



House Bill 5353

An Act Requiring State Buildings to be Accessible to Persons with a Disability

Public Safety & Security Committee
March 19, 2013

The Department of Administrative Services ("DAS") and the Department of Construction Services ("DCS") offer the following comments on HB 5353, **An Act Requiring State Buildings to be Accessible to Persons with a Disability**. This bill would require that the State Building Code be amended to require that all existing state buildings open to the public be accessible by a sloped ramp and an automatically activated door, and contain at least one bathroom and elevator that is accessible to the physically handicapped.

While DAS and DCS agree that it is very important that state facilities and programs are accessible to all citizens, including individuals with disabilities, we have concerns with the specific mandates in this bill.

In 2010, the Department of Justice revised the Americans with Disabilities Act (ADA) regulations, adopting standards for building accessibility that were consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board (Access Board). These regulations, like the Access Board's guidelines before them, were intended to facilitate ADA compliance by eliminating, to the extent possible, inconsistencies among Federal accessibility requirements and between Federal accessibility requirements and State and local building codes. Notably, the Department of Justice describes the process for developing the guidelines and ADA regulations as having been the subject of "extraordinary review" and "substantial public participation."

HB 5353, however, seeks to require the State Building Code to impose accessibility requirements that are inconsistent with and more expansive than the ADA regulations. As such, this proposal is inconsistent with the federal goal of facilitating ADA compliance by limiting inconsistencies. In addition, the requirements proposed by this bill do not allow for consideration of factors, such as safety, disproportionate costs and historical preservation, which are important aspects of the ADA regulations. On a purely practical level, we are uncertain how a code requirement applicable to existing

buildings would be administered, given that the purpose of the State Building Code is to establish requirements for new construction and renovation.

Moreover, by mandating that the state buildings spend money to achieve these specific renovations, HB 5353 limits the State's discretion to assess its buildings and determine what particular obstacles to accessibility exist and how to overcome them. DAS and DCS respectfully suggest that a more individualized approach may be beneficial. Indeed, under his authority as the Statewide ADA Coordinator, the DAS Commissioner recently asked all state agencies to conduct self-evaluations regarding the accessibility of their buildings and programs and to provide any recommendations for improvements. These evaluations, together with the \$4 million that the Governor's Bond Act has allocated towards ADA improvements, will help guide the state's ADA efforts moving forward.

We are happy to work with the Committee and Legislature on this critical issue. Please feel free to contact Terrence Tulloch-Reid at (860) 713-5085 if you have additional questions.