

BILL ANALYSIS

Senate Research Center
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S.B. 1161
By: Duncan
State Affairs
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As Filed

DIGEST

Currently, all buildings which rent to state entities must comply with all of the provisions of the Architectural Barriers Act (ABA), which parallels the Americans with Disabilities Act. In rare instances, a building partially occupied by the state did not meet a very narrow provision of the ABA. For example, somewhere in a building there may be an incorrect toilet height, door size, or incomplete elevator panels. The proprietor must either conform all toilets and doors to the ABA or lose the tenancy of the state. In some cases, the corrective measure by the proprietor has resulted in hundreds of thousands of dollars in changes for a rental space that rents for less than \$300 per month. However, the state may need to pay for the corrections because the state has no other reasonable location, especially in rural areas. The corrective measures cost the state a great amount of time and money in either complying with minor or technical provisions of the ADA or seeking new accommodations.

A change in the law could alleviate many costs to the state without compromising overall access to persons with disabilities. The commissioner of licensing and regulation could consider only buildings less than 3,000 square feet and buildings in which the state occupies less than 51 percent of the building. If these buildings as a whole do not comply with a particular standard or specification, but do provide reasonable accommodations for person with disabilities, the commissioner may consider the entire building as a whole for purposes of the ADA. S.B. 1161 would authorize the commissioner to consider certain buildings that lack a specific provision of the ADA to be in compliance with adopted standards regarding persons with disabilities.

PURPOSE

As proposed, S.B. 1161 authorizes the commissioner of licensing and regulation to consider certain buildings that lack a specific provision of the Architectural Barriers Act to be in compliance with adopted standards regarding persons with disabilities.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Article 9102, V.T.C.S., by adding Subsection (h), to authorize the commissioner of licensing and regulation (commissioner) to consider as a whole certain sized buildings that the state partially occupies. Authorizes the commissioner to consider the state portion of the building, which may not comply with a particular standard or specification under this article, to be in compliance with adopted standards and specifications, if the building as a whole provides reasonable accommodations for person with disabilities.

SECTION 2. Emergency clause.
Effective date: upon passage.