

No. 39-06-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 4, entitled "Finances," by creating a new Article XI, entitled "Residential Visitability Design Tax Credit Program."

WHEREAS, Allegheny County has historically made every effort to remain a vibrant, inclusive community in which all individuals are welcomed; and

WHEREAS, the County is home to approximately 1.2 million individuals; and

WHEREAS, according to 2000 census data, 16,875 County residents aged five to 20, as well as 113,343 individuals aged 21 to 64, and 216,994 individuals over the age of 65 are classified as "disabled;" and

WHEREAS, also according to 2000 census data, 376,156 housing units, or roughly 64.5% of the County's total housing stock, was built before 1960; and

WHEREAS, 27% of the County's residents were aged 55 or older in 2000; and

WHEREAS, on the Pennsylvania General Assembly passed Senate Bill 1158, which empowers local taxing bodies, such as Allegheny County, to offer tax credits as incentives to new construction or renovation projects that build access for disabled individuals into residential housing on October 23, 2006; and

WHEREAS, Governor Rendell signed this bill into law as Act 132 of 2006 on October 28; and

WHEREAS, Allegheny County Council has determined that it is desirable both to ensure the independence and mobility of the County's aging and disabled population to the greatest extent possible and to provide incentives to individuals contemplating building accessibility into their homes now rather than deferring potentially costly accessibility improvements;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1.

The Allegheny County Code of Ordinances, Division 4, is hereby amended by the addition of a new Article XI, entitled "Residential Visitability Design Tax Credit Program," as follows:

§475-54. Definitions.

The following words and phrases when used in this Article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

ACCEPTABLE SLOPE - a variable grade measured by rise over distance.

CIRCULATION PATH - an exterior or interior way of passage from one place to another for pedestrians.

DWELLING - a structure used as a place of habitation by a natural person. The term shall include new residential construction, existing residential construction, or any commercial or industrial building that is converted for residential use.

ELIGIBLE PROPERTY OWNER - a person responsible for the payment of taxes on a dwelling.

NO-STEP ENTRY - an entry into a dwelling that has no steps or other barrier to individuals who have significant mobility impairment, and having a threshold no greater than three-fourths of an inch.

PEDESTRIAN SITE ARRIVAL POINT - a place where pedestrians may enter a dwelling from a public right-of-way. The term includes, but is not limited to, sidewalks, driveways, streets, alleys, and paths.

POWDER ROOM - a toileting room having, at a minimum, a water closet and lavatory.

SIGNIFICANT MOBILITY IMPAIRMENT - the disability of an individual who needs assistive mobility technology in the form of a wheelchair, walker, crutches or a similar device in order to move along a circulation path.

VISITABLE LEVEL - the floor or level of a dwelling to which a no-step entry leads.

VISITABILITY DESIGN - the presence of architectural design features which enhance access and usability for visitors and residents who have significant mobility impairment and which minimize the cost of full accessibility modifications, if necessary, at a later time.

§475-55. Residential Visitability Design Tax Credit, Applicability.

In accordance with the terms of this Article, a residential visitability design tax credit against real property taxes levied by Allegheny County on dwellings shall be granted to eligible property owners. The tax credit authorized under the terms of this Article shall be limited to any new or renovated dwelling that contains visitability design features which will enhance the usability of the dwelling for individuals with significant mobility impairment and which minimize the cost of accessibility modifications, if necessary, at a later time.

§475-56. Amount of Tax Credit.

All tax credits granted under the terms of this Article shall be for a duration of five years. The total amount of any tax credit granted under the terms of this Article shall be the lesser of:

- A. \$2,500; or
- B. The total amount of all increases in property taxes levied by Allegheny County as a result of the construction or renovation that is eligible for the Residential Visitability Design Tax Credit.

§475-57. Administration of Tax Credit Program.

The Office of Property Assessments shall administer the County's Residential Visitability Design Tax Credit program created under this Article. In doing so, the Office of Property Assessments shall follow all procedures and requirements of both this Article and Act 132. The Office of Property Assessments is hereby authorized to require such information and conduct such other examinations as it shall deem necessary to ensure the eligibility of dwellings for participation in the Residential Visitability Design Tax Credit program.

§475-58. Application for Participation in Program.

- A. Application for the Residential Visitability Design Tax Credit program shall be filed by an eligible property owner with the Office of Property Assessments no later than 90 days from the latter of:
 - 1. The date upon which the building permit was issued for the construction or renovation for which the credit is requested; or
 - 2. The date upon which the occupancy permit or certificate of completion was issued for the dwelling for which the credit is requested.
- B. At a minimum, the application for the credit authorized under the terms of this Article shall include:
 - 1. The name of the eligible property owner(s);

2. The address of the eligible property owner(s);
 3. The location of the property which is the subject of the application;
 4. A statement of whether the property is newly constructed or newly renovated;
 5. The date of the new construction or new renovation that is the subject of the application;
 6. The name and address of the individual(s) or firm(s) that performed the new construction or new renovation, to the extent that they are known by the applicant; and
 7. Any other information deemed necessary to evaluating the dwelling's eligibility for the Residential Visitability Design Tax Credit by the Office of Property Assessment.
- C. The Office of Property Assessments shall issue a written decision on each application that it receives no later than 90 days after the date upon which an application was filed, and shall mail a copy of this decision to the eligible property owner(s) at the address provided in the application. In the event that an application is denied, the written decision of the Office of Property Assessments shall include a statement of all reason(s) for the denial. In the event that a written decision is not issued by the Office of Property Assessments within the time required by this section, such application shall be deemed to be granted.
- D. In the event that the Office of Property Assessments denies an application filed under the terms of this Article, the applicant(s) shall have the right to appeal this decision to the Board of Property Assessment Appeals and Review within 30 days of the applicant(s) receipt of the denial. Any appeals of Board decisions pursuant to the requirements of this Article to the Court of Common Pleas shall be made in accordance with applicable law governing such appeals.

§475-59. Design Standards.

In order to be eligible for the County's Residential Visitability Design Tax Credit, the architectural design of a new or newly renovated dwelling shall comply with all of the following requirements:

- A. The path from either a vehicle parking area or a pedestrian site arrival point to the dwelling's no-step entrance shall be firm, stable and slip-resistant.
 1. The grade of the path shall not exceed the following acceptable slopes:

- i. 1:8 for slope lengths of five (5) feet or less, with a maximum rise of 7.5 inches;
 - ii. 1:10 for slope lengths of between five (5) and twelve (12) feet, with a maximum rise of 14.4 inches; and
 - iii. 1:12 for all slope lengths of more than twelve (12) feet.
 2. Notwithstanding the provisions of §475-59.A.1, if the average slope of the property line along and contiguous to the public right-of-way exceeds 1:12, the slope of the exterior circulation path may be greater, if necessary, to provide access to the no-step entry, but the slope of such exterior circulation path may not exceed the average slope of the property line.
- B. The dwelling shall provide at least one no-step entrance approachable by a firm, stable and slip-resistant path with an acceptable slope, as provided for in §475-59.A. The no-step entrance to the dwelling may be located on any exterior wall, or may be an entrance to the visitable level of the dwelling through an integral garage.
- C. All doors located at no-step entrances must have a clear open width of at least 32 inches, and must be equipped with lever opening hardware.
- D. Interior circulation paths on the visitable level of the dwelling must be at least 36 inches in width throughout their length.
- E. All interior doorways on the visitable level of the dwelling, excluding closets and doorways to levels below the visitable level, shall have a minimum clear open width of 32 inches.
- F. Each dwelling shall, at a minimum, have at least one powder room or full bathroom on the visitable level. The powder room or bathroom shall, at a minimum, have a 30 inch by 48 inch clear floor space contiguous to the water closet and the lavatory. Any clear space under the lavatory may be included in these measurements, and clear spaces to the water closet and lavatory may overlap. Plumbing fixtures and entry doors accessing the visitable powder room or bathroom shall be equipped with lever-style hardware.
 1. All powder rooms and full bathrooms throughout the dwelling shall have reinforcement of at least two inches by eight inches of blocking between the studs placed inside the walls in order to facilitate the installation of grab bars, if needed. Reinforcement shall be capable of supporting grab bars that resist shear and bending forces of at least 250 pounds. Blocking should be centered at 34 inches from and parallel to the finished floor.

2. In renovated homes, only the walls in powder rooms and full bathrooms on the visitable floor(s) and those on floors that have the stud walls exposed as part of the renovation process must be in compliance with the requirements of §475-59.F.1.
- G. Light switches may not be higher than 48 inches above the finished floor on any level of the dwelling, subject to the following exceptions:
1. For lights that are controlled by multiple switches on the same floor of the dwelling, only one switch on that level must comply with the requirements of this section.
 2. In renovated homes, only the switches on the visitable floor(s) and any floor(s) upon which electrical renovations were done need comply with the requirements of this section.

SECTION 2. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.

PRIMARY SPONSOR: COUNCIL PRESIDENT FITZGERALD

***COSPONSORS: COUNCIL MEMBERS CLEARY, DeFAZIO, FRAZIER, MACEY,
AND THE CHIEF EXECUTIVE***

Enacted in Council, this 21st day of November, 2006,

Council Agenda No. 2840-06.

Rich Fitzgerald
President of Council

Attest: _____

John Mascio
Chief Clerk of Council

Chief Executive Office November 29, 2006

Approved: _____

Dan Onorato
Chief Executive

Attest: _____

Donna Beltz
Executive's Secretary