STATE OF NEW YORK

8772

2025-2026 Regular Sessions

IN ASSEMBLY

June 2, 2025

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on People with Disabilities

AN ACT establishing the disability access accountability commission

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "disability access accountability commission act".

§ 2. Disability access accountability commission. The disability access accountability commission (DAAC) is hereby established as an independent commission to monitor and enforce compliance with state and federal disability access laws across public and private sectors in New York.

1. For the purposes of this act, "commission" shall mean the disability access accountability commission (DAAC), established by subdivision two of this section.

2. The commission shall consist of fourteen members, including:

(a) the commissioner of the office for people with developmental disabilities, or such commissioner's designee;

(b) the commissioner of the department of health, or such commissioner's designee;

(c) the temporary president of the senate shall appoint six members, including:

(i) a member of the standing committee on disabilities;

(ii) a member of a committee related to disability accommodations, other than the standing committee on disabilities, such as the standing committees on children and families, education, health, investigations and government operations, mental health, or social services;

(iii) a qualified expert whose primary occupation involves working with people with disabilities, such as a physician, psychologist, or medical researcher;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(iv) two persons representing those directly impacted by disabilities, including:

(A) a person with lived experience of disabilities; and

(B) a person who is the primary caretaker, such as a parent/guardian, adult child, sibling, or spouse, of someone with a disability; or

(C) an established disability access advocate; and

(v) a representative of the private sector or organization that works with the private sector to improve disability access in public accommodations such as mass transit, hospitality, and housing.

(d) the speaker of the assembly shall appoint six members, including:

(i) a member of the standing committee on people with disabilities;

(ii) a member of a committee related to disability accommodations, other than the standing committee on disabilities, such as the standing committees on children and families, education, health, investigations and government operations, mental health, or social services;

(iii) a qualified expert whose primary occupation involves working with people with disabilities, such as a physician, psychologist, or medical researcher;

(iv) two persons representing those directly impacted by disabilities, including:

(A) a person with lived experience of disabilities; and

(B) a person who is the primary caretaker, such as a parent/guardian, adult child, sibling, or spouse, of someone with a disability; or

(C) an established disability access advocate; and

(v) a representative of the private sector or organization that works with the private sector to improve disability access in public accommodations such as mass transit, hospitality, and housing.

3. The members of the commission shall serve at the pleasure of the official making the appointment of such member. Appointing parties shall take care to create a diversity of experiences to the fullest extent practicable.

4. The commission shall, within thirty days following the appointment of all its members, elect a chairperson from among such members.

§ 3. Duties of the commission. 1. The commission shall agree on a meeting schedule of no less than once per quarter. Such meetings shall be held in a manner most convenient to its members.

2. (a) Within thirty days of electing a chairperson, pursuant to subdivision four of section two of this act, the commission shall establish an internet portal through which users can submit a digital complaint form about public accommodations not being accessible or accessibility features, such as ramps, needing repair. A chairperson need not yet be elected for work on such portal to commence. The commission shall design a complaint form to collect all necessary information regarding the location, nature, and purpose of the request, and whether such request is made regarding a business, such as a store or restaurant, or a place of residence or accommodation, such as a public or privately owned apartment building or hotel. There shall be options for the user to add a description and photos of the non-compliance.

(b) Such complaint form shall be short, all typeface shall be in an easily legible font and size, and the portal shall be available in both English and Spanish and accessible to those who are visually impaired.

(c) Such complaint form shall not require the personal information of the user but shall send confirmation of the complaint's receipt to an e-mail address or telephone number, if provided. Such e-mail addresses or telephone numbers shall only be used for communications regarding the complaint submitted.

(d) The commission may implement a procedure to increase the urgency of certain requests, such as access to one's home being impaired by damage or disfunction of ramps or elevators.

3. The commission shall investigate complaints submitted through the portal established in subdivision two of this section in a timely manner.

4. The commission shall conduct audits of public spaces and services to ensure compliance with local, state, and federal disability access laws.

§ 4. Authorities of the commission. 1. The commission is hereby authorized to:

(a) conduct audits of public spaces to ensure compliance with local, state, and federal disability access laws;

(b) impose penalties for non-compliance, including mandates for remediation and fines, where appropriate;

(c) conduct studies, inquiries, surveys, or analyses it may deem relevant for the accomplishment of its purposes in cooperation or by agreement with any other public or private agency; and

(d) conduct public or private hearings within the state.

2. Only structures and public accommodations which are subject to local, state, or federal accessibility laws and are not subject to an exemption are under the jurisdiction of the commission. The commission shall not attempt to enforce compliance on privately owned homes of which the complainant or person needing accommodation is the owner, guest of the owner, or not otherwise entitled to accommodation, historic sites which are unable to be altered, or other exempt structures. Any dispute as to whether a structure is required to be accessible shall be raised through the appropriate channel under the Americans with disabilities act by the parties involved, not the commission.

§ 5. Compensation. Members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder. To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources, and data of any department, division, board, bureau, commission, or agency of the state or any political subdivision thereof as it deems necessary or desirable to carry out properly its powers and duties hereunder.

§ 6. Reporting. The commission shall make a report of its findings, actions, and progress, including any recommendations for legislative action as it may deem necessary and appropriate, to the governor, the temporary president of the senate, the speaker of the assembly, the chairperson of the senate committee on disabilities, and the chairperson of the assembly committee on people with disabilities yearly, at minimum, beginning one year after this act shall have become a law.

§ 7. This act shall take effect immediately.