

# SENATE BILL 792

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8lr3147  
CF HB 448

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By: **Senator Lenett**

Introduced and read first time: February 5, 2008

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 21, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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~~ requiring the Department of Housing and  
12 Community Development to study minimum standards for visitability for newly  
13 constructed single-family dwellings in accordance with certain requirements;  
14 requiring the Department to report certain findings and recommendations to  
15 certain committees on or before a certain date; defining a certain term;  
16 providing for the termination of this Act; and generally relating to minimum  
17 standards for visitability in residential real property.

18 ~~BY repealing and reenacting, with amendments,~~  
19 ~~Article - Public Safety~~  
20 ~~Section 12-503~~  
21 ~~Annotated Code of Maryland~~  
22 ~~(2003 Volume and 2007 Supplement)~~

23 ~~BY adding to~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Article — Public Safety~~  
 2 ~~Section 12-503.1~~  
 3 ~~Annotated Code of Maryland~~  
 4 ~~(2003 Volume and 2007 Supplement)~~

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

7 ~~Article — Public Safety~~

8 ~~12-503.~~

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

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

14 ~~(b) (1) Before adopting each version of the Standards, the Department~~  
 15 ~~shall:~~

16 ~~(i) review the International Building Code to determine~~  
 17 ~~whether modifications should be incorporated in the Standards;~~

18 ~~(ii) accept written comments;~~

19 ~~(iii) consider any comments received; and~~

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

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

25 ~~(c) The Standards apply to each building or structure in the State for which~~  
 26 ~~a building permit application is received by a local jurisdiction on or after August 1,~~  
 27 ~~1995.~~

28 ~~12-503.1.~~

29 ~~(A) IN THIS SECTION, “VISITABILITY” MEANS BASIC ACCESSIBILITY~~  
 30 ~~THAT ENABLES AN INDIVIDUAL WHO IS MOBILITY LIMITED, WHETHER BY~~  
 31 ~~PERMANENT OR TEMPORARY DISABILITY OR ILLNESS OR BY AGING, TO VISIT~~  
 32 ~~THE RESIDENCE OF AN INDIVIDUAL WHO IS NOT MOBILITY LIMITED.~~

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

4       ~~(C) (1) BEFORE ADOPTING EACH VERSION OF THE MARYLAND~~  
5 ~~BUILDING PERFORMANCE STANDARDS AS REQUIRED UNDER § 12-503 OF THIS~~  
6 ~~SUBTITLE, THE DEPARTMENT SHALL ADOPT AS A MODIFICATION OF THE~~  
7 ~~MARYLAND BUILDING PERFORMANCE STANDARDS MINIMUM STANDARDS FOR~~  
8 ~~VISITABILITY IN THE DESIGN AND CONSTRUCTION OF A SINGLE FAMILY~~  
9 ~~DWELLING.~~

10       ~~(2) THE MODIFICATIONS SHALL INCLUDE PROVISIONS FOR THE~~  
11 ~~DEPARTMENT OR A LOCAL JURISDICTION TO WAIVE COMPLIANCE WITH A~~  
12 ~~MINIMUM STANDARD.~~

13       ~~(D) (1) THE MINIMUM STANDARDS FOR VISITABILITY FOR A~~  
14 ~~SINGLE FAMILY DWELLING SHALL INCLUDE REQUIREMENTS AS PROVIDED IN~~  
15 ~~THIS SUBSECTION.~~

16       ~~(2) AT LEAST ONE ENTRANCE TO THE SINGLE FAMILY DWELLING~~  
17 ~~MAY NOT HAVE ANY STEPS AND SHALL BE ACCESSIBLE FROM AN ACCESSIBLE~~  
18 ~~ROUTE FROM A PARKING AREA OR PUBLIC WAY.~~

19       ~~(3) ALL EXTERIOR AND INTERIOR DOORWAYS AND HALLWAYS~~  
20 ~~THAT REQUIRE PASSAGE FOR ACCESS AS DETERMINED BY APPROPRIATE~~  
21 ~~BUILDING CODES SHALL BE WIDE ENOUGH FOR PASSAGE BY A WHEELCHAIR.~~

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

24               ~~(I) HAS WHEELCHAIR ACCESS TO THE TOILET, SINK, LIGHT~~  
25 ~~SWITCH, AND ONE ELECTRICAL OUTLET;~~

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

28               ~~(III) HAS ADEQUATE SPACE TO ALLOW A WHEELCHAIR TO BE~~  
29 ~~ROLLED IN AND OUT AND TO ENABLE THE INDIVIDUAL IN THE WHEELCHAIR TO~~  
30 ~~CLOSE AND OPEN THE DOOR FROM INSIDE THE BATHROOM.~~

31       ~~(5) AT LEAST ONE ACCESSIBLE ROUTE SHALL BE AVAILABLE~~  
32 ~~THROUGH THE HALLWAYS AND PASSAGEWAYS OF THE LEVEL OF THE~~  
33 ~~SINGLE FAMILY DWELLING THAT IS SERVED BY THE ACCESSIBLE ENTRANCE TO~~  
34 ~~THE SINGLE FAMILY DWELLING.~~

1           (a) For purposes of this Act, “visitability” means basic accessibility that  
2 enables an individual who is mobility-limited, whether by permanent or temporary  
3 disability or illness or by aging, to visit ~~the residence of another individual~~ a residence.

4           (b) (1) The Department of Housing and Community Development shall  
5 study minimum standards for visitability.

6                   (2) The Department shall solicit the views of representatives from the  
7 following organizations when studying minimum standards for visitability:

8                           (i) local governments and municipalities;

9                           (ii) architects;

10                          (iii) homebuilders;

11                          (iv) realtors;

12                          (v) individuals with disabilities; and

13                          (vi) senior citizens.

14           (c) The Department shall study:

15                   (1) whether it is advisable for the Department to adopt, as a  
16 modification of the Maryland Building Performance Standards, minimum standards  
17 for visitability in the design and construction of newly constructed single-family  
18 dwellings;

19                   (2) whether modifications of the Maryland Building Performance  
20 Standards should include provisions for the Department or a local jurisdiction to  
21 exempt a homebuilder from compliance with minimum standards for visitability; and

22                   (3) whether minimum standards for visitability for a newly  
23 constructed single-family dwelling should include specific:

24                           (i) entrance and exit requirements;

25                           (ii) bathroom location and construction requirements; and

26                           (iii) doorway, hallway, and passageway requirements.

27           (d) On or before December 31, 2008, the Department shall:

28                   (1) determine whether to adopt, as a modification of the Maryland  
29 Building Performance Standards, minimum standards for visitability in the design  
30 and construction of newly constructed single-family dwellings; and

1                   (2) report its findings and recommendations to the Senate Education,  
2 Health, and Environmental Affairs Committee and the House Environmental Matters  
3 Committee, in accordance with § 2-1246 of the State Government Article.

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 ~~October~~ June 1, 2008. It shall remain in effect for a period of 1 year and, at the end of  
6 May 31, 2009, with no further action required by the General Assembly, this Act shall  
7 be abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.