

TITLE 525 – GOVERNOR’S COMMISSION ON DISABILITIES

CHAPTER 10 – GENERAL ADMINISTRATION

SUBCHAPTER 00 – N/A

PART 3 – Request for a Waiver of the Accessibility Standard for State Leased Facilities

3.1 Statutory Authority

This Part is promulgated pursuant to R.I. Gen. Laws §§ 37-8-15, 37-8-15.1, Public Buildings – Access for people with Disabilities and Accessibility of leased or rented facilities for people with disabilities, and 42-51-6.1, Governor’s Commission on Disabilities - Hearing Boards.

3.2 Purpose

The purpose of this Part is to prescribe procedures for a requesting a waiver for accessibility for leased of rented facilities for people with disabilities.

3.3 Definitions

A. As used in this Part, the following words and phrases have the following meanings unless the context shall indicate another or different meaning or intent:

1. “Accessibility for People with Disabilities Standard” means the provisions of the RI State Building Code and the applicable federal accessibility code(s).
2. “The Commission” means the [Governor’s Commission on Disabilities](#).
3. “Commissioner” shall mean a member of the Governor’s Commission on Disabilities appointed by the Governor, pursuant to R.I. Gen. Laws § 42-51-2.
4. “Governmental entity” means as defined in R.I. Gen. Laws § 37-2-7.
5. “Hearing board” means the board of five (5) commissioners appointed by the Commission Chairperson, pursuant to R.I. Gen. Laws § 42-51-6.1, as the hearing board for the purpose of conducting hearings and rendering decisions on matters relating to the provisions of R.I. Gen. Laws Chapter

42-87 and §§ 37-8-15.1 and 42-46-13 within the jurisdiction of the Commission.

6. “Public agency” means as defined in R.I. Gen. Laws § 37-2-7.

7. “State” means as defined in R.I. Gen. Laws § 37-2-7.

3.4 Requesting a Waiver

A governmental entity or public agency requesting a waiver to the Accessibility for People with Disabilities Standards for facilities leased by the State of Rhode Island must submit a Waiver of Accessibility of Leased or Rented Facilities for People with Disabilities, RIGCD Form B to the Hearing Board. The State Property Management Office will notify the department of the time, date, and location of the public hearing on their request.

3.5 Request Form

A. The request for the waiver must include:

1. A detailed description of all programs, activities, and services provided and employment accessibility at the site;
2. A description of each accessibility barrier a waiver is requested for and the reason for the request;
3. A list of alternative sites for these programs and the reason each was rejected; and
4. A detailed plan for providing complete access to all programs, activities, and services and employment opportunities, if the waiver is granted. This plan should include:
 - a. Procedures for informing the public, employees, clients and beneficiaries with disabilities how they will be serviced;
 - b. The location of any relocated services or duplicate services and their distance from the facility the waiver has been requested for; and
 - c. A description of any relocated service, responds to the following questions:
 - (1) Will it only service individuals with disabilities?

(2) Will it provide the identical range of services as the original site?

(3) Will it provide services during the same hours?

B. No waiver will be granted unless the request form is completed. The initial facilities review completed by the State Building Commissioner's Office must be attached to the request.

C. The request shall be sent to the Governor's Commission on Disabilities.

3.6 Public Hearing

The Hearing Board shall conduct a public hearing. A representative of the governmental entity or public agency requesting the waiver and all governmental bodies or public agencies occupying space within the area covered by the request must attend the public hearing, and be prepared to respond to questions from the committee members.

3.7 Approval Criteria

A. The Hearing Board may only grant a waiver when:

1. It would not operationally serve to deny any individual with a disability access to a service or program operated by the governmental entity or public agency;
2. It would not operationally serve to deny an employee with a disability or job applicant with a disability employment or advancement in that governmental entity or public agency; and
3. Total compliance with the disability accessibility provisions of the state building code was structurally infeasible.

525-RICR-10-00-3

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Type of Filing: Amendment

Effective Date: 04/27/2018

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