

April 25, 2004

Jane Gay
Director
Iowa Program for Assistive Technology/ Iowa COMPASS
Center for Disabilities and Development
University of Iowa Hospitals and Clinics
100 Hawkins Drive, Room S295
Iowa City, Iowa 52242-1011

RE: Universal Design Project: Closing Letter and Project Summary
The Easy Access Homes Bill (SF216/HF 567)

Dear Ms. Gay:

We are writing to update you on the status of the Universal Design Systems Reform Project and the Easy Access Homes Bill, and to provide you with a summary of the project's history.

Our systems reform projects are designed to remove barriers to assistive technology and effect change in law or policy through research, education and grassroots and legislative advocacy. As you know, many Iowans who have experienced injury, illness or disability, or who are simply getting older, find they cannot enter, navigate freely or live independently in the homes or apartments they own or rent. They are forced to leave their homes and communities, risk institutionalization or spend thousands of dollars in home access modifications because houses or apartments with fewer than four dwelling units are not covered by any federal or state accessibility code.

Background and Purpose: The Iowa Program for Assistive Technology (IPAT) asked us to think of ways to address the critical shortage of housing in Iowa that is affordable, accessible and usable. We started two projects to deal with the problem. The Housing Project was created to deliver workshops on how communities can obtain or leverage funds to retrofit homes, help people pay for home modifications or change local or state policy to ensure the mainstream housing needs of persons with disabilities are given top priority (Student Legal Interns on that project will provide you with a separate letter that chronicles their achievements).

The Universal Design Project was established to eliminate the need for costly retrofits by promoting barrier-free design and requiring, through statute or administrative agency rule, that homes built with public funds include minimum access features.

The first phase of the universal design project involved the design and construction of the award-winning B Street Home in Iowa City, which showcased a host of inexpensive and state-of-the-art design features on the local Parade of Homes. The second phase resulted in the City of Iowa amending its building codes to mandate that newly built, publicly funded homes include four “visitability” features. The third phase was devoted to drafting and working for the enactment of legislation to establish statewide access and design standards for homes built with Community Development Block Grant, HOME Investment Partnership Program or other government funds.

Our main goal this semester was to convince lawmakers to pass the Easy Access Homes Bill (SF216/HF567), a compromise bill ordering the state building code commissioner, in consultation with homebuilders, persons with disabilities and state agencies, to publish standards for accessible entrances, doorways and hallways, electrical, light and environmental controls and bathrooms. The bill applied only to homes built with public funds. It required the state or local agency providing the funds to enforce the standards or waive them when compliance would be prohibitively costly or technically infeasible.

Facing stiff opposition from homebuilders and a General Assembly that was deadlocked in the Senate and occupied with Medicaid reform, tobacco taxes, education and sex offenders, we knew that strong grassroots support was critical to the bill’s success. Jordan Esbrook, Mike Cummings, and I spent most of this semester piggybacking on the efforts of past Student Legal Interns by lobbying hard at the Capitol and promoting the bill and universal design at workshops, conferences, and community group meetings, and through email list-serves and discussion groups.

Unfortunately, despite our best efforts, we were not able to gather the necessary support, enthusiasm, or votes for the bill. The Easy Access Homes Bill did not survive the funnel date and died in committees in the Senate and the House. This effectively concludes the project. We have decided to shelve our attempts at statewide reform and will instead focus on convincing Cedar Rapids, Dubuque and other cities and counties to adopt minimum visitability, access or universal design standards. For your convenience, we have provided you in the following pages with a summary of project activities and accomplishments.

Iowa City’s B Street Universal Design Home and Visitability Amendments: The project began when the City of Iowa City, the legal clinic and the Johnson County Coalition for Persons with Disabilities teamed up to design, survey and promote the B Street Universal Design Home. The home garnered several awards, nationwide attention and extremely favorable publicity. Its success prompted officials to consider changing the city’s building code; they asked the legal clinic to research laws in other states, draft a visitability ordinance and convince the city, the local homebuilders association and others to support the ordinance.

The Iowa City City Council passed the ordinance, which mandates that publicly-funded homes and apartments have a zero-step entrance, doors that have a clear width of 32 inches, bathroom walls that are reinforced, and controls and switches that are placed no

lower than 15 inches and no higher than 48 inches from the floor. In late 2002, buoyed by our success in Iowa City and calls from the disability community, we began drafting legislation and seeking sponsors for a bill to establish statewide visitability or accessibility standards.

Visitability Legislation: In the spring of 2003, we drafted legislation modeled after the Iowa City ordinance to require that dwellings with three or fewer units built with public funds include four visitability features. Senators Joe Bolckom and Bob Dvorsky co-sponsored and filed SF 253, primarily to trigger discussion of universal design and to pave the way for future campaigns. The bill never emerged from committee, however, we learned from discussions with many stakeholders that people did not know about or understand “visitability.”

During the fall semester, project members spoke with officials from the Department of Public Safety (DPS) and the Iowa Finance Authority’s (IFA) to obtain their input and suggestions. They wanted legislation that would set general goals and order agencies to develop and publish specific standards. Mike Coveyou of DPS made it clear that his agency did not have the time, resources or inclination to enforce the standards. Carla Pope of IFA said her agency had published but withdrawn rules giving priority to builders who promised to incorporate visitability or accessibility standards into housing projects funded by IFA. In the end, we decided to jettison the term visitability and draft bills that would force agencies, homebuilders and lawmakers to reach a consensus on how to create and implement universal design standards in Iowa, especially in lean budget years when agencies are short-staffed and lacking resources.

Minimum Universal Design Standards Legislation: In the spring of 2004, we convinced Senators Bolckom and Dvorsky and Representatives Mary Mascher and Lisa Heddens to file three sets of bills in the House and the Senate. The first set called for the building code commissioner to promulgate universal design standards relating to accessibility that would apply statewide to homes built with public funds. The second set called for IFA to set universal design standards for those homes built with funds from IFA or the Iowa Department of Economic Development (IDED). The third set called for IFA to publish standards that would apply only to dwellings funded by IFA.

Our strategy worked, the bills captured the attention of a number of agencies, associations and lobbyists. Late in the session, we convened a meeting of lawmakers and representatives from IFA, IDED, DPS, elder affairs, civil rights and other agencies. There was a good deal of debate over who would publish or enforce the standards and what standards should be adopted. We hammered out a compromise bill, but too late in the session to be filed or discussed in committee. To our regret, we did not have time to invite the Home Builders Association of Iowa (HBAI) to participate in the meetings. The HBAI lobbyist convinced committee members to defer action on the bills that were filed and to not consider any amendment. As a result, the bills died in committee.

Professor Sandler met with the HBAI legislative committee in May to persuade the group to support or endorse the compromise bill or to at least to remain neutral. The state

homebuilders association said it would oppose *any* attempt to legislate additional building code provisions.

The rest of the year and a good deal of this semester were spent publicizing and promoting the consensus bill and universal design in housing at every available opportunity. Venues included the Lt. Governor's Housing Summit in Des Moines, the Iowa Mosaic Diversity Conference in Ames, Peer Action Disability Support (PADS) in Cedar Rapids, the Coalition in Iowa City, Citizens for People with Disabilities in Cedar Rapids and Housing Project workshops conducted across the state. We asked people to call lawmakers from the district before the session started to request that they co-sponsor the bill and convince their fellow lawmakers to vote favorably on the bill.

Our attempt to pre-file the bill in December and gain valuable time to educate lawmakers was rebuffed by bill sponsors who cautioned us not to rush things – a strategy that backfired.

The Easy Access Homes Bill: The General Assembly convened on January 10, 2005, which was also the first day of our clinical semester. We hit the ground running and tried our best to become familiar with the project history and the essentials of universal design, visitability and accessibility.

Senators Bolckom and Dvorsky and Representatives Mascher and Heddens agreed once again to sponsor the bill. Representative Mark Smith signed on as a co-sponsor, too. We contacted lawmakers from both political parties; Republican leadership wanted endorsements, or assurances from realtors, architects, banks, cities and other organizations that the bill was needed and workable. Acting on their advice, we contacted the Iowa Chapter of the American Institute of Architects (AIA). The Iowa Association of Building Officials (IABO), and the Iowa Association of Realtors, the League of Cities, the HBAI, the American Association of Retired People (AARP), the Governor's Developmental Disabilities Council, Iowa Disability Advocates, the Iowa Commission on Persons with Disabilities, and other groups.

We fine-tuned the draft bill to eliminate objections and concerns voiced during stakeholder workgroup meetings. Our experience had shown that people didn't know what the terms "universal design," "visitability," or "accessibility," meant. To simplify our message and create a memorable catch phrase for the campaign, we named the proposal the Easy Access Homes Bill.

Timing and events seemed to doom the bill. Because it was not pre-filed, Senate File 216 was not introduced or assigned to the State Government Committee until February 24th. Likewise, HF 567 was introduced on March 3, 2005, one week before the "funnel date" when bills must pass out of committee or die. We were told early in the session that the House Commerce committee chaired by Republican Willard Jenkins would get the bill; we targeted our meetings, call to arms mailings and constituent contacts accordingly. To our surprise and dismay, the bill was assigned to the House State Government committee and much too late for a subcommittee to be formed. Realistically, the bill never had much

of a chance in the House or the Senate. Lawmakers were preoccupied with Medicaid reform, the tobacco tax, education, sex offenders, defense of marriage and other subjects that overshadowed the Easy Access Homes Bill. Many people promised to lobby for the bill, meet with lawmakers in Des Moines or in their hometowns and encourage others to support SF216/HF567. We were told going into the session that grassroots advocacy on disability issues has been fragmented and ineffective since the Systems Change Network disbanded several years ago. That proved to be the case this year, too. In the end, we were pretty much on our own.

Everything came to a head in the Senate State Government Subcommittee that was comprised of Democrats Jeff Danielson and Tom Hancock and Republicans David Miller and Mark Ziemann. The subcommittee was created on March 2 and held its one and only meeting and hearing on March 8 (only days before the funnel date).

When we arrived at the meeting, we were disappointed to learn that Republican committee members would not attend and that Miller was voting no. Many organizations sent representatives to the meeting. Even so, Rik Shannon of the Governor's DD Council and Len Sandler were both disappointed by the turnout and lack of consumer involvement regarding any legislation. The Commission on Persons with Disabilities, the Governor's DD Council and the Clinical Law Program testified in favor of the bill. The League of Cities, Access Inc., HBAI and other public and private sector groups expressed reservations about the bill's language and scope, but remained officially undecided or neutral. The subcommittee split along party lines and deadlocked; it did not recommend the bill to the full committee. The Easy Access Homes bill did not survive the first funnel deadline, bringing to an end this systems reform project.

Concluding Thoughts and New Directions: The Universal Design Project has enjoyed many successes. Although the Easy Access Homes Bill did not pass this year, our campaign has encouraged cities and towns to examine how they could promote barrier-free living and require that homes built with public funds incorporate universal design and access features. For example, this Thursday, Len Sandler is meeting with a contingent of officials and people from Dubuque about converting a warehouse into apartments built for lifespan living. They also will review how the city can encourage or require universal design through a local ordinance or building code change or as a condition of receiving city funds. The group will tour the B Street Home and the universal design home owned by Marilyn Belman to pick up design and construction tips.

People living in other cities want to get involved, too. Peer Action Disability Support and Citizens for People with Disabilities has asked the legal clinic to help them develop a visitability ordinance for Cedar Rapids or Linn County. On a related note, Len is discussing visitability, accessibility and universal design at a Fair Housing Workshop being broadcast over the ICN this Friday. Last week, he made a presentation about advanced strategies and innovative approaches to affordable housing and community development. Michael Morris and the NCB Development Corporation hosted the teleconference. Participants included members of the advanced strategies subgroup of Center for Medicare and Medicaid Services provider associations.

We believe that by working at the local level, one city at a time, we can set the stage for legislation that will establish statewide universal design standards and requirements for all homes.

It has been a pleasure working in close collaboration with IPAT. Jordan, Mike, and I enjoyed the project and are grateful for having had the opportunity to participate in legislative advocacy. We very much appreciate your support and involvement this semester and throughout this project.

Sincerely yours,

John Koeshadi
Student Legal Intern

Jordan Esbrook
Student Legal Intern

Mike Cummings
Student Legal Intern