

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 981 (Delegate Gilchrist, *et al.*)
Environmental Matters

Housing - Maryland Building Performance Standards - Accessibility Standards

This bill requires the Department of Housing and Community Development (DHCD) to adopt, as a modification of the Maryland Building Performance Standards (MBPS), a requirement that a newly constructed single-family dwelling unit in a development for which a building permit is issued on or after October 1, 2014, have at least one entrance that meets specified accessibility standards. At least 50% of the dwelling units in affected planned residential communities must comply with the accessibility standards. The bill does not apply to planned residential communities of five or fewer single-family dwelling units and other specified dwelling units.

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: DHCD is required to adopt, as a modification of MBPS, a requirement that a single-family dwelling unit have at least one entrance that has (1) landings and floors that are no more than one and one-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 one-half inch.

Any planned residential community that has fewer than six single-family 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 the MBPS, the most recent version of the 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 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, except that an energy conservation requirement may be more stringent than the International Energy Conservation Code.

Background: The 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. The IBC has been adopted by all 50 states as well as thousands of local jurisdictions.

According to the United Spinal Association, an advocate for minimum visitability features, "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.

The Department of Disabilities advises that, according to a national study, at least 25% and possibly as much as 60% of new homes will at some point have a resident with severe, long-term mobility impairment.

Small Business Effect: According to data from the U.S. Census Bureau, in 2008, the most recent year for which data are available, 90.5% of construction firms in Maryland had fewer than 20 employees and 97% had fewer than 100 employees. According to the Department of Disabilities, removing barriers and retrofitting to include accessibility features can be very expensive. By contrast, incorporating full accessibility features within initial construction plans may require relatively modest additional costs; however, the bill could result in an increase in the cost to construct affected housing. Legislative Services advises that this bill does not include the full scope of standard accessibility features, however, and that some or all of any increase in housing construction costs may be passed on to consumers.

Additional Information

Prior Introductions: A similar bill, HB 757 of 2010, received a hearing in the House Environmental Matters Committee, but no further action was taken.

Cross File: None.

Information Source(s): Department of Housing and Community Development, Department of Disabilities, U.S. Census Bureau, United Spinal Association, Department of Legislative Services

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