A BILL
ENTITLED

AN ACT concerning
Assembly Areas - Capital Improvement and Capital Construction – Assistive Listening System Requirement

FOR the purpose of requiring certain review of the membership on the Commission on Disabilities; requiring the Commission on Disabilities to consult certain stakeholders on certain construction or renovation projects; requiring certain recipients of County funds to install an assistive listening system in an assembly area during construction or renovation of the assembly area under certain circumstances; requiring the Department of Permits, Approvals, and Inspections to adopt certain regulations, make certain recommendations, consider applications for waivers, and monitor compliance and investigate complaints; authorizing certain recipients of County funds to apply for a waiver from the requirement of a certain provision of this Act under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter stricken from existing law. Strike out indicates matter stricken from bill. Underlining indicates amendments to bill.
circumstances; requiring that the waiver request include a certain description; providing that this Act does not require certain agencies or recipients to retrofit existing facilities that are not undergoing renovation; defining certain terms; providing for the application of this Act; and generally relating to assistive listening systems in County-funded construction or renovation of assembly areas.

BY repealing and re-enacting, with amendments

Section 3-3-601 and Section 3-3-606 3-3-602
Article 3 - Administration
Title 3 - Boards, Commissions, Committees, Panels, and Foundations
Subtitle 6 - Commission on Disabilities
Baltimore County Code, 2015

BY adding

Section 10-2-505
Article 10 - Finance
Title 2 - Purchasing
Subtitle 5 - Capital Improvements and Professional Capital Improvement Service Contracts
Baltimore County Code, 2015

WHEREAS, it is widely recognized that there is an increasing need to utilize inclusive services for the effective delivery of government services. This need is particularly acute for those who are deaf or hard of hearing or who live with a hearing related disability, which, if left unaddressed, creates a barrier to participation in government functions; and

WHEREAS, this need may be addressed in several ways, but advancements in technology have allowed assistive listening systems (ALS) to deliver quality results while being cost effective for the taxpayer; and
WHEREAS, in recognition of this growing issue, the General Assembly, in its 2019 Legislative Session, passed Senate Bill 1014 and House Bill 1192 that, among other things, requires any recipient of Maryland State funds to install an ALS in assembly areas during the construction or renovation of the assembly area if (1) the assembly area uses or requires the use of a public address system and (2) a State contract has been executed to enable the construction or renovation of the assembly area; and

WHEREAS, Governor Hogan signed SB 1014 and HB 1192 into law on April 30, 2019; and

WHEREAS, this State legislation, while providing an excellent framework, is not wide enough in scope to encompass all capital improvement projects that use County funds; and

WHEREAS, the County Council recognizes the need to adapt several portions of the State legislation framework to existing County government, and apply its requirements to all capital improvement projects that use County funds; now therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

ARTICLE 3 - ADMINISTRATION

Title 3 - Boards, Commissions, Committees, Panels, and Foundations

Subtitle 6 - Commission on Disabilities

§ 3-3-601 3-3-602 - Membership.

(a) Composition; appointment of members.
(1) The County Executive shall appoint the members of the Commission on
Disabilities as provided in this subsection.

(2) (i) There must be not less than 10 and not more than 15 members who are
individuals with disabilities.

(ii) Each member of the County Council may nominate one resident of
the Councilmember's councilmanic district under this paragraph and the County Executive shall
appoint the individual nominated by the County Council member.

(iii) To the extent possible, all types of disabilities must be represented.

(3) There must be three members who are guardians or family members within 2
degrees of relationship of individuals with disabilities.

(4) There must be not less than 10 but not more than 25 members who represent
private organizations and agencies providing services to individuals with disabilities.

(5) There must be not less than three but not more than six members who
represent private industry or business.

(6) Three members must be appointed from the public at-large.

(7) THERE MUST BE AT LEAST ONE BUT NO MORE THAN THREE
MEMBERS WHO ARE:

(I) DEAF OR HARD OF HEARING OR REQUIRE THE ASSISTANCE
OF A PERSONAL HEARING DEVICE, HEARING INDUCTION LOOP RECEIVER, OR
OTHER SIMILAR TECHNOLOGY;

(II) ARE A DIRECT CAREGIVER FOR OR A FAMILY MEMBER OF
A PERSON WHO MEETS THE REQUIREMENTS OF (I), OR
(III) HAVE EXPERTISE IN ASSISTIVE LISTENING SYSTEMS OR
SPECIAL KNOWLEDGE, TRAINING, OR EXPERIENCE IN ASSISTING CONSUMERS
WHO USE ASSISTIVE LISTENING SYSTEMS.

[(7)](8) The County Executive shall appoint one representative from each of the
following county agencies to serve as voting members:

(i) The Department of Aging;

(ii) The Department of Health;

(iii) The Department of Recreation and Parks;

(iv) The Department of Planning;

(v) The Department of Social Services;

(vi) The Department of Permits, Approvals, and Inspections;

(vii) The Fire Department; and

(viii) The Police Department.

[(8)](9) The County Executive shall request the Board of Education, the
Maryland School for the Deaf, the Maryland School for the Blind, and the State Division of
Rehabilitation Services to designate representatives to be appointed by the County Executive as
voting members.

(b) Tenure; vacancies. The term of a Commission member is 3 years and begins on July
1.

(C) THE COUNTY EXECUTIVE OR THE COUNTY EXECUTIVE'S DESIGNEE
SHALL REVIEW THE MEMBERSHIP OF THE COMMISSION FROM TIME TO TIME TO
ENSURE APPROPRIATE REPRESENTATION OF STAKEHOLDER GROUPS AND MAKE
RECOMMENDATIONS FOR ANY NEEDED CHANGES OR ADDITIONS.
§ 3-3-606 — Miscellaneous Powers and Duties.

(a) The Commission on Disabilities may create committees and subcommittees, as it considers necessary or desirable for the proper and efficient performance of its duties.

(b) The Commission shall:

(1) Adopt appropriate rules of procedure for the conduct of its business;

(2) Review overall services and activities for, collect data regarding the needs of, and review reports and publications of existing governmental agencies providing services to individuals with disabilities;

(3) Review and make recommendations on county, state, or federal legislation which concerns or would impact individuals with disabilities;

(4) Serve as a resource for county government on assuring compliance with the Americans with Disabilities Act of 1990, and other federal, state, and local legislation which affects the civil rights of individuals with disabilities;

(5) CONSULT WITH COUNTY RESIDENTS WHO MAY USE OR WILL USE ANY COUNTY FACILITIES BEING BUILT OR RENOVATED PRIOR TO THE COMPLETION OF ANY CONSTRUCTION, INCLUDING:

(I) INDIVIDUALS WITH HEARING LOSS;

(II) ORGANIZATIONS THAT REPRESENT PEOPLE WITH HEARING LOSS AND HAVE BACKGROUND EXPERIENCE AND KNOWLEDGE OF THE USE OF ASSISTIVE LISTENING SYSTEMS AND DEVICES; AND

(III) INDIVIDUALS WITH DISABILITIES, OR ADVOCATES FOR SUCH INDIVIDUALS, WHICH MAY BE AFFECTED BY SUCH CONSTRUCTION.
(5)(6) As permitted by local, state, and federal laws, identify and review specific and overall programs and services for all individuals with disabilities in the county to formulate recommendations for a data pool for the purpose of identifying areas of unmet needs and gaps in services and programs for individuals with disabilities;

(6)(7) Study ways of maximizing the use of facilities and services available to individuals with disabilities, INCLUDING THE REVIEW OF ANY CAPITAL IMPROVEMENT PLANS TO COUNTY FACILITIES;

(7)(8) Advise the County Executive on the development of an information and referral service for all services and programs for individuals with disabilities;

(8)(9) Conduct open meetings to provide direct communication by individuals with disabilities with private and public organizations and with the general public in order to gather information regarding the status of programs, services, needs, desires, and opinions;

(9)(10) Identify barriers to service delivery and recommend adequate affirmative action plans for more effective delivery of services to individuals with disabilities;

(10)(11) Initiate conferences of interagency planning groups, create special task forces in order to identify and assess needs, and promote the coordination of services among all public and private agencies, departments, and organizations which provide services and programs to individuals with disabilities;

(11)(12) Identify and recommend to the County Executive and the County Council appropriate sources of state and federal financial assistance for purposes of comprehensively expanding services and programs for individuals with disabilities;

(12)(13) Initiate recommendations for procedures, programs, or legislation necessary to promote the well-being of individuals with disabilities; and
[(13)](14) Submit an annual report to the County Council and the County Executive, which includes:

(i) The status of services and programs and recommendations for the most effective delivery of services and programs to individuals with disabilities;

(ii) Annual priorities for delivery of services to individuals with disabilities; and

(iii) Funding proposals.


ARTICLE 10 - FINANCE

Title 2 - Purchasing

Subtitle 5 - Capital Improvements and Professional Capital Improvement Service Contracts

§ 10-2-505 - ASSISTIVE LISTENING SYSTEM.

(A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) “ASSEMBLY AREA” MEANS A BUILDING OR FACILITY, OR ANY INDOOR PORTION OF A BUILDING OR FACILITY, THAT IS USED FOR THE PURPOSE OF ENTERTAINMENT, EDUCATION, OR CIVIC GATHERINGS IN WHICH THERE IS OR WILL BE A PUBLIC ADDRESS SYSTEM.

(I) “ASSEMBLY AREA” INCLUDES:

1. AN AMPHITHEATER, AN ARENA, AND A STADIUM;

2. AN AUDITORIUM;

3. A CENTER FOR THE PERFORMING ARTS;
4. A CLASSROOM AND A LECTURE HALL;
5. A CONCERT HALL;
6. A CONVENTION CENTER;
7. A COURTROOM;
8. A LEGISLATIVE CHAMBER;
9. A MOVIE THEATER, A THEATER, AND A PLAYHOUSE;

AND

10. A PUBLIC HEARING AND MEETING ROOM.

(2) “ASSISTIVE LISTENING SYSTEM” MEANS AN AMPLIFICATION SYSTEM USING TRANSMITTERS TO BYPASS THE ACOUSTICAL SPACE BETWEEN A SOUND SOURCE AND A LISTENER BY MEANS OF A WIRELESS DIRECT CONNECTION, SUCH AS A HEARING INDUCTION LOOP SYSTEM, THAT COUPLES TO A:

(I) PERSONAL HEARING DEVICE; OR

(II) RECEIVER, SUCH AS A HEARING INDUCTION LOOP RECEIVER OR OTHER SIMILAR TECHNOLOGY.

(3) “CONSTRUCTION OR RENOVATION” INCLUDES:

(I) CONSTRUCTION, RECONSTRUCTION, AND RENOVATION;

AND

(II) ANY CAPITAL IMPROVEMENT PROJECT.

(4) THE “DEPARTMENT” MEANS THE DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS.
“HEARING INDUCTION LOOP” MEANS A HEARING LOOP OR TRANSFER SYSTEM THAT TAKES A SOUND SOURCE AND TRANSFERS IT DIRECTLY VIA A MAGNETIC SIGNAL TO:

(I) A HEARING AID;

(II) A COCHLEAR IMPLANT;

(III) A HEARING INDUCTION LOOP RECEIVER; OR

(IV) ANY OTHER PERSONAL HEARING DEVICE THAT ACTS AS A RECEIVER.

“RECIPIENT OF COUNTY FUNDS” MEANS ANY OF THE FOLLOWING THAT RECEIVE COUNTY MONEY FOR THE CONSTRUCTION OR RENOVATION OF AN ASSEMBLY AREA:

(I) A UNIT OF STATE GOVERNMENT;

(II) A UNIT OF LOCAL GOVERNMENT; OR

(III) A FOR-PROFIT OR NONPROFIT ENTITY OR ASSOCIATION.

A RECIPIENT OF COUNTY FUNDS SHALL INSTALL AN ASSISTIVE LISTENING SYSTEM IN AN ASSEMBLY AREA DURING THE CONSTRUCTION OR RENOVATION OF THE ASSEMBLY AREA IF:

(1) THE CONSTRUCTION OR RENOVATION REQUIRES THE ISSUANCE OF A BUILDING PERMIT;

(2) THE ASSEMBLY AREA USES OR REQUIRES THE USE OF A PUBLIC ADDRESS SYSTEM; AND

(3) A COUNTY CONTRACT HAS BEEN EXECUTED TO ENABLE CONSTRUCTION OR RENOVATION OF THE ASSEMBLY AREA.
(C) FOR ANY CONSTRUCTION OR RENOVATION FOR WHICH THIS SECTION APPLIES, A USE AND OCCUPANCY PERMIT MAY NOT BE ISSUED BEFORE THE DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS CERTIFIES COMPLIANCE WITH THIS SECTION.

(D) (1) A RECIPIENT OF COUNTY FUNDS MAY APPLY FOR A WAIVER FROM THE REQUIREMENTS OF THIS SUBSECTION SECTION IF:

   (I) THE RECIPIENT CLAIMS THAT AN ASSISTIVE LISTENING SYSTEM IS NOT TECHNOLOGICALLY FEASIBLE; OR

   (II) THERE IS A DISPUTE REGARDING WHETHER THE REQUIREMENTS OF THIS SUBSECTION SECTION APPLY TO A CONSTRUCTION OR RENOVATION PROJECT.

   (2) A WAIVER REQUEST SHALL INCLUDE A DESCRIPTION OF THE ALTERNATIVE ASSISTIVE LISTENING TECHNOLOGY THE RECIPIENT WILL USE TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.

(E) THE DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS, WITH APPROPRIATE CONSULTATION FROM THE COMMISSION ON DISABILITIES, THE OFFICE OF LAW, AND THE OFFICE OF INFORMATION TECHNOLOGY, SHALL MAY:

   (1) ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS REGARDING:

       (I) PROPER MAINTENANCE AND TRAINING OF STAFF;

       (II) ADEQUATE SIGNAGE; AND

       (III) A REQUIREMENT FOR FACILITIES TO PROVIDE RECEIVERS THAT CAN USE THE TECHNOLOGY FOR INDIVIDUALS WHO DO NOT HAVE A
PERSONAL HEARING DEVICE OR DO NOT HAVE A HEARING DEVICE WITH A
TELECOIL OR OTHER BUILT-IN RECEIVER;

(2) FROM TIME TO TIME, MAKE RECOMMENDATIONS FOR
REGULATIONS IMPLEMENTING THIS SECTION;

(3)(2) CONSIDER APPLICATIONS FOR WAIVERS SUBMITTED UNDER
THIS SECTION; AND

(4)(3) MONITOR COMPLIANCE WITH THIS SECTION AND
INVESTIGATE ANY COMPLAINTS REGARDING NONCOMPLIANCE.

(E)(F) THIS SECTION DOES NOT REQUIRE COUNTY AGENCIES OR
RECIPIENTS OF COUNTY FUNDS TO RETROFIT EXISTING FACILITIES THAT ARE
NOT UNDERGOING RENOVATION BEFORE THE EFFECTIVE DATE OF THIS ACT.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall apply prospectively
only and shall not apply to a contract for construction or renovation of an assembly area entered
into before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, that the Commission on Disabilities
shall: (i) conduct a survey of County residents to assess the need for hearing assistive services or
technology; (ii) Departments of Planning and Permits, Approvals, and Inspections shall; (i)
consult with relevant experts to determine the effectiveness of new assistive services or
technology in this area and their rate of adoption; and (iii) prepare a report on their findings to be presented to the County Council no later than December 31, 2020.
SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall not be construed as
to minimize any requirement relating to effective communication under the Americans with
Disabilities Act.

SECTION 5. AND BE IT FURTHER ENACTED, that this Act, having been passed by
the affirmative vote of five members of the County Council, shall take effect on February 17,
2020 45 days from the date of enactment.