

DA0201
Department of Disabilities – Capital

Capital Budget Summary

Grant and Loan *Capital Improvement Program*
(\$ in Millions)

Program	2018 Approp.	2019 Approp.	2020 Request	2021 Estimate	2022 Estimate	2023 Estimate	2024 Estimate
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Accessibility Modifications	\$0.750	\$0.000	\$1.697	\$1.600	\$1.600	\$1.600	\$1.600
Total	\$0.750	\$0.000	\$1.697	\$1.600	\$1.600	\$1.600	\$1.600

Fund Source	2018 Approp.	2019 Approp.	2020 Request	2021 Estimate	2022 Estimate	2023 Estimate	2024 Estimate
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GO Bonds	\$0.750	\$0.000	\$1.697	\$1.600	\$1.600	\$1.600	\$1.600
Total	\$0.750	\$0.000	\$1.697	\$1.600	\$1.600	\$1.600	\$1.600

GO: general obligation

Key Observations

- ***Maryland Department of Disabilities Changes Transition Plan Requirements:*** Beginning in fiscal 2020, State agencies and higher education institutions were asked to submit an executive summary of their current transition plan if they did not have a current transition plan on file. For fiscal 2021, the executive summary has been integrated into the application, so each agency and higher education institution that applies will have submitted an executive summary with their request.
- ***Higher Education Institutions Share Costs of Projects:*** Half of Access Maryland projects (69.4% of the total appropriation) budgeted in the fiscal 2020 capital budget are at higher education institutions. Unlike in previous fiscal years, higher education institutions are expected to provide at least 30% of the total project costs.

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Summary of Recommended Bond Actions

1. Accessibility Modifications

Approve the \$1,697,000 general obligation bond authorization for accessibility modifications.

Program Description

The Maryland Department of Disabilities (MDOD) administers Access Maryland, an accessibility modifications program that provides funds to eliminate architectural barriers in State-owned facilities and improves the State's compliance with the federally mandated Americans with Disabilities Act (ADA) of 1990. The program helps to increase access to State programs, services, and employment opportunities and helps to reduce the liability of the State for noncompliance with the ADA. Projects funded within this program are part of a long-term effort, and the program will require funding beyond the current *Capital Improvement Program* (CIP). This program focuses solely on State-owned facilities, and rented space is not eligible for funding.

MDOD reports that it received 22 applications for accessibility modifications in fiscal 2020, while only 12 were approved and included in the capital budget. A team of reviewers with different backgrounds, including experience in disability issues, project management, and facilities planning consider each application using a scoring matrix. The team uses three major categories to score applications: accessible approach; access to services and restrooms; and additional measures necessary. Although the application asks agencies whether any complaints have been issued by people with disabilities in regard to the service or facility, ADA Title II complaints and complaints in general do not impact the project's total score. In fiscal 2020, 7 of the 12 approved projects had complaints filed. Two separate projects in the fiscal 2019 and 2020 grant cycles reportedly had complaints made about accessibility but did not receive funding. **MDOD should discuss any efforts that it has taken to monitor formal and informal complaints about facility accessibility to prioritize Access Maryland programs.**

As part of the ADA, State agencies in Maryland are required to perform self-evaluations of current facilities and develop a transition plan that addresses deficiencies, describes methods to make facilities accessible, and outlines a schedule for all needed modifications. Agencies were required to have a transition plan on file with MDOD to receive funding through this program between fiscal 2013 and 2019. Transition plans were revised and resubmitted to MDOD on a three-year cycle, and agencies were required to track their progress in increasing accessibility, regardless of the fund source for projects.

Beginning in the fiscal 2020 grant cycle, agencies were asked to provide an executive summary of their transition plans rather than the entire document. Transition plans are now expected to be updated when a project is completed or an additional need is identified. As shown in **Exhibit 1**, some agencies chose to submit a full transition plan with the fiscal 2020 application, while one agency, the Maryland

Department of Health (MDH), did not submit a full plan or an executive summary. MDOD indicates that MDH was still approved for three projects totaling \$370,000 because the projects demonstrated significant need. Two agencies, the Department of Public Safety and Correctional Services and St. Mary's College of Maryland, have active projects using funding from prior years and have current transition plans on file with MDOD.

Exhibit 1
Transition Plan Submissions
Fiscal 2020 Grant Award Cycle

<u>No Transition Plan on File or Executive Summary</u>	<u>Executive Summary Submitted</u>	<u>Full Transition Plan Submitted</u>
Maryland Department of Health	University of Maryland, College Park Campus	Department of General Services Department of Natural Resources Morgan State University Towson University University of Maryland, Baltimore Campus University of Maryland Baltimore County

Source: Maryland Department of Disabilities

In February 2019, MDOD distributed a letter to all State agencies requesting that they provide their most recent transition plans to assess the number of current and adequate plans on file. MDOD also offered technical assistance through in-person and web-based training to agencies without transition plans. For agencies with a current transition plan on file, MDOD offered to work with ADA coordinators and directors of capital planning to identify high-priority ADA projects.

Budget Overview

The proposed fiscal 2020 general obligation bond authorization totals \$1.70 million. However, due to a program balance from previous years, total spending in fiscal 2020 is estimated to be \$1.74 million. MDOD formerly had a large balance of unencumbered funds and, as a result, the capital budgets for fiscal 2017 and 2018 included reduced appropriations at \$750,000, and fiscal 2019 included no funds for the program so that MDOD could spend down its unencumbered funds. The agency now has approximately \$2.3 million obligated to projects approved between fiscal 2015 and 2018 that have

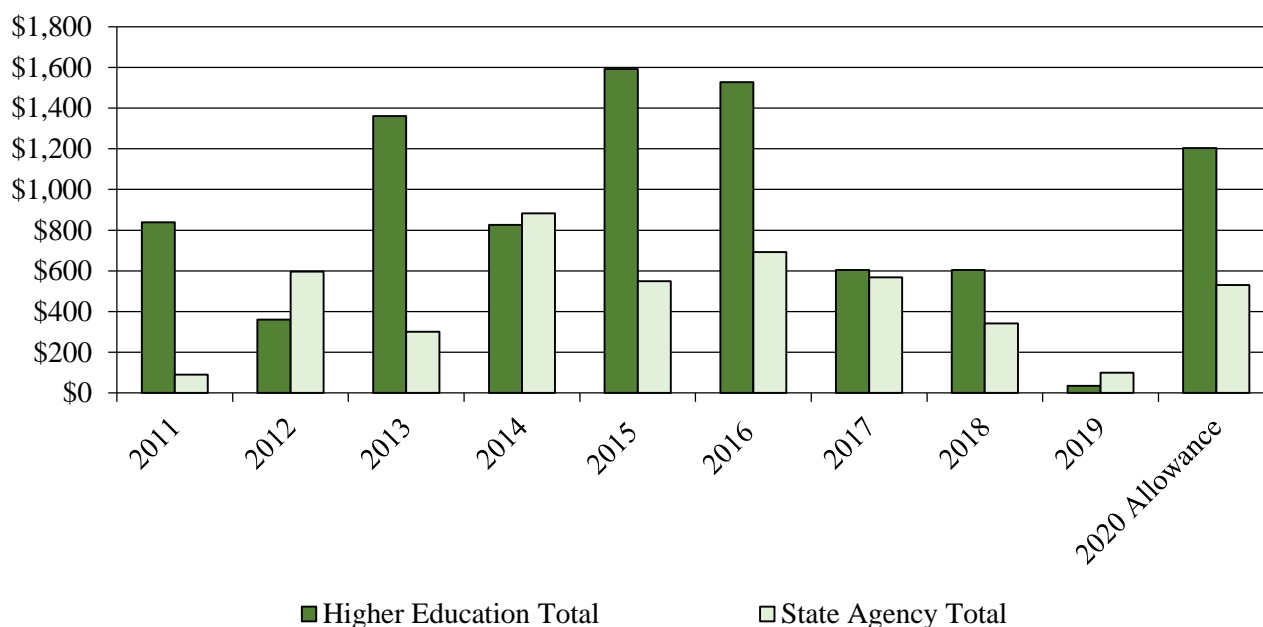
reached the design or construction phase. The CIP programs \$1.6 million annually for fiscal 2021 through 2024.

Projects at higher education institutions (Morgan State University; Towson University; the University of Maryland, Baltimore Campus; the University of Maryland Baltimore County; and the University of Maryland, College Park Campus) account for 6 of the 12 projects included for funding in fiscal 2020. The remaining 6 projects are at the Department of General Services, the Department of Natural Resources, and MDH. Projects in Access Maryland often receive funding over more than one fiscal year, and three projects for State agencies have estimated future costs of \$794,000.

Higher Education Funding in Access Maryland

Higher education institutions have traditionally received the majority of funding under Access Maryland. **Exhibit 2** shows that higher education has received significantly more funding than other State agencies in past years. In the fiscal 2020 allowance, higher education institutions receive 69.4% of total Access Maryland funding.

Exhibit 2
Access Maryland Funding
Higher Education Institutions Compared to Other State Agencies
Fiscal 2011-2020
(\$ in Thousands)



Note: Includes available funds carried over from prior fiscal year grant cycles.

Source: Maryland Department of Disabilities

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Committee narrative in the 2017 *Joint Chairmen's Report* expressed intent that the University System of Maryland assume funding and execution of its accessibility projects with a combination of annual revenue bond authorizations and Access Maryland funding. The fiscal 2020 budgeted projects at higher education institutions have State shares ranging from 50% to 70.5%. **MDOD should discuss whether it plans to set minimum matching fund requirements for higher education institutions in future grant cycles. The agency should also explain how it will ensure that higher education institutions will provide the difference between Access Maryland funds and the total projected spending for projects in fiscal 2020.**

GO Bond Recommended Actions

1. Approve the \$1,697,000 general obligation bond authorization for accessibility modifications.

Fiscal 2020 Projects

Analysis of the FY 2020 Maryland Executive Budget, 2019

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<u>Subdivision</u>	<u>Agency</u>	<u>Project</u>	<u>Project Description</u>	<u>Estimated Cost</u>	<u>Prior Authorization</u>	<u>Fiscal 2020 Amount</u>	<u>Future Request</u>	<u>Total State Share (%)</u>
Anne Arundel	DGS	Tawes State Office Building	Replace entry walkway	\$100,000	\$0	\$100,000	\$0	100.0%
Baltimore City	MSU	Entry Access to Truth Hall	Replace entry ramp	132,000	0	93,000	0	70.5%
Baltimore City	UMB	Davidge Hall	Increase accessibility of the ground level	328,000	0	219,000	0	66.8%
Baltimore	TU	Enrollment Services Restroom Renovations	Increase accessibility of restrooms	371,000	0	260,000	0	70.1%
Baltimore	UMBC	Biological Sciences Building Upgrades	Install an accessible elevator, restroom, and drinking fountain	636,000	0	386,000	0	60.7%
Baltimore	UMBC	Teaching Spaces in Academic Buildings	Install accessible electronic door operators and locksets.	211,000	0	146,000	0	69.2%
Caroline	DNR	Tuckahoe State Park Boating and Fishing Accessibility	Install accessible boat ramp, dock, and path and trail system	300,000	0	31,000	269,000	100.0%
Carroll	MDH	Springfield Hospital Center	Install ramp	125,000	0	125,000	0	100.0%
Carroll	DNR	Morgan Run Natural Environmental Area	Install accessible parking spaces and path	175,000	0	30,000	145,000	100.0%
Howard	MDH	Clifton T. Perkins Hospital	Install an accessible emergency evacuation route	450,000	0	70,000	380,000	100.0%

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Prince George's	UMCP	Kirwan Hall	Increase accessibility of restrooms	\$200,000	0	100,000	0	50.0%
Wicomico	MDH	Holly Center	Increase accessibility of restrooms and locker room at activities building	175,000	0	175,000	0	100.0%
Statewide		Available Funds Adjustment	Support fiscal 2020 program activity with available funds from prior year appropriations			-38,000	0	100.0%
Total				\$3,203,000	\$0	\$1,697,000	\$794,000	

DGS: Department of General Services
 DNR: Department of Natural Resources
 MDH: Maryland Department of Health
 MSU: Morgan State University
 TU: Towson University
 UMB: University of Maryland, Baltimore Campus
 UMBC: University of Maryland Baltimore County
 UMCP: University of Maryland, College Park Campus