



THE PRINCE GEORGE'S COUNTY GOVERNMENT


Office of Audits and Investigations


October 2, 2019

MEMORANDUM

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Senior Policy Analyst

FROM: Warren E. Burris, Sr. 
Senior Policy Analyst

RE: Policy Analysis Statement
CB-49-2019 Universal Design for Housing

Legislative Summary

CB-49-2019, sponsored by Councilmember Anderson-Walker, was presented on September 24, 2019. CB-49-2019 would require all new construction for housing of any type to follow Universal Design Standards in order to be usable by all residents without the need for retrofitting or modification. Universal design (UD) is defined as “creation of an environment/dwelling that can be accessed and used to the greatest extent possible by all people regardless of their age, size, ability or disability”

Background/Current Law:

The design of built environments is critically important to promoting engagement in meaningful occupations, and the capacity of all people, regardless of ability, to participate within their communities. Designers are increasingly called on to create safe and supportive environments and products that allow users to be more independent. While federal laws [e.g. Americans with Disabilities Act Standards for Accessible Design (US Department of Justice, 1994, rev.), The Architectural Barriers Act of 1968; Fair Housing Amendments Act Accessibility Guidelines (U.S. Department of Housing and Urban Development, 1991), Uniform Federal Accessibility Standards (UFAS). Americans with Disabilities Act 1990] require accessibility building codes for public

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buildings must be met, they only require a minimum level of compliance from the designer to meet the needs of the changing demographics.

According to research, homeownership is most American’s largest investment. The standard home loan financed for a home purchase is 30 years. While people have the intentions of staying in their home over the remainder of their lifespan, in many instances it becomes impossible. Over the years, their ability, mobility and capacity begin to change, but the living spaces have not been designed to change with the homeowner. Living spaces have long been designed for use by for the “average” physical type – young, fit, and adult. With varying physical types, mobility issues, and millions of people becoming disabled either by age or injury, the fact is that only some of us fit that description, and none of us can be described that way for a lifetime. As children, as older adults, or as physically disabled people, millions are never average. Many millions more, because of a broken limb, serious illness, or pregnancy, etc., know how unsettling it is to try to function in an environment that no longer meets their needs

According to AARP, the Senior population is the fastest growing demographic category the population—locally and nationally. There are 76 million baby boomers, and every day 10,000 of them turn 65. Also, it is widely approximated that 70% of people experience some form of disability during their lifetime (including temporary conditions) Further, through medical enhancements and enhanced technology, our older Americans are living longer, and, in many instances, people have become unexpectantly challenged with mobility due to illness or injury.

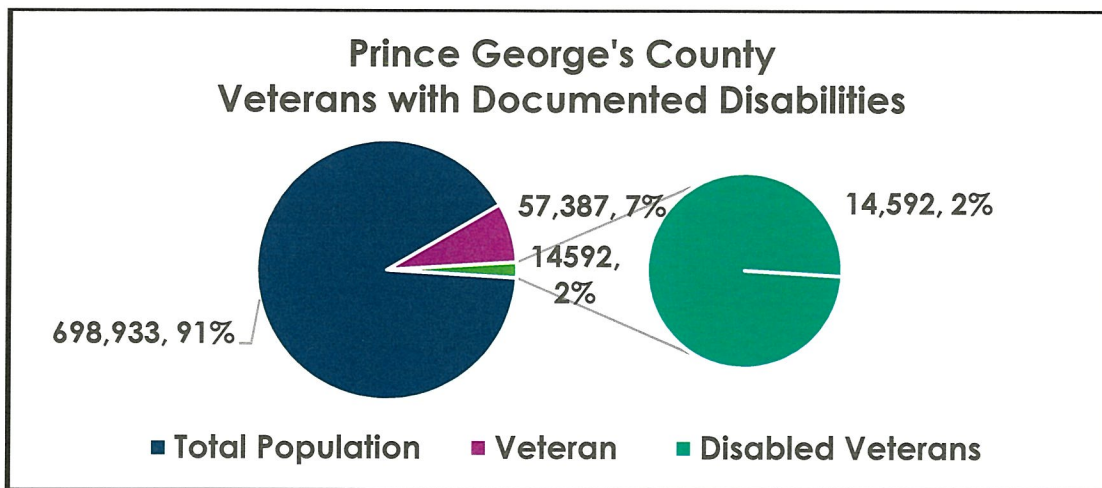


Figure 1: Data Source-American Fact Finder¹

Also, the number of disabled veterans in the United States has jumped by 25% since 2001 to 2.9 million. Today’s veterans, disabled or not, number nearly 24 million. In Prince George’s County, veterans represent 12% of the County’s adult population, of which 19% of the County’s veteran population is considered disabled. “At the end of 1994, 53.9 million people in the United States (20.6% of the population) had some level of disability, and 26.0 million (9.9%) had a severe

¹ The 698,983 represents population eligible to join military. Also, many disabilities remain undocumented.

disability. It is estimated that among the population 6 years and over, 8.6 million people had difficulty with one or more activities of daily living (ADLs) and 4.1 million needed personal assistance of some kind (McNeil, 1997).”²

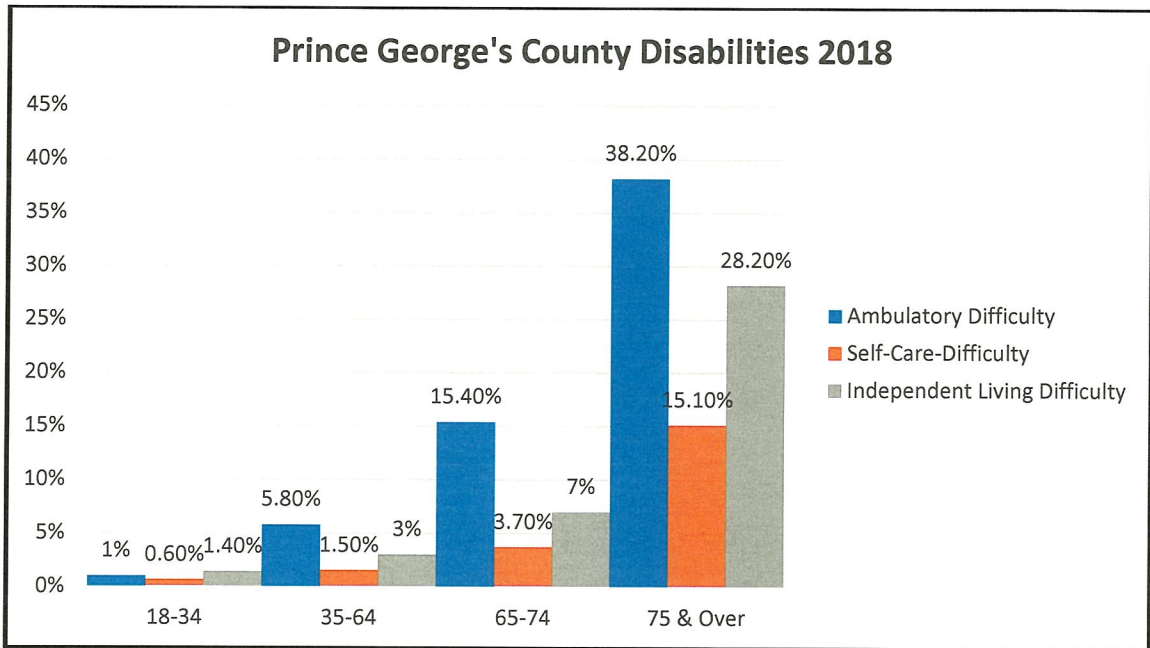


Figure 2 Disabilities in Prince George's County as of July 2019. US Census American Fact Finder

CB-49-2019 would impose universal design features on all newly constructed, homes in the County. As coined by the Center for Universal Design at the University of North Carolina State, Universal Design (UD) is defined as the creation of objects, resources, and built environments that can be used by the entire population, without adaptation or stigma, throughout their lifespan. As described by the Center for Universal Design, the Seven (7) Principles of Universal Design refer to: Equitable Use; Flexibility of Use; Simple and Intuitive Design, Perceptible Information, Tolerance for Error; Low Physical Effect; and Size and Space for Approach & Use.³ Originating from architecture in the USA in the early 1990s, the principles of universal design have become prevalent in diverse disciplines including occupational therapy, engineering, and architecture. Universal design “seeks to eliminate discrimination by design and support full social participation for all members of society.” Universal design succeeds because it goes beyond specialization. The concept promotes designing every product and building so that everyone can use them to the greatest extent possible – every faucet, light fixture, shower stall, public telephone, or entrance.

Policy Analysis

² 2010. Center for Universal Design. Principles of Universal Design.

³ Heylighen A. Sustainable and inclusive design: A matter of knowledge? Local Env. 2008;13:531–540.

- *Cost of Implementing Universal Design:*

It should be anticipated that the building industry will discuss the cost of implementation, The Center for Universal Design estimates the cost of implementation to be between \$1,000 - \$5,000 for new construction and about \$20,000 per remodel. The Center's literature suggests that by thinking and planning about design and functionality can reduce the cost for builders, remodelers and developers. We can anticipate there may be initial upfront costs for the building industry ensuring plans comply with the new legislation, and to the County in educating DPIE's staff to the new standards, etc. However, once these costs are absorbed, the increased per-unit cost of construction should be minimal. It should be noted that Pima County, Arizona implemented similar law that was challenged in court by the building industry. The Chief Building Official wrote in a letter to Congress⁴, "While these requirements were at first resisted by builders based on the fact that they would require costly changes to conventional design and construction practices, it became evident that with appropriate planning, the construction could result in no additional cost. Indeed, the jurisdiction no longer receives builder complaints regarding the ordinance and the ordinance has been so well incorporated into the building safety plan review and inspection processes that there is no additional cost to the County to enforce its requirements." In addition, the judge in the case upheld the research and costs estimates outlined by the county.⁵

- *Benefits of Universal Design*

Benefits of Universal Design can be seen in two vary perspectives: (1) the marketplace and recruitment/retention of residents; and (2) assistance with the jurisdiction's increasing burden of dealing with its aging population. From the lends of the first perspective, throughout our lifespan, we all experience variations in our abilities. In fact, more than 50% of the U.S. population could be characterized as having some sort of functional limitation. As described in more detail in Universal Design New York,⁶ the new generation of older people, and the coming baby boomer generation even more so, has considerable purchasing power and will have a significant impact on the market for goods and services. Cities everywhere will have to respond to their desire for continued independent lifestyles or risk losing the most affluent of this group as they vote with their feet for more accommodating environments. Given the above statement, the County could use this as a marketing strategy to recruit and retain its older population as the County will be seen as progressive and attentive to its residents. According to an AARP study, 90 percent of people age 65 and over would prefer to stay in their own homes as they get older — and not go to a nursing home or assisted living facility. The U.S. Centers for Disease Control and Prevention (CDC) defines 'Aging in Place' as "the ability to live in one's own home and community safely, independently and comfortably, regardless of age, income or ability level." Implementing the principles of Universal Design allow more people to "age in place," where they can enjoy their lives more independently.

⁴ [DR. Yves Khawam's Letter to Congressional Chair Maxine Waters.](#)

⁵ [Washburn v. Pima County, #2 CA-CV 2003-0107.](#)

⁶ [Universal Design New York](#)

Looking from the second perspective, the senior and disabled populations in the County continues to increase year to year. As the population continues to age, and people are living longer, more and more people become dependent on mobility aides. Integrating UD principles in more homes will negate The County from more senior communities and could reduce the overall demand for taxpayer subsidized assisted living facilities, which ultimately saves the County and State funds. A 2001 Harvard Joint Center for Housing Studies study titled Aging in Place reads “Aging in Place (AIP) with supportive services is the most desirable way of aging. Successful AIP strategies minimize the provision of inappropriate care and therefore overall costs.” According to a 2016 MetLife Study, “the cost of Assisted Living in the Washington D.C. / Baltimore region is \$71,861 or \$5,988 per month and the nursing home cost is \$124,034 or \$10,336 per month.”⁷ More specifically, a 2018 Genworth Financial report conveys that the median costs for Maryland assisted living is \$4,673 per month (or \$56,076 annually), which is subsidized about 70% with tax dollars (public money).

- *Other Jurisdictions Implementing Universal Design*

Required by Legislation

- Pima County, Arizona – Inclusive Design Ordinance 2002
- St. Louis, Missouri – All new construction using Trust Funds must meet minimum Universal Design standards
- Baltimore, MD – Visitability & UD Ordinance required for publicly funded projects
- Austin, TX -Visitability Ordinance on New Construction
- Tucson City, Arizona – Inclusive Design Ordinance 2007

Incentive Programs

- Montgomery County, Maryland – Design for Life Certification program
- H.R. 2353 Inclusive Home Design Act of 2003 (Introduced)
- Albuquerque, NM – Created Consumer Education piece and awards builders for implementing some of the design principles.
- Alexandria, Virginia - New design and implementation tools in Housing Strategic Plan 2011
- State of Virginia – Livable Home Tax Credit for construction or remodeling to make homes more accessible, visitable, and/or universal design.
- Universal Design New York incentivizing minimum UD guidelines for construction

Resource Personnel

⁷ 2016. Summary of Long Term Care, MetLife.

Council District 8 Staff

Issues for Committee Consideration

- ✓ We must ensure that legislation is enforceable and amends the building code.
- ✓ Is a mandatory requirement the best alternative or should there be an incentive option? It may be an easier means of implementation if the building industry received incentives for building and/or remodeling in this manner. However, incentives would imply that the County provide resources that may make this unsustainable.
- ✓ Should this implementation apply to all new residential construction or just publicly funded projects?
- ✓ We must provide the necessary resources to DPIE to develop a comprehensive outreach strategy to educate staff and stakeholders of the impending legislation.
- ✓ Consider further communication with stakeholder groups to ensure the proper requirements are being implemented, and to understand any/all unintended consequences. Stakeholders consulted could include building industry, developers, disability community, physicians, remodelers, realtors, etc.