

Visitability:

A MAJOR “NO-STEP” TOWARDS INCLUSIVE HOUSING

by Jordana L. Maisel

The current housing stock fails to meet the needs and preferences of today’s aging population and those with disabilities. While the lack of *affordable* housing often attracts attention, much less notice is taken of the shortage of *accessible* housing. Homes that empower the elderly and people with disabilities are all too uncommon, particularly in the single-family housing market. Many homes are still being built with steps at all entrances and hallways, and doorways that are too narrow for wheelchair users.

With the aging of the baby boomer generation, homes that allow seniors to age in place will become increasingly desirable. Changes in public policy and design practices must begin to prepare for the growing number of seniors who want to age in their own homes. Visitability – an affordable and sustainable design strategy – strives to increase the supply of accessible single-family housing. Its simplicity has led to thousands of open-market homes with basic access across the country.

THE HOUSING PROBLEM AND CHANGING DEMOGRAPHICS

The lack of accessible housing most directly impacts people with mobility



No step entries help make housing accessible to a diverse population, including people who use wheelchairs.

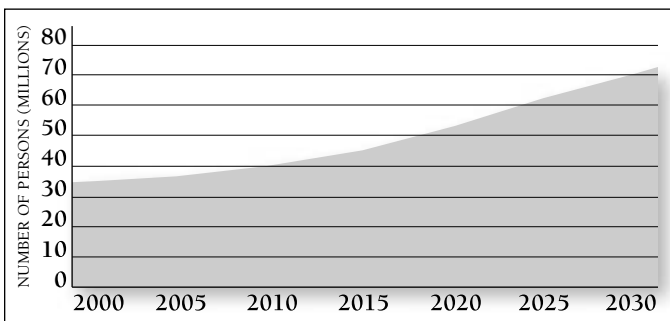
impairments and the elderly. This includes many with disabling injuries, a number that is increasing dramatically with tens of thousands of wounded Iraq war veterans.¹ But it can also include just about anyone who, at one time or another, has broken a leg, a hip, or had some accident limiting mobility. The design of the house and its entryway can pose serious obstacles, and also hinder many individuals’ ability to remain actively engaged and participate in the community.

A study published by the U.S. Department

of Housing and Urban Development emphasized the discrepancy between the need for and supply of accessible homes. The research found that over one million elderly homeowners have unmet housing needs that could force them to reluctantly abandon their homes, prematurely move to institutional settings, and reduce their quality of life.² No known data exists to indicate how many nursing home residents are there partly due to a lack of accessible housing. However, anecdotal evidence abounds that elderly people are often discharged from a hospital directly to a nursing home after a stroke, broken hip, or other impairment, because the design of their home cannot accommodate their now limited mobility.

The growing need for accessible housing is further exacerbated by demographic trends. The country’s population is experiencing a drastic transformation, with a growing sector of the population above the age of 65. Many demographic factors, including the aging baby boomer generation, lower birth rates, and longer life spans, are combining forces to create this changing population landscape.

- Since 1900, the percentage of Americans 65 years and older has more than tripled (4.1 percent in 1900 to 12.4 percent in 2000), with the actual number of elderly citizens increasing 11 fold (from 3.1 million to 35.0 million) over the



Projection of Number of Americans over Age 64 (in millions)
Source: U.S. Census, Population Projections, 2000

¹ According to a report in the *Los Angeles Times*, there have already been over 50,000 soldiers wounded in the Iraq war, with many additional wounded in Afghanistan. See Linda Bilmes, “The Battle of Iraq’s Wounded” (Jan. 5, 2007).

² *Housing our Elders* (U.S. Dept. of Housing and Urban Development, 1999).

³ *A Profile of Older Americans: 2003* (Administration on Aging, U.S. Dept. of Health & Human Services, 2003).

same period.³

• Projections based on U.S. Census Bureau data indicate that the number of persons age 65 and older will grow to almost 40 million by the year 2010 and 70 million by 2030.⁴

As they age, seniors prefer to live independently rather than move to a new home or assisted living facility. A 2003 study sponsored by AARP found that older Americans overwhelmingly preferred this outcome.⁵

The ability to “age in place” also received an important boost from the U.S. Supreme Court. In its 1999 ruling in *Olmstead v. L.C.*, the Court held that “unnecessary segregation of individuals with disabilities in institutions constitutes discrimination based on disability because it perpetuates unwarranted assumptions that people with disabilities are incapable of participating in community life.” This decision has important implications for housing and the right to age in place.

WHAT IS VISITABILITY?

Visitability has emerged as an innovative



LeMoyné Gardens, in Memphis, Tennessee, is another publicly assisted visitable development. This project, by Torti Gallas and partners, won a 2005 American Institute of Architects award.

⁴ Michael Jones & Jon Sanford, “People With Mobility Impairments in the United States Today and In 2010,” *Assistive Technology*, 8(1): 43-53 (1996).

⁵ *These Four Walls... Americans 45+ Talk about Home and Community* (AARP Public Policy Institute, 2003). Finding that 83 percent of respondents age 45 and older strongly or somewhat agree that they would like to remain in their current residence for as long as possible. See also, *Beyond 50.03: A Report to the Nation on Independent Living and Disability* (AARP 2003). Available at: <http://research.aarp.org/il/beyond_50_il_1.html>.

solution to the shortage of accessible housing. Originating in Europe, the visitability movement was initiated in the United States in 1986 by Eleanor Smith, a disability rights advocate. Along with her organization, Concrete Change, Smith’s ultimate goal is to make all new homes “accessible enough” for not just the homeowner (or renter), but for a visitor with a disability – hence the use of

the word “visitability.” In other words, a visitable home is intended to be a residence for *anyone* and to provide basic access to *everyone*. Visitability strives to provide a baseline level of accessibility in *all new home construction*, in hopes of benefiting the entire population.

A visitable home is any new single-family dwelling unit, duplex, triplex, or

continued on page 6



Olmstead v. L.C

by Michael Allen, Esq.

When the United States Supreme Court announced its decision in *Olmstead v. L.C.*, it set in motion powerful forces that may reshape the way society thinks about housing for older people¹ and people with disabilities. That case, in which the Court held that the unnecessary institutionalization of people with disabilities is a form of discrimination prohibited by the Americans with Disabilities Act (ADA), has been hailed by some advocates as the equivalent of *Brown v. Board of Education*.

The *Olmstead* case involved two women who were unnecessarily detained in a state psychiatric hospital long after their treating professionals determined they were prepared to live in the community. When the state of Georgia refused to move them out of the institution, citing the lack of community-based housing and supports, the women sued under the Americans with

Disabilities Act (ADA). In determining that the ADA required such housing and supports, the Supreme Court said: “[I]nstitutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life. ... Confinement in an institution severely diminishes the everyday life activities of individuals, including family

relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.”

The same principles apply not only to people who are currently institutionalized unnecessarily, but also to people at risk of unnecessary institutionalization. Often, older people end up in nursing homes or assisted living because they cannot find housing that is minimally accessible, or need minor supports that are not readily available.

The underlying principles declared in *Olmstead* will require states to think carefully about how to maximize the use of scarce public resources to support an infrastructure of housing and services that will keep people out of institutional settings. Visitability ordinances are one key to solving both these problems, by expanding the number of residential units with basic accessibility, and permitting seniors and people with disabilities to live with families or friends who can provide assistance on an informal basis.

Michael Allen is a partner with Relman & Associates, PLLC, in Washington, DC. This article is adapted, with permission, from his article “The Olmstead Decision: The Legal Framework,” in The Olmstead Factor: Integrating Housing For People With Disabilities / The NIMBY Report (National Low Income Housing Coalition, Spring 2002).

¹ While not all older people will have a “disability” or “handicap” as those terms are defined in federal civil rights laws, disability status is dramatically associated with old age. According to the 2000 Census, some 49.7 million Americans have some type of “long lasting condition or disability,” which represents 19.3% of the relevant population studied (i.e., people who were age 5 and older in the civilian noninstitutionalized population). See Judith Waldrop & Sharon M. Stern, U.S. Dep’t. of Commerce, Disability Status: 2000 1 (Mar. 2003), available at <www.census.gov/prod/2003pubs/c2kbr-17.pdf>.

Vistability...

continued from page 5

townhouse that is intentionally built with at least the following three features:

- One zero-step entrance on an accessible route.
- Doorways that provide at least 32 inches of clearance and wider hallways.
- Basic access to at least a half bath on the main floor.

While the benefits of these features are most essential for a person with mobility impairments to visit or live in a home, they can be invaluable to all of us (as even an otherwise healthy individual may suffer from an unexpected, but temporarily disabling injury). Visitability strives to create an opportunity for all neighbors in a community to socialize, help each other, and interact more effectively. It attempts to break down attitudinal as well as physical barriers to social integration of people with disabilities.

THE VISITABILITY MOVEMENT

Recognizing the benefits and growing need for more accessible housing, many state and local jurisdictions have joined the visitability movement. As of June 2006, approximately 45 state governments and local municipalities had visitability programs in place. These programs are neither limited to a specific region of the country nor to a particular



ELEANOR SMITH, CONCRETE CHANGE

Tatnall Place in Macon, Georgia, is a completely visitable, mixed-income neighborhood. As seen here, it is sometimes possible to provide both no-step and stepped entries.

type of community, and include both urban and rural locales.

Despite their common goal of increasing the supply of accessible housing, visitability programs vary significantly. The three primary ways they tend to differ are in the types of housing they cover, the scope of features they include, and the strategies by which they are implemented.

For instance, while most local and state visitability requirements only apply to new publicly funded housing, some jurisdictions – including Naperville,

Illinois; Pima County, Arizona; and Bolingbrook, Illinois – have visitability ordinances that apply to all new housing, including privately financed homes. In addition, some programs strictly adhere to the three basic visitability features (a stepless entrance, wider doorways and hallways, and a half bathroom on the main floor), while others include additional architectural elements such as lever handles, blocking for grab bars in bathroom walls, and lowered light switches and raised electric outlets.

Visitability programs also differ in



Terminology

What's the difference between "accessible" and "visitable" housing? To briefly clarify, without (hopefully) over-simplifying:

Accessible Housing. Federal law requires certain new housing to be accessible and usable by people with disabilities. The Fair Housing Act requires that "covered multifamily dwellings" built for first occupancy after March 13, 1991, be designed and constructed to include certain features of accessible design (summarized in the bullets below). Covered multifamily dwellings are found in buildings consisting of four or more units, if the buildings have an elevator; if there's no elevator in a building with four or more units, only the ground floor units need to be accessible. The design and construction

requirements apply to federally or publicly assisted housing *and* to privately owned multifamily housing:

- At least one building entrance must be on an accessible route.
- Public and common use areas must be accessible to and usable by people with disabilities.
- All doors must be wide enough to allow passage by people using wheelchairs.
- An accessible route into and through the dwelling unit.
- Lowered light switches, raised electrical outlets, thermostats, and environmental controls.
- Reinforced walls in bathrooms around toilet; tub, shower stall, and shower seat, to allow later installation of grab bars.
- Kitchens and bathrooms must be usable for

a person in a wheelchair.

Visitable Housing. Visitability is a movement to change home construction practices so that virtually all new homes offer a few essential features that make the home easier for people who have and/or develop a mobility impairment to live in or visit. It is broader than the Fair Housing Act in that it applies to all housing, including single-family units. However, it is narrower than the Fair Housing Act requirements, since it emphasizes just three essential features:

- One zero-step entrance on an accessible route.
- All main floor interior doors – including bathrooms – with 32 inches of clear passage space.
- At least a half bath on the main floor.

Judge for Yourself.

Order a Trial Subscription Today.

Name / Commission _____

Address _____

City _____ State _____ Zip _____

Phone (_____) _____ Fax (_____) _____ E-mail _____

1) I prefer to pay now. Check enclosed (payable to "Champlain Planning Press, Inc.")

2) VISA or MasterCard Card # Exp. Date _____

Signature _____ Name as it appears on card (print clearly) _____

3) Invoice (gov't orders only) Cardholder address (if different than above) _____

City/State/Zip _____



select one

Standard Rate — One-Year Order \$62 Subtotal

OR

Discount Rate — For municipalities with less than 25,000 population
or counties with less than 75,000 population — One-Year Order \$50. Subtotal

For Two-Year Orders, multiply your subtotal by 2 and then
deduct an additional 20%. Subtotal

Additional Subscriptions mailed to the same address—
only \$10 each for One-Year Order; \$20 each for Two-Year Order Subtotal

PLANNING
COMMISSIONERS

Journal

NEWS & INFORMATION FOR CITIZEN PLANNERS

P.O. Box 4295, Burlington, VT 05406

Phone: (802) 864-9083 • Fax: (802) 862-1882

www.plannersweb.com

TOTAL \$

You can also order by
calling **802-864-9083**
or, copy and fax this form
to **802-862-1882**