



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

October 12, 2020

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 Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-051-2020 Universal Design and Visitability Design for Housing (Draft 2)

CB-051-2020 (Draft 2) (*sponsored by:* Councilmember Anderson-Walker)

Assigned to Committee of the Whole (COW)

AN ACT CONCERNING UNIVERSAL DESIGN AND VISITABILITY DESIGN FOR HOUSING for the purpose of ensuring safe, sustainable and inclusive living housing options for all county residents regardless of ability, functionality, stature, age, stability, in a safe sustainable, universally designed environment.

Fiscal Summary

Direct Impact:

Expenditures: Minimal

Revenues: NA

Indirect Impact:

Potentially Positive

Legislative Summary:

CB-51-2020 is sponsored by Councilmember Anderson-Walker was presented to the Council on June 23, 2020 and referred to Committee of the Whole (COW). CB-51-2020 would require all new construction for housing of any type to follow Universal Design and Visitability Standards in order to be usable by all residents regardless of age or ability. It is Council staff's understanding that a proposed Draft 2 of the Bill will be considered in the COW meeting.

Draft 1 of the Bill would generally add definitions of universal design and visitability standards, provide guidance on application of the new standards with specific requirements of the external walk way, no-step entry, width of doorways and hallways, having a bedroom and bathroom with blocking reinforcements, and requirements for appliances, kitchen and transitions between thresholds.

CB-051-2020 (Proposed Draft 2) includes the following provisions:

- **Section 4-356** – provides definitions and benefits of Universal Design and Visitability (p. 4);
- **Section 4-357** – provides guidance on the application of the Universal Designs on construction within Prince George's County beginning July 2021 (p. 4, lines 18-28);
- **Section 4-358** – provides guidance on Exterior and Entrances to include a no-step entry, width and surface of external walkways. And width of entrance doorways (p.4, line 29 through p. 5, line 8);
- **Section 4-359** – provides guidance on Interior rooms to include one bedroom and functional /high use appliances on main level; width of hallways, and floor thresholds throughout the home (p. 5, lines 9-21);
- **Section 4-360** – provides guidance for bathrooms on main level to include height and type of fixtures and outlets, areas for reinforcement blocking for future installation of grab bars and safety features, and type of flooring (p. 5, line 24 through p. 6, line 8);
- **Section 4-361** – provides guidance on Kitchen appliances and height of cabinetry, area and space for turn radius, and shelving (p. 6, lines 9-16);
- **Section 4-362** – provides guidance for installation and types of laundry appliances (p. 6, lines 17-21);
- **Section 4-363** – provides guidance and requirement for elevator installation on dwelling units with multiple levels (p. 6, lines 22-28); and
- **Section 4-364** – provides guidance and protocols for builders and/or developers to apply for waivers of specific provisions of this legislation (p. 6, line 29 through p. 8, line 2).

Current Law/Background:

Consistent with Prince George's General Plan, Plan 2035, the sustainable and equitable 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] that require accessibility building codes for public 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 Americans' 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 fit that description, and virtually none 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 unexpectedly challenged with mobility due to illness or injury.

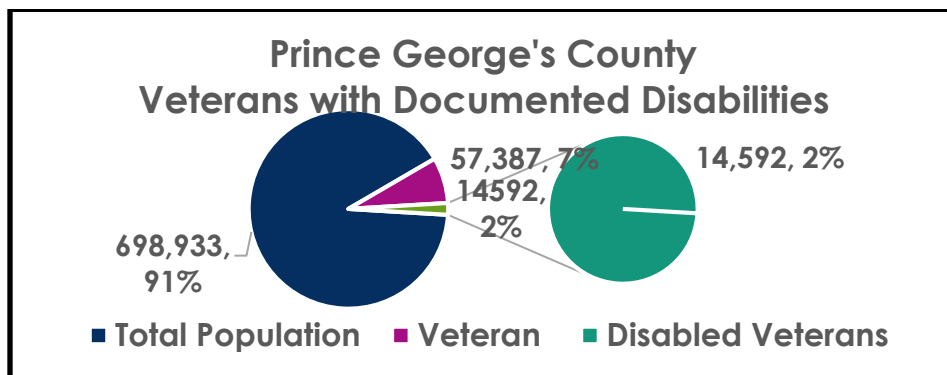


Figure 1: Data Source-American Fact Finder¹

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 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

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

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

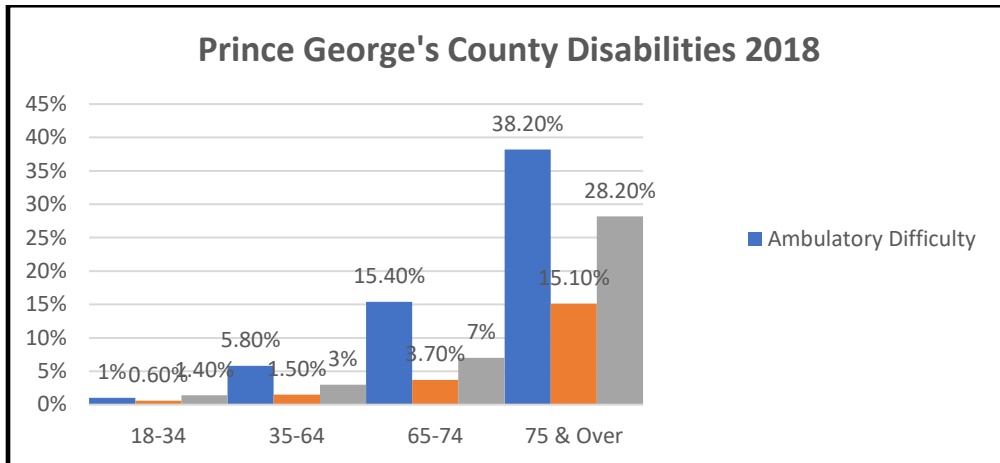


Figure 2 Disabilities in Prince George's County as of July 2019. US Census American Fact Finder

CB-051-2020 would impose universal design features on all newly constructed, homes in the County. Originating with the Center for Universal Design at the North Carolina State University, 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 Principles of Universal Design refer to: (1) Equitable Use; (2) Flexibility of Use; (3) Simple and Intuitive Design; (4) Perceptible Information; (5) Tolerance for Error; (6) Low Physical Effect; and (7) 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.

Resource Personnel

Council District 8 Staff
Council Administration
DPIE Staff
Richard Duncan, Universal Design Expert
Habitat for Humanity

Discussion/Policy Analysis:

- *Cost of Enacting CB-051-2020*

Enactment of CB-051-2020 we can anticipate there may be initial upfront costs for the County staff to amend the building code, costs to educate staff to new standards, and initial enforcement of the building code. In addition, there will be an initial cost for the building industry ensuring plans comply with the new

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

legislation. However, once these costs are absorbed, the increased per-unit cost of construction should be minimal.

It should be anticipated that the building industry will oppose the legislation due to their believe of the cost of implementation. However, 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. 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, case was appealed by the builders and the judge upheld the research and costs estimates outlined by Pima county.⁵

- *Benefits of Enacting CB-051-2020*

Enactment of CB-051-2020, Universal Design, can be seen in two varying 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 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.

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

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](#)

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*

Legislative mandates

- 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

Issues for Committee Consideration:

- ✓ Is a mandatory requirement the best alternative or should universal design be encouraged by incentive, but not mandated? Implementation may be easier if the building industry received incentives for building and/or remodeling in this manner. However, incentives would necessarily involve a greater cost to the County.
- ✓ What resources will DPIE require to develop a comprehensive outreach strategy to educate staff and stakeholders of the impending legislation.
- ✓ Have all stakeholder groups been consulted to ensure the proper requirements are being implemented, and to understand any/all unintended consequences. Such stakeholders would include building industry, developers, disability community, physicians, remodelers, realtors, etc.

Effective Date of Proposed Legislation:

Forty-five (45) calendar days after it becomes law.

⁷ 2016. Summary of Long Term Care. [MetLife](#).

If you require additional information, or have questions about this fiscal impact statement, please reach me via phone or email