

Monika Anna Klenovec

## **Substantive rules on disability issues in the construction/planning/housing sector**

At the beginning of my presentation, I will address the diversity of all the users of the built environment. In this context, I will pay particular attention to demographic change and the requirements that have to be met for persons over an entire lifecycle, as well as for persons with reduced mobility and with sensory disabilities to enable them to live their lives with the greatest possible independence, dignity, autonomy, mobility, convenience and safety.

What planning requirements have to be applied in the construction sector for these different user groups? The *EU Disability Strategy* is limited to specific fields. However, some of these fields also affect the construction sector, including the award of public works contracts, transport (railway stations, airports, etc.), protection of workers at the workplace, services, tourism, etc., to mention just the most important fields. In addition – and this seems to be the key “driver” for the implementation of accessibility in the construction sector in conjunction with the anti-discrimination legislation that has already been implemented everywhere – the UN Convention for the Rights of Persons with Disabilities describes the purpose in very general terms as follows:

*To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.*

The UN Convention is not only an instrument for development strategies and a human rights instrument but also a political instrument that is legally binding. And it is also binding in the construction sector, although the European Commission has no direct influence on this sector because construction is still a national matter of Member States. However, if you take a closer look, that is not quite true any more!

In the general principles of the UN Convention, accessibility is already mentioned, and the term “universal design” is cited. In the other articles, all the spaces that have to be made accessible are precisely described. This clearly indicates which buildings have to be designed in an accessible manner.

Accessibility must be guaranteed with regard to all public institutions, such as court buildings, schools, administrative buildings, medical facilities, but also convenience stores, banks, restaurants, leisure and recreational facilities, etc.

However, on what basis can minimum requirements for the construction sector be defined? Not all the countries in Europe have developed national rules or guidelines with regard to the accessible design of buildings. In some countries, the planning requirements are only specified in the provisions of national building law. In this context, I would like to draw attention to the results of the Joint Report on Mandate 420 “*Accessibility to public procurement in the built environment*”, Phase I, which was presented at the open meeting of CEN last year:

<http://www.cen.eu/cen/Sectors/Sectors/Accessibility/Construction/Pages/Allpresentations.aspx>.

This report also clearly stated that no country had a compliance procedure certifying that, after their completion, buildings were actually accessible for all users. In the past, the design of buildings was supervised by the construction authority, which used to carry out on-site inspections at the beginning of construction (when applications were filed) and at the end of construction (permission to use building). Today, the builders or planners are increasingly entrusted with this task. As a result, the accessibility of buildings is often insufficient. Phase II of Mandate 420 will be initiated in 2013, when the necessary functional and technical standards for accessible buildings, etc., a relevant compliance procedure and toolkits, as well as tools for the award of public procurement contracts will be drafted. These will be based on ISO 21542 “Accessibility and usability of the built environment”, with adaptations and additions to the more stringent European requirements that are currently in force. These standards are expected to be completed by the end of 2015.

I will briefly describe the most important minimum requirements for the vertical and horizontal development, including the required public spaces and the requirements to be met by sanitary spaces. I will also present the concept of the adaptable living space, designed to enable most people to remain in their own homes when they grow old. This makes economic sense and can help save substantial health care costs because assisting and providing nursing care for people at home is the most cost-effective option, which is preferred by most people if they have a choice. The limited additional cost of accessible housing, if it is taken into consideration from the very beginning of the planning process, is described in a study conducted by ETH Zürich. However, any subsequent conversion of buildings is usually much more complex and cost-intensive. Hence, the construction of residential buildings should not be planned and executed today without integrating the concept of adaptable living space!

At the end of my presentation, I will present the Austrian approach as a best-practice example of the implementation of public procurement and anti-discrimination legislation and the UN Convention in building law. The Austrian Institute of Construction Engineering (*Österreichisches Institut für Bautechnik – OIB*) developed a harmonised approach in the form of various guidelines, based on the key requirements of the former Building Products Guideline. The OIB’s Guideline 4 “Safety in Use and Accessibility” describes the minimum requirements for the construction of accessible buildings, with a clear reference to specific points included in the ÖNORM B 1600, which is the Austrian standard for the construction of accessible buildings (revised several times, as amended in 2012). Since then, 7 of Austria’s 9 federal states have already adopted OIB’s Guideline 4 in their building code. This means that Austria has a common standard for planning and executing accessible buildings (except for one and two-family homes, which are not covered). For one and two-family homes, a range of different financial incentives are available within Austria’s housing assistance programme for people who build accessible homes.

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