




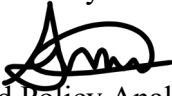
May 14, 2025

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

Colette R. Gresham, Esq.
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Shalene Miller-Whye 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-035-2025 Universal Design for Housing - 2025 Revisions

CB-035-2025 (*proposed by: Councilmember Ivey*)

Assigned to the Planning, Housing, and Economic Development (PHED) Committee

AN ACT CONCERNING Universal Design for Housing - 2025 Revisions For the purpose of removing and re-lettering certain definitions; providing for revisions to certain design elements; providing for a certain clearance for certain exterior door entrances; providing for a certain clearance for certain lead walks; providing for a certain clearance for certain hallways on the accessible level; providing for a certain clearance for certain doorways on the accessible level; providing for a certain clearance for certain interior hallways in townhouse and two-over-two units; providing for a certain clearance for certain interior doorways in townhouse and two-over-two units; and generally regarding Universal Design elements for certain newly constructed residential housing dwelling units.

Fiscal Summary

Direct Impact:

Expenditures: No expenditure impact likely.

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Revenues: No revenue impact likely.

Indirect Impact:

Potentially favorable.

Legislative Summary:

CB-035-2025¹, sponsored by Councilmember Ivey, was presented to the Council on March 29, 2025, and referred to the Planning, Housing, and Economic Development Committee. It would repeal and amend Sections 4-356, 4-358, 4-359, and 4-364 of the Building Code.

If enacted, CB-035-2025 would:

- Remove definitions for Accepted by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and Approved by the Maryland-National Capital Park and Planning Commission.
- Revised design elements for entrances, lead walks, and doorways by removing width and replacing it with clearances through Sec. 4-358, 4-359, and 4-364.

Resource Personnel:

- Kathy Canning, Legislative Officer
- John Sheridan, Policy Director, At-Large

Current Law/Background:

Federal law related to accessible housing

Federal law for accessible housing includes the Architectural Barriers Act (1968), Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act Amendments (1988), and the Americans with Disability Act (1990). These all have demonstrated the protection of people with disabilities based on the built environment.

The Architectural Barriers Act of 1968 requires that buildings or facilities built, designed, or altered with federal dollars after 1968 be accessible.² Section 504 of the Rehabilitation Act of 1973 protects individuals with disabilities from discrimination in any program or activity that receives

¹ [CB-035-2025](#)

² [Architectural Barriers Act \(access-board.gov\)](#)

Federal financial assistance.³ The Fair Housing Act Amendment of 1988 prohibits discrimination on the basis of race, color, religion, sex, or national origin in housing sales, rentals, or financing.⁴ Lastly, the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability in employment, transportation, public accommodations, communications, and access to state and local government programs and services.⁵

CB-065-2023

CB-065-2023⁶ was enacted on October 15, 2023, which led to the establishment of the Universal Design Implementation Workgroup. This bill sought to diminish housing inaccessibility for groups likely to suffer without implementing a Universal Design to meet the growing demands of our aging population, further longevity in homeownership, cut future remodeling costs, and improve Prince George's County residents' overall wellness and mental health.

In Prince George's County, 50 – 54-year-old residents make up 20.4% of the population, while 65 and older residents make up 14.5%. Residents 65 years of age and older have increased as a percentage of the County's population from 9.6% to 14.5% between 2010 and 2021.⁷ In the U.S., 13.7% of adults have a mobility disability, which includes difficulty walking and climbing stairs, while 2 out of 5 adults have disabilities.⁸ This demonstrates that there is a growing demand to meet the housing and accessibility needs of residents.

CB-065-2023 established the following provisions:

- Provided definitions of accessible/accessibility, disability, site plan, Universal Design, and usability.
- Required that all new single-family attached, single-family detached, two-family, two-over-twos, and multi-family residential dwelling units constructed after January 1, 2026, follow the standards of Universal Design.
- Allowed exemption of developments that have site plans that have been certified prior to January 1, 2026.
- Allowed exemption of existing dwelling units, undergraduate and graduate student housing for public and private colleges and universities, single-family detached dwellings to be built or subcontracted by an individual owner, townhouses, and two-over-twos.
- Incorporated Universal Design requirements that apply to exterior entrances, interior routes of travel, having a bathroom on the first level, kitchens, and placement of controls, switches, electrical sockets, and plugs.

³ [The Rehabilitation Act of 1973 as amended by WIOA \(PDF\) \(section508.gov\)](#)

⁴ [H.R.1158 - 100th Congress \(1987-1988\): Fair Housing Amendments Act of 1988 | Congress.gov | Library of Congress](#)

⁵ [S.933 - 101st Congress \(1989-1990\): Americans with Disabilities Act of 1990 | Congress.gov | Library of Congress](#)

⁶ [CB-065-2023](#)

⁷ [Census Bureau](#)

⁸ [National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention](#)

- Allowed waivers to builders if they cannot meet Universal Design requirements or face practical difficulties or unusual characteristics and cannot comply.
- Not allow waivers for more than 50% of individual residential development projects.
- Required a bi-annual report from Department of Permitting Inspections and Enforcement (DPIE) regarding waivers.
- Established a Universal Design Implementation Workgroup to assist in implementation.

The Universal Design Implementation Workgroup included stakeholders from the development and housing communities, advocacy groups such as the American Association of Retired Persons (AARP), and representatives from DPIE and M-NCPPC. The group convened over eight meetings to develop additional provisions, established by CB-085-2024 and CR-083-2024.

CB-085-2024

CB-085-2024 established the following provisions:

- Added and revised definitions for Accepted by the Maryland-National Capital Park and Planning Commission, Accessibility means a site, building, facility, or portion thereof that complies with the ADA Standards for Accessible, Accessible, Accessible Route, Approved by the Maryland-National Capital Park and Planning Commission, Dwellings, Knobs, Levers, Site Impracticality, Slip Resistant and Usability.
- Site plans submitted by the developer and approved by the Department (DPIE) before January 1, 2026, will not be required to comply with the details outlined in Sec. 4-357, the Universal Design Application.
- Required applications to be accompanied by a Waiver Checklist Form, which DPIE will develop and revise over time. DPIE will impose an administrative fee per waiver per dwelling unit within a residential development project to process and review a waiver request, as noted in the Table of Fees.
- Provides for penalties, that the County shall impose a civil fine of \$5,000 or a criminal fine and penalty of \$5,000 and imprisonment not to exceed 6 months for a non-compliant applicant, for each violation in each dwelling unit with the Universal Design for Housing law apart of the County's Code for their residential development project.

Discussion/Policy Analysis

Universal Design principles

According to the Center for Universal Design, Universal Design is a process for accessibility developed to meet and accommodate everyone, regardless of ability or disability. Principles of Universal Design for housing include:

- Equitable Use
- Flexibility in Use
- Low Physical Effort

- Size and Space for Approach and Use

Equitable Use, the focus of this process, demonstrates that the design must be developed in a way accessible to all residents. For flexibility in use, the design will accommodate different types of residents, ranging from several different disabilities. In terms of low physical effort, the design assures that residents suffering from mobility issues can live everyday lives within their homes. With size and space for approach and use, these standards outline the importance of having a strategically sized home to meet the needs of all residents, regardless of reach, mobility, and size.⁹ Specific Universal Design standards include but are not limited to the following^{10&11}:

- No step entry
- Doorways with 32 – 36-inch-wide clearances
- Hallways with 36 – 42-inch-wide clearances
- Light switches and electrical outlets 24 – 58 inches from the floor
- Door handles that are 34 – 48 inches from the floor
- Additional floor space, including ample kitchen space of at least 30 by 48 inches in kitchens
- Slip-resistant floors and surfaces
- Comfortable reach zones

Provisions of CB-035-2025

§ 4-356

Through this section, it removes the definition of "Accepted by the Maryland National Capital Park and Planning Commission," which means an application submitted and accepted by the Department of Permitting, Inspections, and Enforcement and distributed to all agencies for review. It also removes the definition of "Approved by the Maryland-National Capital Park and Planning Commission," which refers to accepted by the building official per the IRC.

§ 4-358 & 4-359

Through this section, it revises design elements to remove "be" and replace with "have," as well as remove "wide" and replace with "clearance" for the following:

- Entrances
- Lead walks
- Doorways

For example, Sec. 4-358 currently states, "The door of this entrance shall be a minimum of 36 inches wide and shall meet all applicable building requirements." Under CB-035-2025, it will

⁹ [What is Universal Design? | DO-IT](#)

¹⁰ [What is Universal Design? - NAHB](#)

¹¹ [Beyond Accessibility to Universal Design | WBDG - Whole Building Design Guide](#)

become, “The door of this entrance shall *have* a minimum of 36 inches *clearance* and shall meet all applicable building requirements.”

§ 4-364

Through this section, it revises design elements for townhouses and two-over to remove “width” and “wide” and to “clearance” for the following:

- Hallways
- Doorways

For example, currently in Sec. 4-364 of the County Code it states, “Doorways shall have a minimum width clearance of 36-inches and all doors shall contain levers for accessible access.” With the removal of width, this will become “Doorways shall have a minimum clearance of 36-inches and all doors shall contain levers for accessible access.”

Fiscal Impact:

- *Direct Impact*

Enactment of CB-035-2025 does not have a direct fiscal impact, as these are technical design elements.

- *Indirect Impact*

Enactment of CB-035-2025 may have a favorable indirect fiscal impact associated with the economic benefits of increasing residents' ability to age in place.

- *Appropriated during the Current Fiscal Year Budget:*

N/A

Effective Date:

CB-035-2025 shall be effective forty-five (45) calendar days after it becomes law.

If you require additional information or have questions about this fiscal impact statement, please call me.