



House Bill 321

Public Buildings - Changing Facilities - Requirements

MACo Position: **OPPOSE**

To: Health and Government Operations
Committee

Date: January 14, 2021

From: Drew Jabin

The Maryland Association of Counties (MACo) **OPPOSES** HB 321. While well-intentioned, this bill would place a costly mandate on county governments to carry out new state policy and install at least one changing facility suitable for providing personal care for an adult to be installed in a public bathroom within a newly construction or majorly renovated building.

As a rule, MACo resists state policies that result in costly or burdensome local implementation. HB 321 would implement a costly mandate for county governments to install changing facilities suitable for adults in public bathrooms. Under state law, counties have no choice but to support these costs—competing for limited local funds against school construction, public safety, roadway maintenance, and other essential public services.

The Fiscal Note prepared by the Department of Fiscal Services states that the bill does not provide specifications for the types of changing facilities to be included in new or renovated buildings, and there are no federal standards on which to rely, meaning the cost of installing these facilities can vary tremendously – with cost estimates running upwards of \$150,000. As defined in the bill, substantial renovations are considered \$30,000, meaning this could potentially increase costs of renovating the building five-fold. Costs have the potential to increase ten-fold for public buildings with restrooms divided by gender, which must have a facility installed in at least one men’s public restroom and one women’s public restroom.

Local governments must also enforce these requirements in privately owned buildings if construction is not on State-owned land, local funds are used, and no State funds are used. This would place an unclear but potentially burdensome new enforcement requirement on county and municipal governments, extending beyond their expertise.

Ultimately, the bill as written is a potentially significant unfunded mandate for local governments. Counties obviously encourage avenues to create accessible environments for all residents, but do oppose the broadly mandated provisions currently within HB 321. For these reasons, MACo **OPPOSES** HB 321 and urges an **UNFAVORABLE** report.