

ORDINANCE NO. 25-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
AMENDING THE HAYWARD MUNICIPAL CODE TO ADD ARTICLE 9 OF  
CHAPTER 9 (BUILDING REGULATIONS) TO ESTABLISH UNIVERSAL  
RESIDENTIAL DESIGN AND VISITABILITY STANDARDS FOR THE CITY OF  
HAYWARD

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN  
AS FOLLOWS:

Section 1. Article 9 of Chapter 9 of the Hayward Municipal Code is hereby added to  
read as follows:

ARTICLE 9  
UNIVERSAL RESIDENTIAL DESIGN

SECTION 9-09.100 TITLE.

This Article shall be known and may be cited as the Universal Residential Design Ordinance  
of the City of Hayward.

SECTION 9-09.105 PURPOSE AND INTENT.

The purpose of this Article is to:

- (a) To facilitate the development of residential dwelling units that are visitable, usable and safe for occupancy by persons with disabilities and that support aging in place;
- (b) To allow new homebuyers the option of incorporating universal design principles into their future homes that would enhance their ability to remain in their homes during periods of temporary, developing, or permanent disabilities or frailties; and
- (c) To accommodate a wide range of individual preferences and functional abilities while not significantly impacting housing costs and affordability.
- (d) Promote and preserve the public health, safety, and general welfare of the people of the City of Hayward with mobility issues or who may develop mobility issues with age by ensuring equal access to housing for people born with mobility issues, people that develop mobility issues as the result of disease, accident, injury, military service, or age without significantly impacting housing costs and affordability.
- (e) Implement the City of Hayward's General Plan Housing Element policies to provide housing that meets the City's diverse housing needs.
- (f) Ensure that people with mobility issues are able to visit the homes of their friends and family members who may not have mobility issues.

## SECTION 9-09.110 DEFINITIONS.

For the purpose of this Article, the following terms shall have the following definitions:

" *Accessible*" means consistent with or as defined by the California building Code, Chapter 11A.

" *ANSI A117. 1*" means the most current version of the Standard on Accessible and Usable Building and Facilities, commonly known as ICC/ANSI A117. 1, published by the International Code Council and the American National Standards Institute, Inc.

" *Bathroom*" means A room containing a water closet (toilet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub. It includes a compartmented bathroom in which the fixtures are distributed among interconnected rooms.

" *CBC, Chapter 11A*" means Chapter 11A of the California Building Code (located in Part 2, Title 24, California Code of Regulations), or its successor provisions.

" *Common Use Room*" means a room commonly used by residents or guest to congregate.

" *Condominium*" means as defined by the California Building Code.

" *Custom-built home*" means a single-family detached dwelling that is built to the owner' s specifications and not part of a tract development.

" *Dwelling unit*" means as defined by the California Building Code.

" *Owner occupied*" means any residential dwelling unit not intended, at the time of application for the building permit, to be occupied as a rental dwelling.

" *Powder room*" means a room containing a water closet (toilet) and lavatory (sink), but no bathtub or shower. It includes a compartmented powder room in which the fixtures are distributed among interconnected rooms.

" *Primary Entry*" means the principal entrance used to enter a building or residential unit, as designated by the Chief Building Official for purposes of compliance with this chapter.

" *Rental*" means any residential dwelling unit not intended, at the time of application for a building permit, to be occupied by the owner.

" *Single-Family Residential Dwelling*" means a residential building that's set up to accommodate one family that may be fully detached, semi-detached, a row house or a townhome.

" *Substantial Rehabilitation*" means the reconstruction of the primary entry, hallway, or one bathroom or powder room on the route from the primary entry, when that reconstruction is required to be consistent with the most current version of the California Building Standards Code.

" *Visitable Residential Dwelling*" means a residential unit that is designed to be accessible to people with disabilities or mobility limitations. Visitability focuses on the main floor or habitable grade level of a home, and the features that guests would use, such as the entrance, bathroom, and hallways. Visitable Residential Dwelling units shall provide, at minimum, the following design features:

*Entrance:* At least one entrance with no steps

*Doors and hallways:* Doors at least 32 inches wide, and hallways at least 36 inches wide

*Bathroom:* A bathroom or powder room on the main floor that is large enough to fit a wheelchair and close the door

*Electrical and environmental controls:* Raised electrical outlets and lowered climate control and light switches

*Bathroom walls:* Reinforced walls to support grab bars

*Faucets:* Levered door handles and single-lever kitchen and bathroom faucets

#### SECTION 9-09.115 SCOPE AND APPLICATION.

- (a) *Applicability.* This section shall apply to any new tentative map, site plan review, use permit, site development, planned development, master plan, or other land use entitlement for the approval of a development that includes one or more new single-family, duplex, triplex, or owner-occupied townhomes units submitted to the Development Services Department after the effective date of the ordinance from which this section is derived. All such entitlements shall contain conditions sufficient to ensure compliance with the provisions herein.
- (b) *Visitability.* For projects proposing five (5) or more single-family, duplex or triplex units, or any combination thereof, at least 50% of the owner-occupied or rental units for which an application for a new building permit is submitted to the Building Division, after the effective date of this chapter, shall be designed to be visitable residential dwellings. In determining the number of visitable units required by this subsection, any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.
- (c) *Universal Design.* All new single-family, duplex and triplex owner-occupied dwelling units shall be designed to accommodate Universal Design features and shall be offered to and, if accepted, installed at the request and cost of the purchaser or owner. Examples of Universal Design features include, but are not limited to, wider doorway and hallways, use of lever door handles, open floorplans, grab bars, non-slip surfaces, and adaptable kitchens that offer varying counter heights.

Any residential development that includes an on-site sales office in which a buyer may purchase a unit prior to completion of construction of the unit must offer buyers the opportunity to select and purchase additional universal design features from a pre-approved list of offered features. The seller of the residential dwelling units shall prepare a brochure or checklist of the additional universal design features and pricing for the features that will be offered. The brochure or checklist shall be reviewed and approved by the Chief Building Official prior to the issuance of building permits. The office shall have an accessible exterior access to the primary entrance and be fully accessible per the Americans with Disabilities Act (ADA).

- (d) Projects Receiving Public Assistance. For new single-family, duplex and triplex residential projects that receive public funding assistance from the City to build affordable housing, 100% of the new owner-occupied or rental units shall be visitable residential dwellings and at least 50% of the owner-occupied units or rental shall be required to install Universal Design features with the remaining 50% of the units to offer Universal Design features to the purchase or owner and, if accepted, installed at the request and cost of the purchaser or owner. For the purpose of this section public funding assistance means direct monetary assistance, land donation and/or loans from the City of Hayward.

#### SECTION 9-09.120 WAIVER AND EXCEPTIONS.

- (a) Waivers. The Development Services Director or their designee or the highest approving body, if associated with a planning entitlement, may consider granting a waiver to any of the provisions of this section if they are able to make one (1) or more of the following findings:

1. The requested waiver is necessary to make the findings for project approval;
2. The requested waiver is necessary to support the provision of affordable housing units;
3. The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available; or
4. The requested waiver is necessary to avoid a conflict with adopted local, regional, State or Federal regulations.

When considering a request for a waiver, the Director and the project applicant, with consultation from the Chief Building Official, may consider incorporating other features into the project to compensate for the loss of required features or to improve the accessibility of the units.

(b) Exceptions. The provisions of this Chapter shall not apply to:

1. Rehabilitation or expansion of an existing residential unit;
2. Reconstruction of an existing residential unit destroyed due to fire or natural disaster;
3. Accessory or junior dwelling units;
4. Addition of four (4) or fewer residential units to or within an existing structure;
5. Addition of four (4) or fewer new residential units above a ground floor commercial space or a parking structure that does not contain an elevator; and
6. This chapter shall not be applicable to any residential structure constructed if the primary entry of that structure is above grade because the primary entry is located over a lower level of the dwelling below, subterranean parking, or increased in ground floor elevations due to location in a designated floodplain.

SECTION 9-09.125. ENFORCEMENT AND REPORTING.

- (a) It is unlawful for any person or entity to fail to comply with the requirements of this chapter. The city may prescribe administrative, civil, or criminal penalties or any combination thereof, for violations of this Article including, but not limited to, enforcement pursuant to applicable provisions of the State Housing Law, sections 17910, et seq., of the California Health and Safety Code; injunctive relief or civil penalties; administrative enforcement pursuant to Article 1, Chapter 7 of this Code; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.
- (b) Whenever the Development Service Director or designee inspects or otherwise take any enforcement action against a residential dwelling unit which is governed by this Article to determine compliance with this Article, the Director may assess fees against the owner to recover the costs to the City according to the Master Fee Schedule established by the City of Hayward. The assessment and collection of these fees shall not preclude the imposition of any administrative or judicial penalty or fine for violations of this Article or applicable state laws or regulations.
- (c) The Development Services Department shall report annually to the City Council on the implementation of this Article as part of the annual Housing Element Report. The Annual Report shall provide an opportunity for the City Council to recommend changes or revisions to this Ordinance.

Section 2. California Environmental Quality Act (CEQA). The City Council independently finds and determines that this action is categorically exempt from CEQA pursuant Section 15061( b)( 3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment and as such are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

Section 3. *Severance.* Should any part of this Ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. *Effective Date.* In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective 30 days after adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_\_ 2025, by \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_\_, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward