



**Commission on People with Disabilities
Meeting Summary Minutes
November 8, 2023**

**** MEETING WAS HELD VIA ZOOM ****

Welcome and Approval of October 2023 Meeting Minutes

Trish Gallalee, Chair, convened the meeting. A motion was made to approve the October 2023 Meeting Minutes. The motion was seconded. A vote was taken and the October 2023 Meeting Minutes were unanimously approved as written. Approved minutes are available online at www.montgomerycountymd.gov/cpwd.

Design for Life Property Tax Incentive Program – Gail Lucas, Division Chief, Customer Support and Outreach, Department of Permitting Services (DPS)

Website: www.montgomerycountymd.gov/design

The Design for Life (DFL) Incentive Program became effective July 1, 2014, and was launched with a four-fold vision:

1. To promote and increase the stock of accessible housing in Montgomery County that meets Level I (VISITable) and Level II (LIVEable) DFL Accessibility Standards.
2. To encourage and motivate businesses to provide housing that meets Montgomery County DFL guidelines.
3. To promote and increase the stock of accessible housing in Montgomery County that meets Level I (VISITable) and Level II (LIVEable) DFL Accessibility Standards.
4. To increase the marketability of DFL properties.

Accessibility Standards for Level I (VISITable) home and Level II (LIVEable) home include design elements such as a no-step entrance, and slightly wider interior doors. These elements accommodate people living with temporary or permanent disabilities as well as friends or relatives with mobility limitations and make it easier for everyone including access for a baby stroller or large objects.

DFL provides 3 tiers of property tax incentives to make homes more universally accessible:

1. Accessible Feature tax incentives are for certain features that are permanently installed to improve access to or within an owner's principal residence (not limited to single-family homes).
 - a) No-step front door entrance or a no-step entrance to another location providing access to the main living space.
 - b) Ramp creating a no-step entrance.
 - c) Exterior doorway with a 32-inch clear opening, and exterior lighting controlled from inside the residence or automatic or continuously on.
 - d) An exterior or interior elevator or lift or stair glide unit.
 - e) An interior doorway with a 32-inch clear opening.
 - f) Alarm, appliance, and control structurally integrated to assist with a sensory disability.
 - g) Maneuverable bathroom or kitchen.
 - h) Walls around a toilet, tub, or shower reinforced and properly installed grab bars.
 - i) Accessibility-enhanced bathroom, including a walk-in or roll-in shower or tub.

2. Level I (VISITable) tax incentives are available for permanent installations to any new or existing single-family homes, townhomes and duplexes that meet Level I accessibility threshold. Four design elements are required to meet Level I are: at least one no-step entrance; connected to an accessible route to a place to visit on the entry level; a usable powder room or bathroom; and a 32-inch nominal clear width interior door.
3. Level II (LIVEable) tax incentives are available for permanent installations to any new or existing single-family homes, townhomes and duplexes that meet Level II accessibility threshold. Eight design elements are required to meet Level II are: at least one no-step entrance; connected to an accessible route to a place to visit on the entry level; a usable powder room or bathroom; a 32-inch nominal clear width interior door; an interior way of passage from one room to another that can accommodate a wheelchair or other mobility aid; a kitchen that can accommodate a wheelchair or other mobility aid and meets the specification in the Montgomery County Code; at least one accessible bedroom; and accessibility-enhanced full bathroom that includes a walk-in or roll-in shower or tub.

For new home construction a school impact tax credit may be available for projects meeting Level I and Level II Accessibility standards.

Whether you are a first-time homebuyer, young family, active adult, or person living with a temporary or permanent impairment, these additional design elements will enhance your home — and at the same time, meet your needs and your visitors' needs throughout your life.

Homeowner must apply for building permit to receive tax incentives. For the tax incentive, property owners may receive:

- Up to \$2,500 for 50% of the costs of any of 9 features if:
 - You spend more than \$500 for purchase and installation of the feature(s);
 - You own and live in the home or condominium as your primary residence.
- Up to \$3,000 for 100% of the reasonable costs of making your single family home VISITable (Level I accessibility).
- Up to \$10,000 for 100% of the reasonable costs of making your single family home LIVEable (Level II accessibility).
- Impact tax credit against the Development Impact Tax for Public School Improvements for meeting a Level I accessibility standard in single-family attached and detached homes.

Tax credits are processed after a building permit is issued and work is completed, inspected and certified by DPS. The Department of Finance applies the tax credits to the homeowner's tax bill. Department of Finance typically sends out corrected tax bills reflecting a tax credit in December. You will receive up to \$2000 of tax credit in any tax year and the balance in following year(s). Example – "I spent \$15,000 on features and installation (including permit fees) and my home meets the LIVEable (Level II) standard. I receive a tax credit of \$10,000 which is applied in the amount of \$2000/year for 5 successive years."

DFL has an annual budget of \$500,000. Funding is appropriated every year and does not decrease. The most credits processed in a single year was in 2022 when \$203,000 worth of credits were certified due largely to an accessible community of 21 homes that were designed and developed 100% accessible.

DPS does outreach to the community including speaking with homeowners associations, neighborhood groups and Leisure World and has participated in various conferences, street festivals and community events. Most recently DPS participated on a panel at the Summit on Aging. DPS sends out a newsletter every other month which includes information on DFL. DPS was featured on the County's Al Dia radio program, which is a Spanish speaking program. DPS also has a podcast with an upcoming episode dedicated to DFL.

Gail has been updating a spreadsheet that details the homes that have been certified. She will send the finalized to spreadsheet to Betsy for distribution.

The floor was opened to questions.

- **Has the application been updated to reflect that a no-step entrance can be at any exterior door, not just at the front door?** Yes, it has been updated online. Gail reported DPS is in the process of updating their whole computer system and will be making changes to all of their applications. DPS is also in the process of updating and revising the DFL website so information is easier to find.
- **Is there a mandatory age or disability requirement?** There are no such requirements. If you are building and renovating a home that includes these accessibility features, you can be eligible for the program.
- **Does the permit have to be approved prior to the work starting and how long is the permit process?** Some items such as grab bars or a chair lift may not typically require a permit, but to receive the tax credit a permit still needs to be applied for with DPS. Homeowners can retroactively apply for a permit up to one year once the work is completed. The residential permit process takes approximately six weeks. Smaller alterations and additions will take less time.
- **DFL tax credit program does not work together with the tax credit available from the state of Maryland.** While you can take advantage of both, the DFL tax credit you receive can be reduced by your receipt of other tax credits.
- **Criticism received by the program include not being able to afford to complete the renovations in order to receive the credit.** Grant programs are offered by Habitat for Humanity and the Department of Housing and Community Development.
- **Homeowners can apply for the DFL program multiple times if a renovation is occurring in phases, but you cannot receive credit for the same features.**

Moderately Priced Dwelling Units (MPDU) – Jackie Simon, Realtor, Past CPWD Commissioner and Past Chair of the Housing Opportunities Commission (HOC)

Website: www.montgomerycountymd.gov/DHCA/MPDU/index.html

County law requires new housing developments with 20 or more units to offer 12.5%-15% of those units at affordably priced sale or rental rates. The MPDU Program also mandates affordable rental rates at numerous apartment communities in the county. There are no requirements that MPDUs have accessible features.

Within the last five years, a developer in Montgomery County built 19 townhomes that were fully accessible with elevators. This development was exempt from the MPDU program as it consists of less than 20 units.

It was suggested that the Commission educate the Montgomery Planning Board that they are fostering barrier dwelling units as they encourage builders to build homes with front porches. The Planning Board has appointed a new Chairman. The County has also recently passed Thrive 2050, which includes increasing accessible housing.

Jackie has been working with one of the Councilmembers to re-examine MPDU requirements. She has also approached staff at the Human Rights Commission. Jackie noted that none of the current Councilmembers know the history of the DFL program or the 10 years it took to create the program.

Several jurisdictions across the country have accessibility requirements for their MDPUs. Arizona's building code requires that two percent of the units in a project be designed to be "accessible" to people with physical disabilities and if the project's funding includes Federal funds, the Uniform Federal Accessibility Standards (Section 504 of the 1973 Rehabilitation Act) require that a minimum of five percent of the units be designed to be "accessible" by person(s) with disabilities. Atlanta, Georgia requires housing projects which receive public funding to be "design and constructed in a manner so that the 'units, common areas, facilities and services" are readily accessible to and usable" by persons who have a disability.

HOC has committed to installing universal design features. If two bathrooms are present, one must offer a curbless shower. As the years have passed, more units have inclusive features. Nine years ago, HOC had 5,000 units in the pipeline that were the first to feature universal design. The new senior apartment property The Leggett in Silver Spring recently opened which set aside 238 of the 267 units as affordable. HOC has an additional 5,000 units in the pipeline. There are approximately 37,000 households on HOC's waiting list for subsidized housing.

It was suggested that a further discussion be held during the upcoming Steering Committee meeting and a housing workgroup be convened to work on these issues. The Federal Fair Housing Act requires entry to be at the front door. Legislation would be required to make any real changes. Teresa Villani, Commissioner, offered to work with Jackie on these issues.

Chair and Vice-Chair Report

Trish reported she sent a letter on behalf of the Commission to Councilmember Dawn Luedtke regarding Montgomery County Council [Bill 33-23: Voluntary Registration for 911](#). The Commission has significant concerns about the ability to safeguard this information, the cost to maintain the accuracy of the information, and the danger first responders may face if the information is not accurate. Councilmember Luedtke has requested time to speak with the Commission about this issue. She will attend the Steering Committee next Wednesday November 15 at 5:30pm.

Karen Morgret, Vice-Chair, reported she is still observing issues with MetroAccess and problems are ongoing.

Update – Intellectual and Developmental Disabilities Commission (IDDC) – John Whittle, Commissioner and Liaison to IDDC

John reported IDDC held its first meeting on October 18. The Commission reviewed Bill 33-23 and heard from a panel of speakers, including Councilmember Luedtke, Officer Laurie Reyes, and a County attorney. Future IDDC meetings will be held the third Thursday of the month.

Ex-Officio Member Updates

Angela Luskey, Department of Recreation, reported winter registration is now open.

Bob Green, Montgomery Parks, reported a new park, [Hillandale Local Park](#), has opened off of New Hampshire Avenue. It features a fully accessible restroom and picnic pavilion. Strathmore Local Park is currently undergoing renovations and is expected to reopen in the spring 2024. As of 2016, Montgomery Parks had 420 parks, none of which were accessible. As of today, there are 35 accessible parks.

Matt Barkley, ADA Compliance, Department of General Services (DGS), reported DGS continues to work on renovations for the Avery Road Treatment Center. He also reported he had a meeting this week regarding the accessibility of the courts in the north tower. The original rooms designed in the 1980s are very challenging to navigate for persons with and without disabilities. Judges have expressed concerns regarding their safety and security in that wing and accessibility may be added to those renovations. DGS attended a training on public right of way on Monday. MCDOT was present as well and the County seems to be far ahead of other jurisdictions. DGS is rolling out a new live training that is mandatory for all front line workers on November 17.

Rebecca Grayson, HOC, reported the Gaithersburg Customer Service Center located at 101 Lakeforest Boulevard is permanently closed and has moved to a new location: 8005 Gramercy Boulevard, Suite #200, Derwood, MD 20855. Free parking is available in the garage on Columbus Avenue. HOC customers may park in the reserved customer parking labeled "HOC". The location is within walking distance from the Shady Grove Metro Station. The front door is currently not accessible, and security is stationed to assist residents.

Commissioner Updates

None.

Public Comments

None

Meeting Adjourned – 7:23pm

Submitted by: Carly Clem, Program Specialist II
Betsy Tolbert Luecking, Community Outreach Manager

Attendees

Commissioners Present: Myra Coffield; Kaylee Davis; Patricia Gallalee, Chair; Tonya Gilchrist; Karen Goss; Sammi Hampton; Karen Herson; Samuel Korper; Cindy LaBon; Ricardo Lopez; Karen Morgret, Vice Chair; Coni Nepomuceno; Avner Shapiro; Richard Shermanski; Jeneva Stone; Teresa Villani; John Whittle; Melissa Wyman

Commissioners Absent: Karen Herson; Lisa Quinn

Non-Voting Ex-Officio Members Present: Matthew Barkley, ADA Title II Compliance Officer, Department of General Services; Patricia Cochrane, Montgomery County Public Schools; Rebecca Grayson, Housing Opportunities Commission; Bob Green, Montgomery Parks; Angela Luskey, Department of Recreation

Non-Voting Ex-Officio Members Absent: Candace Groudine, Human Rights Commission; Angelisa Hawes, Montgomery County Public Libraries; Karen Hochberg, Office of Human Resources; Denise Isreal, Department of Transportation

County Staff Present: Gail Lucas, Department of Permitting Services

Commission Staff Present: Betsy Luecking, Staff Liaison; Carly Clem, Program Specialist II

Public: Jen Carter (Sign Language Interpreter); Addy Eubanks (Sign Language Interpreter); Seth Morgan; Jackie Simon; Hope Kott; Cindy Buddington

Montgomery County Commission on People with Disabilities December 2023 Meeting and Events Calendar

Full Commission Meeting – Wednesday December 13
6pm to 7:30pm to be held via Zoom – link to be announced

Steering Committee Meeting – Wednesday December 20
5:30pm to 6:30pm to be held via Zoom – link to be announced