

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE

House Bill 448 (Delegate Niemann, *et al.*)
 Environmental Matters

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

This bill requires the Department of Housing and Community Development to modify the Maryland Building Performance Standards (MBPS) to include minimum visitability standards of newly constructed single-family residences to increase accessibility for mobility-limited individuals.

Fiscal Summary

State Effect: Special fund expenditures would increase by \$65,700 in FY 2009 for a project manager within DHCD. Revenues would not be affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	65,700	89,000	93,300	97,900	102,600
Net Effect	(\$65,700)	(\$89,000)	(\$93,300)	(\$97,900)	(\$102,600)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Potential increase in expenditures in some jurisdictions beginning in FY 2009. Revenues would not be directly affected.

Small Business Effect: Minimal impact on small businesses within the housing construction industry.

Analysis

Bill Summary: The bill provides an exception to the rule that prohibits DHCD from adopting modifications of the MBPS that are more stringent than the International Building Code (IBC). Specifically, DHCD is required to modify the MBPS to include visitability standards absent from the IBC. Visitability means making modifications to the accessibility of a single-family residence that enable mobility-limited individuals to visit that residence.

The visitability standards must include provisions regarding the accessibility of the route to the home, of the entrance, of all exterior and interior doorways and hallways that require passage by building code, and of at least one bathroom containing a sink and toilet.

The modification to the MBPS must include provisions to authorize DHCD or local jurisdictions to waive compliance with the visitability standards. Although the effective date of the bill is October 1, 2008, the modification of the MBPS only applies to single-family dwellings for which a building permit is issued on or after April 1, 2009.

Current Law: DHCD is required to adopt as the MBPS the most recent version of the IBC. Within 12 months of the release of each new version of the IBC, DHCD is required to review the new version and consider modifications. During this process, DHCD is required to accept and consider comments and hold a public hearing on any proposed modification. DHCD is prohibited from adopting any modification that is more stringent than the IBC.

State Expenditures: Special fund expenditures would increase by an estimated \$65,667 in fiscal 2009, which accounts for the bill's October 1, 2008 effective date. This reflects the cost of a project manager with expertise in housing code implementation. Each time DHCD institutes a review process prior to the adoption of the most recent version of the IBC, it must also adopt minimum visitability standards as a modification to the MBPS. Future year expenditures reflect • a full salary with 4.4% annual increases and 3% employee turnover; and • 2% annual increases in ongoing operating expenses.

Local Fiscal Effect: Local housing code enforcement authorities would likely be required to administer the bill's waiver provision. In some jurisdictions this would likely be handled with existing resources. However, some jurisdictions could be required to expend additional funds to implement this requirement.

Small Business Effect: According to data from the U.S. Census Bureau, in 2005, the most recent year for which data are available, 88.9% of construction firms in Maryland

had fewer than 20 employees and 98.1% had fewer than 100 employees. The Department of Legislative Services advises that this bill would alter residential construction practices, although it is unclear whether and to what extent these new practices would increase housing costs and the cost of doing business for small residential construction firms.

Additional Information

Prior Introductions: None.

Cross File: SB 792 (Senator Lenett) – Education, Health, and Environmental Affairs.

Information Source(s): Department of Housing and Community Development,
Department of Legislative Services

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mll/hlb

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