

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 90 (Delegate Cadden)
Commerce and Government Matters

Restrooms for Handicapped - Use by Assisting Family Members

This bill requires the Maryland Accessibility Code, as promulgated by the Department of Housing and Community Development, to require “family restroom facilities” in all new construction. Family restroom facility is defined as a restroom for handicapped individuals into which a handicapped individual’s family member or other assistant of either sex can enter to assist the handicapped individual in using the restroom. As provided by regulation, the family restroom facility requirement will apply to additions, alterations, and changes in use of buildings.

Fiscal Summary

State Effect: Indeterminate significant increase in expenditures associated with construction costs. Revenues would not be affected.

Local Effect: Indeterminate but potentially significant increase in local expenditures. Revenues would not be affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Potential meaningful impact on small businesses as discussed below.

Fiscal Analysis

State Expenditures: The bill requires a family restroom facility in all new construction, as well as for alterations, additions, and changes in use, as defined in regulation. The increase in costs for State construction depends on (1) the specific technical requirements that would be included in regulation; (2) the total number of buildings that would be affected by this bill; and (3) the effective date of the regulations.

As a point of reference, one family restroom facility is estimated to cost between \$7,000 and

\$17,500, which is based on cost estimates of seven new and addition construction projects for which funds have been requested in the fiscal 1998 capital budget and the Department of General Services (DGS) prepared cost estimates. The estimate is based on the total cost of the structures divided by the size of the structures, then multiplied by the size of the family restroom facility, which is assumed to be 57 gross square feet. Thus, the range in the estimated cost is due to factors that are specific to the total cost of the buildings. Additional janitorial, maintenance, repair, and utility costs associated with the family restroom facilities would also impact operating budgets. It is noted that with renovation projects, in addition to direct costs, the requirement for a family restroom facility would result in less space available for other building functions. It is also noted that for some smaller facilities built by the State, family restroom facilities may be the only facilities provided and thus would not affect net expenditures.

For illustrative purposes only, assuming a family restroom facility would be required in each area where accessible multi-stall facilities are required, the additional cost just for the seven projects discussed above, if the regulations were to apply to fiscal 1998 projects, for new construction and additions would be \$242,364.

Some State buildings and construction projects are already in compliance with the requirements of this bill. For these, the bill would not result in an increase in expenditures. For example, according to the Maryland Aviation Administration, the restroom facilities on each of its piers currently meet the definition of "family restroom facility."

Fiscal Services notes that if family restroom facilities are required where currently even standard restrooms are not required, costs could be significantly higher. For example, the bill requires at least one family restroom facility in any public building, other than a penal institution. Public building is defined to include a public mass transportation accommodation, such as a terminal or station, that is supported by public funds. If the bill is interpreted to require family restrooms at terminals or stations, like light rail and MARC stations, park and ride, etc., costs to the Mass Transit Administration could be significantly higher than the above estimates per restroom. Facilities like terminals or stations historically have had no public restrooms and thus many are not equipped with water and/or sewage.

The bill would require the Department of Housing and Community Development to revise the accessibility regulations. Costs associated with printing, mailing, and revising training materials could be handled with existing resources.

Local Expenditures: Increased costs of any new construction undertaken by localities would increase expenditures as discussed above. Carroll County advises that their local building code already meets the requirements of the bill. To the extent that enforcement of the requirements of this bill consists only of review of building plans, enforcement by localities

could be handled with existing resources.

Small Business Effect: The bill affects (1) small businesses in general; and (2) small construction firms in particular. The bill would increase the cost of new construction, alterations, additions, and changes in use for buildings where a family restroom facility would be required. Family restroom facilities are estimated to cost between \$7,000 and \$17,500 each. Small businesses could incur the additional costs, or choose to forgo improvements because of the additional costs.

Small construction firms could benefit from the increased scope of projects; however, the benefit would be offset to the extent that demand for construction decreases because of increased costs. Of the 587 nonresidential construction firms in the State, 94% are small businesses. However, only 52% of employees in the nonresidential construction sector work for small businesses and only 49% of wages paid to employees in the nonresidential construction sector are paid to employees of the small businesses. It is likely that a high percentage of subcontractors are small businesses.

Fiscal Services notes that if the bill is interpreted to require family restroom facilities where currently even standard restrooms are not required, costs could be significantly higher.

Information Source(s): Carroll, Harford, Prince George's, Queen Anne's, and St. Mary's counties; Department of General Services; Department of Housing and Community Development; Department of Public Safety and Correctional Services; Department of Transportation (Motor Vehicle Administration, Mass Transit Administration, Maryland Aviation Administration, Maryland Transportation Administration, State Highway Administration); Morgan State University; Public School Construction Program; University of Maryland System; Department of Fiscal Services

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