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February 27, 2014

Representative Helen Head  
Chair, House Committee on General, Housing and Military Affairs  
Vermont State House  
115 State Street  
Montpelier VT 05633

RE: H.629

Dear Representative Head:

Thank you for the opportunity to offer input to the Committee's consideration of H.629.

H.629 proposes to limit accessibility to individuals with disabilities in newly constructed buildings in our State. Currently, and for the past 20 years, an elevator or a Lula or platform lift is required to provide second-floor accessibility to those with disabilities.

This bill, as written, provides that for new construction of a public building, except a shopping center, shopping mall, health care provider, or a terminal, depot, or other public transportation terminal, an elevator or other lift is not required if a story or floor is less than 3,000 square feet. Currently, the threshold for requiring vertical access in new public buildings under the Vermont Access Rules is 1,000 square feet. H.629 exempts storage spaces, stairwells and mechanical spaces from the 3,000 SF calculation. The ADA does not create such an exemption. Therefore, this proposed legislation would be in conflict with federal law, and when implemented, would constitute violations under the ADA.

The costs associated with current accessibility requirements for individuals with disabilities in Vermont have had a negligible impact on development. Further, costs associated with complying with accessibility requirements are not the only costs of development. In empty downtown buildings, for example, fire codes, such as sprinkler systems and other code requirements, also contribute to the cost of renovating and utilizing existing buildings.

If the current accessibility requirements were eliminated as a legal requirement in Vermont, individuals with disabilities with mobility issues, unassisted, will not be able to access the upper floors of certain public buildings. Lack of access contributes to lost employment opportunities for individuals with disabilities. When the current requirements were passed into law, one of the intended goals of the legislation was to expand employment opportunities for those with disabilities.

Notably, the Division of Fire Safety for the State recently completed rule revisions regarding accessibility, a process which included public comment. The public comment period did not generate a perceived need for a change in accessibility law as proposed in H.629. We submit to this Committee that the current rules for providing accessibility to buildings in Vermont are working, and there is no need to change existing accessibility rules.

Sincerely,



Alice Kennedy  
General Counsel  
Department of Disabilities, Aging and Independent Living