

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2020, Legislative Day No. 1

Bill No. 2-20

Mr. Izzy Patoka, Councilman

By the County Council, January 6, 2020

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

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

5 WHEREAS, this need may be addressed in several ways, but advancements in
6 technology have allowed assistive listening systems (ALS) to deliver quality results while being
7 cost effective for the taxpayer; and

1 WHEREAS, in recognition of this growing issue, the General Assembly, in its 2019
2 Legislative Session, passed Senate Bill 1014 and House Bill 1192 that, among other things,
3 requires any recipient of Maryland State funds to install an ALS in assembly areas during the
4 construction or renovation of the assembly area if (1) the assembly area uses or requires the use
5 of a public address system and (2) a State contract has been executed to enable the construction
6 or renovation of the assembly area; and

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

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

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

14
15 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
16 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

17
18 ARTICLE 3 - ADMINISTRATION

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

20 Subtitle 6 - Commission on Disabilities

21 § ~~3-3-601~~ 3-3-602 - Membership.

22 (a) Composition; appointment of members.

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

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

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

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

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

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

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

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

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

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

21 ~~(II) ARE A DIRECT CAREGIVER FOR OR A FAMILY MEMBER OF~~
22 ~~A PERSON WHO MEETS THE REQUIREMENTS OF (I); OR~~

1 ~~(III) HAVE EXPERTISE IN ASSISTIVE LISTENING SYSTEMS OR~~
2 ~~SPECIAL KNOWLEDGE, TRAINING, OR EXPERIENCE IN ASSISTING CONSUMERS~~
3 ~~WHO USE ASSISTIVE LISTENING SYSTEMS.~~

4 ~~{(7)}{(8)}~~ The County Executive shall appoint one representative from each of the
5 following county agencies to serve as voting members:

- 6 (i) The Department of Aging;
- 7 (ii) The Department of Health;
- 8 (iii) The Department of Recreation and Parks;
- 9 (iv) The Department of Planning;
- 10 (v) The Department of Social Services;
- 11 (vi) The Department of Permits, Approvals, and Inspections;
- 12 (vii) The Fire Department; and
- 13 (viii) The Police Department.

14 ~~{(8)}{(9)}~~ The County Executive shall request the Board of Education, the
15 Maryland School for the Deaf, the Maryland School for the Blind, and the State Division of
16 Rehabilitation Services to designate representatives to be appointed by the County Executive as
17 voting members.

18 (b) Tenure; vacancies. The term of a Commission member is 3 years and begins on July
19 1.

20 (C) THE COUNTY EXECUTIVE OR THE COUNTY EXECUTIVE'S DESIGNEE
21 SHALL REVIEW THE MEMBERSHIP OF THE COMMISSION FROM TIME TO TIME TO
22 ENSURE APPROPRIATE REPRESENTATION OF STAKEHOLDER GROUPS AND MAKE
23 RECOMMENDATIONS FOR ANY NEEDED CHANGES OR ADDITIONS.

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~~§ 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.~~

1 ~~[(5)](6) As permitted by local, state, and federal laws, identify and review~~
2 ~~specific and overall programs and services for all individuals with disabilities in the county to~~
3 ~~formulate recommendations for a data pool for the purpose of identifying areas of unmet needs~~
4 ~~and gaps in services and programs for individuals with disabilities;~~

5 ~~[(6)](7) Study ways of maximizing the use of facilities and services available to~~
6 ~~individuals with disabilities, INCLUDING THE REVIEW OF ANY CAPITAL~~
7 ~~IMPROVEMENT PLANS TO COUNTY FACILITIES;~~

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

10 ~~[(8)](9) Conduct open meetings to provide direct communication by individuals~~
11 ~~with disabilities with private and public organizations and with the general public in order to~~
12 ~~gather information regarding the status of programs, services, needs, desires, and opinions;~~

13 ~~[(9)](10) Identify barriers to service delivery and recommend adequate~~
14 ~~affirmative action plans for more effective delivery of services to individuals with disabilities;~~

15 ~~[(10)](11) Initiate conferences of interagency planning groups, create special task~~
16 ~~forces in order to identify and assess needs, and promote the coordination of services among all~~
17 ~~public and private agencies, departments, and organizations which provide services and~~
18 ~~programs to individuals with disabilities;~~

19 ~~[(11)](12) Identify and recommend to the County Executive and the County~~
20 ~~Council appropriate sources of state and federal financial assistance for purposes of~~
21 ~~comprehensively expanding services and programs for individuals with disabilities;~~

22 ~~[(12)](13) Initiate recommendations for procedures, programs, or legislation~~
23 ~~necessary to promote the well being of individuals with disabilities; and~~

1 ~~[(13)](14) Submit an annual report to the County Council and the County~~
2 ~~Executive, which includes:~~

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

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

7 ~~(iii) Funding proposals.~~

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9 ARTICLE 10 - FINANCE

10 Title 2 - Purchasing

11 Subtitle 5 - Capital Improvements and Professional Capital Improvement Service Contracts

12

13 § 10-2-505 - ASSISTIVE LISTENING SYSTEM.

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

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

20 (I) “ASSEMBLY AREA” INCLUDES:

- 21 1. AN AMPHITHEATER, AN ARENA, AND A STADIUM;
22 2. AN AUDITORIUM;
23 3. A CENTER FOR THE PERFORMING ARTS;

- 1 4. A CLASSROOM AND A LECTURE HALL;
- 2 5. A CONCERT HALL;
- 3 6. A CONVENTION CENTER;
- 4 7. A COURTROOM;
- 5 8. A LEGISLATIVE CHAMBER;
- 6 9. A MOVIE THEATER, A THEATER, AND A PLAYHOUSE;

7 AND

- 8 10. A PUBLIC HEARING AND MEETING ROOM.

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

14 (I) PERSONAL HEARING DEVICE; OR

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

17 (3) "CONSTRUCTION OR RENOVATION" INCLUDES:

18 (I) CONSTRUCTION, RECONSTRUCTION, AND RENOVATION;

19 AND

20 (II) ANY CAPITAL IMPROVEMENT PROJECT.

21 ~~(4) THE "DEPARTMENT" MEANS THE DEPARTMENT OF PERMITS,~~
22 ~~APPROVALS, AND INSPECTIONS.~~

1 ~~(5)~~(4) “HEARING INDUCTION LOOP” MEANS A HEARING LOOP OR T-
2 LOOP SYSTEM THAT TAKES A SOUND SOURCE AND TRANSFERS IT DIRECTLY VIA
3 A MAGNETIC SIGNAL TO:

- 4 (I) A HEARING AID;
- 5 (II) A COCHLEAR IMPLANT;
- 6 (III) A HEARING INDUCTION LOOP RECEIVER; OR
- 7 (IV) ANY OTHER PERSONAL HEARING DEVICE THAT ACTS AS
8 A RECEIVER.

9 ~~(6)~~(5) “RECIPIENT OF COUNTY FUNDS” MEANS ANY OF THE
10 FOLLOWING THAT RECEIVE COUNTY MONEY FOR THE CONSTRUCTION OR
11 RENOVATION OF AN ASSEMBLY AREA:

- 12 (I) A UNIT OF STATE GOVERNMENT;
- 13 (II) A UNIT OF LOCAL GOVERNMENT; OR
- 14 (III) A FOR-PROFIT OR NONPROFIT ENTITY OR ASSOCIATION.

15 (B) A RECIPIENT OF COUNTY FUNDS SHALL INSTALL AN ASSISTIVE
16 LISTENING SYSTEM IN AN ASSEMBLY AREA DURING THE CONSTRUCTION OR
17 RENOVATION OF THE ASSEMBLY AREA IF:

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

20 ~~(4)~~(2) THE ASSEMBLY AREA USES OR REQUIRES THE USE OF A
21 PUBLIC ADDRESS SYSTEM; AND

22 ~~(2)~~(3) A COUNTY CONTRACT HAS BEEN EXECUTED TO ENABLE
23 CONSTRUCTION OR RENOVATION OF THE ASSEMBLY AREA.

1 (C) FOR ANY CONSTRUCTION OR RENOVATION FOR WHICH THIS SECTION
2 APPLIES, A USE AND OCCUPANCY PERMIT MAY NOT BE ISSUED BEFORE THE
3 DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS CERTIFIES
4 COMPLIANCE WITH THIS SECTION.

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

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

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

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

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

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

20 (I) PROPER MAINTENANCE AND TRAINING OF STAFF;

21 (II) ADEQUATE SIGNAGE; AND

22 (III) A REQUIREMENT FOR FACILITIES TO PROVIDE RECEIVERS
23 THAT CAN USE THE TECHNOLOGY FOR INDIVIDUALS WHO DO NOT HAVE A

1 PERSONAL HEARING DEVICE OR DO NOT HAVE A HEARING DEVICE WITH A
2 TELECOIL OR OTHER BUILT-IN RECEIVER;

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

5 ~~(3)(2)~~ CONSIDER APPLICATIONS FOR WAIVERS SUBMITTED UNDER
6 THIS SECTION; AND

7 ~~(4)(3)~~ MONITOR COMPLIANCE WITH THIS SECTION AND
8 INVESTIGATE ANY COMPLAINTS REGARDING NONCOMPLIANCE.

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

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

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17 SECTION 3. AND BE IT FURTHER ENACTED, that the ~~Commission on Disabilities~~
18 ~~shall: (i) conduct a survey of County residents to assess the need for hearing assistive services or~~
19 ~~technology; (ii) Departments of Planning and Permits, Approvals, and Inspections shall; (i)~~
20 consult with relevant experts to determine the effectiveness of new assistive services or
21 technology in this area and their rate of adoption; and ~~(iii)(ii)~~ ~~are report on it's~~ a report
22 on their findings to be presented to the County Council no later than December 31, 2020.

1 SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall not be construed as
2 to minimize any requirement relating to effective communication under the Americans with
3 Disabilities Act.

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5 SECTION 5. AND BE IT FURTHER ENACTED, that this Act, ~~having been passed by~~
6 ~~the affirmative vote of five members of the County Council,~~ shall take effect on February 17,
7 ~~2020~~ 45 days from the date of enactment.

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