

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: S.176 Name of Bill: Disclosure of Compliance with Accessibility Standards in the Sale of Residential Construction.

Agency/Dept: Public Safety Author of Bill: Michael Desrochers
Review: Director, Division of Fire Safety

Date of Bill Review: April 20, 2016 Related Bills and Key Players: _____

Status of Bill: (check one)

 Upon Introduction As passed by 1st body X As passed by both bodies

Recommended Position:

 Support Oppose Remain Neutral Support with modifications identified in # 8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** In 2000 the Vermont Legislature passed Act 88 requiring new residential construction excluding (pre-manufactured homes and single family owner occupied free standing dwellings) to be constructed with a few accessible elements including at least one exterior door 36 inches wide, interior hall ways at least 36 inches wide, 34 inch wide interior doors, environmental and utility controls and outlets meeting access requirements, and reinforcement in bathroom walls to permit the future installation of grab bars. This Bill proposes the disclosure of these items by the seller to the purchase prior to sale. We issue building permits and conduct inspections of these buildings impacted by this Bill thus the reality is there should be fairly good compliance with the provisions of Act 88. This Bill simply provides advance disclosure to the purchaser.
2. **Is there a need for this bill?** This Bill will provide purchasers information regarding the status of compliance with Act 88. This Bill does not impact our division as we already enforce these provisions on residential construction. A violation of Act 88 shall neither affect marketability nor create a defect in title thus this Bill is a disclosure statement as the violations are not required to be repaired if noted. Thus the question is what is gained by disclosure. The disclosure would provide some education benefit to the purchaser.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** There is no programmatic implication on our department. We may receive a few phone calls from the real estate market inquiring about the law but I sense this would be short lived.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** Not aware of this Bill impacting other State Agencies.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** (for example, public, municipalities, organizations, business, regulated entities,

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etc) I feel there should be at least 6 months to a year between passage and implementation allowing lawyers, real estate agents and banks to become aware of the new law for implementation purposes.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? The Handicap Access Board had no issues with the Bill in concept however, they recommended having an attorney testify and I am not sure if this took place.

6.2 Who else is likely to oppose the proposal and why? Opposition if it exist would likely come from the real estate market because it would be another form added to the closing documents.

7. Rationale for recommendation: *Justify recommendation stated above.*

8. Specific modifications that would be needed to recommend support of this bill. The effective date if passed should allow time for implementation. There must be time for the lawyers and real estate companies to get on board with the requirement. For example; January 1, 2017.

9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? Not aware of any additional boards or commissions having to be created.

Secretary/Commissioner has reviewed this document



Date: 4/21/16