



House of Representatives

General Assembly

File No. 353

January Session, 2013

Substitute House Bill No. 5353

House of Representatives, April 4, 2013

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REQUIRING STATE BUILDINGS TO BE ACCESSIBLE TO PERSONS WITH DISABILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-269 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) The State Building Inspector and the Codes and Standards
4 Committee shall revise the State Building Code to be in substantial
5 compliance with the provisions of the Americans with Disabilities Act
6 of 1990, as amended, 42 USC 12101 and the Fair Housing Amendments
7 Act of 1988, as amended, 42 USC 3600. The provisions of this
8 subsection and the State Building Code as from time to time revised
9 pursuant to this section shall control the design, construction and
10 arrangement of all buildings and building elements, constructed under
11 permits issued on or after October 1, 1975, and all buildings or
12 building elements constructed or substantially renovated by the state,
13 any municipality or any other political subdivision of the state, the

14 architectural design of which was commenced on or after October 1,
15 1977, except buildings which have been approved by the Department
16 of Housing and Urban Development as being in conformance with
17 federal standards for housing for the elderly and physically
18 handicapped and for which a permit was issued prior to June 9, 1976,
19 to ensure accessibility thereto and use by the physically handicapped.

20 (b) Any variation of or exemption from any provision of (1) the State
21 Building Code relating to accessibility to, and use of, buildings and
22 structures by persons with disabilities, (2) subsection [(g)] (i) of section
23 14-253a, (3) section 29-273, or (4) section 29-274, shall be permitted only
24 when approved by the State Building Inspector and the director of the
25 Office of Protection and Advocacy for Persons with Disabilities acting
26 jointly. Any person, agent of the state, municipality or any other
27 political subdivision of the state may apply to the State Building
28 Inspector to vary or set aside standards incorporated in the State
29 Building Code pursuant to the provisions of subsection (a) of this
30 section. The State Building Inspector, within seven days of receipt of
31 any such application, shall forward a copy of such application to said
32 director, who shall, within thirty days of receipt, review the
33 application, and acting jointly with the State Building Inspector, render
34 a decision to accept or reject the application in whole or in part. The
35 State Building Inspector and said director may approve a variation of
36 or exemption from any such standard or specification when they
37 jointly determine that it would not be feasible or would unreasonably
38 complicate the construction, alteration or repair in question. Such
39 determination shall be in writing, shall state the reasons therefor and if
40 it sets aside any such standard or specification, a copy of such
41 determination shall be sent to said director. Any person aggrieved by
42 any such decision may appeal to the Codes and Standards Committee
43 within thirty days after such decision has been rendered.

44 (c) Regulations or codes made or amended by authority of this
45 section shall, after a public hearing called for that purpose by the State
46 Building Inspector not less than thirty days before the date of such
47 hearing, be filed by the State Building Inspector with the Secretary of

48 the State in accordance with the provisions of chapter 54 and he shall
49 thereafter make copies available to persons having an interest therein.

50 (d) If any regulation is set aside by a court of competent jurisdiction,
51 such ruling shall affect only the regulation, standard or specification
52 included in the ruling and all other regulations, standards or
53 specifications shall remain in effect.

54 (e) Notwithstanding the provisions of subsection (a) of this section,
55 the State Building Inspector and the Codes and Standards Committee
56 shall revise the State Building Code to require that, not later than
57 January 1, 2021, within available appropriations, all existing state
58 buildings open to the public be accessible by a sloped ramp and an
59 automatically activated door, and contain at least one bathroom and
60 elevator that is accessible to the physically handicapped.

61 [(e)] (f) Notwithstanding the provisions of subsection (b) of this
62 section, a variation or exemption from the State Building Code shall
63 not be required to construct a visitable feature in a residential home.
64 For purposes of this section, "visitable feature" means (1) interior
65 doorways that provide a minimum thirty-two inch wide unobstructed
66 opening, (2) an accessible means of egress, as defined in Appendix A
67 to 28 CFR Part 36, or (3) a full or half bathroom on the first floor that is
68 compliant with the provisions of the Americans with Disabilities Act of
69 1990, as amended, 42 USC 12101.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	29-269

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Dept. of Administrative Services; UConn Health Ctr.; UConn; Legislative Mgmt.; Judicial Dept.; CT State Univ.; Construction Services, Dept.; Colleges, Regional Comm.-Tech; Board of Regents for Higher Education	GF - Cost	Significant	Significant
Department of Transportation	TF - Cost	Significant	Significant

Municipal Impact: None

Explanation

The bill is expected to result in a significant cost (greater than \$10 million) to the General Fund and the Transportation Fund to make all existing state buildings handicapped accessible by January 1, 2021 because: (1) the modifications required by the bill go beyond current American with Disabilities Act (ADA) standards and (2) the bill does not provide any exemptions for historic buildings or situations where modifications are infeasible. It is unclear whether all of the approximately 3,500 state-owned buildings, which range from office buildings and courthouses to barns and salt sheds, would be required to conform to the provisions of the bill. The cost to retrofit individual buildings will vary, depending on the particular features of the building's interior and site-specific characteristics of its location.

Background

Current law provides exemptions from federal Americans with Disabilities Act (ADA) requirements for buildings: (1) built or

substantially renovated before October 1, 1977 and (2) that have received an exemption from the requirements because construction would not be feasible or would unreasonably complicate construction, alteration or repair.

For instance, neither the State Capitol nor the Old State House in Hartford meets the bill's handicapped-accessibility standards because neither building has an elevator sufficiently large enough to allow a wheelchair to turn around. Both buildings are exempt from ADA compliance due to their historical status.

The Out Years

The costs mentioned above would occur between FY 14 and FY 22 because the bill requires that all state buildings be in compliance by January 1, 2021. There will be a General Fund and Transportation Fund cost for debt service to the extent that General Obligation (GO) and Special Tax Obligation (STO) bonds are used to finance retrofitting buildings. Both types of bonds are usually issued for a term of 20 years.

OLR Bill Analysis**sHB 5353*****AN ACT REQUIRING STATE BUILDINGS TO BE ACCESSIBLE TO PERSONS WITH DISABILITIES.*****SUMMARY:**

This bill requires the state building inspector and the Codes and Standards Committee to revise the State Building Code to require that, by January 1, 2021, within available appropriations, all existing state buildings open to the public be accessible by a sloped ramp and an automatically activated door. They must also contain at least one bathroom and elevator accessible to the physically handicapped.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***The American with Disabilities Act (ADA)***

The ADA is a federal law that prohibits discrimination on the basis of disability. Title II of the act requires states and local governments (public entities) to operate their services, programs, or activities so that, when viewed in their entirety, they are readily accessible to and usable by people with disabilities (28 CFR § 35.130). This does not require a public entity to (1) necessarily make each of its existing facilities accessible to the physically handicapped; (2) take any action that would threaten or destroy a property's historic significance; or (3) take any action that it can demonstrate would (a) fundamentally alter the nature of a service, program, or activity or (b) result in undue financial and administrative financial burdens (28 CFR § 35.150).

Codes and Standards Committee

This committee works with the state building inspector and state fire marshal to enforce the state building, fire safety, and fire

prevention codes.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 19 Nay 5 (03/21/2013)