



NEW YORK STATE BUILDERS ASSOCIATION, INC.

Philip A. LaRocque
EXECUTIVE VICE PRESIDENT

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June 2, 2010

VISITABILITY OF NEW CONSTRUCTION

A.9409-Millman/S.1499-De Francisco

MEMORANDUM IN OPPOSITION

Submitted on behalf of the New York State Builders Association

This memorandum is submitted in opposition to the subject bill on behalf of the New York State Builders Association, representing 3,200 members, who are primarily engaged in residential construction and renovation. This visitability mandate would add another costly construction requirement on all new one, two or three-family residential dwellings that utilize any type of state or federal assistance for design or construction. Requiring no-step entries, wider interior doors, wider hallways, one entry-level bathroom for wheelchairs, grab bar wall construction, mandating switches, outlets and thermostats to be within reach of wheelchairs for certain private homes will have a substantial cost, is over-regulation and simply cannot be justified.

At a time when housing is faced with recession-type numbers and limited home financing options imposing this requirement on any home that is using SONYMA or any form of financial assistance to finance the design and construction of privately-owned single family, two-family and three-family dwellings is ill-conceived. It is interesting to note the bill excludes from its requirements any Fannie Mae or FHA funded homes! This will put SONYMA in a very competitive disadvantage as they try to assist low and moderate income families achieve the American Dream of home ownership. We believe it is poor public policy for New York State to create such a disadvantage for a state entity while favoring federal entities.

NYSBA is very supportive of programs that will promote disabled accessibility in their dwellings and where they visit but to mandate this on a private residence that does not have a disabled or elderly resident is contrary to individual choice. NYSBA educates its 3,200 members on disabled housing options and administers the Certified Aging in Place (CAPS) designation program through a license with the National Association of Home Builders (NAHB). Our instructors have won national awards and we have certified dozens of builders and advocates in CAPS in the past two years.

Our opposition is also based on the significant costs involved in this mandate, particularly with the no-step entry, and a matter of practicality when considering the myriad of home designs and lot sites on which those homes will be located. Mandatory requirements raise a number of significant concerns, including the impacts on housing affordability and practical design and construction. Enforcing mandatory standards raises even more challenges. Compounding the debate is how far detailed building code standards should be written by the Legislature rather

than the New York State Uniform Fire and Building Code Council that has been empowered by the Legislature to research and develop the state's building code. Building codes traditionally have been established to provide requirements to protect the health and safety of occupants. Visitability by definition is not of that nature.

For all these reasons we urge that this bill be defeated.

Sincerely,

Philip LaRocque

Executive Vice President