

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2024 Legislative Session

Bill No. CB-085-2024

Chapter No. 66

Proposed and Presented by Chair Ivey and Council Member Watson

Introduced by Council Members Ivey, Watson, Blegay, Olson, Burroughs, Hawkins,

Dernoga, Oriadha, Harrison and Fisher

Co-Sponsors _____

Date of Introduction October 22, 2024

BILL

1 AN ACT concerning

2 Universal Design for Housing - Revisions

3 For the purpose of adding and revising certain definitions; providing for certain exemptions;
4 requiring certain alarms; regarding the potential waiver of certain requirements by the Director
5 of the Department of Permitting, Inspections and Enforcement in certain instances; requiring a
6 certain form for the application for certain waiver exemptions; assessing a certain administrative
7 fee in an amount per each waiver per each dwelling unit in a residential development project at
8 the time of building permit for the cost of the Department of Permitting, Inspections and
9 Enforcement's processing and review of the Universal Design for Housing waiver provision as
10 prescribed in the Table of Fees; imposing penalties for non-compliance of certain violations of
11 the Universal Design for Housing law; providing for a certain appeal from a certain waiver
12 denial; and generally regarding Universal Design elements for certain newly constructed
13 residential housing dwelling units.

14 BY repealing and reenacting with amendments:

15 SUBTITLE 4. BUILDING.

16 Sections 4-356, 4-363, 4-365, 4-365.01,

17 The Prince George's County Code

18 (2023 Edition).

19 BY repealing and reenacting with amendments:

20 SUBTITLE 2. ADMINISTRATION.

Section 2-117,
The Prince George's County Code
(2023 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 4-356, 4-363, 4-365, 4-365.01 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 4. BUILDING.

DIVISION 6. UNIVERSAL DESIGN FOR HOUSING.

Sec. 4-356. Universal Design: Definitions.

(a) **Accepted by the Maryland-National Capital Park and Planning Commission** means an application that is submitted and accepted by the Department of Permitting, Inspections and Enforcement and distributed to all agencies for review.

(b)[(a)] **[Accessible/]Accessibility** [refers to the design of products, devices, services, or environments to be appropriate for use by people with disabilities and provide the ability to access and benefit from some system or entity.] **means a site, building, facility, or portion thereof that complies with the ADA Standards for Accessible Design | ADA.gov, IRC requires compliance with IBC chapter 11 when 4 or more dwellings. International Residential Code (IRC) - CHAPTER 3 (iccsafe.org), and IBC – meet all of chapter 11, INTERNATIONAL BUILDING CODE (IBC) | ICC DIGITAL CODES (iccsafe.org).**

(c) **Accessible Range** - For reach ranges, ADAAG 308.1, there is forward reach, side reach. ADA Standards for Accessible Design | ADA.gov

(d) **Accessible Route** - Accessible routes shall comply with Chapter 4. 2010 ADA Standards for Accessible Design | ADA.gov, and IBC – a continuous, unobstructed path that complies with chapter 11.

(e) **Approved by the Maryland-National Capital Park and Planning Commission** refers to accepted by the building official, per the IRC.

[(b)][(f)] **Disability** is a physical condition that limits a person's movements, senses, or activities.

(g) **Dwellings covered by the design requirements** means that the public or common use areas of the building can be approached, entered, and used by individuals with physical disabilities.

1 (h) **Knobs** - handles require more grip strength to grab and turn the handle.

2 (i) **Levers** - handles can be more easily used regardless of the user's grip strength as
3 levers can be pushed.

4 (j) **Site Impracticability** means of evaluating individual buildings and sites with difficult
5 terrain.

6 (k)[(c)] **Site plan**, for purposes of this Division, shall include a permit site plan, a detailed
7 site plan, a specific design plan, and a special permit site plan.

8 (l) **Slip Resistant Floors** mean accessible surfaces must be slip resistant to minimize
9 hazards to people with disabilities, especially those who are ambulatory or semi-ambulatory or
10 who use canes, crutches, and other walking aids. Flooring designed with material properties to
11 help reduce slipperiness and increase traction.

12 (m)[(d)] **Two-over-two's "Dwelling, two-family,"** is a building containing two dwelling
13 units. For the purpose of this Division, two-over-two's are units stacked one above the other in a
14 vertical configuration, sharing common vertical solid walls extending from the grade to the roof,
15 or horizontal floors and ceilings. The building typologies commonly referred to as two-over-two
16 dwellings or stacked dwelling units are examples of two-family dwellings.

17 (n)[(e)] **Universal Design** is the design of buildings, products, or environments so that
18 they can be accessed, understood, and used to the greatest extent possible by all people
19 regardless of their age, size, ability, or disability.

20 (o)[(f)] **Usability** [refers to the ease of access and/or uses within and around a dwelling
21 unit.] means the public or common use areas of the building can be approached, entered, and
22 used by individuals with physical disabilities.

23 **Sec. 4-357. Universal Design: Application. Exemptions.**

24 (a) With the exception of exemptions and waivers granted, as set forth in this Division,
25 this Division shall apply to all new single-family attached, single-family detached, two-family,
26 two-over-two's, three-family, and multifamily residential dwelling units constructed in Prince
27 George's County on and after January 1, 2026.

28 (b) Dwelling units for which a building permit has been issued, or for which a site plan
29 application has been approved pursuant to Subtitle 27 of the Prince George's County Code prior
30 to January 1, 2026, as set forth in Section 4-357(a) above, shall be exempt from the provisions of
31 this Division. This would include phased development plans for which the Department of

1 Permitting, Inspections and Enforcement has approved [plans on file] Plans On File ([i.e.,]
 2 building permit plans submitted by the developer and approved by the Department) for various
 3 types of homes in the development prior to January 1, 2026. Any Detailed Site Plan approved
 4 before January 1, 2026, the Plans On File subject to the Detailed Site Plan do not have to be
 5 updated to comply with this Section.

6 (c) Application of the provisions of this Division shall not require existing dwelling units
 7 to be retrofitted.

8 (d) Undergraduate and graduate student housing for public and private colleges and
 9 universities and private dormitories as defined in Subtitle 27 of the Prince George's County Code
 10 shall be exempt from this Division.

11 (e) The provisions of this Division shall not apply to a single-family detached dwelling
 12 that is built or subcontracted by an individual owner that is used as the owner's personal
 13 residence.

14 (f) Dwelling, townhouse as defined under Section 27-2500 of the Prince George's County
 15 Code shall be subject to Section 4-364 of this Division and shall otherwise be exempt from the
 16 provisions of this Division.

17 (g) Two-over-two's "Dwelling, two-family" as defined under Section 4-356(d) of this
 18 Division, shall be subject to Section 4-364 of this Division and shall otherwise be exempt from
 19 the provisions of this Division.

20 **Sec. 4-358. Universal Design: Exterior/Entrance.**

21 (a) There shall be a step-free route of travel to at least one step-free entrance to the
 22 dwelling unit. Entrance to the unit by way of a garage would qualify as an acceptable route.
 23 Multifamily dwelling units located within a building that are above the first floor of the building
 24 and are only accessible via stairway are exempt from this requirement.

25 (b) The door of this entrance shall [have] be a minimum of 36-inches-wide [clearance] and
 26 shall meet all applicable building requirements.

27 (c) Exterior lead walks shall be structurally firm and slip resistant with a smooth uniform
 28 surface.

29 (d) Lead walks shall be a minimum of 42-inch wide from the point of arrival to the
 30 primary or garage entrance and any slope should be consistent with all applicable requirements.

31 **Sec. 4-359. Universal Design: Interior Accessible Route.**

(a) At least one accessible route shall connect all spaces and elements that are a part of the accessible entry level floor of the dwelling unit.

(b) The kitchen shall be on the accessible level and on the accessible route.

(c) Hallways on the accessible level shall have a 42-inch-wide minimum clearance width measured from wall to wall.

(d) Doorways on the accessible route shall have a minimum door width of [clearance of] 36-inches and all doors shall contain levers for accessible access.

(e) Interior thresholds with levels which exceed ¼-inch high, shall be beveled, with a slope not steeper than one-inch rise to a 2-inch run (1:2).

(f) Accessible routes shall have flooring that allows resistance-free use of a wheelchair or similar mobility aid or device.

(g) At least one separate room on the accessible entry level floor of the dwelling unit shall include architectural or design features that include but are not limited to a door that closes and a window to ensure [accessibility] egressibility.

Sec. 4-360. Universal Design: Bathroom.

(a) Dwelling units shall have a bathroom with a sink, a shower, and a toilet on the entry level.

(b) Outlets shall be within accessible range of an adult sitting in a wheelchair.

(c) Slip resistant floors shall be used.

(d) Continuous wall reinforcement at toilet and bathroom fixtures shall be included to enable easy retrofitting with grab bar(s). All wall reinforcement shall be capable of resisting shear and bending forces of a minimum of 250 pounds.

(e) Controls on sinks, tubs, showers, and toilets shall be easily accessible or usable by persons with disabilities.

(f) 2×6 lumber blocking centered 34" off of the finished floor to include the entire perimeter of the bathroom shall be used.

Sec. 4-361. Universal Design: Controls, Switches, Electrical Sockets and Plugs.

(a) All rocker light controls and switches shall be placed no higher than 48-inches, on center, above the floor.

(b) Where practical, all electrical receptacles shall be placed no lower than 15-inches, on center, above the floor.

(c) All thermostats shall be placed no higher than 54-inches, on center, above the floor.

Sec. 4-362. Universal Design: Kitchen.

(a) There shall be 40-inch minimum clearances installed between all opposing base cabinets, counters, appliances, and walls within the kitchen work area.

(b) There shall be a 60-inch minimum clearance of floor turning area in U-shaped kitchens or a 40-inch minimum clearance for pass through kitchens. For U-shaped kitchens, there shall be a 30-inch by 48-inch minimum clearance floor area for parallel approach centered on the sink and stove and other appliances or forward approach with knee clearance.

(c) Lever fixtures for sinks shall be installed.

Sec. 4-363. Universal Design: Smoke Detectors and [CO2] Fire and Carbon Monoxide [Detectors] Alarms.

Audible and visual smoke detectors, fire alarms, and [CO2] carbon monoxide alarms shall be installed [on each floor of the dwelling unit] pursuant to the IBC.

Sec. 4-364. Townhouses; Two-Over-Two's, Applicable Universal Design Requirements.

Notwithstanding the exemptions set forth in Section 4-357(f) and Section 4-357(g) of this Division, only the following universal design requirements in this Division shall be required for townhouses and two over two's:

(a) Universal Design: Interior Hallways, Doorways, Stairs.

(1) Hallways shall have a 42-inch-wide minimum clearance width measured from wall to wall.

(2) Doorways shall have a minimum width [of clearance] of 36-inches and all doors shall contain levers for accessible access.

(3) Interior stairs shall be able to accommodate the installation of a chair lift, with an electrical outlet within four feet of the stairs.

(b) Universal Design: Bathroom.

(1) Continuous wall reinforcement at toilet and bathroom fixtures shall be included to enable easy retrofitting with grab bar(s). All wall reinforcement shall be capable of resisting shear and bending forces of a minimum of 250 pounds.

(2) Controls on sinks, tubs, showers, and toilets shall be easily accessible or usable by persons with disabilities.

(c) Universal Design: Smoke Detectors and Fire and Carbon Monoxide Alarms. [CO

Detectors.] Audible and visual smoke detectors, fire alarms, and [CO] carbon monoxide alarms shall be installed [on each floor of the dwelling unit] pursuant to the IBC.

Sec. 4-365. Waiver Provision.

(a) The builder must use best efforts to meet the requirements of this Division meaning efforts to the maximum extent practicable were made to meet the requirement(s). A builder that indicates that they cannot satisfy the step-free route of travel to at least one step-free entrance to the dwelling unit requirement, pursuant to Section 4-358 of this Division, shall request a waiver.

(b) A waiver may be granted by the Director of the Department of Permitting, Inspections and Enforcement ("Director") or the Director's designee upon a determination that topography or other unusual characteristics of the building or the site exist, or that there are practical difficulties associated with compliance with this Division. No waiver shall be granted unless approved by the Director or the Director's designee. An application shall be accompanied by a Waiver Checklist Form to be completed by an applicant, which is developed and revised from time to time, by the Department of Permitting, Inspections and Enforcement for the processing and review of a waiver request. The Department of Permitting, Inspections and Enforcement shall assess an administrative fee in an amount per each waiver per each dwelling unit in a residential development project for processing and reviewing an applicant's waiver request as prescribed in the Table of Fees. The determination of the waivers shall be made during the normal process of obtaining a building permit.

(c) A waiver authorized by this Division shall not be granted by the Director or the Director's designee unless the builder seeking the waiver provides the following:

(1) A detailed written statement of the reason(s) that the builder is unable to meet its obligations under this Division, which shall include:

(A) The specific issue(s) for which a waiver is being requested.

(B) Why the requirement(s) cannot be met.

(C) Proof that the document listed in Section 4-365(c)(1) has been certified by a Maryland Registered Professional Engineer (PE) or by a Maryland Licensed Architect.

(d) After review of the waiver request, the Director shall transmit a written decision approving or denying the request concurring or disagreeing with each listed specific issue as set forth in subsection (c).

(e) The waiver may only be approved if the Director is satisfied that the waiver meets the

criteria in subsection (b).

(f) No residential development project can be granted waivers for more than fifty percent (50%) of the dwelling units.

(g) Any waiver approved by the Director shall apply to the area that is subject to the approved building permit.

(h) A residential development project with approved waivers shall have the provisions of universal design set forth in this Division waived for those dwelling units of the residential development project covered by the waivers. A residential development project without waivers shall incorporate the provisions of universal design set forth in this Division in the residential development project.

(i) The Director shall notify the County Council in an annual report of waivers of:

(1) the number of waiver applications received;

(2) the number of waiver applications denied;

(3) the number of waiver applications approved; and

(4) the location by Council District of the number of waiver applications received and denied. The Director shall provide the County Council the Department of Permitting, Inspections and Enforcement's letter to an applicant explaining their decision regarding a waiver.

Sec. 4-365.01 Penalties.

(a) The County shall impose a civil fine of \$5,000 or a criminal fine and penalty of \$5,000 and imprisonment not exceeding 6 months for an applicant's non-compliance for each violation in each dwelling unit with the Universal Design for Housing law contained in the Prince George's County Code for their residential development project.

(b) It shall be a criminal act by an owner and/or authorized representative of a corporation or limited liability company, as defined in Section 4-203, Criminal Procedure Article, Annotated Code of Maryland, to violate compliance with the Universal Design for Housing law referenced in Section 4-365.01(a) of this Division. An owner and/or authorized representative of a corporation or limited liability company shall be separately charged and upon conviction may be subject to incarceration as authorized by this statute.

Sec. 4-366. Amendments, additions, and deletions.

Any provision of the IBC - International Building Code, IMC - International Mechanical Code, IECC - International Energy Conservation Code, IRC - International Residential Code,

IEBC - International Existing Building Code and ISPSC - International Swimming Pool and Spa Code adopted by this Subtitle, shall be changed, modified, amended, added, deleted or omitted as set out in this Division, and such change, modification, amendment, addition, deletion or omission shall be deemed to supersede the text of these codes in any case where the provisions of this Division are interpreted.

Sec. 4-367. Conflict of Laws.

For any conflict between the provisions set forth in this Division and the Federal Fair Housing Act, Federal Americans with Disabilities Act, the Code of Maryland Regulations, or the Maryland Accessibility Code, and any other applicable law, the Department of Permitting, Inspections and Enforcement shall apply the Maryland Accessibility Code, the Code of Maryland Regulations, Federal Americans with Disabilities Act, and the Federal Fair Housing Act and any other applicable law.

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-117 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 4. BOARD OF APPEALS.

Sec. 2-117. Board of Administrative Appeals.

(a) There is created a Board of Administrative Appeals for the County, to hear and determine all administrative appeals allowed by ordinance or law. The jurisdiction of the Board of Administrative Appeals shall not extend to any provision of the County Code which does not expressly provide for such jurisdiction.

(b) County law which specifically grants the Board authority to hear appeals includes (but need not be limited to) the following:

SUBTITLE 3. ANIMALS.

Division 2. Licenses and Standards (Animal Holding Facility Licenses).

SUBTITLE 4. BUILDING.

Division 2. Construction or Changes in Floodplain Area.

Division 3. Grading, Drainage and Erosion Control.

Division 4. Stormwater Management.

Division 6. Universal Design for Housing.

SUBTITLE 5. BUSINESSES AND LICENSES.

Division 2. Benefit Performances.

Division 5. Fortunetelling and Other Similar Practices.

Division 9A. Massage Establishments.

Division 12. Peddlers and Itinerant Vendors.

Division 14. Public Dances. (Dance Halls)

Division 15. Door-To-Door Solicitors.

Division 19. Secondhand Dealers.

Division 21. Towing Regulations.

Division 23. Model Studios.

Division 28. Special Food Service Facilities - Mobile Units.

SUBTITLE 9. ELECTRICITY.

Subdivision 3. Burglar and Holdup Alarm Users License and Registration.

SUBTITLE 11. FIRE SAFETY.

Division 3. Permits, Certificates, and Licenses.

Division 4. Fire Prevention Code.

SUBTITLE 12. HEALTH

Division 10. Tanning Facilities.

SUBTITLE 13. HOUSING CODE. (Except as Provided for in Section 13-112.01)

SUBTITLE 14. MORALS AND CONDUCT.

Division 2A. Going out of Business Sales.

SUBTITLE 22. SEWERS.

Division 2. Soil Percolation Testers, Contractors and Cleaners of Sewage Systems.

SUBTITLE 23. ROADS AND SIDEWALKS.

SUBTITLE 24A. TELEVISION AND RADIO EQUIPMENT REPAIR.

SUBTITLE 26A. MOTOR VEHICLE REPAIR.

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SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining

1 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
2 Act, since the same would have been enacted without the incorporation in this Act of any such
3 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
4 or section.

5 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
6 calendar days after it becomes law.

Adopted this 19th day of November, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Jolene Ivey
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Donna J. Brown
Clerk of the Council

APPROVED:

DATE: December 18, 2024 BY: Tara H. Jackson
Tara H. Jackson
Acting County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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