform to Uniform Building Code (UBC) standards as may be modified by the Secretary of Administration. The Act applies to units constructed or renovated after July 1, 1986.

The bill establishes a procedure for a waiver of these requirements, requires cities and counties to appoint their building inspector or designate some other agency or person to enforce this Act; and authorizes the city, county, or district attorney to bring actions against violators of the Act and to collect expenses, investigative fees and civil penalties.

Recreational facilities of any apartment complex, hotel, or motel covered by the Act except for hotel or motel swimming pools must be made handicapped accessible.

Background

The bill was recommended by the 1985 interim Special Committee on Local Government as a part of its study of Proposal No. 46.

The bill was supported by the Home Builders Association of Kansas and the Kansas Association of

* Bill briefs are prepared by the Legislative Research Department and do not express legislative intent.

Realtors. The Kansas Lodging Association expressed concern about the recreation facilities provision in the original bill. The Advisory Committee on the Employment of the Handicapped expressed concerns about the waiver process and about the use of UBC standards instead of American National Standards Institute (ANSI) standards that are required to be met under current law. The Department of Social and Rehabilitation Services opposed the use of UBC instead of ANSI standards and recommended guidelines for data collection for waiver applications.

0117 particular standard, or (b) the incremental construction cost
 0120 conform to the standards exceeds 7% of the total construction
 0121 or renovation costs. The person or agency responsible for the
 0122 enforcement of the provisions of this act shall notify the appli-
 0123 cant for waiver or modification and the director of architectural
 0124 services. Denial of an application for waiver or modification of a
 0125 standard may be appealed to the district court having jurisdiction
 0126 in the county where the apartment complex, hotel or motel is
 0127 located.

0128 Sec. 7. (a) An aggrieved physically handicapped person
 0129 shall not be a required party in actions brought by the city,
 0130 county or district attorney pursuant to this section.

0131 (b) Any willful violation of the terms of any injunction or
 0132 court order issued pursuant to this act shall render the violator
 0133 liable for the payment of a civil penalty in such amount as the
 0134 court shall determine to be necessary and proper.

0135 (c) In administering and pursuing actions under this act, the
 0136 city attorney or the county attorney or district attorney are au-
 0137 thorized to sue for and collect reasonable expenses and inves-
 0138 tigation fees as determined by the court. Civil penalties sued for
 0139 and recovered by the city attorney shall be paid into the general
 0140 fund of the city. Civil penalties sued for and recovered by the
 0141 county attorney or district attorney shall be paid into the general
 0142 fund of the county where the proceedings were instigated.

0143 (d) Any person or agency responsible for the enforcement of
 0144 this act may refer evidence concerning violation of the standards
 0145 established pursuant to this act to the city attorney or the proper
 0146 county or district attorney, who may institute, with or without
 0147 such a reference, proceedings under this section.

0148 Sec. 8. If any apartment complex, hotel or motel is required
 0149 to have a handicapped accessible unit pursuant to this act then
 0150 any recreational facility in such apartment complex, hotel or
 0151 motel shall be handicapped accessible. **This section shall not**
 0152 **apply to swimming pools in hotels or motels.**

0153 Sec. 9. The provisions of this act shall not apply to condo-
 0154 miniums or cooperatives.

0155 Sec. 10. This act shall take effect and be in force from and
 0156 after its publication in the statute book.

As Amended by House Committee

Session of 1986

HOUSE BILL No. 2660

By Special Committee on Local Government

Re Proposal No. 46

12-17

0018 AN ACT concerning handicapped accessibility standards; relat-
 0019 ing to apartment complexes, hotels and motels.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. As used in this act:

0022 (a) "Apartment complex" means a multi-family dwelling
 0023 contained in one or more contiguous buildings;

0024 (b) "hotel" or "motel" means every building or group of
 0025 buildings or other structure or group of structures which is kept,
 0026 used, maintained, advertised or held out to the public as a place
 0027 where sleeping accommodations are offered for pay primarily to
 0028 transient guests and in which four or more rooms are used for the
 0029 accommodation of such guests, regardless of whether such
 0030 building or structure is designated as a cabin camp, tourist cabin
 0031 or other type of lodging unit;

0032 (c) "person" means an individual, partnership, corporation or
 0033 other association of persons;

0034 (d) "municipality" means any city or county of this state;

0035 (e) "physically handicapped person" means any person hav-
 0036 ing a physical handicap due to any nonambulatory, semiambu-
 0037 latory, sight, hearing or any disability of incoordination or aging;

0038 (f) "renovate" means reconstruct or remodel in an amount
 0039 equal to 25% or more of the replacement value of an apartment
 0040 complex, hotel or motel but shall not include construction of an
 0041 addition to an apartment complex, hotel or motel or acquisition
 0042 and installation of insulation, as defined by K.S.A. 79-32,117, and
 0043 amendments thereto, or of a solar system, as defined by K.S.A.
 0044 79-32,169, and amendments thereto.

0045 Sec. 2. (a) All apartment complexes, hotels and motels which
 0046 consist of more than 20 units shall conform to the Uniform
 0047 Building Code standards published May 1, 1985, by the Inter-
 0048 national conference of building officials, 5360 South Workman
 0049 Mill Road, Whittier, California, 90601, and as may be modified
 0050 by rules and regulations adopted by the secretary of administra-
 0051 tion in accordance with the provisions of K.S.A. 77-415 *et seq.*,
 0052 and amendments thereto. Any apartment complex, hotel or
 0053 motel, or any addition to any such building, to which the provi-
 0054 sions of K.S.A. 58-1301 *et seq.*, and amendments thereto, were
 0055 applicable prior to July 1, 1986, shall be governed by the provi-
 0056 sions of K.S.A. 58-1301 *et seq.*, and amendments thereto, which
 0057 were in effect on the date the contract for the construction or
 0058 renovation of apartment complex, hotel or motel, or addition
 0059 thereto, was entered into.

0060 (b) An apartment complex, hotel or motel for which a stan-
 0061 dard has been waived or modified pursuant to section 6, shall be
 0062 deemed to conform to the standards established pursuant to this
 0063 section if such apartment complex, hotel or motel conforms to all
 0064 such standards which have not been waived or modified and to
 0065 any modified standard approved for such apartment complex,
 0066 hotel or motel pursuant to section 6.

0067 Sec. 3. The governing body of each municipality shall des-
 0068 ignate its building inspector or other agency or person to be
 0069 responsible for the enforcement of the provisions of this act.

0070 Sec. 4. The provisions of this act shall not apply to any
 0071 apartment complex, hotel or motel existing or under construction
 0072 or renovation pursuant to a contract let prior to ~~January 1, 1987~~
 0073 **July 1, 1986**, but such provisions shall be applicable to any
 0074 apartment complex, hotel or motel which are renovated pursuant
 0075 to a contract let after ~~December 31~~ **June 30, 1986**.

0076 Sec. 5. The international symbol of access to the physically
 0077 handicapped shall be permanently displayed at the entrance of
 0078 any apartment complex, hotel or motel that is in compliance with
 0079 standards established pursuant to this act.

0080 Sec. 6. (a) If a person undertaking the construction or ren-
 0081 ovation of any apartment complex, hotel or motel which is

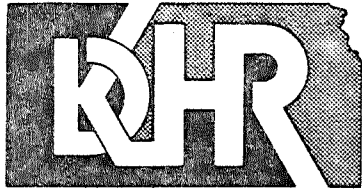
0082 subject to the provisions of this act determines that full compli-
 0083 ance with any standard established pursuant to section 1 is
 0084 impractical or unreasonable in that it would defeat the purpose
 0085 of such construction or renovation or that there is a lack of need
 0086 for compliance with the provisions of this act, such person may
 0087 apply to the governing body of the municipality through its
 0088 building inspector or the agency or person responsible for the
 0089 enforcement of the provisions of this act with respect to such
 0090 construction or renovation for a waiver or modification of such
 0091 standard. The application for waiver or modification shall be
 0092 accompanied by reasons for the determination and a proposal
 0093 setting forth the maximum extent of compliance with the partic-
 0094 ular standard which is believed practical. If the waiver is re-
 0095 quested on a basis of lack of need for compliance with the
 0096 provisions of this act, documentation showing no need for the
 0097 handicap accessible units shall be included in the application for
 0098 waiver. The application shall include all relevant data that may
 0099 be helpful in evaluating the request for waiver or modification,
 0100 including cost of the total project, cost of construction and facili-
 0101 ties necessary to comply with standards established pursuant to
 0102 this act and one copy of the building plans for the applicable
 0103 areas of the construction or renovation.

0104 (b) The person or agency responsible for enforcement of the
 0105 provisions of this act shall consider the submitted application
 0106 and any other data it may find helpful, including data collected
 0107 from on-site inspection of the construction or renovation project.
 0108 Such person or agency shall investigate the application and
 0109 determine the estimated building costs and the incremental cost
 0110 of construction or renovation to conform to the standards estab-
 0111 lished pursuant to this act. If the waiver is requested on a basis of
 0112 lack of need for compliance with the provisions of this act, such
 0113 person or agency shall conduct a need survey when considering
 0114 the application.

0115 Upon the basis of the findings of the investigation, the person
 0116 or agency responsible for the enforcement of the provisions of
 0117 this act shall waive or modify a particular standard if: (a) The
 0118 purpose of this act can be fulfilled by an acceptable alternative to

DEPARTMENT OF HUMAN RESOURCES

KANS



ADVISORY COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

1430 S.W. Topeka Avenue, Topeka, Kansas 66612-1877
913-232-7828 (V/TDD) 567-0828 KANS-A-N

John Carlin, Governor

Larry E. Wolgast, Secretary

To: Senate Local Government Committee
From: Ray Petty, Legislative Liaison
Re: Kansas Accessibility Standards: H.B. 2660
Date: March 19, 1986

H.B. 2660 proposes to change the current standard both for the number and for the design features required in apartments and guest rooms in privately owned residential complexes of more than 20 units. The proposed standard contained in the Uniform Building Code (UBC) differs from the current standard contained in the American National Standards Institute (ANSI) specifications in the following ways:

A. Internal to the Dwelling Unit

1. **Bath** UBC does not require grab bars in bathrooms of Group R, Division 1 apartment houses (which means all apartment houses). ANSI does not require that grab bars be installed, but it does require an accessible unit to be equipped with structural bracing in the tub and toilet areas which allows for simple bolt-on fitting of grab bars. Therein lies an example of the difference between an adequate standard and an inadequate one.

The UBC does not understand the concept of adaptability - which in a nut shell means that you do not build in, or fail to build in, certain features which will allow a person using a wheelchair to make use of the dwelling unit with only minor modifications (if any). Grab bars are not required in the unit until they are needed. When a person requires their use, the modifiable unit is easily converted into a usable unit, without structural changes being required.

With regard to floor space in the bath, both UBC and ANSI appear to require substantially the same thing.

2. **Kitchen** UBC makes no mention of any requirements in a dwelling unit's kitchen area: no floor space dimensions, no recognition that a person sitting in a wheelchair needs a work surface at a reasonable height that they could wheel under, no mention of front-mounted controls on a stove so that a person using a wheelchair would be safer from burns. Nothing.

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3. **Controls and electrical outlets** Light switches are normally within reach of a person using a wheelchair. ANSI makes certain that this is attended to; UBC does not consider the placement of switches, thermostats, and other control devices. ANSI recommends that wall outlets be located 18" above the floor, instead of the usual 12", so that people will not always be "Olympic diving" out of their chairs when they plug in the iron.

B. Building accessibility The UBC requires access to parking, hotel and motel units, assembly areas, locker rooms, day-care facilities and offices of all buildings containing more than 20 units. "Habitable rooms, bathrooms, toilet compartments and utility rooms in units that are required to be accessible to the physically handicapped shall be accessible by level floors, ramps or elevators, and doorways to such rooms shall have a clear unobstructed width of not less than 32 inches."

ANSI covers those areas listed above plus access to mailboxes, common laundry facilities, and trash disposal areas and requires a handicapped parking space for the accessible unit when other units have parking allocated to them.

NUMBER OF UNITS

Buildings containing more than 20 dwelling units or 20 guest rooms shall be accessible to the physically handicapped by a level entry, ramp or elevator. The number of accessible dwelling units or guest rooms shall not be less than the following:

21 through 99 -- one unit
100 and over -- one, plus one for each additional 100 units or fraction thereof

RECOMMENDATION: Our preference is to maintain ANSI standards in hotels and apartments. However, if H.B. 2660 is to going to be accepted by the legislature, it is imperative that the ANSI standards mentioned above be added to the UBC requirements. We are willing to live with the quantity of units specified in the UBC, although we are concerned about those numbers in hotel/motel complexes. **However, the quality of the units built under UBC guidelines alone is unacceptable.** Narrow kitchen aisles will block persons using wheelchairs. Walls in bathrooms will be too flimsy to accept grab bars. The mailbox for the accessible unit will inadvertently be put on the top row of boxes, and the entire mail facility may be in an inaccessible area. Sidewalks to parking areas may end with curbs instead of ramps. It would be a farce to regard those conditions as "accessible".

There is not adequate guidance in this bill to instruct localities with regard to the requirements of a lack of need waiver. The Department of Administration has regulatory authority with regard to K.S.A. 58-1301 et. seq. and could be made responsible for developing waiver guidelines, however it is likely that such will not occur unless the department is instructed to do so.

The exemption of swimming pools in lines 155-156 has been inserted to address a narrow concern regarding certain older motels which may be remodeled. We understand the concern, but are certain that the waiver provisions will handle those few instances. New pools should not be exempted just to cover these instances. This amendment weakens the law beyond even the UBC standards which requires pools to be accessible and we oppose it.

Finally, we encourage this body to extend the accessibility tax credits to new construction. We have suggested this both during the interim and the House hearings but the proponents of this bill have expressed no interest in tax relief to recover additional costs in building these units. Nevertheless, I have discussed the concept with Harley Duncan, Secretary of Revenue, and he agrees that such a measure could be administered provided that a flat rate be developed based upon sample cost estimates. I have provided this committee a copy of a North Carolina statute which accomplishes this goal.

Only Part of Section Set Out. — As the rest of the section was not affected by the amendment, it is not set out.

Effect of Amendments. — The 1981 amendment, effective for taxable years beginning on or after Jan. 1, 1981, added subsection (d1).

105-130.22. Tax credit for construction of dwelling units for handicapped persons.

There shall be allowed to corporate owners of multifamily rental units located in North Carolina as a credit against the tax imposed by this Division, an amount equal to five hundred fifty dollars (\$550.00) for each dwelling unit constructed by such corporate owner which conforms to the requirements of section (11x) of the North Carolina Building Code for the taxable year within which the construction of such dwelling unit is completed; provided, that credit will be allowed under this section only for the number of such dwelling units completed during the taxable year which were required to be built in compliance with section (11x) of the North Carolina Building Code; provided further, that if the credit allowed by this section exceeds the tax imposed by this Division reduced by all other credits allowed by the provisions of this Division, such excess shall be allowed against the tax imposed by this Division for the next succeeding year; and provided further, that in order to secure the credit allowed by this section the corporation shall file with its income tax return for the taxable year with respect to which such credit is to be claimed, a copy of the occupancy permit on the face of which there shall be recorded by the building inspector the number of units completed during the taxable year which conform to section (11x) of the North Carolina Building Code. When he has recorded the number of such units on the face of the occupancy permit, the building inspector shall promptly make and forward a copy of the permit to the Special Office for the Handicapped, Department of Insurance. (1973, c. 910, s. 1; 1979, c. 803, ss. 1, 2; 1981, c. 682, s. 16.)

Effect of Amendments. — The 1981 amendment, effective July 1, 1981, substituted "(11x)" for "(11)" in three places.

105-130.23. Credit against corporate income tax for solar hot water, heating and cooling.

(a) Any corporation which causes to be constructed or installed solar hot water, heating or cooling equipment in buildings to include residential buildings used or sold by the corporation for commercial or business purposes in North Carolina shall be allowed as a credit against the taxes imposed by this Division, an amount equal to twenty-five percent (25%) of the installation and equipment cost of the solar hot water, heating or cooling equipment; provided, that credit allowed under this section shall not exceed one thousand dollars (\$1,000) per system or per year for any single building or each family dwelling unit of a multi-dwelling building which is individually metered for electric power or natural gas or with separate furnace for oil heat paid for by the occupant; provided further, that to obtain the credit the taxpayer must own or control the use of the building at the time of the installation, except that in the case of a building constructed or modified for sale in which a solar system is constructed or installed, the credit shall be allowed to the owner who first occupies the building for use after the construction or installation of the system or the owner-lessor who first leases the building for use after the construction or installation of the system; provided, further, that the credit shall not be allowed to the extent that any of the cost of the system was provided by federal, state, or local grants; and provided further, that if the credit allowed by this

section exceeds the taxes imposed by this Division, the excess shall be allowed by the provisions of this Division for the next succeeding year.

(b) For the purpose of this section, "cooling equipment" means any hot water cooling equipment which meets the definition by the U.S. Secretary of the Treasury approved and published by the Secretary that meet the eligibility criteria approved by the Secretary. (1977, c. 792, s. 4; 1979, c. 801, s. 1.)

Effect of Amendments. — The 1981 amendment, effective for taxable years beginning on or after Jan. 1, 1981, substituted "causes to be constructed or installed" for "constructs or installs" near the beginning of subsection (a); inserted "per system or per year" following "\$1,000" in the first proviso of subsection (a).

§ 105-130.26. Credit against corporate income tax for conversion of industrial boiler or kiln.

Any corporation which modifies or replaces and the associated fuel and residue handling equipment in the manufacturing process of a manufacturing business which is capable of burning wood shall be allowed by this Division, an amount equal to twenty-five percent (25%) of the installation and equipment cost of such conversion; provided, that if the credit allowed by this section, the tax imposed by this Division for the taxable year in which such boiler or kiln is used at least in part or in whole for such installation, the taxpayer during the tax year for which the credit is allowed for any one income tax year (15%) of such costs paid during the year shall not exceed the amount of the tax imposed by this Division for the taxable year reduced by the sum of all credits allowed by this section for the taxable year; and that credit exceeds the tax imposed by this Division for the taxable year, such excess shall be carried forward and applied to the tax imposed by this Division for the next succeeding five years. (1979, c. 801, s. 1; 1979, c. 929, s. 1.)

Effect of Amendments. — The 1979, 2nd Sess., amendment inserted "and the associated fuel and residue handling equipment" near the beginning of the section.

§ 105-130.27. Credit against corporate income tax for construction of a fuel ethanol plant.

(a) Any corporation which constructs or installs a fuel ethanol plant shall be allowed a credit against the tax imposed by this Division for the taxable year in which the plant is constructed or installed, an amount equal to twenty percent (20%) of the installation and equipment cost of the plant, plus an additional ten percent (10%) of those

Testimony regarding H.B. 2659 and H.B. 2660
Submitted by Don Karr, Accessibility Specialist,
Topeka Resource Center for the Handicapped
March 19, 1986

1. K.S.A. 58 1301-1311, in its present form, contains accessibility standards which are aligned with current needs based on the current population data available. No consideration has been given for the future needs of this ever increasing constituency, the elderly and persons with disabilities.
2. The current law has gone largely unenforced. I was alarmed, in November 1984, to learn that the Building Inspection Department of the City of Topeka was enforcing a Uniform Building Code which requires 1 in 100 units be accessible for use by persons with physical disabilities, while K.S.A.58-1301 through 1311 which requires 1 in 10 units in complexes containing 20 units or more be accessible, has been State law a number of years prior.
3. A city-wide dispersion of suitable housing units in downtown and suburban areas opens a wide range of employment opportunities which directly impact on a physically disabled person's employability and hireability, accessible transportation being a problem for many consumers.
4. Accessibility is for everyone and should be a attractive to anyone. If property management companies are unable to make this an attractive option for people, they should not make "segregation" a selling point, as is inferred by the architectural barriers which many residential developments exhibit.
5. Barrier-free elements, once incorporated into the site location and building plans, are not a selling point for a non-disabled person because these elements go largely unnoticed. Ease of movement, however, is a basic requirement for persons with mobility impairments.
6. A residential services survey prepared last year and mailed this year contained the question: A bill was introduced this year by the Kansas Homebuilders Association which would reduce the required number of accessible apartments and motel rooms being constructed from 10% to 1%. Would you support or oppose such legislation? The answer was recorded by marking boxes designated: support, oppose or don't know.

Of the 88 persons/constituents responding to this question to date: 62 persons (over 70%) were in opposition to this legislation, 3 in support of the legislation and 16 marked "don't know".

(Attachment VIII) S. LG

3/18/86