

INTERGOVERNMENTAL AFFAIRS DIVISION
COUNTY AGENCY LEGISLATIVE COMMENT REQUEST FORM

Reviewing Agency: Department of Permitting, Inspections and Enforcement

Bill/Resolution Number: CB-51 [Universal Design and Visibility Design for Housing]

Brief Summary of the Bill/Resolution: This bill would create more stringent design standards for housing.

Agency Impact:

Will this bill impact your Agency financially or operationally, or your Agency's mission?

Yes No Undeterminable at this time

If yes, please select the appropriate impact: Positive Impact Negative Impact No Impact

Discussion of Impact:

DPIE has serious concerns about this legislation, starting with Section 4-365, Waiver Provision, which requires the DPIE Director to get approval of the conceptual plan from the appropriate Council Member. We believe a better course of action would be a notice requirement and an annual report where the DPIE Director would provide a list of all properties that received a waiver from the Universal Design law. Otherwise, it is too burdensome and will be unworkable. The annual report will provide the necessary accountability to the Council.

Sections 4-359, 4-360, 4-363 and 4-364 would require Building Plan Review Division review and approval. Section 4-358 (a) will require M-NCPPC and Site/Road Plan Review Division review and approval.

Section 4-358, Universal Design-Exterior/Entrance, (a) says "There shall be a step free route of travel to at least one no-step entrance to the structure." This would require M-NCPPC and DPIE Site/Road Plan Review Division review and approval. Additionally, this will require all homes to have no stairs from the driveway to the front door. For most home sites, this will result in more retaining walls in the back yards to make up for the fact that the house first floor elevation has to be almost flush with the top of the driveway elevation. This will likely result in more back yard storm drain (instead of the common practices of swale flow from back to front yard).

This, in turn, will make it difficult to achieve the positive drainage slopes away from the house in the front of the house (our code requires 10" in 10' drop away from the house), since the sidewalk grade will have a mild slope from driveway to front door. This may cause some basement drainage problems if the garden area between sidewalk and house does not have a good slope to it. We would have to prepare a mock house siting/grading plan to examine this issue. This will require agency plan reviewers to add a more detailed grading review to every residential building permit, to ensure compliance.

The ADA does not apply to individually owned or leased housing in the private sector not used as a public accommodation, including single-family homes, condominiums, or apartments. Many types of multifamily housing in the private and public sectors are subject to the design requirements of the Fair Housing Act, which protects people from discrimination when they are renting or buying a home, applying for a mortgage, seeking housing assistance or engaging in other housing-related activities. Additional protections already apply to federally-assisted housing.

This legislation will also drive up home construction costs if the builders/developers were to include these requirements in the construction of homes, especially if an elevator is required. This legislation should be captured in an option offered by home builders to buyers, not a requirement for every home built.

Fiscal Impact: This legislation would add additional review and approval responsibilities to DPIE. The agency would require at least four additional reviewers, computer equipment and appropriate administrative support at a cost of approximately \$250,000 per year.

Agency Position Recommendation:

Support Oppose Support with Amendments No position

Please specify any suggested amendments in the space below?

Additional Information:

Has your agency been contacted by the State Department of Legislative Services staff regarding this proposal?

Yes No

Contact: Avis Thomas-Lester, DPIE PIO, athomaslester@co.pg.md.us

Date: Oct. 6, 2020

Comments from DPIE Associate Directors Mary Giles, Behdad Kashanian, Bellur Ravishankar and Assistant Associate Director Georges Holmes.

