
MARYLAND ACCESSIBILITY CODE WAIVER REQUEST FORM

The Department has no authority to waive requirements imposed by the federal laws, and may only exercise its waiver authority when the Maryland Accessibility Code is more restrictive than the federal laws.

If strict compliance with the Maryland Accessibility Code may cause undue hardship because of the nature of use, occupancy or other factors, a waiver from such requirement(s) may be requested.

STOP: You must check one or more of the items listed below for a waiver request to be reviewed for consideration. A request for waiver cannot be processed unless it concerns a Maryland Accessibility Code requirement(s) that is more restrictive than the federal laws.

- a. Existing multifamily dwellings, i.e., existing buildings consisting of four or more dwelling units.
- b. Building and facilities used or owned by religious organizations.
- c. Buildings and facilities used or owned by private clubs.
- d. The second story of a two-story building (other than State and local government buildings), if the gross floor area of the second story exceeds 4,000 square feet.
- e. Mezzanine(s) in a two-story building (other than State and local government buildings), if the combined gross floor area of the mezzanine(s) exceeds 4,000 square feet.
- f. Minimum dimensions of 48” in width required for a toilet stall in alteration work.

STOP: Do not proceed unless you have checked at least an item above.

Instructions:

A. Once you have checked one or more of the more restrictive Maryland items listed above, a written waiver request form and supporting documents shall be submitted in triplicate to the Director, Building Codes Administration, Department of Labor (3 letters and/or 3 waiver request forms, 3 sets of drawings, photographs, etc.). Submit four copies of all information where your request pertains to State, local government, and historical buildings and facilities, including public transit facilities.

You can choose to send the completed waiver request form and all supporting documents, using email, to dldlibuildingcodes-labor@maryland.gov

B. Building Codes Administration will review the documents submitted for completeness. The applicant may be contacted to provide additional information necessary for review of the request. When there is a lack of information or detail drawings, your waiver request may be delayed and require additional time and steps to process.

Listed below are examples of documentation that may be submitted:
Check as appropriate (information being submitted):

- _____ site plan indicating (grade, access route, etc.)
- _____ parking lot plan indicating accessible parking spaces and isles
- _____ building floor plan(s) (indicating scale) -- a pencil sketch is acceptable
- _____ elevations (exterior views) of the building
- _____ photograph(s) of area relevant to your request for waiver
- _____ height of building entrance(s) above grade
- _____ sections indicating floor elevations
- _____ interior dimensions of bathrooms stalls
- _____ door schedule
- _____ clear width of doorways
- _____ hardware schedule

C. Please complete the entire form (type or print). If the item is not applicable, write N/A.

1. Date: _____
2. Your name: _____
Organization: _____
Address: _____

Telephone: _____
Email Address: _____

3. Project Name: _____
Project Address: _____

4. Your interest in this project:
Owner _____ Architect _____ Builder _____ Engineer _____ Other _____

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5. Intended use of building _____

Current use of building _____

6. New construction ____ Addition ____ Alteration ____ Change of use ____

7. Number of stories ____ Above grade ____ Below grade ____

8. Year the original building was constructed, if applies: ____

9. Is this a historical building or in a historical district?

Yes ____ No ____ Where registered: _____

10. Estimated cost of project: _____

11. Waiver discussed with local building department?

Yes ____ No ____ Date _____ (see item #15)

12. List each item separately (be specific). I hereby request a waiver from the requirement(s) of the Maryland Accessibility Code for the following:

Item #1. _____

Item #2. _____

13. Additional documentation submitted to support this request includes:

14. Waiver shall be granted or denied based upon factors such as, but not limited to:

(a) Feasibility hardship due to unusual building or site conditions which prevent the construction of access facilities as described in the supporting documentation, such as plans, sketches, and site drawings provided for clarification by the applicant;

(b) Financial hardship when the cost of compliance is disproportionate to the cost of construction, if the applicant has provided financial statements; or

- (c) The information supplied by the designated disability advisory group, State and local government officials, and, for historic properties, the State historic preservation officer or the officer's designee.
- (d) The investigation may include a site visit by a State official, local government official, designated disability advisory group, and, for historic properties, the State historic preservation officer or the officer's designee.

15. This waiver request is based upon action of the local jurisdiction.

Permit Denied _____
Date Name of Building Official

Phone #: _____ Department: _____

Explain: _____

_____ Copy of denial attached

16. The spirit and intent of the Code may be met by an alternate means of compliance. (Explain by listing separately each item for which a waiver is requested)

17. Waiver request form completed by:

Signed: _____ Date _____

Print name: _____

(Please use additional paper as needed.)