

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2023 Legislative Session

Reference No.: CB-065-2023

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 7/6/2023

Action: FAV(A)

REPORT:

Committee Vote, Favorable as amended (In favor: Council Members Ivey, Blegay, Dernoga, Olson, and Oriadha)

The Planning, Housing and Economic Development (PHED) Committee convened on July 6, 2023, to consider CB-65-2023. As presented on June 20, 2023, Draft-1 of the legislation amends various sections of Subtitle 4, Building, in the County Code to provide for universally designed features. CB-65-2023 applies to all new single-family attached, single-family detached, two-family, two-over-two's and multi-family residential dwelling units constructed in Prince George's County on and after January 1, 2026, with certain exemptions and waivers. In certain instances, a waiver of certain requirements may be granted by the Director of the Department of Permitting, Inspections and Enforcement.

The PHED Committee Director summarized the legislation and informed the Committee of written comments received on referral. The County Council's Budget and Policy Analysis Division submitted a Policy Analysis and Fiscal Impact Statement indicating that the enactment of CB-65-2023 would result in a small increase in expenditures and no direct impact on revenues. Enactment of CB-65-2023 may have a minor adverse direct fiscal impact, as it could cause an increase in expenditures due to increased Department of Permitting, Inspections and Enforcement staff workload for waiver application consideration.

Kathleen Canning, County Council Legislative Officer, summarized twelve amendments and the purpose of each amendment in a Proposed Draft-2 (DR-2) prepared at the bill sponsor's request as follows:

Amendment No. 1

On page 1, in line 10, after "Workgroup" insert "by Resolution"; on page 1, in line 15, after "4-366," insert "and"; on page 1, in line 15, after "4-367," strike "and 4-368". On page 1, in line 21, after "4-366" insert "and"; and on page 1, in line 21, after "4-367", strike "and 4-368".

Amendment No. 2

On page 2, after line 11, insert:

“(d) Two-over-two’s “Dwelling, two-family,” is a building containing two dwelling units. For the purpose of this Division, two-over-two’s are units stacked one above the other in a vertical configuration, sharing common vertical solid walls extending from the grade to the roof, or horizontal floors and ceilings. The building typologies commonly referred to as two-over-two dwellings or stacked dwelling units are examples of two-family dwellings.”

On page 2, in line 17, strike “(d)” and substitute “(e)”; and on page 2, in line 20, strike “(e)” and substitute “(f)”.

On page 2, in line 17, strike “to make them accessible to all people, regardless of disability” and substitute “so that they can be accessed, understood, and used to the greatest extent possible by all people regardless of their age, size, ability, or disability”.

Amendment No. 3

On page 2, in line 24, after “two-over-two’s,” insert “three-family,”; and on page 2, in line 24, strike “multi-family” and substitute “multifamily”.

Amendment No. 4

On page 2, in line 28, after “January 1, 2026,” insert “as set forth in Section 4-357(a) above,”.

Amendment No. 5

On page 3, in line 9, strike “to be”; on page 3, in line 9, strike “in a minor subdivision”; and on page 3, in line 10, strike “intended to be”.

Amendment No. 6

On page 3, in line 12, after “be” insert “subject to Section 4-364 of this Division and shall otherwise be”.

Amendment No. 7

On page 3, in line 14, “after (g)”, strike “Dwelling, two-family” and substitute: “Two-over-two’s “Dwelling, two-family”; on page 3, in line 14, strike “27-2500” and substitute “4-356(d)”; on page 3, in line 15, strike “the Prince George’s County Code” and substitute “this Division”; on page 3, strike beginning with “when” in line 15 down through “two-over-two’s” in

line 16; and on page 3, in line 16, after “be” insert “subject to Section 4-364 of this Division and shall otherwise be”.

Amendment No. 8

On page 5, in line 16, strike “Exterior/Entrance” and substitute “Interior Hallways, Doorways, Stairs”.

Amendment No. 9

On page 6, in line 8, after “(Director)” insert “or the Director’s designee”; on page 6, in line 9, after “building” insert “or the”; on page 6, in line 11, after “Director”, insert “or the Director’s designee”; on page 6, in line 13, after “Director”, insert “or the Director’s designee”. On page 6, in line 19, after “c.” insert “Proof that” and strike “T”.

Amendment No. 10

On page 6, in line 27, strike “individual”; and on page 7, in lines 1, 3, 4, 5, in each instance, strike “individual”.

Amendment No. 11

On page 7, in line 7, strike “biannual” and substitute “annual”. On page 7, in line 10, after “approved;” insert “and”; on page 7, in line 12, strike “; and (5) the amount and types of applications approved.”; and on page 7, in line 13, strike “their” and substitute “the Department of Permitting, Inspections and Enforcement’s”.

Amendment No. 12

On page 8, strike lines 3 through 24 and on page 9, strike lines 1 and 2, and substitute:

“SECTION 2. BE IT FURTHER ENACTED that, pursuant to Section 506 of the County Charter, the Council shall by resolution establish a Universal Design Implementation Workgroup to assist the County in implementing the required procedural and design requirements of Universal Design set forth in this Division. The Workgroup shall review the Universal Design provisions and shall provide advice and recommendations on the County’s priorities and goals for requiring Universal Design and on any proposed legislation and/or changes to be considered to the provisions of this Division. The County Council shall review and consider the Workgroup’s advice”

and recommendations when considering proposed legislation and/or changes to be considered to the provisions of this Division.”

On page 9, in line 12, strike “2” and substitute “3”; and on page 9, in line 19, strike “3” and substitute “4”.

PHED Committee Chair Ivey thanked former Council Member Monique Anderson-Walker for starting the legislative initiative for universal design, as well as Council staff and organizations, that worked with her on CB-65-2023 to recognize the importance of helping people age in place.

Sakinda Skinner, County Council Liaison, and Jose Sousa, Assistant Deputy Chief Administrative Officer for Economic Development, summarized the County Executive’s position on the legislation. Ms. Skinner thanked PHED Committee Chair Ivey for accepting some of the Administration’s friendly amendments. Mr. Sousa commented that the Administration is mostly in support of the legislation as drafted and offered an additional friendly amendment to Section 4-357 for the sponsor’s consideration and moving forward with the Workgroup. The amendment to create flexibility would limit the bill’s applicability to twenty-five percent (25%) of the multifamily residential dwelling units that are part of a housing development.

After receiving testimony from several individuals in support of the legislation, PHED Committee Chair Ivey turned to her colleagues for discussion. Council Chair Dernoga commented on a few technical drafting issues in Section 4-365 concerning the waiver provision. The Council Chair also raised a concern with the waiver criteria, specifically with the term “or practical difficulties” and suggested it may be something that the Workgroup can review.

Following discussion, the Committee voted in favor of Council Chair Dernoga’s technical amendments in Section 4-365 to be incorporated by Ms. Canning in Draft-2 (DR-2). On a motion by Council Member Olson, seconded by Council Vice Chair Blegay, the Committee voted favorable, 5-0, on CB-65-2023 DR-2 including the additional technical amendments.