



## 1995 ASSEMBLY BILL 629

October 26, 1995 - Introduced by Representatives GROTHMAN, GREEN, GOETSCH, HAHN, HOVEN, KELSO, KREIBICH, F. LASEE and SERATTI. Referred to Committee on Housing.

1     **AN ACT to amend** 101.22 (2r) (c) 1., 101.22 (2r) (c) 3., 101.22 (2r) (c) 4., 101.22 (2r)  
2             (d) 1., 101.22 (2r) (d) 2., 101.22 (2r) (d) 3., 101.22 (2r) (e) 2. and 101.22 (2r) (g)  
3             3.; and **to repeal and recreate** 101.22 (2r) (a) 4. of the statutes; **relating to:**  
4             accessibility to multifamily housing and granting rule-making authority.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, housing that is ready for occupancy after September 30, 1993, consisting of 3 or more dwelling units is required to be accessible to persons with disabilities. Current law prohibits any person from designing or constructing any housing consisting of 3 or more dwelling units unless the housing has at least one entrance that is accessible to persons with disabilities for each building. If the entrances for the housing are at grade level, current law requires that all entrances must be accessible for persons with disabilities. Under current law, interior and exterior doors, the placement of switches and controls and bathroom and kitchen facilities must be installed to allow a person in a wheelchair to use them. Similar requirements currently apply to housing, with 3 or more dwelling units, that is remodeled.

This bill changes the housing units that are subject to the requirements regarding accessibility for the disabled to housing that consists of 5 or more dwelling units. In addition, the bill limits the dwelling units that must comply with the accessibility and use requirements to one dwelling unit for the first 15 units and one additional unit for every 8 remaining dwelling units in housing that consists of 5 or more units. This applies to remodeled and new construction.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 101.22 (2r) (a) 4. of the statutes is repealed and recreated to read:

2           101.22 (2r) (a) 4. “Covered multifamily housing” means housing that is first  
3 ready for occupancy on or after on the effective date of this subdivision .... [revisor  
4 inserts date], consisting of 5 or more dwelling units.

5           **SECTION 2.** 101.22 (2r) (c) 1. of the statutes is amended to read:

6           101.22 (2r) (c) 1. There is at least one accessible entrance for each building and  
7 that entrance is on an accessible route. All other entrances that are at grade level  
8 shall be accessible to the greatest extent feasible. The department shall promulgate  
9 rules that define “to the greatest extent feasible” to ensure maximum accessibility  
10 in a way that is not disproportionate to the entire project’s cost and scope. If the  
11 covered multifamily housing units ~~are~~ is at grade level and ~~are~~ is served by separate  
12 entrances, each one unit, if the housing has less than 16 units, and one unit for each  
13 additional 8 units of housing over 15 units shall be on an accessible route. If the ~~units~~  
14 have covered multifamily housing has a minimum number of required exits, as  
15 determined by rules that shall be promulgated by the department, all required  
16 grade-level exits shall be accessible.

17           **SECTION 3.** 101.22 (2r) (c) 3. of the statutes is amended to read:

18           101.22 (2r) (c) 3. Interior and exterior doors, and interior passages that provide  
19 access to each grade-level unit that is required to be accessible under subd. 1., are  
20 sufficiently wide to allow passage by persons with disabilities who use wheelchairs.

21           **SECTION 4.** 101.22 (2r) (c) 4. of the statutes is amended to read:

1           101.22 (2r) (c) 4. Light switches, electrical outlets, circuit controls, thermostats  
2           and other environmental controls are all located in accessible locations;  
3           reinforcements in bathroom walls are installed to allow later installation of grab bars  
4           around the toilet, tub, shower stall and shower seat, when such facilities are  
5           provided; kitchens and bathrooms allow an individual in a wheelchair to maneuver  
6           about the space; and, upon the request of a renter and without cost to a renter, lever  
7           door handles are on all doors and single lever controls, or other controls that are  
8           approved by the department by rule, are on all plumbing fixtures used by residents.  
9           This subdivision applies only to public areas of covered multifamily housing and to  
10          each grade-level unit that is required to be accessible under subd. 1.

11           **SECTION 5.** 101.22 (2r) (d) 1. of the statutes is amended to read:

12           101.22 (2r) (d) 1. If more than 50% of the interior square footage of any housing  
13           with 3 5 or more dwelling units is to be remodeled, ~~the entire housing~~ each  
14           grade-level unit that is required to be accessible under par. (c) 1. shall conform to the  
15           standards in par. (c), regardless of when the housing was first intended for  
16           occupancy.

17           **SECTION 6.** 101.22 (2r) (d) 2. of the statutes is amended to read:

18           101.22 (2r) (d) 2. If 25% to 50% of the interior square footage of any housing  
19           with 3 5 or more dwelling units is to be remodeled, ~~that part of the housing~~ each  
20           grade-level unit that is required to be accessible under par. (c) 1. that is to be  
21           remodeled shall conform to the standards in par. (c), regardless of when the housing  
22           was first intended for occupancy.

23           **SECTION 7.** 101.22 (2r) (d) 3. of the statutes is amended to read:

24           101.22 (2r) (d) 3. If less than 25% of the interior square footage of any housing  
25           with 3 5 or more dwelling units is to be remodeled, the remodeling is not subject to

1 the standards in par. (c) unless the alteration involves work on doors, entrances, exits  
2 or toilet rooms, in which case the doors, entrances, exits or toilet rooms of each  
3 grade-level unit that is required to be accessible under par. (c) 1. shall conform to the  
4 standards in par. (c) regardless of when the housing was first intended for occupancy.

5 **SECTION 8.** 101.22 (2r) (e) 2. of the statutes is amended to read:

6 101.22 (2r) (e) 2. The department may grant a variance from the requirements  
7 relating to exterior accessibility under par. (c) 1. or (d), or from administrative rules  
8 promulgated under sub. (1s), if the person designing, constructing or remodeling the  
9 housing shows that meeting those requirements is impractical because of the terrain  
10 or unusual characteristics of the site. The department shall use a slope analysis of  
11 the undisturbed site for covered multifamily housing under par. (c) or the existing  
12 site for remodeling under par. (d) to determine the minimum number of accessible  
13 entrances at each site, with a ~~minimum~~ goal of exterior accessibility of ~~50% of the~~  
14 ~~dwelling units~~ each grade-level unit that is required to be accessible under par. (c)  
15 1. of covered multifamily housing at one site. The department may impose specific  
16 conditions in granting a variance to promote exterior accessibility of the housing to  
17 persons with disabilities. If the department finds that exterior accessibility is  
18 impractical as to all dwelling units at a site, it may grant a waiver from the  
19 requirements under par. (c) 1. or (d).

20 **SECTION 9.** 101.22 (2r) (g) 3. of the statutes is amended to read:

21 101.22 (2r) (g) 3. The department shall promulgate rules creating standards  
22 for interior and exterior accessibility of grade level portions of multilevel dwelling  
23 units without elevators in any housing consisting of ~~3~~ 5 or more dwelling units with  
24 separate exterior entrances. The rules shall ensure that access to a grade-level floor  
25 is provided to ~~at least 25% of the dwelling units~~ each unit that is required to be

1 accessible under par. (c) 1. that is first ready for occupancy on or after the effective  
2 date of the rule.

3 (END)