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RE: AN ACT to amend the executive law, in relation to the universal design incentive.

A.9929 (Alessi)
S.6819 (Foley)

MEMORANDUM IN OPPOSITION

This memorandum is submitted on behalf of our client, the New York State Builders Association, in opposition to the above referenced bill which would amend the New York State uniform fire prevention and building code to establish uniform design requirements for single- and multi-family dwellings, the adoption of which would qualify for incentives.

This legislation adopts a positive approach for encouraging the construction of new residence and the rehabilitation of existing residences to make such units accessible for persons with temporary or permanent disabilities. This legislation incentivizes the construction using prescribed standards through permit fee reductions and exemptions from lot coverage restrictions and certain dimensional regulations. This represents a positive approach to achieving certain universal design goals.

However, we oppose this bill, as written, because by providing for specific universal design requirements, such as the approach slope of not more than 1:12 from the driveway or public sidewalk to the accessible entranceway, this legislation pre-empts New York State building code and thereby the duties and responsibilities of the NYS Fire Prevention and Building Code Council (the "Council"). These details should not be specifically provided for in the legislation; rather, the Council should be authorized to adopt universal design standards to insure consistency with the current code and the application of expertise by the Council to determine specific details. It would also give the Council continuing responsibility over such accessibility issues. The Council would be able to respond to changes in technology and materials, rather than the legislature through statutory changes.

We respectfully request that this legislation not be enacted as written.

Respectfully submitted,

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Legislative Counsel to the New York State Builders Association