

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2021 Legislative Session

Bill No. CB-26-2021

Chapter No. _____

Proposed and Presented by Council Member Anderson-Walker

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Universal Design and Visitability Design for Housing

3 For the purpose of ensuring safe, sustainable and inclusive-living dwelling unit options for all
4 county residents regardless of ability, functionality, stature, age, or stability, to ensure a safe,
5 sustainable, universally designed environment and eliminate or reduce the need for grants and
6 costly loans to renovate and/or retrofit dwelling units for future housing development.

7 **WHEREAS**, Consistent with the 2014 General Plan (“Plan 2035”), which establishes a clear
8 vision for the future of the County recognizing the “need to think holistically and grow sustainably
9 and equitably,” the County Council proposes to adopt an Universal Design and Visitability
10 mandate to market to a new generation of residents seeking innovation, comfort, lifetime
11 functionality, and preparation for assisting a population growing older by increasing their
12 opportunity for independence and mobility; and

13 **WHEREAS**, Universal Design and Visitability is “a market-driven” process intended to
14 create environments that are usable by all people.”¹ Universal Design and Visitability affords
15 functional design and usability for dwelling units. Many aspects of Universal Design and
16 Visitability are already included in luxury and automated dwelling units, which attract young
17 Millennials as well as Baby Boomers, who possess most of the region’s disposable income.
18 Universal Design and Visitability integrates design choices like aesthetics, urbanism, sustainable
19 design and usability; and

20 _____
21 ¹ (1997) Center for Universal Design. North Carolina State University.

1 **WHEREAS**, “These requirements were at first resisted by builders, it became evident that
2 the construction could result in no additional cost if planned properly.”² If more dwelling units
3 were designed for usability from the start, there would be less need to renovate and/or remodel to
4 have a home for a lifetime. Universal Design and Visitability will also assist with reducing the
5 need for public investments in the event of emergencies or accidents, and reduce the need for
6 assisted living facilities if dwelling units are designed for homeowners to age in place; and

7 **WHEREAS**, Universal Design and Visitability is consistently associated with and limited to
8 accessibility, it is also an extension of, and provides added value for, more than people with
9 disabilities and functional limitations. Universal Design and Visitability provides a more inclusive
10 and innovative use of space as opposed to the current exclusionary designs; and

11 **WHEREAS**, accessibility is a legal and regulatory mandate, most notably through the
12 Americans with Disability Rights, which only lead to solutions as a remedy for compliance.
13 Universal Design and Visitability extends the ideals and innovation of accessibility for previously
14 underserved populations to include: individuals with chronic health disparities, little people,
15 pregnant women, elite athletes, older people desiring mobility and independence, children, women
16 with strollers, and military personnel with walkers, assistive canes, or other mobility aid. Universal
17 Design and Visitability affords the opportunity for greater societal participation as opposed to
18 accessibility standards that create an undue burden on people with disabilities and other
19 limitations; and

20 **WHEREAS**, Universal Design and Visitability benefits everyone desiring comfort and
21 functionality, from the abled bodied regardless of age, people with short stature, the disabled, and
22 the older populations. In addition, no one knows when a life-tragedy will impact their lives, as
23 studies show that more than 50% of the United States population could be characterized as having
24 some sort of functional limitation. Also, the County has a growing number of military personnel
25 and veterans due to its proximity to the nation’s capital. In fact, 19% of the County’s veteran
26 population is considered disabled; and

27 **WHEREAS**, this legislation requires that all newly built dwelling units offer universal,
28 visitability, and inclusive design elements that afford ease of use for people of all abilities; and

29 _____
30 ²[DR. Yves Khawam’s Letter to Congressional Chair Congresswoman Maxine Waters.](#)

1 consistent with the Standards for Type C (Visitability) Units of the American National Standards
 2 Institute (commonly known as ANSI) Standards for Accessible and Usable Buildings and
 3 Facilities (section 1005 of ICC ANSI A117.1–2009) or any successor standard. Requirements of
 4 this legislation, which are summarized below, are a minimum standard. Alternative designs,
 5 products, automation, or technologies which provide equivalent or superior accessibility and
 6 usability may be used; and

7 **WHEREAS**, Americans with Disability Act (ADA) was signed into law on July 26, 1990,
 8 by President George H.W. Bush. The ADA is one of America's most comprehensive pieces of civil
 9 rights legislation that prohibits discrimination and guarantees that people with disabilities have the
 10 same opportunities as everyone else to participate in the mainstream of American life -- to enjoy
 11 employment opportunities, to purchase goods and services, and to participate in state and local
 12 government programs and services; and

13 **WHEREAS**, The American National Standards Institute (ANSI) is a private, not-for-profit
 14 organization dedicated to supporting the United States' voluntary standards and conformity
 15 assessment system and strengthening its impact, both domestically and internationally; and

16 **WHEREAS**, Section 508 through Section 504 of the 1973 Rehabilitation Act was the first
 17 disability civil rights law to be enacted in the United States. It prohibits discrimination against
 18 people with disabilities in programs that receive federal financial assistance and set the stage for
 19 enactment of the Americans with Disabilities Act; and

20 now, therefore,

21 BY adding:

22 **SUBTITLE 4. BUILDING.**

23 Section 4-356, 4-357, 4-358, 4-359, 4-360, 4-361,
 24 4-362, 4-363, and 4-364

25 The Prince George's County Code
 26 (2019 Edition; 2020 Supplement).

27 **SECTION 1.** BE IT ENACTED by the County Council of Prince George's County,
 28 Maryland, that Section 4-356, 4-357, 4-358, 4-359, 4-360, 4-361, 4-362, 4-363, and 4-364, of the
 29 Prince George's County Code be and the same is hereby added:

30 **SUBTITLE 4. BUILDING.**

31 **DIVISION 6. UNIVERSAL DESIGN AND VISITABILITY FOR HOUSING.**

1 **Sec. 4-356. Universal Design and Visitability Definitions.**

2 (a) Accessible/Accessibility refers to the design of products, devices, services, or
3 environments to be appropriate for use by people with disabilities and provide the ability
4 to access and benefit from some system or entity. (b) Disability is a physical or mental
5 condition that limits a person's movements, senses, or
6 activities.

7 (b) Sustainable Design seeks to reduce negative impacts on the environment, and the health
8 and comfort of building occupants, thereby improving building performance.

9 (c) Universal Design and Visitability is the design of buildings, dwelling units, products or
10 environments to make them accessible to all people, regardless of age, disability or other
11 factors.

12 (d) Usability is part of the broader term “user experience” and refers to the ease of access
13 and/or use of a product within and around a dwelling unit.

14 **4-357. Universal Design and Visitability Application.**

15 (a) A phasing plan shall be implemented. This legislation shall apply to all dwelling units
16 constructed in Prince George’s County after July 1, 2022.

17 (b) Dwelling units for which plans have already been certified prior to July 1, 2022 shall
18 be exempt from its provisions, however, builders are strongly encouraged to incorporate
19 Universal Design and Visitability standards where feasible as a consideration to their future
20 homeowners in order to minimize the need to retrofit or renovate.

21 (c) Application of this legislation shall not require existing dwelling units to be retrofitted.

22 **Sec. 4-358. Universal Design and Visitability: Exterior/Entrance.**

23 (a) There shall be a step-free route of travel to at least one -step free entrance to the dwelling
24 unit.

25 (b) The door of this entrance shall be 36-inches-wide and shall meet any applicable building
26 requirements.

27 (c) Exterior pathways shall be structurally firm and unyielding with a slip resistant and smooth
28 surface that is consistent and free from [and] lumps, indentations, and projections and is
29 fully illuminated with lighting at entrances to provide clear view of the pathway and door
30 lock.

- 1 (d) A pathway shall be a minimum of 36-inches-wide from the point of arrival to the primary
 2 or garage entrance and any slope should be consistent with promulgated requirements (i.e.
 3 ANSI Section 1005 of ICC ANSI A117.1-2009)

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

- 5 (a) At least one accessible route shall connect all spaces and elements that are a part of the
 6 accessible floor of the dwelling unit.
 7 (b) Key function areas shall be on the entry level including but not limited to (example needed).
 8 (c) Hallways shall have a minimum clearance of 42-inches-wide.
 9 (d) Doorways on the accessible route shall have a minimum clearance of 32-inches-wide and
 10 all doors shall contain hardware that meets the door hardware requirements in the existing
 11 building code.
 12 (e) There shall be no interior thresholds on the entrance level.
 13 (f) Handles, pulls, latches, locks, and other operable parts on accessible doors shall have a
 14 shape that is easy to grasp with one hand and that does not require tight grasping,
 15 pinching, or twisting of the wrist to operate.
 16 (g) Accessible routes shall have hard surface flooring or low pile carpet that allows resistant-
 17 free use of a wheelchair or similar mobility aid or device.

18 **Sec. 4-360. Universal Design and Visitability: Bathroom Wall Reinforcement.**

- 19 (a) Dwelling units shall have a full bathroom on the entry level, or ½ bath designed to be
 20 converted to a full bathroom.
 21 (b) Outlets shall be within accessible range.
 22 (c) Slip resistant floors shall be used.
 23 (d) Continuous wall reinforcement at toilet and bathroom fixtures shall be included. (All wall
 24 reinforcement shall be capable of resisting shear and bending forces of a minimum of 250
 25 pounds).
 26 (e) Easy to use controls on sink, tub, shower and toilet shall be provided with the use of
 27 automated options where feasible.
 28 (f) Design switches, controls, hardware:
 29 (1) All light controls shall be placed no higher than 48-inches, on center, above the floor,
 30 or be an automated, hands-free option that detects movement.

1 (2) Where practical, all electrical receptacles shall be placed no lower than 15", on center,
 2 above the floor.

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

4 **Sec. 4-361. Universal Design and Visitability: Kitchen.**

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

7 (b) There shall be a 60-inch minimum clearance of floor turning area in U-shaped kitchens and
 8 30-inch x 48-inch minimum clearance floor areas for parallel approach centered on the sink
 9 and stove and other appliances or forward approach with knee clearance.

10 (c) Levers or automated fixtures for sinks shall be installed.

11 (d) Full extension drawers and pull out shelves shall be installed on base cabinets with doors.

12 **Sec. 4-362. Universal Design and Visitability: Appliances.**

13 (a) Side-by-side refrigerators with pull out shelves shall be installed.

14 (b) If structure is a multi-story dwelling unit, the entry-level shall include rough-in for
 15 plumbing.

16 (c) Audible and visible smoke/fire/CO alarms shall be installed.

17 **Sec. 4-363. Universal Design and Visitability: Elevator.**

18 (a) For dwelling units with multiple levels, the builder should:

19 (1) Identify designated location and provide the necessary rough-in/pre-planned
 20 construction for installment of an elevator shaft (e.g. pantry, stacked closet or storage with
 21 knock-out or collapsible floor) or, another creative solution designed within code; or

22 (2) Install a residential elevator with minimum 3-foot x 4-foot clearance floor area at the
 23 time of initial construction.

24 **Sec. 4-364. Waiver Provision.**

25 (a) Upon a determination by the Director of the Department of Permitting, Inspections and
 26 Enforcement (DPIE) that by virtue of terrain or other unusual characteristics of the
 27 building site, there are practical difficulties associated with compliance of any specific
 28 provision **within this division** a waiver for a proposed construction modification for **the**
 29 specific requirement shall be reviewed by the Director. No waiver shall be granted unless
 30 approved by the Director.

1 (b) In this Division, the “builder” must use best efforts to meet the requirements of this
2 Section with "best efforts" meaning efforts to the maximum extent practicable that have
3 been made to meet the requirement. For example, a builder that cannot meet the “no step
4 entry” because of typography, must use best efforts to find a solution and meet all of the
5 other given requirements of the section. A waiver authorized by this Section shall not be
6 granted by the Director unless the builder seeking the waiver:

7 (1) Provides a detailed written statement of the reason(s) the builder is unable to
8 maintain its obligations under this Section, outlining:

9 (A) Each specific area **where** the requirement waiver is being sought,

10 (B) The specific issue(s) for each requirement for which a waiver is being
11 requested and why the requirement cannot be met, and

12 (C) [Describe] **The** alternatives that the builder will include [to] in its attempt
13 to meet each specific requirement where a waiver is being sought.

14 (2) Provides a detailed written statement of its efforts to maintain the integrity of
15 the law and Universal Design and Visitability concepts throughout the remainder
16 of the dwelling unit and construction absent the specific issue upon which
17 the waiver was requested; and

18 (a) After review of the waiver request, The Director shall prepare a written decision
19 approving or denying the request. The waiver may only be approved if the Director is satisfied
20 that the waiver met the criteria in this Section.

21 (b)All approved waivers by the Director shall be transmitted to the County Council monthly
22 after the date of approval of the Director’s decision to waive the provisions of this
23 requirement.

24 * * * * *

25 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
26 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
27 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
28 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words,
29 phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since
30 the same would have been enacted without the incorporation in this Act of any such invalid or
31 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

1 SECTION 3. BE IT FURTHER ENACTED that this Act, requiring all dwelling units (site-
2 built homes) constructed in Prince George’s County to comply with Universal Design and
3 Visitability concepts, shall apply to any and all dwelling units constructed after the effective date
4 of this Act. Dwelling units whose plans have been previously certified, prior to the effective date
5 of this section, shall be exempt from its provisions until the date of their next annual renewal. This
6 law includes dwelling units that are attached and detached family homes that have at least one
7 occupiable floor at grade level.

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

Adopted this ____ day of _____, 2021.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.