

SUBJECT: Allowing cities to impose a fee to fund ADA-compliance projects

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 6 ayes — Carter, Bailey, Burnam, Edwards, Ehrhardt, Najera
1 nay — Hill
2 absent — Callegari, E. Jones

WITNESSES: For — Dennis Borel, Coalition of Texans with Disabilities; Samuel Neal, City of Corpus Christi; Joe Paniagua, Fort Worth City Council; *Registered but did not testify:* Jim Campbell, City of San Antonio; Cary Grace, City of Houston; John Hrcir, City of Austin; Shanna Igo, Texas Municipal League; Crystal Lyons; Susan Marshall, The Arc of Texas; Jeanne Talerico, Texas Association of Local Housing Finance Agencies
Against — None

BACKGROUND: The federal Americans with Disabilities Act (ADA) was enacted by Congress in 1990 to prohibit discrimination against individuals with disabilities and to reduce barriers for these persons in employment, transportation, public accommodations, public services, and telecommunications.

DIGEST: HB 1912 would authorize a city to impose by ordinance a fee to fund ADA compliance of up to \$1 per month on the utility bill issued by municipality-owned utility system that contained one or more utilities. The fee could not last for more than one year, but could be reauthorized. The fee would have to be described on the bill as a “city ADA fee.”

The funds collected by the city could only be used to comply with the ADA. The funds could be used for the construction and maintenance of accessible street and sidewalk improvements, including curb cuts and auditory alarms at crosswalks, and the construction and maintenance of accessible municipal parks or park improvements.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS
SAY:**

Under the ADA, cities are required to ensure that their properties and services are accessible to persons with disabilities. Since 1990, most cities have made substantial progress modifying their buildings to comply with ADA standards. However, most cities have made woefully inadequate progress toward making streets, sidewalks, and parks accessible to persons with disabilities. Without these improvements, modifications to public buildings and special services in public transportation are meaningless because persons with disabilities cannot get to the buildings or bus stops. HB 1912 would allow cities to impose a fee on the utility bills of city-owned utilities to raise money for projects to make streets, sidewalks, and parks ADA-compliant. Since every city has a public owned utility, whether water, sewer, electric, or gas, all cities would be able to raise money for these important projects.

The effect of the fee on city residents would be insignificant since the fee could not be more than \$1 and would end after one year unless re-authorized. Imposing a fee would be considerably less expensive for city residents than having to pay the costs associated with defending the city against a lawsuit for being out of compliance with ADA, as has happened in Corpus Christi. Any city that imposed the fee still would be accountable to its voters in the next election.

**OPPONENTS
SAY:**

HB 1912 would place an additional, hidden tax on city residents. The state already imposes too many fees, and the Legislature has been voting to add new ones or raise existing fees at a furious pace this session, for everything from filing documents with a county clerk or filing a lawsuit to a fee for registering a motor vehicle in order to support trauma centers. Moreover, new fees should have to be imposed by a city council vote so that citizens would be able to vote out officials for decisions with which they disagreed.

NOTES:

The committee substitute added provisions limiting the amount of time a fee could be imposed to one year, with reauthorization allowed, and requiring the

fee to be listed on utility bills as a “city ADA fee.” It also added a provision allowing the funds to be used for park construction and improvements.