
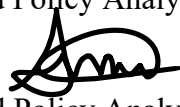




TO: Jennifer A. Jenkins,
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Shalene Miller-Whye 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-065-2023 Universal Design for Housing (Draft 1)

CB-065-2023 (*sponsored by:* Councilmembers Ivey, Dernoga, Blegay, Burroughs, Hawkins, Olson, Oriadha, and Watson)

Assigned to the Planning, Housing and Economic Development Committee

AN ACT CONCERNING UNIVERSAL DESIGN FOR HOUSING For the purpose of ensuring safe and inclusive residential dwelling options in future housing developments for all County residents, regardless of their ability, disability or functionality in a universally designed environment; regarding specific definitions; regarding a certain application and certain exemptions; regarding universally designed features; regarding universally designed features for certain types of housing construction; regarding the potential waiver of specific requirements by the Director of the Department of Permitting, Inspections, and Enforcement in certain instances; regarding County amendments to applicable Codes; regarding the conflict of laws; regarding establishing a Universal Design Implementation Workgroup; and generally regarding Universal Design elements for residential dwelling units.

Fiscal Summary

Direct Impact:

Expenditures: Small increase in expenditures.

Revenues: No direct revenue impact.

Indirect Impact:

Potentially favorable.

Legislative Summary:

CB-065-2023¹ is sponsored by Councilmembers Ivey, Dernoga, Blegay, Burroughs, Hawkins, Olson, Oriadha, and Watson and was presented to the Council on June 20, 2023, and referred to the Planning, Housing, and Economic Development (PHED) Committee. CB-065-2023 would require a Universal Design for all single-family attached/detached, two-family, two-over-twos, and multi-family residential dwellings in Prince George's County that meets accessibility and functionality for residents regardless of age and abilities.

If enacted, CB-065-2023 would:

- Provide definitions of accessible/accessibility, disability, site plan, Universal Design, and usability.
- Require that all new single-family attached, single-family detached, two-family, two-over-twos, and multi-family residential dwelling units constructed after January 1, 2026, follow the standards of Universal Design.
- Allow exemption of developments that have site plans that have been certified prior to January 1, 2026.
- Allow exemption of existing dwelling units, undergraduate and graduate student housing for public and private colleges and universities, single-family detached dwellings to be built or subcontracted by an individual owner, townhouses, and two-over-twos.
- Incorporate Universal Design requirements that apply to exterior entrances, interior routes of travel, having a bathroom on the first level, kitchens, and placement of controls, switches, electrical sockets, and plugs.
- Allow waivers to builders if they cannot meet Universal Design requirements or face practical difficulties or unusual characteristics and cannot comply.
- Not allow waivers for more than 50% of individual residential development projects.
- Require a bi-annual report from DPIE regarding waivers.
- Establish a Universal Design Implementation Workgroup to assist in implementation.

Resource Personnel:

- Kathleen H, Canning, Legislative Officer
- John Sheridan, Policy Director, District 5

¹ [Prince George's County Council - Reference No. CB-065-2023 \(legistar.com\)](#)

Current Law/Background:

Federal law related to accessible housing

Federally, there is the Architectural Barriers Act (1968), Section 504 of The Rehabilitation Act of 1973, and the Fair Housing Act Amendments (1988), as well as the Americans with Disability Act (1990). These all have demonstrated the protection of people with disabilities based on the built environment.

The Architectural Barriers Act of 1968 requires that buildings or facilities built, designed, or altered with federal dollars after 1968 be accessible.² Section 504 of the Rehabilitation Act of 1973 protects individuals with disabilities from discrimination from any program or activity which receives Federal financial assistance.³ The Fair Housing Act Amendments of 1988 prohibits discrimination on the basis of race, color, religion, sex, or national origin in housing sales, rentals, or financing.⁴ Lastly, the American Disabilities Act of 1990 prohibits discrimination on the basis of disability in employment, transportation, public accommodations, communications, and access to state and local government programs and services.⁵

Universal Design principles

According to the Center for Universal Design, Universal Design is a process for accessibility developed to meet and accommodate everyone, regardless of ability or disabilities. Principles of Universal Design about housing include:

- Equitable Use
- Flexibility in Use
- Low Physical Effort
- Size and Space for Approach and Use

Equitable Use, the focus of this process, demonstrates that the design must be developed in a way accessible to all residents. For flexibility in use, the design will accommodate different types of residents, ranging over several different disabilities. In terms of low physical effort, the design assures that residents suffering from any issues of mobility can live everyday lives within their homes. With size and space for approach and use, these standards outlay the importance of having a strategically sized home to meet the needs of all residents, regardless of reach, mobility, and size.⁶ Specific Universal Designs standards include but are not limited to the following^{7&8}:

² [Architectural Barriers Act \(access-board.gov\)](https://www.access-board.gov/)

³ [The Rehabilitation Act of 1973 as amended by WIOA \(PDF\) \(section508.gov\)](https://www.section508.gov/)

⁴ [H.R.1158 - 100th Congress \(1987-1988\): Fair Housing Amendments Act of 1988 | Congress.gov | Library of Congress](https://www.congress.gov/100/1/bills/1158/1/1/1)

⁵ [S.933 - 101st Congress \(1989-1990\): Americans with Disabilities Act of 1990 | Congress.gov | Library of Congress](https://www.congress.gov/101/1/bills/933/1/1/1)

⁶ [What is Universal Design? | DO-IT](https://www.do-it.org/)

⁷ [What is Universal Design? - NAHB](https://www.nahb.org/)

⁸ [Beyond Accessibility to Universal Design | WBDG - Whole Building Design Guide](https://www.wbdg.org/)

- No step entry
- Doorways with 32 – 36-inch-wide clearances
- Hallways with 36 – 42-inch-wide clearances
- Light switches and electrical outlets 24 – 58 inches from the floor
- Door handles that are 34 – 48 inches from the floor
- Additional floor space, including ample kitchen space of at least 30 by 48 inches in kitchens
- Slip-resistant floors and surfaces
- Comfortable reach zones

There is little information on the cost of Universal Design for new construction. Research surrounding costs in Sarasota County, Florida, reveals that costs vary but are minimal when implemented in the design phase, and can range from \$100 to \$3000 depending on the type of construction project.⁹

Prior County Universal Design legislative efforts

The first Universal Design bill in the County Council, CB-049-2019¹⁰ was tabled on October 3, 2019. It likely failed due in part to the lack of collaboration with stakeholders. There was pushback from developers and builders who expressed concerns about growing costs with the implementation of this Bill. There were also concerns about the Bill mandating Universal Design and not presenting any incentives for developers and builders. This was suggested to the Housing Opportunity for All Workgroup (HOFA) for further research and stakeholder engagement.

The second Universal Design bill in the County Council, CB-051-2020¹¹ was tabled on October 13, 2020. It failed with the same considerations as CB-049-2019. There was still opposition from builders and developers with concerns about the costs of implementing Universal Design. This was suggested to the HOFA committee.

The third Universal Design Bill in the County Council, CB-026-2021¹² was tabled on April 13, 2021. It also failed with similar considerations to the two prior Universal Design Bills presented. The concerns highlighted also included the amount of Universal Design Housing that will be mandated across production, based on percentages and types of housing instead of all dwellings.

CB-065-2023 in relation to Universal Design Standards

CB-065-2023 would amend sections 4-456 through 4-368 of the County Code. The following provisions of this Bill especially meet Universal Design standards set and endorsed by the Center

⁹ [Universal Design and Visitability | Sarasota County, FL](#)

¹⁰ [CB-049-2019](#)

¹¹ [CB-51-2020](#)

¹² [CB-026-2021](#)

for Universal Design¹³, Whole Building Design Guide¹⁴, the National Association of Home Builders¹⁵, AARP, and the state of Maryland¹⁶:

- Section 4-358 requires a step-free route of travel into each dwelling unit, with a 36-inch-wide clearance entrance.¹⁷
- Section 4-359 requires an interior accessible route to include 42-inch wide minimum hallways and 36-inch wide doorways. This provision also includes slip-resistant floors to promote mobility.¹⁸
- Section 4-360 requires a bathroom on the entry-level, slip-resistant floor and to include easy retrofitting grab bars.¹⁹
- Section 4-361 requires all electrical sockets and light control switches to be placed no higher than 48 inches above the floor and all electrical receptacles no lower than 15 inches above the floor.²⁰
- Section 4-362 requires 40-inch minimum clearances opposing cabinets, counters, appliances, and walls within kitchens, as well as a 60-inch minimum wide clearance of floor turning area in U-shaped kitchens or 40-inch minimum clearance in pass-through kitchens. In terms of floor clearance floor area, U-shaped kitchens require 30-inch by 48-inch minimum clearance.²¹

Discussion/Policy Analysis

Through Plan 2035, one of the Prince George's County policy priorities is to increase the supply of housing types that are suitable for and attractive to the County's growing vulnerable populations. This includes the homeless, the elderly, and residents with special needs. With a focus on our elderly and residents with special needs, CB-065-2023 seeks to diminish housing inaccessibility for groups likely to suffer without implementing a Universal Design. Universal Design promotes equity and diversity in housing through accessibility and improving the life span of future housing. This seeks to meet the growing demands of our aging population, further longevity in homeownership, cut costs of future remodeling and improve the overall wellness and mental health of Prince George's County residents.

In Prince George's County, 50 – 54-year-old residents make up 20.4% of the population, while 65 and older residents make up 14.5%. Residents 65 years of age and older have increased as a percentage of the County's population from 9.6% to 14.5% between 2010 and 2021.²² In the U.S., 13.7% of adults have a mobility disability which includes difficulty walking and climbing stairs,

¹³ [Center for Universal Design | College of Design \(ncsu.edu\)](#)

¹⁴ [Beyond Accessibility to Universal Design | WBDG - Whole Building Design Guide](#)

¹⁵ [What is Universal Design? - NAHB](#)

¹⁶ [Universal Design in Housing.pdf \(maryland.gov\)](#)

¹⁷ [CB-065-2023](#) (pg. 3, line 12)

¹⁸ [CB-065-2023](#) (pg. 3, lines 22-24)

¹⁹ [CB-065-2023](#) (pg. 4, lines 3-8)

²⁰ [CB-065-2023](#) (pg. 4, lines 14-17)

²¹ [CB-065-2023](#) (pg. 4, lines 20-25)

²² [Census Bureau](#)

while 2 out of 5 adults have disabilities.²³ This demonstrates that there is a growing demand to meet the housing and accessibility needs of residents.

As the population of Prince George’s residents is aging rapidly, many adults want to age in place. Aging in place has been shown to demonstrate significant social and financial benefits. Through aging in place, in the U.S., 43% of older adults in their current homes must make physical changes to their homes. According to Fixr, the cost of remodeling a home to meet many Universal Design standards is, on average, \$3,000 to \$15,000.²⁴

Currently, in the County, the only program available to address potential remodeling for our residents with the lowest incomes is the Community Development Block Grant (CDBG). Over FY2021 and FY2022, the CDBG decreased by 4.3% overall in eligible communities.²⁵ In Prince George’s County, particularly for FY2022 and FY2023, the number of funds allocated for the CDBG has decreased by 2.5%. With the potentiality of a decrease in funds, the CDBG focuses on other critical housing and neighborhood needs outside of the restoration of homes and may be unable to meet the demands of this growing aging population successfully.

The Housing Opportunities for All Workgroup explored a Universal Design policy in Prince George’s County. They addressed the structure of a potential policy and whether it should be mandatory or voluntary. HOFA determined that Universal Design should be mandatory for some housing, including public-assisted housing. For private projects, they suggested that there should be incentives for the incorporation of Universal Design features. The HOFA Workgroup also recommended that this policy only cover a share of units per development, including single-family detached homes, townhomes, triplexes, fourplexes, and multifamily buildings. The workgroup also included that there should be an emphasis on ground units and special considerations around topography amongst development sites to assure applicability. Regarding waivers, the HOFA workgroup recommended that waivers should be considered based on cost and unbuildable circumstances and that the waiving process should be explicitly stated in the legislation.²⁶

CB-065-2023 considers one recommendation from the HOFA workgroup, which includes waivers based on buildable circumstances and having the waiving process explicitly stated in the legislation.

Jurisdictions with Universal Design Legislative Mandates

Universal Design is still gaining traction and interest legislatively; several jurisdictions have adopted some form of Universal Design legislation.

- Pima County, AZ²⁷

²³ [National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention](#)

²⁴ <https://www.fixr.com/costs/aging-in-place-remodeling>

²⁵ [CPD Appropriations FY2023](#)

²⁶ [Universal Design Workgroup Recommendation](#)

²⁷ [Pima Ord Text 02 \(visitability.org\)](#)

- Murrieta, CA²⁸
- Alameda, CA²⁹
- Howard County, MD, for designated senior housing only³⁰
- Fremont, CA³¹
- Sacramento, CA³²
- South Hampton, NY, for designated senior housing only³³
- San Antonio, TX, required for single-family homes receiving federal and state funds³⁴
- Cortland, NY, required for new, single-family dwellings and duplexes, which receive any public funding³⁵

Benefits of enacting this bill include:

- increasing accessibility across housing for all residents;
- addressing the needs of the County’s growing aging population; and
- attracting residents in search of accessible housing to the County and encouraging a potential increase in revenue.

Ramifications of enacting this bill include:

- potential increases, likely small, in new home prices due to increased building costs to meet Universal Design requirements;
- increased workload to meet the demands of waivers granted with DPIE staffing;
- need for training DPIE on Universal Design standards

Potential for Proposed Draft Two

Council Member Ivey may offer a proposed Draft 2 of this Bill. The proposed Draft 2 will differ from Draft 1 in the following ways:

- To include “Dwellings, three-family” in Sec. 4-357 (a) as applicable to Universal Design.
- To include that a designee of the Director of DPIE may grant waivers in Sec.4-365 (b)(c)
- To remove Sec. 4-368, Universal Design Implementation Workgroup, with the intention of it being created through a separate resolution

²⁸ [Murrieta Municipal Code Chapter 15 \(murrietaca.gov\)](http://murrietaca.gov)

²⁹ [City of Alameda - File #: 2017-4756](#)

³⁰ [SECTION 113.2: - R-SI \(Residential: Senior—Institutional\) District | Zoning | Howard County, MD | Municode Library](#)

³¹ [Chapter 15.67 UNIVERSAL DESIGN](#)

³² [15.154.080 Universal Design features](#)

³³ [Town of Southampton, NY Universal Design](#)

³⁴ [San Antonio Visitability](#)

³⁵ [Cortland, NY City Council Visitability Resolution](#)

Fiscal Impact:

Direct Impact

Enactment of CB-065-2023 may have a minor adverse direct fiscal impact, as it could cause an increase in expenditures due to increased DPIE staff workload for waiver application consideration.

Indirect Impact

Enactment of CB-065-2023 may have a favorable indirect fiscal impact associated with the economic benefits of increasing the ability of residents to age in place.

Effective Date:

CB-065-2023 shall be effective forty-five (45) calendar days after it becomes law.

If you require additional information or have questions about this fiscal impact statement, please call me.