

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Bill No. CB-51-2020

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 housing options for all county
 4 residents regardless of ability, functionality, stature, age, stability, in a safe sustainable, universally
 5 designed environment.

6 **WHEREAS**, Consistent with Plan 2035, the Prince George's General Plan, which establishes
 7 a clear vision for the future of the County recognizing the "need to think holistically and grow
 8 sustainably and equitably", the County Council proposes to adopt an Universal Design and
 9 Visitability Design mandate to market to a new generation of residents seeking innovation,
 10 comfort, and functionality; and preparation for assisting a population growing older by increasing
 11 their independence and mobility.

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

18 **WHEREAS**, "These requirements were at first resisted by builders based on the fact that
 19 they would require costly changes to conventional design and construction practices, it became
 20 _____

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

1 evident that with appropriate planning, the construction could result in no additional cost if planned
2 properly .”² If more houses were designed for usability from the start, there would be less need to
3 renovate and/or remodel to have a home for a lifetime and assist with reducing public investments
4 in the event of emergencies or accidents, and reduce the need for assisted living facilities.

5 **WHEREAS**, Universal Design is consistently associated with accessibility, it is however an
6 extension of, and provides added value for, more than people with disabilities and functional
7 limitations. Universal Design provides a more inclusive and innovative use of space as opposed to
8 the current discriminatory exclusive designs.

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

17 **WHEREAS**, Universal Design and Visitability benefits everyone desiring comfort and
18 functionality, from the abled bodied, people with short stature, the disabled, and the older
19 populations. In addition, no one knows when a life-tragedy will impact our lives, as studies show
20 that more than 50% of the United States population could be characterized as having some sort of
21 functional limitation. Also, the military presence in the county is growing due to its proximity to
22 the nation’s capital. 19% of the county’s veteran population is considered disabled.

23 **WHEREAS**, this legislation requires that all newly built homes, covered dwellings, offer
24 universal and inclusive design elements that afford ease of use for people of all abilities,
25 consistent with the Standards for Type C (Visitability) Units of the American National Standards
26 Institute (commonly known as ANSI) Standards for Accessible and Usable Buildings and
27 Facilities (section 1005 of ICC ANSI A117.1–2009) or any successor standard. Requirements
28 of this legislation, which are summarized below, are a minimum standard. Alternative designs,
29 products, or technologies which provide equivalent or superior accessibility and

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

1 usability may be used.

2 BY adding:

3 SUBTITLE 4. BUILDING.

4 Section 4-356, 4-357, 4-358, 4-359, 4-360, 4-361,

5 4-362, 4-363, 4-364, 4-365 and 4-366

6 The Prince George's County Code

7 (2019 Edition).

8 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
9 Maryland, that Section 4-356, 4-357, 4-358, 4-359, 4-360, 4-361, 4-362, 4-363, 4-364, 4-365 and
10 4-366 of the Prince George's County Code be and the same is hereby added:

11 **SUBTITLE 4. BUILDING**

12 **DIVISION 6. UNIVERSAL DESIGN FOR HOUSING**

13 **Sec. 4-356. Universal Design Definitions.**

14 (a) Accessibility refers to the design of products, devices, services, or environments to be
15 appropriate for use by people with disabilities and provide the ability to access and benefit from
16 some system or entity.

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

23 (c) The American National Standards Institute (ANSI) is a private, not-for-profit organization
24 dedicated to supporting the United States' voluntary standards and conformity assessment
25 system and strengthening its impact, both domestically and internationally.

26 (d) Disability a physical or mental condition that limits a person's movements, senses, or
27 activities.

28 (e) Section 508 through Section 504 of the 1973 Rehabilitation Act was the first disability civil
29 rights law to be enacted in the United States. It prohibits discrimination against people with
30 disabilities in programs that receive federal financial assistance and set the stage for enactment
31 of the Americans with Disabilities Act.

- 1 (f) Sustainable Design seeks to reduce negative impacts on the environment, and the health and
- 2 comfort of building occupants, thereby improving building performance.
- 3 (g) Universal Design is the design of buildings, products or environments to make them
- 4 accessible to all people, regardless of age, disability or other factors.
- 5 (h) Usability is part of the broader term “user experience” and refers to the ease of access and/or
- 6 use of a product.
- 7 (i) Visitability Design is the design approach for new housing such that anyone who uses a
- 8 wheelchair or other mobility device should be able to visit. A social visit requires the ability
- 9 to get into the house, to pass through interior doorways, and enter a bathroom to use the toilet.

10 **Sec. 4-357. Universal Design Application.**

- 11 (a) A phasing plan shall be implemented. This legislation shall apply to all dwelling units (site-
- 12 built homes) constructed in Prince George’s County after _____.
- 13 (b) Dwelling units for which plans have already been certified prior to _____ shall
- 14 (c) be exempt from its provisions until the date of their next annual renewal.
- 15 (d) Covered dwelling unit means a detached single-family house; a townhouse or multi-level
- 16 dwelling unit (whether detached or attached to other units or structures); or multifamily
- 17 units, and is designed as, or intended for occupancy as, a residence.
- 18 (e) Application of this legislation shall not require existing homes to be retrofitted.

19 **Sec. 4-358. Universal Design-Exterior/Entrance.**

- 20 (a) There shall be a step free route of travel to at least one no -step entrance to the structure.
- 21 (b) The door of this entrance shall be 34-36-inch-wide doors and shall meet any promulgated
- 22 building requirements.
- 23 (c) Exterior pathways shall be slip resistant, firm, smooth and well-lit with lights at entrances
- 24 to provide view of door lock.
- 25 (d) A pathway shall be 36” min. wide from the point of arrival to the primary or garage
- 26 entrance and any slope should be consistent with promulgated requirements (i.e. ANSI
- 27 Section 1005 of ICC ANSI A117.1-2009)

28 **Sec. 4-359. Universal Design-Interior Accessible Route.**

- 29 (a) At least one accessible route shall connect all spaces and elements that are a part of the
- 30 accessible floor of the home area.

- 1 (b) Key function areas shall be on the entry level.
- 2 (c) Hallways shall have a 42-inch-wide minimum clear width.
- 3 (d) Doorways on the accessible route shall have a clear opening of 32 inches wide minimum
4 and all doors shall contain hardware that meets the door hardware requirements in the
5 current building code.
- 6 (e) No interior thresholds. Any exceptions, in level which exceed ¼ inch high, shall be
7 beveled, with a slope not steeper than one-inch rise to a 2-inch run (1:2).
- 8 (f) Handles, pulls, latches, locks, and other operable parts on accessible doors shall have a
9 shape that is easy to grasp with one hand and that does not require tight grasping,
10 pinching, or twisting of the wrist to operate.
- 11 (g) Accessible routes shall have hard surface flooring or low pile carpet.

12 **Sec. 4-360. Universal Design-Bathroom Wall Reinforcement.**

- 13 (a) Bathrooms shall have a full useable bathroom on entry level, or ½ bath designed to be
14 convertible to full, usable bathroom.
- 15 (b) Outlets shall be within reachable range.
- 16 (c) Slip resistant floors shall be used.
- 17 (d) Continuous wall reinforcement at toilet and bathroom fixtures shall be included. (All wall
18 reinforcement shall be capable of resisting shear and bending forces of a minimum of 250
19 pounds).
- 20 (e) Easy to use controls on sink, tub, shower and toilet shall be used.
- 21 (f) Design switches, controls, hardware:
- 22 (1) All light controls shall be placed no higher than 48", on center, above the floor.
- 23 (2) Where practical, all electrical receptacles shall be placed no lower than 15", on center,
24 above the floor.
- 25 (3) All thermostats shall be placed no higher than 54", on center, above the floor.

26 **Sec. 4-361. Universal Design-Kitchen.**

- 27 (a) 40" minimum clearances shall be installed between all opposing base cabinets, counters,
28 appliances and walls within the kitchen work area.
- 29 (b) There shall be a 60" min. clear floor turning area in U-shaped kitchens and 30" x 48" min.
30 clear floor areas for parallel approach centered on the sink and stove and other appliances
31 or forward approach with knee clearance.

1 (c) Lever fixtures for sink shall be installed.

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

3 **Sec. 4-363. Laundry, Appliances.**

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

5 (b) If structure is a multi-story home, entry-level shall include rough-in for plumbing (should
6 future need arise).

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

8 **Sec. 4-364. Elevator.**

9 (a) If the structure is a two-story dwelling and an elevator is needed:

10 (1) At least one set of stacked closets, pantry or storage space with knock-out or collapsible
11 floor shall be provided to become an elevator shaft for later elevator installation; or

12 (2) A residential elevator with minimum 3' x 4' clear floor area may be installed at the time
13 of initial construction.

14 **Sec. 4-365. Waiver Provision.**

15 Upon a determination by the Director of the Department of Permitting, Inspections and
16 Enforcement (DPIE) that by virtue of terrain or other unusual characteristics of the building
17 site, there are practical difficulties associated with compliance of any specific provision of
18 this standard, the conceptual plan shall be reviewed and approved by the District's Council
19 Member.

20 **Sec. 4-366. Amendments To The Building Code.**

21 (a) The Director of DPIE (or a designee) shall prepare and transmit to the County Council
22 amendments to The International Building Code, 2015 edition, as set forth in Subtitle 4.
23 Building, Division 1. Building Code, Subdivision 2.; and

24 (b) shall prepare and transmit to the County Council amendments to the International
25 Building Code of the Prince George's County Building Code (Building Code) that
26 incorporate the mandated elements of universal design set forth in Section 4-356, et seq.

27 (c) The County Council shall adopt, by bill, the Building Code amendments that make
28 mandated revisions to the Building Code, as set forth in Section 4-356 of this Code, Section
29 12-202 of the Public Safety Article of the Annotated Code of the Maryland, and Section 9-
30 250 of the Tax Property Article of the Annotated Code of Maryland.

31 (d) The Zoning Hearing Examiner shall request that DPIE require compliance with the

1 referenced language as set forth in the Building Code.

2 * * * * * * * *

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

11 SECTION 3. BE IT FURTHER ENACTED that this Act, requiring all dwelling units (site-
12 built homes) constructed in Prince George’s County to comply with Universal Design concepts,
13 shall apply to any and all dwelling units constructed after the effective date of this Act. Dwelling
14 units whose plans have been previously certified, prior to the effective date of this section, shall
15 be exempt from its provisions until the date of their next annual renewal. This law includes units
16 that are attached and detached family homes that have at least one occupiable floor at grade
17 level.
18

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on
2 October 1, 2023.

Adopted this ____ day of _____, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council 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.