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H.317

Introduced by Representatives Burrows of West Windsor and Krasnow of
South Burlington

Referred to Committee on

Date:

Subject: Internal security and public safety; municipal and county government;
accessibility standards; single-family dwellings; small multifamily
dwellings; housing authorities

Statement of purpose of bill as introduced: This bill proposes to require that
all newly constructed or created single-family and multiunit dwellings with
three or fewer units be accessible, be adaptable for future accessibility, or be
visitable by an individual with a disability. This bill also proposes to require
housing authorities to give prospective tenants with a disability priority when
an accessible dwelling is available.

An act relating to improving the accessibility of certain residential buildings

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 * * * Accessibility Standards * * *

3 Sec. 1. 20 V.S.A. chapter 174 is amended to read:

4 CHAPTER 174. ACCESSIBILITY STANDARDS FOR PUBLIC
5 BUILDINGS AND, PARKING, AND RESIDENTIAL BUILDINGS WITH
6 THREE OR FEWER UNITS

7 Subchapter 1. Public Buildings and Parking

8 * * *

9 Subchapter 2. Residential Buildings with Three or Fewer Units

10 § 2910. DEFINITIONS

11 As used in this subchapter:

12 (1) “Accessible” means a residential unit that complies with the
13 requirements for an accessible unit set forth in section 1102 of the 2017 ICC
14 Standard for Accessible and Useable Buildings and Facilities or a similar
15 standard adopted by the Access Board by rule pursuant to section 2901 of this
16 chapter.

17 (2) “Adaptable” means a residential unit that complies with the
18 requirements for a Type A Unit or a Type B Unit set forth in section 1103 or
19 1104, respectively, of the 2017 ICC Standard for Accessible and Useable
20 Buildings and Facilities or a similar standard adopted by the Access Board by
21 rule pursuant to section 2901 of this chapter.

1 (3) “ICC” means the International Code Council.

2 (4) “Small residential building” means a single-family dwelling,
3 including a single-family dwelling with an attached accessory dwelling unit; an
4 apartment building, rooming house, cooperative, condominium, or other
5 residential buildings consisting of three residential units or less; or an
6 accessory dwelling unit.

7 (5) “Visitable” means a residential unit that complies with the
8 requirements for a Type C Unit set forth in section 1105 of the 2017 ICC
9 Standard for Accessible and Useable Buildings and Facilities or a similar
10 standard adopted by the Access Board by rule pursuant to section 2901 of this
11 chapter.

12 § 2911. SMALL RESIDENTIAL BUILDINGS; ACCESSIBILITY
13 REQUIREMENTS

14 (a) Any small residential building that is constructed in Vermont on or after
15 July 1, 2024 shall comply with the following requirements:

16 (1) All residential units that are located partially or wholly on the
17 ground floor or are accessible by an elevator or lift shall be adaptable or
18 accessible units.

19 (2) Any residential unit that is not located on the ground floor and is not
20 accessible by an elevator or a lift shall be a visitable unit.

1 (b)(1) Any structure that is converted into a small residential building on or
2 after July 1, 2024 shall comply with the requirements of subsection (a) of this
3 section to the maximum extent feasible. Each existing element, space, or
4 common area that is altered shall comply with the requirements of subsection
5 (a) of this section to the extent applicable.

6 (2) Full compliance with the requirements of this subsection shall not be
7 required in the rare circumstance in which a person can demonstrate that it is
8 structurally impracticable to meet the requirements of this subsection. If full
9 compliance would be structurally impracticable, compliance shall be required
10 to the extent that it is structurally practicable. The burden of proving the
11 impracticability is on the person who designed, constructed, or converted the
12 small residential building.

13 (3) The Access Board may exempt a small residential building from
14 compliance with the requirements of this subsection if the Board determines
15 that compliance with the requirements:

16 (A) would be prohibitively costly in relation to the normal cost of the
17 total project; and

18 (B) would threaten or destroy the historic significance of a historic
19 building or structure.

20 (4) The provisions of subdivisions (2) and (3) of this subsection shall
21 not apply to any newly constructed small residential building.

1 (c) A small residential building constructed, converted, or altered in
2 accordance with the requirements of this section shall not be modified in any
3 way that would reduce its compliance with the requirements of subsections (a)
4 or (b) of this section, as applicable, during any subsequent repairs, renovations,
5 alterations, or additions.

6 (d) The Access Board shall adopt rules as necessary to implement the
7 provisions of this section.

8 Sec. 2. 24 V.S.A. § 4010 is amended to read:

9 § 4010. DUTIES

10 (a) In the operation of or management of housing projects, an authority
11 shall at all times observe the following duties with respect to rentals and tenant
12 selection:

13 * * *

14 (6) When renting or leasing accessible dwelling accommodations, it
15 shall give priority to tenants with a disability. As used in this subdivision (6),
16 “accessible” means a dwelling that complies with the requirements for an
17 accessible unit set forth in section 1102 of the 2017 ICC Standard for
18 Accessible and Useable Buildings and Facilities or a similar standard adopted
19 by the Access Board by rule pursuant to 20 V.S.A. § 2901.

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1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2023.