

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-065-2023

Chapter No. 53

Proposed and Presented by Council Members Ivey, Dernoga, Blegay, Burroughs,
Hawkins, Olson, Oriadha and Watson

Introduced by Council Members Ivey, Dernoga, Blegay, Burroughs
Hawkins, Olson, Oriadha and Watson

Co-Sponsors _____

Date of Introduction July 18, 2023

BILL

1 AN ACT concerning

2 Universal Design for Housing

3 For the purpose of ensuring safe and inclusive residential dwelling options in future housing
 4 developments for all County residents, regardless of their ability, disability or functionality in a
 5 universally designed environment; regarding certain definitions; regarding a certain application
 6 and certain exemptions; regarding universally designed features; regarding universally designed
 7 features for certain types of housing construction; regarding the potential waiver of certain
 8 requirements by the Director of the Department of Permitting, Inspections and Enforcement in
 9 certain instances; regarding County amendments to applicable Codes; regarding the conflict of
 10 laws; regarding establishing a Universal Design Implementation Workgroup by Resolution; and
 11 generally regarding Universal Design elements for residential dwelling units.

12 BY adding:

13 SUBTITLE 4. BUILDING.

14 Section 4-356, 4-357, 4-358, 4-359, 4-360, 4-361,
 15 4-362, 4-363, 4-364, 4-365, 4-366, and 4-367,

16 The Prince George's County Code
 17 (2019 Edition; 2022 Supplement).

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 19 Maryland, that Section 4-356, 4-357, 4-358, 4-359, 4-360, 4-361, 4-362, 4-363, 4-364, 4-365,

4-366, and 4-367 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 4. BUILDING.

DIVISION 6. UNIVERSAL DESIGN FOR HOUSING.

Sec. 4-356. Universal Design: Definitions.

(a) Accessible/Accessibility refers to the design of products, devices, services, or environments to be appropriate for use by people with disabilities and provide the ability to access and benefit from some system or entity.

(b) Disability a physical condition that limits a person's movements, senses, or activities.

(c) Site plan, for purposes of this Division, shall include a permit site plan, a detailed site plan, a specific design plan, and a special permit site plan.

(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.

(e) Universal Design is the design of buildings, products, or environments 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.

(f) Usability refers to the ease of access and/or uses within and around a dwelling unit.

Sec. 4-357. Universal Design: Application. Exemptions.

(a) With the exception of exemptions and waivers granted, as set forth in this Division, this Division shall apply to all new single-family attached, single-family detached, two-family, two-over-two's, three-family, and multifamily residential dwelling units constructed in Prince George's County on and after January 1, 2026.

(b) Dwelling units for which a building permit has been issued, or for which a site plan application has been approved pursuant to Subtitle 27 of the Prince George's County Code prior to January 1, 2026, as set forth in Section 4-357(a) above, shall be exempt from the provisions of this Division. This would include phased development plans for which the Department of Permitting, Inspections and Enforcement has approved plans on file (i.e.,

building plans submitted by the developer for the various types of homes in the development) prior to January 1, 2026.

(c) Application of the provisions of this Division shall not require existing dwelling units to be retrofitted.

(d) Undergraduate and graduate student housing for public and private colleges and universities and private dormitories as defined in Subtitle 27 of the Prince George's County Code shall be exempt from this Division.

(e) The provisions of this Division shall not apply to a single-family detached dwelling that is built or subcontracted by an individual owner that is used as the owner's personal residence.

(f) Dwelling, townhouse as defined under Section 27-2500 of the Prince George's County Code shall be subject to Section 4-364 of this Division and shall otherwise be exempt from the provisions of this Division.

(g) Two-over-two's "Dwelling, two-family" as defined under Section 4-356(d) of this Division, shall be subject to Section 4-364 of this Division and shall otherwise be exempt from the provisions of this Division.

Sec. 4-358. Universal Design: Exterior/Entrance.

(a) There shall be a step-free route of travel to at least one step-free entrance to the dwelling unit. Entrance to the unit by way of a garage would qualify as an acceptable route. Multifamily dwelling units located within a building that are above the first floor of the building and are only accessible via stairway are exempt from this requirement.

(b) The door of this entrance shall have a 36-inch-wide clearance and shall meet all applicable building requirements.

(c) Exterior lead walks shall be structurally firm and slip resistant with a smooth uniform surface.

(d) Lead walks shall be a minimum of 42-inch wide from the point of arrival to the primary or garage entrance and any slope should be consistent with all applicable requirements.

Sec. 4-359. Universal Design: Interior Accessible Route.

(a) At least one accessible route shall connect all spaces and elements that are a part of the accessible entry level floor of the dwelling unit.

(b) The kitchen shall be on the accessible level and on the accessible route.

- (c) Hallways on the accessible level shall have a 42-inch-wide minimum clearance width measured from wall to wall.
- (d) Doorways on the accessible route shall have a minimum width of clearance of 36-inches and all doors shall contain levers for accessible access.
- (e) Interior thresholds with levels which exceed ¼-inch high, shall be beveled, with a slope not steeper than one-inch rise to a 2-inch run (1:2).
- (f) Accessible routes shall have flooring that allows resistance-free use of a wheelchair or similar mobility aid or device.
- (g) At least one separate room on the accessible entry level floor of the dwelling unit shall include architectural or design features that include but are not limited to a door that closes and a window to ensure accessibility.

Sec. 4-360. Universal Design: Bathroom.

- (a) Dwelling units shall have a bathroom with a sink, a shower, and a toilet on the entry level.
- (b) Outlets shall be within accessible range of an adult sitting in a wheelchair.
- (c) Slip resistant floors shall be used.
- (d) Continuous wall reinforcement at toilet and bathroom fixtures shall be included to enable easy retrofitting with grab bar(s). All wall reinforcement shall be capable of resisting shear and bending forces of a minimum of 250 pounds.
- (e) Controls on sinks, tubs, showers, and toilets shall be easily accessible or usable by persons with disabilities.
- (f) 2x6 lumber blocking centered 34" off of the finished floor to include the entire perimeter of the bathroom shall be used.

Sec. 4-361. Universal Design: Controls, Switches, Electrical Sockets and Plugs

- (a) All rocker light controls and switches shall be placed no higher than 48-inches, on center, above the floor.
- (b) Where practical, all electrical receptacles shall be placed no lower than 15-inches, on center, above the floor.
- (c) All thermostats shall be placed no higher than 54-inches, on center, above the floor.

Sec. 4-362. Universal Design: Kitchen.

- (a) There shall be 40-inch minimum clearances installed between all opposing base cabinets.

counters, appliances, and walls within the kitchen work area.

(b) There shall be a 60-inch minimum clearance of floor turning area in U-shaped kitchens or a 40-inch minimum clearance for pass through kitchens. For U-shaped kitchens, there shall be a 30-inch by 48-inch minimum clearance floor area for parallel approach centered on the sink and stove and other appliances or forward approach with knee clearance.

(c) Lever fixtures for sinks shall be installed.

Sec. 4-363. Universal Design: Smoke and CO2 Detectors.

Audible and visual smoke detectors, fire alarms, and CO2 alarms shall be installed on each floor of the dwelling unit.

Sec. 4-364. Townhouses; Two-Over-Two's. Applicable Universal Design Requirements.

Notwithstanding the exemptions set forth in Section 4-357(f) and Section 4-357(g) of this Division, only the following universal design requirements in this Division shall be required for townhouses and two over two's:

(a) Universal Design: Interior Hallways, Doorways, Stairs.

(1) Hallways shall have a 42-inch-wide minimum clearance width measured from wall to wall.

(2) Doorways shall have a minimum width of clearance of 36-inches and all doors shall contain levers for accessible access.

(3) Interior stairs shall be able to accommodate the installation of a chair lift, with an electrical outlet within four feet of the stairs.

(b) Universal Design: Bathroom.

(1) Continuous wall reinforcement at toilet and bathroom fixtures shall be included to enable easy retrofitting with grab bar(s). All wall reinforcement shall be capable of resisting shear and bending forces of a minimum of 250 pounds.

(2) Controls on sinks, tubs, showers, and toilets shall be easily accessible or usable by persons with disabilities.

(c) Universal Design: Smoke and CO2 Detectors.

Audible and visual smoke detectors, fire alarms, and CO2 alarms shall be installed on each floor of the dwelling unit.

Sec. 4-365. Waiver Provision.

1 (a) The builder must use best efforts to meet the requirements of this Division meaning efforts
 2 to the maximum extent practicable were made to meet the requirement(s). A builder that indicates
 3 that they cannot satisfy the step-free route of travel to at least one step-free entrance to the dwelling
 4 unit requirement, pursuant to Section 4-358 of this Division, shall request a waiver.

5 (b) A waiver may be granted by the Director of the Department of Permitting, Inspections
 6 and Enforcement (“Director”) or the Director’s designee upon a determination that topography or
 7 other unusual characteristics of the building or the site exist, or that there are practical difficulties
 8 associated with compliance with this Division. No waiver shall be granted unless approved by the
 9 Director or the Director’s designee. The determination of the waivers shall be made during the
 10 normal process of obtaining a building permit.

11 (c) A waiver authorized by this Division shall not be granted by the Director or the Director’s
 12 designee unless the builder seeking the waiver provides the following:

13 (1) A detailed written statement of the reason(s) that the builder is unable to meet its
 14 obligations under this Division, which shall include:

15 a. The specific issue(s) for which a waiver is being requested.

16 b. Why the requirement(s) cannot be met.

17 c. Proof that the document listed in Section 4-365(c)(1) has been certified by a
 18 Maryland Registered Professional Engineer (PE) or by a Maryland Licensed
 19 Architect.

20 (d) After review of the waiver request, the Director shall transmit a written decision
 21 approving or denying the request concurring or disagreeing with each listed specific
 22 issue as set forth in subsection (c).

23 (e) The waiver may only be approved if the Director is satisfied that the waiver meets the
 24 criteria in subsection (b).

25 (f) No residential development project can be granted waivers for more than fifty percent
 26 (50%) of the dwelling units.

27 (g) Any waiver approved by the Director shall apply to the area that is subject to the
 28 approved building permit.

29 (h) A residential development project with approved waivers shall have the provisions of
 30 universal design set forth in this Division waived for those dwelling units of the

residential development project covered by the waivers. A residential development project without waivers shall incorporate the provisions of universal design set forth in this Division in the residential development project.

(i) The Director shall notify the County Council in an annual report of waivers of:

- (1) the number of waiver applications received; (2) the number of waiver applications denied; (3) the number of waiver applications approved; and (4) the location by Council District of the number of waiver applications received and denied. The Director shall provide the County Council the Department of Permitting, Inspections and Enforcement's letter to an applicant explaining their decision regarding a waiver.

Sec. 4-366. Amendments, additions , and deletions.

Any provision of the IBC- International Building Code, IMC - International Mechanical Code, IECC- International Energy Conservation Code, IRC - International Residential Code, IEBC - International Existing Building Code and ISPSC - International Swimming Pool and Spa Code adopted by this Subtitle, shall be changed, modified, amended, added, deleted or omitted as set out in this Division, and such change, modification, amendment, addition, deletion or omission shall be deemed to supersede the text of these codes in any case where the provisions of this Division are interpreted.

Sec. 4-367. Conflict of Laws.

For any conflict between the provisions set forth in this Division and the Federal Fair Housing Act, Federal Americans with Disabilities Act, the Code of Maryland Regulations, or the Maryland Accessibility Code, and any other applicable law, the Department of Permitting, Inspections and Enforcement shall apply the Maryland Accessibility Code, the Code of Maryland Regulations, Federal Americans with Disabilities Act, and the Federal Fair Housing Act and any other applicable law.

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

1 and shall provide advice and recommendations on the County's priorities and goals for requiring
2 Universal Design and on any proposed legislation and/or changes to be considered to the
3 provisions of this Division. The County Council shall review and consider the Workgroup's advice
4 and recommendations when considering proposed legislation and/or changes to be considered to
5 the provisions of this Division.

6 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
7 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
8 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
9 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words,
10 phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since
11 the same would have been enacted without the incorporation in this Act of any such invalid or
12 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

13 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
14 calendar days after it becomes law.
15

Adopted this 12th day of September, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive