

An Act Relative to the Architectural Access Board

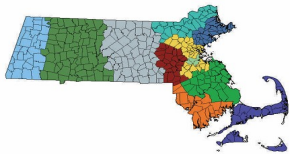
Bill S 1323

(Sponsored by Senator James E. Timilty)

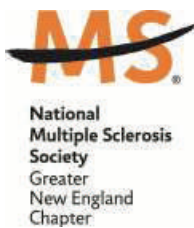
HELP MAKE MA WORKPLACES & HOUSING ACCESSIBLE

This Bill Is Supported
By:

The Massachusetts
Independent Living



Centers



***S1323 Brings MA into Compliance with Federal Law:**

Right now, new developments and building renovations are being approved in MA that *violate federal civil rights law*. The Architectural Access Board (MAAB), the state's accessibility oversight and enforcement body, can only uphold compliance to state law, which has fallen decades behind the federal Americans with Disabilities Act (ADA). S1323 would align state standards with the 2010 federal Standards for Accessible Design.

***S1323 Makes Housing Accessible:**

State law requires that 5% of units in new 50+ unit apartment buildings be fully accessible, and 95% of units be adaptable or easily altered to the needs of a disabled resident. On the other hand, **renovated** buildings originally built before 1991 are **not** required to add *any* adaptable units; 95% of units can remain totally inaccessible indefinitely. This loophole even applies to former commercial buildings such as mills and factories that are converted to housing. The result is a severe lack of accessible housing, and a homelessness rate for people with disabilities more than double the overall rate. S1323 would require adaptable units in renovated buildings.

***S1323 Removes Barriers to Work:**

Unlike the ADA, state law only requires that areas of commercial buildings used by customers be accessible. Areas used only by employees are not covered, even in new buildings. This pushes people with disabilities who already have more than double the unemployment rate of non-disabled people out of the workforce. SB1323 would require that employee areas be covered.

***S1323 Prevents Lawsuits & Makes Development Simpler:**

People denied housing or employment because of inaccessible buildings have only one recourse: asking the federal government to file a lawsuit. This process takes years and often goes nowhere. When lawsuits are brought, the process is difficult and costly—including for developers, who may have no idea their developments violated federal law. By passing 1323, potential access problems can be worked out at the blueprint phase with the MAAB, instead of in a courtroom years after a development has already been completed.

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I use a wheelchair and choose not to disclose before my interview. When I started looking for work in Boston I applied to a few organizations who were in less than accessible buildings – and often I had no idea before I got to the interview. I have had meetings in storage closets or first floor lobbies because there was no way for me to get up to the interview space. Obviously, I never get asked back, and often the person who is interviewing me is embarrassed or doesn't know what to do, because I qualified enough to be asked to interview, but there is no way for them to make the interview, let alone the job accessible for me. I have had interactions like, "Well, as you can see we are in an old building. If we were to hire you, how would you suggest we handle this issue?" It puts me on the spot for something that I have no control over and limits my job options immensely. "

"We have to grant variances permitting buildings to exclude people with disabilities from employment--not because it is infeasible, or because the cost outweighs the benefit, but simply because the inaccessible spaces are workplaces that are not open to the public. A local university spent over 7 million dollars to rehabilitate an antique building. There were offices on the upper floors. They didn't want to put in an elevator. The university president swore in an affidavit that the offices were "employee-only" spaces. We had to grant them a variance making it impossible for anyone in a wheelchair to work in those offices. The disability coordinator worked on one of those upper floors! On Nantucket, a lodging house for hotel employees was being renovated. Employees who couldn't walk couldn't get in or to the rooms. We had to let those barriers to employment for disabled people stand." - Carol R. Steinberg, AAB Board member, "Making workplaces more welcoming to those with disabilities," *The Boston Globe*, 4/9/14.

"I spent a year washing my dishes in my bathtub, in the dark because the light didn't work in the bathroom. The bathroom grab bar was consistently falling out of the wall, and I would drill it back in. I didn't have safe access to the kitchen, and had zero access to the kitchen sink. I had to request the management to flip the door on my refrigerator around so I could use it. I couldn't reach the heating controls. The breaking point for the housing authority was when I got my awesome city councilor involved, then the administrator of the housing authority came in to visit. Then one night, while trying to cook for myself, I set my sleeve on fire. At this point, I was emergency transferred to my current ADA-standard accessible unit."—Olivia Richard, BCIL Member.