

**Maryland Department of Disabilities**  
**Access Maryland Program**

**FY 2016 Capital Budget Testimony**

## **Maryland Department of Disabilities**

### *Overview of MDOD*

Serving as key resource for Marylanders with disabilities and their families, the Maryland Department of Disabilities (MDOD) works in partnership with other State agencies to remove barriers and create new opportunities in education, employment, housing and transportation. MDOD has the authority to review and refocus regulatory provisions governing services and supports to people with disabilities. The Department also engages with its sister departments on matters of budget regarding services and supports to people with disabilities, and tracks performance outcome measures in various policy areas.

### *Access Maryland*

The Access Maryland program provides funds to eliminate architectural barriers in State-owned facilities and provide programmatic access for Marylanders with disabilities. This ensures State compliance with the Americans with Disabilities Act of 1990, which mandated that physical access be provided for all State services.

**Recommended Action:****1. Reduce General Obligation Bonds Reduction \$1,527,000 funds and authorize reimbursable fund budget amendment**

DA0201A            Accessibility modifications .....        \$73,000

Add the following language:

[P]rovided that it is the intent of the General Assembly that projects on the fiscal 2016 funding list at the University System of Maryland (USM) institutions be funded by USM to ensure that these projects are undertaken during fiscal 2016. Authorization is hereby provided to process a \$1,527,000 reimbursable fund budget amendment to support these projects in fiscal 2016.

**Agency Response:**

The Maryland Department of Disabilities **strongly opposes** a General Obligation Bond funding reduction for the following reasons:

- The recommendation is based in part on the mistaken premise that “USM receives an additional \$17 million a year in academic revenue bonds for facility renewal, *which often overlaps with accessibility modifications.*” A review of the last several years of facility renewal projects demonstrates that the majority are items such as roof replacement and HVAC systems. While these benefit all students, including those with disabilities, they cannot reasonably be construed as accessibility modifications. In consultation with MDOD, DBM has determined that continued use of Access Maryland funding for USM accessibility projects remains the reasoned approach to help the State’s higher education institutions meet accessibility mandates.
- The recommended cut is a disservice to Marylanders with disabilities who study, work at, or visit state colleges and universities. Universities are Maryland’s largest legal exposure to liability under the ADA. The student body is composed primarily of people who have grown up in the post ADA/ IDEA era with an expectation of greater physical accessibility. Access to higher education programs and facilities leads to better employment outcomes, increased income and independence for people with disabilities. Decreased reliance on government provided subsidies supports the continued commitment of Access Maryland funds in these settings.
- While the University System of Maryland receives other bond based funds, they are insufficient to meet the extensive backlog of deferred facilities maintenance projects. At present, that total approaches **\$1.6 BILLION**. A cost shifting consideration for

university based projects was most recently considered, discussed, and rejected in FY 2012 and FY 2013.

The analyst's concerns over the distribution of Access MD funding between USM and State agency projects are noted. MDOD has worked to prioritize State agency requests for necessary and well developed proposals as well as to ensure a balanced distribution of funding related to the requests we receive. In the last three years, the percentage of funding awarded to State agency projects is equal to the percentage of the overall funding requested.

Additionally, MDOD has worked in tandem with DGS to assist State agencies in refining their proposals as agency requests often require additions to the scope of work or funding once a project is proposed or initiated. We would also note that higher education facilities are often able to utilize staff resources to perform in-house survey and design work. Thus, they submit refined budget requests and communicate a very good understanding of their accessibility needs that result in high ratings from the application review committee. State agencies, based on our experience, do not have these same in-house resources at their disposal.

The analyst's recommendation will force USM to choose between ADA upgrades and extending the life of an aging infrastructure. As previously mentioned, the current backlog of deferred facilities maintenance projects approaches \$1.6 billion. ADA upgrades, for the sole purpose of changing something that works but is not accessible, could become less of a priority without the separate source of funding available through the Access MD Program.

**2. DLS further recommends adopting committee narrative expressing intent that the program be funded at \$1.6 million in GO bonds in fiscal 2017 and thereafter, with an additional \$1.5 million in reimbursable funds from USM for projects on its campuses.**  
**Agency Response:**

MDOD supports additional funding to enhance the speed at which accessibility modifications could occur in State owned buildings, including universities. However, additional funding should not come at the expense of other needed capital enhancements at colleges and universities as an extension of the reasoning outlined above.

Any further required capital expenditures by the universities in 2017 and beyond would need to be offset by some other additional borrowing. MDOD favors the Access Maryland Program's sustainability with dedicated funding of general obligation bond funds as proposed by the Governor in the Capital Improvement Program.

Once again, the Maryland Department of Disabilities **strongly oppose the analyst's recommendation** for the reasons cited above and respectfully urges the committees to recommend full funding of the Governor's proposed FY 2016 budget for Access Maryland with General Obligation Bonds.