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**ASSURING ACCESSIBLE HOUSING:
THE VISITABILITY CODE OF THE VILLAGE OF
BOLINGBROOK**

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As an ever-increasing population continues to age and develop disabilities, community needs are changing as well. Housing is a major consideration for local government officials in terms of planning and community development. With this in mind, it is expected that there will be an increasing demand for more accessible housing in communities all over the nation. It will be up to local government officials to ensure they implement programs that serve to create inclusive, diverse, and sustainable communities that will address the long-term needs of the citizens. Visitability programs for the construction of single-family homes are being utilized by local governments as one way to achieve this goal. This paper is a policy analysis of one of the most far-reaching publicly mandated programs of this kind, the Visitability Code of the Village of Bolingbrook, Illinois, that was passed in June 2003, and now serves as a model of implementation and compliance.

THE VISITABILITY CODE OF THE VILLAGE OF BOLINGBROOK

On June 24, 2003, the Village of Bolingbrook, Illinois, passed a city ordinance that required all new homes built within the village after January 2004 to comply with a strict set of universal design principles. Ordinance no. 03-069, amended chapter 25 of the Municipal Code of the Village of Bolingbrook by adding article 9 (visitability code). The purpose of article 9, also known as the Visitability Code of the Village of Bolingbrook, was to establish a set of criteria that would be required in the design, installation and construction of single family homes and town homes, so that they would include features important to a more diverse community. Article 9 outlined the following visitability criteria:

- One zero-step entrance into the home
- One bathroom on the same level as the zero-step entrance
- Bathroom wall reinforced for grab bars
- Minimum 42-inch wide hallways and 36 inch passageways
- Electrical wall outlets/receptacles shall be 15 inches above the finished floor
- Wall switches controlling light fixtures and fans shall be a maximum 48 inches above the finished floor

- All exterior and interior doors shall be 32 inches in width

The Visitability Code also outlined a penalty for any violation of article 9 to be subject to a fine ranging from \$50 to \$500 for each offense. The penalty would be considered a separate offense for each day the violation occurred or continued to occur (Ordinance no. 03-069, 2003). Bolingbrook was not the first city to adopt some sort of visitability law or program, but it is one of the most far-reaching publicly mandated programs in the U.S to date.

THE VISITABILITY MOVEMENT

Universal design refers to “the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design” (Center for Universal Design at NCSU, 1997). According to the Center for Universal Design at North Carolina State University (2007) there are seven principles of universal design of products and spaces including equitable use, flexibility in use, simple and intuitive, perceptible information, tolerance for error, low physical effort, and size and space for approach and use. These are the basic principles that have guided the visitability movement in the construction and design of homes.

Visitability, a term that had originated in Europe, specifically refers to the most basic features of a home that would allow a person with a physical impairment access, such as a door way, a bathroom, and hallways. Universal design is crucial to the notion of visitability as it is about changing current building practices to include features that ensure accessibility for all people, the non-disabled, the disabled, and the elderly alike (Concrete Change, 2005). Thus, universal design and visitability are not about creating “special” places for the elderly and the disabled, it is about changing the way in which homes are designed and constructed, so that it can be sold to any person who wants to live there or it can be accessed by any person who visits.

To date, there are 32 local municipalities across the United States that implement some sort of visitability ordinance, voluntary incentive, or awareness programs based on the principles of universal design (IDEA Center at UB, 2007). Currently, there are 14 cities/counties that have a voluntary, incentive, or community awareness programs in place that promote at least the very basic principles of visitability in the construction of new homes/units (Appendix A). The 15 cities/counties that make visitability requirements mandatory for all subsidized single family dwellings/homes are outlined in Appendix B. Additionally, there are three cities including Naperville, IL, Pima County, AZ, and Bolingbrook, IL, which all have statutes that require all single family homes (public or private) to be built with a specific set of visitability features (Appendix B).

The requirements under each of the above outlined programs vary from municipality to municipality, but the three basic visitability features of a zero step entrance, 32 inch clear doorways, and at least a half bath on the main floor are included. As of January 2007, there are 17 states that have some type of program that incorporates elements of visitability in them (IDEA Center at UB, 2007). From local to state, even up to the federal level, universal design principles and the concept of visitability are a topic of legislation.

In March 2005, United States Congresswoman Jan Schakowsky of the Ninth District of Illinois reintroduced the Inclusive Home Design Act to the United States Congress. The act would require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities. Inspired by the local ordinances that mandate visitability features, the Senator brought forth the bill to increase the numbers of homes accessible to the disabled (The United States House of Representatives, 2005). Although, this bill was introduced in Congress, to date it has not been approved. Thus, the visitability movement has reached as far as the federal level of government and has proved to be a well-supported, although still a controversial topic, among the public including with key government agencies and interest groups.

KEY GOVERNMENT AGENCIES

In Bolingbrook, the primary enforcement agency is the Bolingbrook Building Department. The department is an administrative agency responsible for the inspection of newly constructed homes to ensure that the visitability features have been included as mandated in ordinance 03-069. The village's community development department headed by the building commissioner, the village attorney, the village board, and the village mayor, all had a hand in the approval of the ordinance, with the mayor as the final passing vote.

INTEREST GROUPS

In the debate over whether or not to pass the ordinance in Bolingbrook, the groups were divided into those who supported the addition of the amendment and those who were opposed to it. In 1999, the work of Edward Bannister, a disabled resident of the Village, and the Coalition of the Citizens with Disabilities led the visitability program's adoption. Bannister was able to persuade the city building inspector, village board, and mayor, Roger Claar, through an educational awareness campaign (Concrete Change, 2007). Once the local government officials were on board, they were instrumental in educating the rest of the public about visitability. The non-profit group, Concrete Change, helped city officials develop the terminology for the ordinance. Concrete Change has actually played a major role in helping develop and pass local

ordinances across the country including in Atlanta, GA, Pima County, AZ, and San Antonio, TX, to name a few (Concrete Change, 2005).

Prior to the adoption of the Visitability Code, Mayor Claar implemented a voluntary compliance option to give builders time to learn about visitability and to make the changes in their thought, design and practice. By the time the ordinance was up for approval, builders had gone over the costs and some had even built homes already and found that the costs were minimal and the homes still sold (Bean, 2005). Thus, in the case of Bolingbrook, the main opposition for the ordinance, the local home builders association, was on board by the time the ordinance was up for approval.

The interest groups that were initially against the passage of the ordinance in Bolingbrook were members of the local home builders association. In other areas, the homebuilders associations have been more outspoken against the visitability ordinances even going so far as to take their issues to court citing cost and privacy infringements. Homeowners themselves have been opposed to the visitability mandates as they feel their rights to designing and creating their private homes should not be interfered with or determined by the local governments in this way. Many of the groups opposed the implementation of a visitability policy did not feel that it was a feasible concept or were concerned that the market does not exist for a house designed according to universal design principles. There are several reasons why there is opposition to government regulation of private homes, which will be addressed in the analysis.

ANALYSIS

Problem Definition:

Looking at Ordinance no. 03-069 (the Bolingbrook Visitability Code) from the perspective of the Director of the Building Department for the Village of Bolingbrook, the problem was the need for more accessible housing that extends to a growing number of aging people and people with disabilities. The purpose of this ordinance was to create a more diverse, inclusive and sustainable community that meets the most basic needs of any of its citizens and allows citizens of any ability to interact with one another. This ordinance attempts to promote this through public mandate.

There are several groups of people a public mandate has the potential to affect. This public mandate affects home builders and homeowners who intend to design and construct a new single-family home after January 2004 in the Village of Bolingbrook. The ordinance also could affect the disabled and elderly as well as the families and friends of the disabled and elderly. According to Tabbarah et. al (2001), the majority of older Americans own and live in a “traditional” single-family homes that do not have built in features of visitability. But as people age and develop disabilities that limit their ability to function, it may be hard to remain in their homes without costly modifications or

limiting of their daily tasks. An AARP survey found that more than 90% of persons aged 65 or older would prefer to stay in their homes as long as possible (Kochera, 2002). Furthermore, this problem also affects people who develop disabilities and forces them to face expensive renovations, be displaced from their homes, or requires people to live in unsafe conditions.

According to U.S. Census data for the city of Bolingbrook, IL from the year 2000, the population of people with disability status between the ages of 21 through 64, was about 4,266 people. The total population of Bolingbrook in 2000 was about 56,321 people, with about 33,668 of the population over the age of 25, and the number of single-family owner occupied homes was about 14,174 (U.S. Census, 2000). Thus, the percentage of people who may actually required a universally designed house was small at about 19.2%. However, if one considers the fact that three out of every ten Americans will face a disability before the age of 67 (Schackowsky, 2005) and that a person may at some point want to invite a friend, a relative or a co-worker with a disability to visit their home, then the numbers possibly affected grows larger.

The main cause of the problem seemed to be that current village building codes allowed for architectural design that was not universally accessible in the construction of single-family homes. The lack of visitability language in building codes primarily is the result of builder reliance on traditional approaches to single-family housing design and construction. According to Truesdale & Steinfeld (2002), there are several reasons why visitability in home design is lacking including the belief that full access housing is already mandated by federal law, the notion that accessible housing is only for those who need it, aesthetic concerns, concerns about expense, and about construction and design constraints.

Builders, especially production builders, out of habit did not consider changing their building habits and don't take the time to consider other alternatives. Many builders from an architectural sense might not think about incorporating universally friendly features into homes because they may feel there is not a market for this type of design. This might have to do with the idea that accessible design is not aesthetically pleasing and costs too much. According to Truesdale & Steinfeld (2002), these are myths that stem from the fact that past examples of accessible living spaces have not been designed or constructed with any sort of creativity or aesthetic value and were built strictly for functional use. They argue that it is possible to design homes that are accessible, and are not the institutionalized version often thought of in federal residential facilities. Pictures from the Village of Bolingbrook (Appendix C) demonstrate that homes built with visitable features can be attractive and may not look any different than a traditionally designed house. Additionally, it was widely believed among builders that a zero step entrance is only feasible on a concrete slab on a flat lot. Truesdale & Steinfeld (2002) argue that these are not true and that there could be several design variations such as adding accessible

entrances on the side or rear of homes, or grading the land slightly to allow for compliance with visitability requirements. Ultimately, the notion that there would be no market for this type of design may be a result of people simply not being shown the possibilities. Thus, the lack of information about concepts of universal design only perpetuated the problem.

EVALUATION CRITERIA

The technical feasibility of Ordinance no. 03-069 allowed for it to be both effective and adequate in creating more universally accessible housing in the Village of Bolingbrook. The ordinance allows for technical assistance to be provided to builders in an effort to assist in the development of more visitable homes. Because the ordinance specifically was written into the Village's current building code, it could more easily blend in with the stipulations already mandated by the Village. The Village of Bolingbrook first began to discuss the implementation of this policy back in 1999, and for the next several years worked with local builders to voluntarily add these features into their building plans. By 2003, after a couple of subdivisions were built with voluntary compliance and builders began to see that the houses still sold with no problems and was not much more in cost, it was easy for the ordinance to be passed (Claar & Boan, 2005). Since the ordinance's inception, there have been about 2,000 homes built in Bolingbrook that are accessible and in about another ten years when the Village builds out to a population of about 88,000, an additional 3,500 home will meet visitability standards (Claar & Boan, 2005). Since its passing into law in June 2003, there have been 4,000 homes built under the required visitability criteria (Concrete Change, 2007). Thus, compliance with the Visitability Code has led to an increase in the number of universally accessible homes within Bolingbrook.

The Visitability Ordinance of Bolingbrook makes good economic sense for the village government because costs are primarily associated with the consumers and builders themselves. As far as administrative operability, the building department already had to enforce building codes and all this ordinance did was change what we were enforcing to include a few more standards. Economically, it makes sense for homeowners to include visitability features in their designs pre-construction to avoid any type of future costs. It is a situation of pay now or pay later, be it to renovate, to move, or to accommodate. For example, if a zero step entrance is included in the original design and construction planning, then the cost of new construction may be anywhere from no cost to about \$150, but if it was not included and retrofitting is necessary, then it could cost \$1,000 (Truesdale & Steinfeld, 2002). The builders who also feared excess materials and labor cost as an unintended result of the ordinance, soon realized that those costs were minimal and that the only real costs were in architectural design.

In 1999, the estimated cost of constructing with these accessible features was a range from \$1,125 to \$5,200. In actuality when the city clerk ran the figures, the estimated average price increase per home averaged to be about \$2,911, which was only about a 1.5 percent increase (Bean, 2005). Some estimates are lower ranging anywhere from \$25 to at most \$500 if the modifications are planned before construction (Casselman, 2004). Thus, the burden for a homebuilder and homeowner would be relatively low and would be significantly less than any type of renovation effort if this was necessary in the future. For example, in Atlanta the cost of renovating an existing home for visitability cost anywhere from \$7500 to \$15,000 and sometimes even higher (Casselman, 2004). This is why the visitability ordinance only applied to new homes built after January 2004 and did not require retrofitting to occur. Ultimately, the cost associated with the inclusion of visitability features in the design and construction of homes is minimal for the consumer and even lower for the Village itself.

Politically, everyone benefits from supporting this type of legislation. According to Casselman (2004) any person, regardless of disability status, age, or associations, has the opportunity to benefit from the design of homes in this way. For example, a zero step entrance may benefit those who have strollers, need to move furniture, or have their hands full of groceries. Lower fixtures on the wall may also benefit smaller individuals, such as children. If visitability has the potential to benefit a wide-range of users as is argued by proponents, then politically, there is potential to positively interact with a wider-range of constituents. The politicians in this case did not receive any type of backlash in public opinion because the implementation of the policy was so successful with constituents and builders, and it also gave the city national attention as an excellent model for the visitability movement.

ALTERNATIVE POLICIES

There are several variations of this policy across the country and that could easily have been implemented in Bolingbrook as an alternative to this ordinance. Ordinance 03-069 created an efficient way to ensure that more housing would be more accessible according to visitability guidelines. The following are just a few of the alternatives that could have also been implemented to try and accomplish the same goal:

1. Mandating that all publicly funded (subsidized) housing be required to meet visitability criteria.
2. Creating a builder incentive voluntary program for building homes according to visitability guidelines with no public mandate.
3. Creating a voluntary consumer incentive program for building homes according to visitability guidelines for non-publicly funded (unsubsidized) housing.

4. Creating an awareness program about universal design principles in home design and construction, specifically about visitability features.

Each of these alternatives was used or is currently being used in other areas with varying degrees of success.

EVALUATING THE ALTERNATIVES

In evaluating the alternatives to Ordinance no. 03-069, one must take into account the idea that none of the alternatives are as far reaching as the Visitability Code of Bolingbrook. However, each of the alternatives would have been a good start and would have cost people less, had the potential to upset a smaller number of people, and would have provided more awareness on the issue of visitability and the concept of universal design.

One of the alternatives to the Visitability Code in Bolingbrook was to only require all new publicly funded homes to include the visitability features. This alternative would have reduced some of the initial anxiety and hesitance about amending the building code. Like in several other areas of the country, the initial opposition clearly was focused on cost and the myths about what universal design is, but it also had to do with the fact that private homes were included in the ordinance. By only including subsidized housing, it would have reduced people's fears about losing all autonomy on the designs of their private homes. This alternative would not serve to change community perspectives though as it would primarily mirror what most federal legislation requires of public buildings anyway.

Another alternative was to create a builder incentive program whereby builders would receive monetary gain by build their homes with the visitability criteria in mind. In this alternative, builders could be given a tax break or fund assistance to include the visitability criteria in the new homes they build. Rather than fighting public opinion and homebuilders associations, this option makes sense in terms of trying to promote compliance. This alternative would not necessarily resolve the problem of the lack of visitable housing in the Village because again, it is based on homebuilders' voluntary work.

Along the same lines as the previous alternative, creating a consumer incentive program where the person contracting the builder to design and construct their home would get some sort of tax incentive or break in fees if they conform to the visitability guidelines voluntarily. This way, the consumer can create a market for this type of housing, again without having to require it of all homes built. In creating a monetary benefit for the consumer, a greater social value will be included in the house that is being built and it will still show that the community does care about the long term value and care of its citizens.

The final alternative is to not provide any builder or consumer incentives and to not require any conformity to the visitability guidelines. This

alternative would also not interfere with any type of building code legislation already on the books. This alternative would be to start from the beginning in just trying to create awareness about the benefits and costs associated with constructing a home according to universal design principles. Although there would be a cost attached to the creation of the informational paraphernalia, it would at least get consumers and the public in general to be more aware about the other ways to design and build a home. Before any mandate can be accepted, the public must first be educated about all of the benefits and costs associated with the changes.

With all of these alternatives, the amendments must be made to the building codes specific to the area where the change will occur. Each alternative should be considered in the context of the community itself, and should be viewed from a perspective of long-term community planning, not just a regulation for the sake of imposing a regulation.

SHORTCOMINGS OF THE ANALYSIS

One of the shortcomings of the analysis has to do with the cost benefit versus the cost value. The true cost of design according to the ordinance may not be as simple as what it would cost for visitability features alone. Incorporating visitability requirements into a plan may result in other changes to the plan not associated with visitability. Thus, there could be indirect cost associated with the design and construction. Also, not every piece of land is the same in terms of feasibility of construction, so there may need to be more adjustments made in planning in certain areas versus others. This also may result in indirect costs associated with compliance.

Another shortcoming of the analysis has to do with the argument by some disability advocates that only requiring basic visitability features would not accommodate the broad range of people with disabilities, meaning some groups would still be left out. Although this is true, proponents argue that visitability is one step closer to the livability concept of full access that most advocacy groups would ideally like to see implemented. According to Truesdale & Steinfeld (2002), Eleanor Smith, the founder of the leading visitability advocacy group, Concrete Change, stated, "What I'm after here is to radically change the way all new houses are build...and if you're going to do that, you can't have a long list of demands." Thus, visitability in this form suggests that simplicity will promote implementation, and at the same time assumes that not every access feature is of equal importance. Overall, it is true that each person will have different abilities and needs, and as a result, the visitability ordinance will, by its simplistic nature, not accommodate every type of need.

The Visitability Code for the Village of Bolingbrook, by no means will address every possible need for every group of its citizens, and cannot guarantee

that there won't be any cost associated with the mandate, but it does make an attempt to help make visiting with neighbors a possibility for all people at a minimal cost.

From a societal perspective, it may not be socially acceptable to argue with the premise of the Visitability Code for Bolingbrook. Who would want to argue with the idea that housing of all types should be accessible for all people regardless of physical condition? Well, if one was to go by the traditional market model of thinking, plenty of people could argue against the premise of mandatory compliance with universal design principles in private, unsubsidized housing. In fact, in other areas, such as in Pima County, AZ, where a similar ordinance is mandated, several people did argue against the visitability laws' premise.

In Pima County, AZ, the Southern Arizona Home Builders Association sued the county saying that their visitability ordinance was unconstitutional (for the state), citing that people's right to build a home was being infringed upon (Lawlor, 2004). The interest group also lodged a complaint stating that the requirements placed a financial burden on homeowners who would not need accessible features. The group supports the notion that in a free society, homeowners have the right to buy and build homes as they choose, without strict guidelines to limit their rights to privacy and equal protection under the law (Pendley, 2002). The interest group and opponents of the visitability ordinances often spout that these laws infringe upon the rights of those who do not wish to build their private homes according to universal design. These groups suggest that because of this, the ordinances are not equitable. The courts ruled against these attempts from the homebuilders associations ruling that the building codes did not unconstitutionally infringe upon the homeowner's rights to privacy (Lawlor, 2004). In the court of public opinion, some still believe the ordinances do not allow people their rights to liberty and privacy. Thus, many who oppose the legislation believe that society is actually not receiving a greater benefit as the individual's right to decide what to do with their private property is being crushed by these mandates.

Still others are worried about whether or not visitability ordinances are really efficient from a societal perspective. Some believe that visitability features are really just modifications intended to solely benefit disabled or elderly people and not the rest of society. Many people do not look in terms of future benefits and believe that risking aesthetic quality, cost, time, and energy into creating and implementing these laws so that a few can benefit is not worth it. Many feel that society will not be gaining any sort of benefit to outweigh the costs to individual rights.

Equity is the biggest issue that opponents to this legislation have. What is the distribution of benefits in this analysis? Proponents for the legislation would argue that the benefit would be to society as a whole because it would just be making homes more accessible to all people and that it would not be

taking anything away from non-disabled people. Proponents argue that inclusion of visitability features in all newly constructed single-family homes will benefit everyone, because of the inevitability of age, and the possibility that anyone may experience a disability that requires accessible features for any length of time at any stage of life. Opponents believe that these are idealistic notions that in reality do not affect a large portion of society. Opponents believe that mandating these features actually inhibits the rights to build a home as one wishes to. Thus, both sides are basing their arguments on values of independence and equity, but it is a matter of rights to equal access versus privacy rights.

The values surrounding these issues have to do with equal rights, equal access for all, and the notion of protecting individual rights. It is clear from the debate over whether or not to implement visitability ordinances, people's values are called into question. What is more important to the well-being and development of the community? The success of a visitability ordinance or program will all depend on the predominant values of the society or community in which one lives.

RECOMMENDATION

The Village of Bolingbrook took a proactive stance to try and create awareness and support for a visitability code early and continued to garner support for it by implementing a voluntary program prior to final approval. This allowed for builders, the biggest force of opposition against visitability ordinances, to learn more about the actual costs of the designs and to test the concepts to see what the results were. This was the best way to encourage support from everyone in the community. Once the voluntary program proved to be successful, it was easier to pass a Visitability Ordinance that included more access features than just the three basic features of visitability alone. The incremental nature of the model for implementation of the Visitability Code allowed for it to become one of the most far reaching and widely accepted (in the community) programs in the country.

As the director of the Building Department for the Village of Bolingbrook, it is recommended that the village continue to implement the Visitability Code. By incorporating the universal design principles into the existing building code, the Village of Bolingbrook is not only working to create more universally accessible housing, it is working to change the way in which building is traditionally thought about and conducted. The problem of the need for more accessible housing that extends to a growing number of aging people and people with disabilities is being eradicated. Additionally, the Visitability Code continues to help the Village meet its planning goal of creating a more diverse, inclusive and sustainable community that will meet the long term care of all of its citizens.

APPENDIX A

Existing City/County Voluntary or Incentive Based Visitability Programs

Year	City/County	Type of Program
1997	Freehold Borough, NJ	Voluntary/Incentive
1999	Irvine, CA	Voluntary
2001	Visalia, CA	Voluntary
2001	Howard County, MD	Consumer Awareness
2001	San Mateo County, CA	Consumer Awareness
2002	Albuquerque, NM	Consumer Awareness/Voluntary
2002	Onondaga County, NY	Voluntary for new county subsidized housing
2002	Southampton, NY	Voluntary/Incentive
2003	Escanaba, MI	Voluntary/Consumer Incentive
2003	Syracuse, NY	Voluntary
2004	Houston, TX	Voluntary/Developer Incentive
2005	Prescott Valley, AZ	Voluntary
2006	Pittsburgh, PA	Voluntary Tax Credit
2007	Montgomery County, MD	Voluntary

Source: IDEA Center University at Buffalo School of Architecture and Planning, 2007

APPENDIX B

Existing City/County Mandatory Visitablty Programs

Year	City/County	Type of Mandate
1992	Atlanta, GA	All Single-Family homes Subsidized(city funds)
1998	Austin, TX	All Single Family units Subsidized (any funds)
2001	Urbana, IL	New Single-Family units Subsidized (city funds)
2001	Fort Worth, TX	New Single-Family units Subsidized (city funds)
2002	San Antonio, TX	All Single Family units Subsidized (any funds)
2002	Naperville, IL	All homes
2002	Pima County, AZ	All homes
2002	Long Beach, CA	All Single Family Units Subsidized (city funds)
2002	Iowa City, IA	All Dwelling Units Subsidized (any funds)
2003	St. Louis County, MO	
2003	Chicago, IL	20% Single Family Homes in Planned Communities
2003	Bolingbrook, IL	All homes
2004	St. Petersburg, FL	All 1-3 unit homes Subsidized (city funds)
2005	Scranton, PA	All Single Family Units Subsidized (city funds)
2005	Toledo, OH	All Single Family Units Subsidized (city funds)
2005	Auburn, NY	All Single Family Units Subsidized (city funds)
2005	Arvada, CO	Not available
2007	Rockford, IL	All 1-3 unit homes Subsidized (city funds)

Source: IDEA Center University at Buffalo School of Architecture and Planning, 2007

APPENDIX C



Source: Concrete Change Bolingbrook Photos (2003)

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