

DA0201A
Department of Disabilities

Accessibility Modifications (Statewide)

General Obligation Bonds **\$1,600,000**

Summary of Recommended Bond Actions

	<u>Funds</u>
1. Accessibility Modifications	
Approve funding for Accessibilities Modifications.	
2. Department of Disabilities Accessibility Modifications	\$156,000 DA
Strike de-authorization for Accessibilities Modifications.	
Total Reductions	\$156,000

Bill Text: Provide funds to design and construct handicapped accessibility modifications at State-owned facilities.

Program Description: The Accessibilities Modifications program, also known as Access Maryland, provides funds to eliminate architectural barriers in State-owned facilities and allows the State to move toward compliance with the federally mandated Americans with Disabilities Act (ADA) of 1990. The program helps reduce the liability of the State for noncompliance with the ADA. It also helps to increase access to State programs, services, and employment opportunities. Each year, the Maryland Department of Disabilities (MDOD) requests projects for funding from State agencies and the public higher education institutions. The projects funded within this program are part of a long-term effort, and the program will require funding beyond fiscal 2017.

Starting with fiscal 2013, agencies must have a transition plan on file with MDOD to receive funding in the allowance. The deadline for fiscal 2013 was January 1, 2011. At that time, only six State agencies had transition plans on file with MDOD, and they are the only six agencies receiving funding for projects in fiscal 2013. They are:

- Department of Public Safety and Correctional Services;
- Historic St. Mary's City;

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- Towson University;
- University of Maryland, Baltimore;
- University of Maryland Baltimore County; and
- University of Maryland, College Park.

Since January 1, 2011, six additional agencies have submitted transition plans with MDOD. The agency has not indicated when it expects to have transition plans on file for all State agencies with accessibility needs.

The projects included under this program must complete design within two years of receiving approval from the General Assembly to remain eligible for funding. If the design is not completed and approved in that time period, the project becomes ineligible for funding. Information provided by MDOD indicates that 21 projects proposed between fiscal 1999 and 2006 have been declared ineligible based on the two-year design rule. No projects proposed since fiscal 2006 have been declared ineligible under this policy.

Beginning with funds encumbered in fiscal 2010, MDOD has added an additional timeline to maintain eligibility in this program. The policy requires agencies to initiate construction within six months of the approval of design. To date, no projects have been declared ineligible based on this policy. In the event a project is declared ineligible, the agency is not relieved of the obligation to make the modification; the project will just not be funded using funds from Access Maryland. MDOD has no way to ensure the project is actually completed, however. For most State agencies, this program is the only source of funds for small scale facility improvements.

The fiscal 2013 proposed projects would provide funds to improve accessibility by designing and constructing 12 projects, 3 of which support the first phase of a multi-year project. In addition, \$29,304 is available from prior year appropriations.

Program Analysis and Performance Measures

The proposed fiscal 2013 general obligation (GO) bond authorization for the program totals \$1.6 million, slightly higher than the \$1.4 million authorized for fiscal 2012. The *Capital Improvement Program* programs \$1.6 million annually for fiscal 2014 to 2017.

Although the program would receive \$1.6 million in the Governor's budget, the total estimated cost of projects funded in fiscal 2013 is approximately \$1.7 million. The total estimated cost consists of not only the amounts authorized for fiscal 2013 but also unspent funds from prior years and adjustments for cash flow that together total \$0.1 million.

The Accessibility Modifications program is administered on a cash flow basis, and projects are funded on a first-come, first-served basis until funds are exhausted. In prior years, the allowance would fund projects previously approved by the General Assembly but not yet initiated, as well as

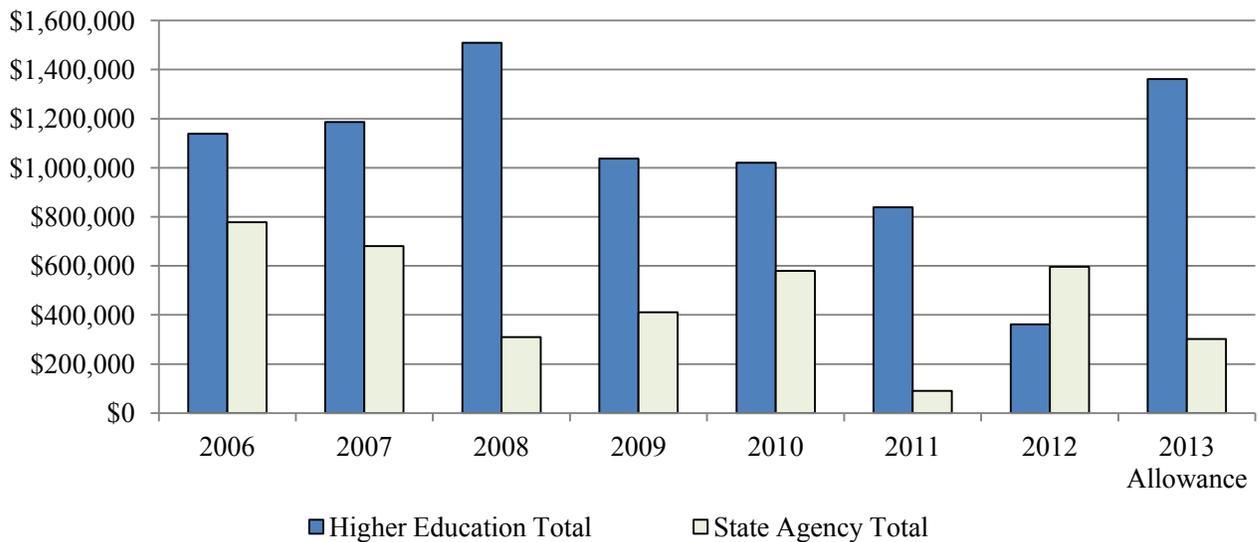
new projects. However, MDOD has worked to eliminate the use of carryover projects and cash flow adjustments to allow for more new projects to be funded each year.

In fiscal 2012, previously authorized projects accounted for \$0.7 million of the \$1.4 million authorization. In fiscal 2013, there are no previously authorized projects funded.

The 19 projects included for funding in fiscal 2013 are comprised of 16 projects at higher education facilities, 2 projects at the Central Maryland Correctional Facility, and 1 project at the Historic St. Mary’s City Commission.

Higher education institutions have traditionally received the majority of projects under Access Maryland. MDOD puts an emphasis on higher education facilities because persons with disabilities have higher unemployment rates compared to the national rate, and education leads to greater employment opportunities. **Exhibit 1** shows that higher education institutions received more funding than other State agencies every year since fiscal 2006 except in fiscal 2012.

Exhibit 1
Funding Authorized Accessibilities Modifications Program
Higher Education Institutions Compared to All Other State Agencies
Fiscal 2006-2013



Source: Governor’s Budget Books, Fiscal 2006-2013

MDOD notes that higher education institutions represent the greatest share of State-owned facilities and that since the majority of the facilities were built before accessibility requirements existed, they have significant ADA compliance needs. The needs identified in the transition plans submitted to MDOD total \$39.0 million, though the agency believes that amount will increase as

more agencies submit transition plans. Needs at institutions within the University System of Maryland (USM) total \$33.8 million alone.

USM receives \$17 million in GO bonds annually for facility renewal in the capital budget, and all higher education institutions have plant funds, an internal fund source that is used for facility improvements. State agencies do not have these alternative funding sources for capital improvements and must rely on the capital budget for funding. MDOD reports that in determining its agency priority, it considers the alternative fund sources that are available to higher education institutions. **MDOD should comment on the alternative funding sources available to higher education institutions and the extent to which they are used for accessibility modifications.**

Prior Authorization and Capital Improvement Program

Authorization Request (\$ in Millions)

<i>Fund Source</i>	<i>2011 Approp.</i>	<i>2012 Approp.</i>	<i>2013 Request</i>	<i>2014 Estimate</i>	<i>2015 Estimate</i>	<i>2016 Estimate</i>	<i>2017 Estimate</i>
PAYGO GF	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
GO Bonds	1.600	1.444	1.600	1.600	1.600	1.600	1.600
Total	\$1.600	\$1.444	\$1.600	\$1.600	\$1.600	\$1.600	\$1.600

Authorization Encumbrance and Expenditure Data

Authorization Summary (\$ in Millions)

<i>Fiscal Year</i>	<i>Authorization</i>	<i>Funds</i>		<i>Balances</i>	
		<i>Encumbered</i>	<i>Expended</i>	<i>To Be Encumbered</i>	<i>To Be Expended</i>
Prior Years	\$26.857	\$26.857	\$26.797	\$0.000	\$0.060
2008	1.600	1.586	1.570	0.014	0.030
2009	1.600	1.600	1.411	0.000	0.189
2010	1.600	1.594	1.132	0.006	0.468
2011	1.600	0.955	0.538	0.645	1.062
2012	1.444	0.525	0.000	0.919	1.444
Total	\$34.701	\$33.117	\$31.448	\$1.584	\$3.252

Note: As of November 1, 2011

GO Bond Recommended Actions

1. Approve funding for the Accessibilities Modifications program.
2. Strike the following language:

~~EXECUTIVE DEPARTMENT – GOVERNOR~~

~~DA02.01~~

~~DEPARTMENT OF DISABILITIES~~

(A) Accessibility Modifications. Provide funds to design and construct handicapped accessibility modifications at State-owned facilities (Statewide).....	[1,600,000]
	1,444,000

Explanation: This action is a technical correction. The budget as introduced includes a de-authorization of \$156,000 in general obligation bonds. However, the Maryland Department of Disabilities advises that the funds were used for accessibility projects at other agencies and are not available to be de-authorized.

Fiscal 2013 Proposed Projects

<u>Subdivision</u>	<u>Agency</u>	<u>Project</u>	<u>Project Description</u>	<u>Estimated Cost</u>	<u>Prior Authorization</u>	<u>Fiscal 2012 Amount</u>	<u>Total State Share (%)</u>
Baltimore City	MSU	University Chapel	Exterior access route	\$46,000	\$0	\$46,000	100%
Baltimore City	UMB	Multiple Buildings	Modifications to entrance doors	65,000	0	65,000	100%
Baltimore City	UMB	100 N. Greene Street	Doors and door closures	27,500	0	27,500	100%
Baltimore City	UMB	Biomedical Research Facility	Doors and door closures	9,500	0	9,500	100%
Baltimore City	UMB	Frank C. Bressler Research Building	Restrooms, signage, and doors	12,600	0	12,600	100%
Baltimore City	UMB	School of Law and Social Work Building	Door closures, accessible routes, and signage	8,300	0	8,300	100%
Baltimore City	UMB	School of Nursing	Door closures, hardware, and signage	15,050	0	15,050	100%
Baltimore City	UMB	School of Social Work	Door closures; signage; and restroom, ramp, and handrail modification	29,800	0	29,800	100%
Baltimore	TU	Media Center	Elevator improvements	369,600	0	369,600	100%
Baltimore	UMBC	Academic IV Building	Restroom modifications Phase I	233,000	0	116,500	100%
Baltimore	UMBC	Math and Psychology Building	Restroom modifications Phase I	233,000	0	116,500	100%
Baltimore	UMBC	Walker Avenue	Accessible route	290,000	0	290,000	100%
Carroll	DPSCS	Central Maryland Correctional Facility	Entrance modifications	104,650	0	104,650	100%

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Carroll	DPSCS	Central Maryland Correctional Facility	Housing unit ramp	100,000	0	100,000	100%
Prince George's	UMCP	Potomac Building	Entrance and elevator	700,000	0	80,760	100%
Prince George's	UMCP	Hornbake Library	Restroom modifications	95,100	0	95,100	100%
Prince George's	UMCP	Neutral Buoyancy Facility	Unisex restroom	14,000	0	14,000	100%
Prince George's	UMCP	Tydings Hall	Restroom modifications	65,000	0	65,000	100%
St. Mary's	HSMCC	Chancellor's Point	Parking and access routes	96,700	0	96,700	100%
Statewide		Cashflow and available funds adjustment		-62,560	0	-62,560	100%
Total				\$2,452,240	\$0	\$1,600,000	

DPSCS: Department of Public Safety and Correctional Services
 HSMCC: Historic St. Mary's City Commission
 MSU: Morgan State University
 TU: Towson University
 UMB: University of Maryland, Baltimore
 UMBC: University of Maryland, Baltimore County
 UMCP: University of Maryland, College Park