

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 437

(Delegate Niemann, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Real Property - Sales of New Homes - Minimum Visitability Features

This bill requires home builders, at the time of offering specified new homes for sale, to offer minimum visitability features as an option for purchase. The offer of minimum visitability features must be accompanied by (1) a point-of-sale document that describes the minimum visitability features; and (2) a generic drawing or photograph that shows the minimum visitability features and the lots and new home types that are conducive to the minimum visitability features that could be constructed. The bill applies only to a home builder that constructs 11 or more new homes in a subdivision.

The bill takes effect October 1, 2012, and applies to any subdivision that receives preliminary plan approval on or after October 1, 2012.

Fiscal Summary

State Effect: The bill does not affect State finances or operations.

Local Effect: The bill does not affect local government finances or operations.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill defines “home builder” as a person that undertakes to erect or otherwise construct a new home.

The bill defines “minimum visitability features” as a ground level entrance which meets specified height, width, and accessibility characteristics and a circulation route from the ground level entrance to an unattached garage, parking space, or public right-of-way that is free of specified impediments or vertical changes in level greater than 1.5 inches.

The bill also defines “new home” as a newly constructed single-family dwelling unit. A new home does not include a custom home or mobile home as defined elsewhere in law.

The bill does not apply to:

- a new home that is located above another new home;
- an attached new home;
- a new home that does not have a garage and in which the slope between the finished ground level at all unit entrances to the nearest point along a property line that borders a public right-of-way is greater than 10%; or
- a new home in which compliance with the design flood elevation restrictions will cause the finished floor to be more than 30 inches above the finished ground level at all unit entrances *or* the slope between the finished floor at all unit entrances to the nearest point along a property line that borders a public right-of-way to be greater than 10%.

Current Law/Background: Home builders are not required by statute to offer minimum visitability features as an option for purchase.

The International Building Code (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.

The Department of Housing and Community Development (DHCD) is required to adopt, as Maryland Building Performance Standards (MBPS), the most recent version of 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.

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. If a home builder is required to offer new homes with minimum visitability features, a home builder may incorporate the additional costs into the price of the home.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division); Department of Housing and Community Development; Department of Disabilities; United Spinal Association; Department of Legislative Services

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