

MEMORANDUM

September 14, 2018

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *AMihill*

SUBJECT: Bill 30-18, Finance – Accessibility Features Supplement - Established

PURPOSE: Introduction – no Council votes required

Bill 30-18, Finance – Accessibility Features Supplement - Established, sponsored by Lead Sponsor Councilmember Leventhal, is scheduled to be introduced on September 18. A public hearing is tentatively scheduled for October 9, 2018 at 1:30 p.m.

Bill 30-18 would provide for a supplement to a non-profit organization for meeting a Level I or Level II accessibility standard on a single-family residence. A memorandum from the sponsor on ©7-8 provides additional background information.

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Bill No. 30-18
Concerning: Finance – Accessibility
Features Supplement - Established
Revised: 7/26/2018 Draft No. 2
Introduced: September 18, 2018
Expires: March 18, 2020
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Leventhal

AN ACT to:

- (1) provide for a supplement for meeting a Level I or Level II accessibility standard on a single family residence; and
- (2) generally amend County law governing financial incentives for accessibility features.

By adding

Montgomery County Code
Chapter 20, Finance
Article XVII, Accessibility Features Supplement
Section 20-84

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 Sec. 1. Article XVII (Section 20-84) is added to Chapter 20 as follows:

2 Article XVII. Accessibility Features Supplement.

3 20-84. Level I and Level II Accessibility Features Supplement.

4 (a) Definitions. In this Section, the following terms have the meaning
5 indicated:

6 Department means the Department of Finance.

7 Director means the Director of the Department or the Director's
8 designee.

9 Eligible costs means costs that are:

10 (1) incurred within 12 months before the property owner
11 submits an application to the Department for the
12 supplement;

13 (2) for an accessibility feature authorized under this Section,
14 including reasonable costs to install the feature;

15 (3) paid by the applicant and not, or will not be, reimbursed by
16 any entity; and

17 (4) in excess of \$500.

18 Accessibility Feature means a permanent addition to a single family
19 residence that is a requirement under a Level I or Level II Accessibility
20 Standard.

21 Level I Accessibility Standard means a permanent addition to a single
22 family residence that includes at least one no-step entrance located at any
23 entry door to the house that is connected to an accessible route to a place
24 to visit on the entry level, a usable powder room or bathroom, and a
25 32-inch nominal clear width interior door as further defined and described
26 in Executive Regulations adopted under Method 2.

27 Level II Accessibility Standard means permanent additions to a single
 28 family residence that provides all of the Level I Accessibility Standards
 29 plus an accessible circulation path that connects the accessible entrance
 30 to an accessible kitchen, a full bath, and at least one accessible bedroom,
 31 as further defined and described in Executive Regulations adopted under
 32 Method 2.

33 Non-profit organization means a non-profit organization that has tax
 34 exempt status under Section 501(c)(3) of the Internal Revenue Code.

35 Single family residence means an attached or detached single family
 36 home.

37 (b) Supplement established. A non-profit organization may receive a
 38 supplement for the cost of features that achieve Level I or Level II
 39 Accessibility Standards.

40 (c) Amount of Supplement. The supplement permitted by this Section must
 41 be as follows:

42 (1) For features meeting Level I Accessibility Standards, certified
 43 costs of up to \$3,000 less any funds or assistance received for the
 44 accessibility feature.

45 (2) For features meeting Level II Accessibility Standards, certified
 46 costs of up to \$10,000 less any funds or assistance received for the
 47 accessibility feature.

48 (d) Annual Limit on Amount of Supplement Granted.

49 (1) During any tax year, the total of all supplements granted under this
 50 Section must not exceed \$500,000.

51 (2) Supplements must be granted in the order in which the Department
 52 receives completed applications under subsection (e).

53 (3) A complete application that, if granted, would cause the limit set
 54 in paragraph (1) of this subsection to be exceeded, must be granted
 55 in the next fiscal year or years based on the order in which the
 56 Department of Finance received the application.

57 (e) Application for the Supplement.

58 (1) To receive the supplement, a property owner must submit an
 59 application to the Department:

60 (A) in the format the Department requires;

61 (B) that includes a copy of the building permit to install the
 62 feature;

63 (C) that includes any document that the Department requires;

64 (D) that includes a certification from the Department of
 65 Permitting Services, indicating that the features for which
 66 the supplement is sought has been property installed; and

67 (E) on or before the date set in the regulations.

68 (2) The Department must only accept one application for a credit
 69 under this Section for each property during a single tax year.

70 (f) Administration.

71 (1) The County Executive may adopt regulations under Method (2) to
 72 administer this Section.

73 (2) The Department must submit a written report to the Council by
 74 October 1 of each year for the preceding fiscal year. The report
 75 must include the following:

76 (A) number of applicants;

77 (B) number of applications approved;

78 (C) modification made by the applicant; and

79 (D) efforts to promote the supplement.

80 (g) Publicity. The Department must publicize the supplement in a way
81 designed to inform those most likely to benefit from the supplement.

82 *Approved:*

83

Hans Riemer, President, County Council

Date

84 *Approved:*

85

Isiah Leggett, County Executive

Date

86 *This is a correct copy of Council action.*

87

Megan Davey Limarzi, Esq., Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 30-18

Finance – Accessibility Features Supplement – Established

DESCRIPTION: Bill 30-18 would provide for a supplement for meeting a Level I or Level II accessibility standard on a single family residence.

PROBLEM: The current design for life tax credit program is only for homeowners.

GOALS AND OBJECTIVES: To provide funds for non-profit organizations to renovate homes to make them visitable and livable.

COORDINATION: Departments of Finance and Permitting Services

FISCAL IMPACT: To be requested

ECONOMIC IMPACT: To be requested

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Amanda Mihill, Legislative Attorney 240-777-7815

APPLICATION WITHIN MUNICIPALITIES: The supplement would be available county-wide

PENALTIES: N/A



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

MEMORANDUM

TO: Councilmembers
FROM: George Leventhal, Councilmember *George Leventhal*
DATE: September 12, 2018
SUBJECT: Bill 30-18, Accessibility Features Supplement – Established

On Tuesday, I will be introducing Bill 30-18, Accessibility Features Supplement-Established, which is attached. The goal of this bill is to make home improvements that provide accessibility more affordable and available to seniors and those who have differing abilities. Bill 30-18 would provide a supplement to non-profit organizations that provide home construction services to seniors and those with differing abilities that meet Level I or Level II accessibility standards. These include things such as ramps, walk-in showers, larger doorways, etc.

Five years ago, I introduced Bill 5-13, Property Tax Credit – Accessibility Features, which is also known as the Design for Life Bill. This law provides homeowners with a property tax credit for installing certain accessibility features in an existing residence; however, this law did not go far enough. Non-profit organizations that are performing the work cannot apply for assistance because they are not the property owner.

Under the Design for Life tax credit program, a property owner applies for reimbursement for cost incurred. Bill 30-18 would parallel the Design for Life tax credit by allowing non-profit organizations that perform home renovation projects for low-income seniors or individuals with differing abilities to be reimbursed for a percentage of their expenses for repairs and renovations meeting either the Level I (Visit-Ability) accessibility standard which includes:

- at least one no-step entrance located at any entry door to the house that is connected to an accessible route to a place to visit on the entry level (front door, back door, side door (any door), deck or through the garage) connected to an accessible route to a place to visit on that level.
- A useable powder room or bathroom.
- Interior door (s) with 32-inch clear width opening within the visit-able area.

Or Level II (Live-Ability) accessibility standard which includes the three basic design features of Level I, but also requires a circulation path that connects the accessible entrance to at least one-bedroom, full bath and kitchen.

Non-profit organizations in our area, such as Habitat for Humanity, Rebuilding Together and Housing Unlimited are working diligently to help many of our residents maintain accessible homes. In the last two years, Habitat for Humanity has completed home repairs and provided construction services for nearly 30 households, with fifteen of these projects having accessibility modifications.

Allowing these non-profit organizations to gain access to these funds would provide a helping hand to those in serious need and would help our residents retain their roots in our community. The total of all supplements granted under this program would not exceed \$500,000 during any tax year.

If you have any questions or if you would like to co-sponsor this bill, please contact Walton Harris. Thanks in advance for considering this bill.