

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2024 Legislative Session

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<b>Reference No.:</b>	CB-085-2024
<b>Draft No.:</b>	2
<b>Committee:</b>	COMMITTEE OF THE WHOLE
<b>Date:</b>	10/08/2024
<b>Action:</b>	FAVORABLE (A)

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**REPORT:** Committee Vote: Favorable, as amended, 9-0 (In favor: Chair Ivey, Council Members Blegay, Burroughs, Dernoga, Harrison, Hawkins, Olson, Oriadha, and Watson)

The County Council convened as the Committee of the Whole on October 8, 2024, to consider CB-085-2024. The PHED Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. As presented on September 17, 2024, Draft-1 adds and revises certain definitions, providing for certain exemptions; requires certain alarms; regarding the potential waiver of certain requirements by the Director of the Department of Permitting, Inspections and Enforcement in certain instances; requiring a certain form for the application for certain waiver exemptions; assessing a certain administrative fee in an amount per each waiver per each dwelling unit in a residential development project at the time of building permit for the cost of the Department of Permitting, Inspections and Enforcement's processing and review of the Universal Design for Housing waiver provision as prescribed in the Table of Fees; imposing penalties for non-compliance of certain violations of the Universal Design for Housing law; providing for a certain appeal from a certain waiver denial; and generally regarding Universal Design elements for certain newly constructed residential housing dwelling units.

The Budget and Policy Division provided a Policy Analysis stating that CB-085-2024 may have a minor adverse direct fiscal impact because of an increased workload considering waiver applications. However, the expenditures could be offset by application fees imposed for waivers and fines collected for non-compliance. Increasing residents' ability to age in place will have favorable economic benefits.

Their memorandum also had three questions for consideration.

1. Please describe the details of a Waiver Checklist Form and how DPIE will revise it from time to time.
2. With the new provisions for Universal Design established by CB-085-2024, does the Department anticipate needing additional staffing to meet these demands in 2026?

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3. Are the processing fees to be imposed for waiver requests adequate to meet the administrative demands for waivers that may be requested? (\$245 per waiver, per unit)

The Planning Department submitted a memorandum with the following comments and proposed amendments:

After reviewing the proposed legislation, the Department notes that the following definitions, “Accepted by the Maryland-National Capital Park and Planning Commission” and “Approved by the Maryland-National Capital Park and Planning Commission,” do not otherwise appear in Division 6. Hence, creating definitions serves no purpose and contravenes drafting conventions in the County Code.

Furthermore, defining “acceptance” by MNCPPC to mean whenever “DPIE accepts an application” is not appropriate, and defining “approved” by MNCPPC as when whenever the County’s building official accepts an application is also not appropriate. Lastly, the Planning Department does not accept applications or approve permits in Subtitle 4 (including waivers from Universal Design requirements).

Additional recommendations are made as follows:

- The term “accessibility” is not used in Division 6, while the term “accessible,” on the other hand, is used throughout Division 6. Recommend using the term “accessible” as the definition.
- A provision should be added that allows for a waiver request to be made earlier than the “normal process of obtaining a building permit” if the sponsor wishes the Planning Board to address these issues at the time of site plan review.
- Clarify that any waiver from Universal Design Standards does not reduce the minimum points required for a site plan to comply with the Green Building Standards.

Ms. Canning, the Legislative Attorney, provided an amendment to the bill. The amendment is as follows:

Page 8, lines 22 through 27, add the words “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.”

Chair Ivey explained that the Universal Design Workgroup wanted to make sure fees were not excess and wanted to find other ways to encourage compliance without the deterrence always being a fine.

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Ms. Lori Parris, Senior Advisor to the DPIE Director, explained that she was there to answer any questions. The Universal Design Workgroup developed the waiver checklist to determine if a development can comply with the Universal Design law and, if not, what the waiver would look like. The waiver checklist can be amended if the law changes because the checklist is not codified. DPIE is also working to make the waiver checklist process electronic to be completed online.

Ms. Dinora Hernandez, with the Office of Law, found the bill in proper legislative form and had no legal impediments to its enactment.

Ms. Sakinda Skinner, County Council Liaison with the County Executive's Office, explained that the Administration is requesting a favorable recommendation on the legislation.

On a motion of Council Member Watson, seconded by Council Member Blegay, the Prince George's County Council, sitting as the Committee of the Whole, voted 9-0 favorably on CB-085-2024 as amended.