

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on March 12, 2001 in Room 313-S of the Capitol.

All members were present except: Representative Tony Powell, Excused

Committee staff present: Theresa M. Kiernan, Revisor of Statutes
Russell Mills, Legislative Research Department
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:

Representative Daniel Thimesch
Robin Tropper, LINK, Hays
Jennifer Schwartz, Lawrence
Gary Bates - SKIL, Parsons
Alan Bowes - Tenants to Homeowners Executive Director, Lawrence
Steve Hinds - Independent Living Resource Center, Wichita
Bob Mikesic - I. I., Lawrence
Jim Feaster, Silver-Haired Legislator
Martha Neu Smith, Kansas Manufactured Housing Association
Larry Eller, City of Parsons
Janet Stubbs, Kansas Building Industry Association

Others attending: See attached list

Chairman Mays opened the hearing on HB 2020 - Handicapped accessibility standards; certain dwellings.

Representative Thimesch expressed his concern and encouraged his support as both a builder and legislator. Because of his sister's paralysis as well as the aging of the baby boomers, he stated this bill asks for some very common sense changes (Attachment #1). Access ramps are most obvious change being required. These modifications would apply only to housing if public assistance funding is utilizing in financing and would be confined to the area being remodeled, i.e., bathroom would not be effected unless modifying the bathroom.

Ms. Tropper (Attachment #2) noted similar legislation was passed in the 2000 Senate session Substitute for SB 304. Last session, this committee referred for the bill for further study to the Special Committee on Federal and State Affairs which recommended the bill. The negligible costs for these changes do not begin to compare to the social costs when family members with difficulty walking are excluded from easy accessibility to all homes. Multi-family housing is already addressed by Kansas Act Against Discrimination and the Fair Housing Act as amended, however the Americans with Disability Act (ADA) does not apply to housing. The five essential features required by this bill would fill a gap. **HB 2020** will not be applied to individual home-owner occupants nor large entitlement communities. She noted despite enhanced marketability of these structures, nationwide opposition has been encountered. Texas and Georgia have laws similar to this bill.

Ms. Schwartz discussed her 9 year old daughter's inability to visit her grandmother due to the housing unit being inaccessible to her power chair. (Attachment #3) She also commented it is more cost effective to include these features during construction rather than modifying the structure after it is built. This bill would increase accessibility for future generations and provide housing for all individuals including those with disabilities.

Mr. Bates noted the significance of **HB 2020** providing perfect vision for people with disabilities in the 21st Century. (Attachment #4) After relocating to southeast Kansas due to employment, he had difficulty locating semi-accessible housing for which he spends 41 percent of his wages for rent.

Mr. Hinds remarked as a housing specialist in Wichita, he received four to five calls per week looking for accessible housing which does not exist. (Attachment #5) Because doors are not wide enough, some

individuals have difficulty getting into their bathroom and bedrooms. According to the 1992 Economic & Statistics Administration of the United States Department of Commerce, with a 10.25 percent increase in three years this would estimate 66 million people with disabilities currently live in the United States.

Mr. Bowes a non-profit housing developer adopted these standards last year and has two homes constructed with these features.

Mr. Mikesic noted the ADA requirements apply to multi-family housing with four or more units per dwelling. (Attachment #6) It is a fair, cost-effective way of using public financial assistance to create more housing with basic accessibility features. HUD endorses visitability construction.

Mr. Feaster remarked that original construction modifications at the request of a family member were approximately \$50 more. Yet had these changes been done during a remodel project, the costs would have been thousands of dollars. As a representative of the Silver-Haired Legislature which passed **HCR 5004** (Attachment #7), he encouraged the 2001 Legislature to pass **HB 2020**.

Mr. Eller declared that **HB 2020** is an unfunded state mandate which creates additional costs of approximately \$2,000 - \$6,000 to families attempting to qualify for first-time home-buyer grants. Additionally, Parsons lost 97 homes during a tornado on April 19, 2000 and is presently rebuilding. Because many families did not have insurance, the funding from the State has assisted numerous families begin to rebuild their life. However, this bill would lower the number of families that would qualify for assistance because of the additional costs.

He also discussed the logistics of ramps and that manufactured homes are higher from the ground than constructed housing. (Attachment #8) The varying soil conditions encountered throughout the state are additional factors involved in state construction. He also stated this bill does not apply uniformly to all Kansas cities due to the various methods of obtaining funding. Because this bill would be retroactive, it would require additional costs for ramps would added to buildings already being constructed.

Ms. Stubbs and the associational members oppose **HB 2020** and any other state mandated residential building code. They believe the local governing bodies are better able to access the needs and the local conditions (Attachment #9) than someone at the State level. Due to the variation of soil conditions, not all housing codes are applicable to all locations within the state. She provided material and labor costs comparison for universal design housing vs. non-universal design houses which will be distributed to each member (Attachment #10).

Ms. Smith advised the Manufactured Homes Association is aware of the needs of individuals with disabilities and is able to address the specifications described in this bill.

Mr. Mills advised this bill was a product of the Interim committee and is discussed in the *Reports of Special Committee on Federal and State Affairs* to the 2001 Kansas Legislature (Attachment #11)

Written testimony was submitted by the following:

- Senator Lana Oleen (Attachment #12)
- Brian Atwell, Living Independently in Northwest Kansas (Attachment #13)
- Tyrone Bush (Attachment #14)
- John Carey, Modern Home Sales (Attachment #15)
- Gene Clausing, Showcase Homes (Attachment #16)
- Terry Fraker, Independent Living Coordinator, Chanute (Attachment #17)
- Lesli Girard, Topeka Parent Center (Attachment #18)
- Tessa Goupil (Attachment #19)
- Karen Hiller, Housing and Credit Counseling Executive Director (Attachment #20)
- Gary Howard, Western Kansas Assn. on Concerns of Disabled (Attachment #21)
- Sharon Huffman, Dept. of Human Resources Legislative Liaison (Attachment #22)
- Shannon Jones, Independent Living Council of Kansas Dir. (Attachment #23)
- Blake Knoll (Attachment #24)
- Gina McDonald, Kansas Assn. of Centers for Independent Living (Attachment #25)

Mike Oxford, Topeka Independent Living Resource Center Exec.Dir. (Attachment #26)
Steve Richardson, Topeka Independent Living Resource Center (Attachment #27)
R.C. Schlatter, Hutchinson Housing Commission (Attachment #28)
Jamie Thorstenberg, Wichita Independent Living Resource Ctr. (Attachment #29)
Becca Vaughn, Disabilities Rights Action Coalition for Housing (Attachment #30)
Terry Wilkinson, LeCompton (Attachment #31)

The hearing on **HB 2020** was closed.

The committee meeting adjourned at 3:15 p.m. The next scheduled meeting is March 13, 2001.