

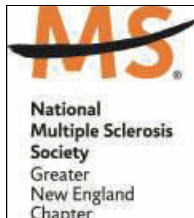
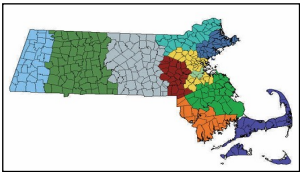
An Act Relative to the Architectural Access Board Bill S.1379 and H.2498

(Sponsored by Senator James E. Timilty and Representative Michael J. Moran)

HELP MAKE MA WORKPLACES and HOUSING ACCESSIBLE

This Bill Is
Supported By:

The 11
Massachusetts
Independent Living
Centers



S.1379 and H.2498 Bring 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 Massachusetts 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). S.1379 and H.2498 would align state standards with the 2010 federal Standards for Accessible Design.

S.1379 and H.2498 Make 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. S.1379 and H.2498 would require adaptable units in renovated buildings.

S.1379 and H.2498 Remove 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 (11%) of non-disabled people (4.9%) out of the workforce. (<https://www.bls.gov/news.release/empsit.t06.htm>) S.1379 and H.2498 would require that employee areas be covered.

S.1379 and H.2498 Prevent Lawsuits & Simplify Development:

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 proves fruitless. When lawsuits are brought, the process is difficult and costly—including for developers, who may have no idea their developments violated federal law. If enacted 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.

For More Information Contact:

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The Consequences of Inaccessible Work and Residential Spaces

Disability Employment Statistics

General Population in the U.S.—January 2017

- unemployment rate: 4.9%
- Person with a disability (US) unemployment rate: 11.0%

Bureau of Labor Statistics

<https://www.bls.gov/news.release/empsit.t06.htm>

Massachusetts 2015—Civilians aged 18-64

- 79.5% of people without disability are employed
- 35.1% Person with disability are employed

Annual Disability Statistics Compendium

disabilitycompendium.org

EMPLOYMENT

I use a wheelchair and choose not to disclose before job interviews. When I started looking for work in Boston I applied to a few organizations who were in less than accessible buildings. 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. I don't get asked back, and the person who is interviewing me is embarrassed because I qualified enough to interview, but they can't or won't make the job accessible for me. I have had interactions like, "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. "

BUILDING PERMITS

The AAB has to permit "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" and the Board therefore doesn't have jurisdiction over those spaces. "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. " The AAB could not require an elevator because the offices were not open to the public" 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, former AAB Board member, quotes from "Making workplaces more welcoming to those with disabilities," *The Boston Globe*, 4/9/14.

Accessibility of America's Housing Stock: Analysis of the 2011 American Housing Survey by U.S. Department of Housing and Urban Development

Fewer than 2% of housing in the US is accessible. Approximately 1/3 is potentially modifiable. Because of the older housing stock the Northeast has fewer homes that are modifiable.

<https://www.huduser.gov/portal/sites/default/files/pdf/accessibility-america-housingStock.pdf>

HOUSING

"...The bathroom grab bar continually fell 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 couldn't reach the heating controls. I got my city councilor involved, then the administrator of the housing authority came in to visit. 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