

**Statement of T.J. Sutcliffe, Director of Advocacy and Public Policy
The Arc of the District of Columbia
and
Amber W. Harding, Staff Attorney
Washington Legal Clinic for the Homeless**

**Before the Committee on Public Services and Consumer Affairs
Friday, September 19, 2008**

Regarding PR 17-866, “Construction Codes Amendment Resolution of 2008”

Good morning Councilmember Cheh and members of the Committee on Public Services and Consumer Affairs.

My name is T.J. Sutcliffe and I am the Director of Advocacy and Public Policy at The Arc of the District of Columbia (The Arc of DC). The Arc of DC is a fifty-eight year old nonprofit membership organization which provides advocacy and supports to District residents with developmental disabilities and their families. Thank you for the opportunity to testify today on PR 17-866, the “Construction Codes Amendment Resolution of 2008.” My testimony is submitted jointly with Amber Harding of the Washington Legal Clinic for the Homeless, who was unable to be here today. The Washington Legal Clinic for the Homeless is a not-for-profit legal services and advocacy organization dedicated to supporting those District residents who are homeless or nearly homeless.

Our two organizations are submitting testimony as it relates to Chapter 11A, “Accessibility,” of the proposed construction codes. Approximately 1 in 5 or 114,000 District residents are persons with disabilities, according to the U.S. Census. About 40% of District residents with disabilities report having a physical disability and may need some accommodations to access housing and public buildings.

While the proposed construction codes include many positive elements related to access for people with disabilities, we are concerned that they fall far short of existing District government targets for increasing accessible housing. The District's Comprehensive Plan and the recommendations of the District's Comprehensive Housing Strategy Taskforce both establish a goal that 8% of the District's housing will be accessible to persons with physical disabilities.

Policy H-4.2.4 of the 2006 Comprehensive Plan commits the District to work toward:

“...a target of designing eight (8) percent of the new housing units added to the city's stock over the next 20 years to specifically to meet the accessibility needs of persons with physical disabilities.”

Recommendation 4.8 of the Comprehensive Housing Strategy Taskforce's April 5, 2006 report states:

“To address the needs of persons with physical disabilities and prepare for the rapidly increasing proportion of Washington, DC residents over 70 years of age, 8% of all units in the capital should be accessible people with physical disabilities.”

The Taskforce recommendation goes on to note “The city should include accessibility design requirements in their building code.”

The revised construction codes are one of the few opportunities for the District to implement this policy. Unfortunately, rather than incorporate the 8% goal, the proposed codes leave in place existing, lower standards. In particular, the proposed codes in several places rely on the 2003 Table 1107.6.1.1, “Accessible Dwellings and Sleeping Units,” which establishes a 3% standard for the percent of accessible units in new multifamily housing. The disparity between the District's stated policy of 8% accessible units and the proposed building codes' standard of 3% is significant and troubling.

The Arc of DC and the Washington Legal Clinic for the Homeless are also concerned that the proposed construction codes represent a major missed opportunity for the District to establish

broad-based standards to make our city more welcoming for residents and visitors with disabilities.

Jurisdictions across the country are moving in this direction by incorporating the concept of “visitability” for new residential buildings into their construction codes. Even if a home is not fully accessible, minimum standards in building codes help make spaces visitable for people with disabilities. For example, new homes would have at least 1 no-step entrance, 32” doors, lever door handles, 36” hallways, reinforced walls in ground-floor bathrooms, and switches no higher than 48”. These kinds of standards would help people with disabilities buy and rent homes in the District. They also make it easier for District residents to welcome people with disabilities into their homes. Additionally, like other accessibility provisions, visitability contributes greatly to the housing opportunities for older residents and helps people age in place.

The Arc of the DC and the Washington Legal Clinic for the Homeless understand that the process required to revise the construction codes is a long one, and that the Districts is at the end of the current cycle. Because the need for accessible housing is both significant and growing, we believe that the Mayor should commit to ensuring that future revisions of the construction code fully reflect existing District accessible housing policies as well as best practices for meeting the needs of residents and visitors with disabilities.

In doing this, the Mayor would be well-served to actively recruit additional knowledgeable members of the disability community to serve on the Building Code Advisory Commission, and to actively involve the DC Office of Disability Rights (ODR) in the code revision process. This cabinet-level office was established in November of 2007 and is charged, among other things, with providing technical assistance to District agencies as they seek to make their regulations and policies promote access for residents with disabilities. The Office of Disability Rights staff is highly knowledgeable and includes an architect who specializes in disability access.

In closing, The Arc of DC and the Washington Legal Clinic for the Homeless thank the Committee on Public Services and Consumer Affairs for your work and leadership in reviewing the proposed construction codes and providing enhanced opportunities for public comment. Thank you for the opportunity to testify today. I look forward to answering any questions.