

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 757

(Delegate Niemann, *et al.*)

Environmental Matters

Public Safety - Maryland Building Performance Standards - Accessibility
Standards for Dwelling Units

This bill requires a structure of three or fewer dwelling units, for which a building permit is issued on or after October 1, 2013, to contain at least one entrance that meets specified accessibility standards. For planned residential communities of more than five dwelling units, at least 50% of the dwelling units must comply with the accessibility standards.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: Potential minimal increase in expenditures in some jurisdictions to the extent that existing building code inspection personnel and resources are deemed insufficient to implement the bill.

Small Business Effect: Potential minimal adverse impact on small businesses within the housing construction industry.

Analysis

Bill Summary: The Department of Housing and Community Development (DHCD) is required to adopt as a modification of the Maryland Building Performance Standards (MBPS) a requirement that each dwelling unit have at least one entrance that meets the following criteria: (1) landings and floors that are no more than one and a half inches lower than the door threshold; and (2) a circulation route from the entrance to a garage, parking space, or public right-of-way with no vertical changes in level of more than half of an inch. Any *planned residential community* that has fewer than six dwelling units is

exempt from the bill's standards. Also exempt are various types of dwelling units with certain physical characteristics specified in the bill.

Current Law: DHCD is required to adopt, as MBPS, the most recent version of the International Building Code (IBC), including the International Energy Conservation Code, along with applicable modifications authorized in Title 12 of the Public Safety Article. Within 12 months of the release of each new version of 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 IBC, except that an energy conservation requirement may be more stringent than the International Energy Conservation Code.

Background: IBC was established by the International Code Council. The International Code Council was established in 1994 as a nonprofit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes. IBC has been adopted by all 50 states as well as thousands of local jurisdictions.

According to the United Spinal Association, “visitability” (also sometimes referred to as “accessibility”) is a public movement with the purpose of making individual homes more accessible by changing the most fundamental, inexpensive construction features of the home for people with mobility impairment. Some of these construction features include:

- one accessible entrance into the home from a public street or sidewalk, a dwelling unit driveway, or a garage;
- an accessible circulation path connecting an entrance with a toilet room or bathroom, with one habitable space with an area 70 square feet minimum and with a food preparation area (if one is provided on the entrance level of the home);
- a toilet room/bathroom with basic clearance at the water closet and reinforcements in the walls for the future installation of grab bars;
- doors with sufficient clear width provided throughout the entrance level of the home;
- lighting controls and receptacle outlets mounted within accessible reach ranges; and
- clearances between all opposing base cabinets, counter tops, appliances or walls within food preparation areas (if provided on the entrance level) that are 40 inches minimum.

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

fewer than 20 employees and 98.1% had fewer than 100 employees. According to the Department of Disabilities, incorporating full accessibility features within initial construction plans may reduce the increase in construction costs to only a few hundred dollars. Legislative Services advises that this bill does not include the full scope of standard accessibility features, and also that some or all of the increase in housing construction costs may be passed on to consumers.

Additional Comments: Legislative Services advises that it is unclear whether the bill's accessibility standards, as applied to planned residential communities of at least six dwelling units, take effect for dwelling units for which a building permit was issued on or after October 1, 2013, or whether the standards take effect on the bill's effective date.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Allegany County, Baltimore City, Maryland Department of Planning, Department of Housing and Community Development, Maryland Energy Administration, Department of Disabilities, Department of Legislative Services

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