

# HOUSE BILL 448

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By: **Delegates Niemann, Gilchrist, Lafferty, Benson, Frush, Hubbard, Manno, and Pena-Melnyk**

Introduced and read first time: January 30, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Residential Real Property – Maryland Building Performance**  
3 **Standards – Minimum Standards for Visitability**

4 FOR the purpose of altering a certain prohibition on the Department of Housing and  
5 Community Development from adopting, as part of the Maryland Building  
6 Performance Standards, certain modifications to certain building code  
7 requirements; requiring the Department to adopt as a modification of the  
8 Maryland Building Performance Standards certain minimum standards for  
9 visitability in the design and construction of a single-family dwelling under  
10 certain circumstances; requiring the minimum standards for visitability to  
11 include certain requirements; defining a certain term; and generally relating to  
12 minimum standards for visitability in residential real property.

13 BY repealing and reenacting, with amendments,  
14 Article – Public Safety  
15 Section 12-503  
16 Annotated Code of Maryland  
17 (2003 Volume and 2007 Supplement)

18 BY adding to  
19 Article – Public Safety  
20 Section 12-503.1  
21 Annotated Code of Maryland  
22 (2003 Volume and 2007 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Public Safety**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 12-503.

2 (a) (1) The Department shall adopt by regulation, as the Maryland  
3 Building Performance Standards, the International Building Code with the  
4 modifications incorporated by the Department under subsection (b) of this section.

5 (2) The Department shall adopt each subsequent version of the  
6 Standards within 12 months after it is issued.

7 (b) (1) Before adopting each version of the Standards, the Department  
8 shall:

9 (i) review the International Building Code to determine  
10 whether modifications should be incorporated in the Standards;

11 (ii) accept written comments;

12 (iii) consider any comments received; and

13 (iv) hold a public hearing on each proposed modification.

14 (2) [The] **EXCEPT AS PROVIDED IN § 12-503.1 OF THIS SUBTITLE,**  
15 **THE** Department may not adopt, as part of the Standards, a modification of a building  
16 code requirement that is more stringent than the requirement in the International  
17 Building Code.

18 (c) The Standards apply to each building or structure in the State for which  
19 a building permit application is received by a local jurisdiction on or after August 1,  
20 1995.

21 **12-503.1.**

22 (A) **IN THIS SECTION, “VISITABILITY” MEANS BASIC ACCESSIBILITY**  
23 **THAT ENABLES AN INDIVIDUAL WHO IS MOBILITY-LIMITED, WHETHER BY**  
24 **PERMANENT OR TEMPORARY DISABILITY OR ILLNESS OR BY AGING, TO VISIT**  
25 **THE RESIDENCE OF AN INDIVIDUAL WHO IS NOT MOBILITY-LIMITED.**

26 (B) **THIS SECTION APPLIES ONLY TO A NEWLY CONSTRUCTED**  
27 **SINGLE-FAMILY DWELLING, CONSISTING OF THREE OR FEWER DWELLING**  
28 **UNITS, FOR WHICH A BUILDING PERMIT IS ISSUED ON OR AFTER APRIL 1, 2009.**

29 (C) (1) **BEFORE ADOPTING EACH VERSION OF THE MARYLAND**  
30 **BUILDING PERFORMANCE STANDARDS AS REQUIRED UNDER § 12-503 OF THIS**  
31 **SUBTITLE, THE DEPARTMENT SHALL ADOPT AS A MODIFICATION OF THE**  
32 **MARYLAND BUILDING PERFORMANCE STANDARDS MINIMUM STANDARDS FOR**

1 VISITABILITY IN THE DESIGN AND CONSTRUCTION OF A SINGLE-FAMILY  
2 DWELLING.

3 (2) THE MODIFICATIONS SHALL INCLUDE PROVISIONS FOR THE  
4 DEPARTMENT OR A LOCAL JURISDICTION TO WAIVE COMPLIANCE WITH A  
5 MINIMUM STANDARD.

6 (D) (1) THE MINIMUM STANDARDS FOR VISITABILITY FOR A  
7 SINGLE-FAMILY DWELLING SHALL INCLUDE REQUIREMENTS AS PROVIDED IN  
8 THIS SUBSECTION.

9 (2) AT LEAST ONE ENTRANCE TO THE SINGLE-FAMILY DWELLING  
10 MAY NOT HAVE ANY STEPS AND SHALL BE ACCESSIBLE FROM AN ACCESSIBLE  
11 ROUTE FROM A PARKING AREA OR PUBLIC WAY.

12 (3) ALL EXTERIOR AND INTERIOR DOORWAYS AND HALLWAYS  
13 THAT REQUIRE PASSAGE FOR ACCESS AS DETERMINED BY APPROPRIATE  
14 BUILDING CODES SHALL BE WIDE ENOUGH FOR PASSAGE BY A WHEELCHAIR.

15 (4) AT LEAST ONE BATHROOM, CONTAINING AT LEAST ONE  
16 TOILET AND ONE SINK, SHALL BE IN AN ACCESSIBLE LOCATION THAT:

17 (I) HAS WHEELCHAIR ACCESS TO THE TOILET, SINK, LIGHT  
18 SWITCH, AND ONE ELECTRICAL OUTLET;

19 (II) HAS WALL FRAMING OR REINFORCEMENTS SUITABLE TO  
20 SUPPORT THE INSTALLATION OF GRAB BARS AS NEEDED; AND

21 (III) HAS ADEQUATE SPACE TO ALLOW A WHEELCHAIR TO BE  
22 ROLLED IN AND OUT AND TO ENABLE THE INDIVIDUAL IN THE WHEELCHAIR TO  
23 CLOSE AND OPEN THE DOOR FROM INSIDE THE BATHROOM.

24 (5) AT LEAST ONE ACCESSIBLE ROUTE SHALL BE AVAILABLE  
25 THROUGH THE HALLWAYS AND PASSAGEWAYS OF THE LEVEL OF THE  
26 SINGLE-FAMILY DWELLING THAT IS SERVED BY THE ACCESSIBLE ENTRANCE TO  
27 THE SINGLE-FAMILY DWELLING.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2008.