

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1158 Session of
2006

INTRODUCED BY RHOADES, FERLO, TARTAGLIONE, BROWNE, PIPPY,
BOSCOLA, FONTANA, O'PAKE, COSTA, LOGAN, PICCOLA, LEMMOND,
WOZNIAK, ORIE, PUNT, GORDNER, LAVALLE, C. WILLIAMS, KITCHEN,
STACK, REGOLA, ROBBINS AND GREENLEAF, MARCH 28, 2006

REFERRED TO LOCAL GOVERNMENT, MARCH 28, 2006

AN ACT

1 Providing for a tax credit to encourage property owners to
2 include visitability design features on their properties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Residential
7 Visitability Design Tax Credit Act.

8 Section 2. Construction.

9 This act shall be construed to further authorize local taxing
10 authorities to provide special tax provisions for the benefit of
11 persons who have disabilities or other infirmities and to
12 establish minimum uniform design standards as authorized under
13 section 2(b)(ii) of Article VIII of the Constitution of
14 Pennsylvania.

15 Section 3. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Acceptable slope." A variable grade measured by rise over
3 distance.

4 "Circulation path." An exterior or interior way of passage
5 from one place to another for pedestrians.

6 "Dwelling." A structure used as a place of habitation by a
7 natural person. The term shall include new residential
8 construction, existing residential construction or any
9 commercial or industrial building that is converted for
10 residential use.

11 "Eligible property owner." A person responsible for the
12 payment of taxes on a dwelling.

13 "Local taxing authority." A county, city, borough,
14 incorporated town, township, school district or home rule
15 municipality having authority to levy real property taxes.

16 "No-step entry." An entry to a housing unit that has no
17 steps or other barrier to people who have significant mobility
18 impairment.

19 "Pedestrian site arrival point." A place where pedestrians
20 may enter a dwelling site from a public right-of-way. The term
21 typically includes sidewalks, driveways, streets, alleys and
22 paths.

23 "Powder room." A toileting room having, at a minimum, a
24 water closet and a lavatory.

25 "Significant mobility impairment." The disability of a
26 person who needs assistive mobility technology in the form of a
27 wheelchair, walker, crutches or a similar device in order to
28 move along a circulation path.

29 "Visitability design." The presence of architectural design
30 features which enhance access and usability for visitors and

1 residents who have significant mobility impairment and which
2 minimize the cost of full accessibility modifications, if
3 necessary, at a later time.

4 Section 4. Tax credit authorized.

5 (a) Authorization.--The governing body of a local taxing
6 authority which levies a tax on residential property is
7 authorized to and may, by ordinance or resolution, provide a
8 residential visitability design tax credit against a real
9 property tax levied on such property. The credit may be offered
10 to residential owners at the sole discretion of the local taxing
11 authority, so long as the uniform design standards contained in
12 this act are provided within the eligible residential units.

13 (b) Applicability.--The tax credit authorized under
14 subsection (a) shall be limited to any new or renovated dwelling
15 that contains visitability design features which will enhance
16 the usability of the dwelling for persons with significant
17 mobility impairment and which minimize the cost of full
18 accessibility modifications, if necessary, at a later time.

19 (c) Amount.--The amount of the tax credit shall be
20 determined by the governing body and shall not exceed \$2,500, or
21 the total amount of the increased amount of property taxes owed
22 during the first five years from the time the tax credit is
23 approved, whichever is less.

24 (d) Administration.--The governing body shall determine the
25 form and manner in which any eligible property owner shall apply
26 for the credit and may adopt rules and regulations for the
27 approval and disapproval of applications.

28 Section 5. Design standards.

29 (a) General standards.--The architectural design of a
30 visitable home shall comply with all of the following

1 requirements:

2 (1) The path from either a vehicle parking area or a
3 pedestrian entrance to the lot to the no-step entrance shall
4 be firm, stable and slip resistant.

5 (i) The grade of the path shall not exceed the
6 following acceptable slopes: 1:8 for slope length of five
7 feet or less with a maximum rise of 7.5 inches; 1:10 for
8 slope length 12 feet or less with a maximum rise of 14.4
9 inches; and 1:12 for slope length more than 12 feet.

10 (ii) Notwithstanding subparagraph (i), if the
11 average slope of the property line along and contiguous
12 to the public right-of-way exceeds a slope of 1:12, the
13 slope of the exterior circulation path may be greater, if
14 necessary, to provide access to the no-step entry, but it
15 may not exceed the average slope of the property line.

16 (2) The residence shall provide at least one no-step
17 entrance approachable by a firm, stable and slip-resistant
18 path with an acceptable slope. The no-step entrance shall
19 have a threshold of no greater than three-fourths of an inch.
20 The no-step entrance to the residence may be located on any
21 exterior side of the house or an entrance through the
22 integral garage to the visitable level of the residence.

23 (3) All no-step entry doors must have a minimum clear
24 open width of at least 32 inches and be equipped with lever
25 handle hardware.

26 (4) Interior circulation paths on the visitable level of
27 the dwelling must be at least 36 inches in width.

28 (5) All interior doorways on the visitable level of the
29 dwelling, excluding closets and doorways to floors below the
30 visitable level, shall have a minimum clear open width of 32

1 inches.

2 (6) Each visitable dwelling shall have a minimum of one
3 powder room or bathroom on the visitable-level floor. The
4 powder room shall have a 30-inch by 48-inch minimum clear
5 floor space contiguous to the water closet and the lavatory.
6 The clear space under the lavatory may be included in these
7 measurements, and clear spaces contiguous to the water closet
8 and lavatory may overlap. Plumbing fixtures and entry room
9 doors accessing the visitable powder room must be equipped
10 with lever-style hardware.

11 (7) (i) All bathrooms and powder rooms throughout the
12 residential unit shall have reinforcement of at least two
13 inches by eight inches of blocking between the studs
14 placed inside the walls for easy installation of grab
15 bars if needed. Reinforcement shall be capable of
16 supporting grab bars that resist shear and bending forces
17 of 250 pounds or greater. Blocking should be centered at
18 34 inches from and parallel to the finished floor.

19 (ii) Notwithstanding subparagraph (i), in renovated
20 homes, only the walls in powder rooms or bathrooms on the
21 visitable floor and those on floors that have the stud
22 walls exposed as part of the renovation process need to
23 comply with this paragraph.

24 (8) (i) Light switches may not be higher than 48 inches
25 above the finished floor of the residential unit. If
26 there are two controls for the same light, only one need
27 be in compliance with these standards.

28 (ii) Notwithstanding subparagraph (i), in renovated
29 homes only the switches on the visitable floor need to
30 comply with this paragraph unless the electrical

1 renovations extend beyond the visitable floor.

2 (b) Modifications.--The design standards contained in this
3 section may not be modified or made mandatory, except as
4 provided by the act of November 10, 1999 (P.L.491, No.45), known
5 as the Pennsylvania Construction Code Act.

6 Section 6. Effective date.

7 This act shall take effect immediately.