

LFC Requester:	
-----------------------	--

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 3/19/2026 *Check all that apply:*
Bill Number: HB36 Original Correction
 Amendment Substitute

Sponsor: Kathleen Cates **Agency Name** _____
Person Writing _____
 _____ **Analysis:** Peter Barrington
Short Title: Accessibility Act & Office **Phone:** _____ : _____
Email Peter.Barrington@gsd.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$350	\$350	Nonrecurring	General Fund

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The proposed legislation implements the Accessibility Act, and in doing so, creates the Office of Accessibility within the NM Department of Health (NMDOH) which is required to establish, implement and administer the Act; the Secretary of Health is required to appoint a chief accessibility officer who shall promulgate rules necessary to implement and administer the Accessibility Act, and oversee the office and its staff. The Accessibility Act creates reporting requirements for the Office of Accessibility and all state agencies. The Act makes an appropriation of \$350,000.00 for FY26 and FY27 for the creation of the Office of Accessibility.

The Accessibility Act requires all state agencies in New Mexico to comply with rules promulgated by the chief accessibility officer and establishes the following:

- Each state agency must identify challenges to accessibility within the agency's website, mobile application and physical facilities.
- Provide information and training to state agency employees on best practices for digital and physical accessibility standards.
- Requires each state agency to submit to the office of accessibility an analysis of the accessibility of the agency's facilities, websites and mobile applications 120 days before the office of accessibility is required to submit its written report to the governor. The first report to Governor is due May 1, 2028, and every May 1, thereafter.

FISCAL IMPLICATIONS

The bill has an appropriation of \$350,000.00 for FY26 and FY27 for the creation of the Office of Accessibility within NMDOH but provides no funding for state agencies. Agencies will also need staff and resources for procurement of assistive technologies, software, and physical infrastructure improvements.

The creation of the Office of Accessibility will require recurring funding to maintain, hire, and train staff to monitor and enforce the accessibility standards and requirements statewide.

Implementing the provisions of the Accessibility Act through an Office of Accessibility have various fiscal implications across all domains, which can vary based on the scope specifics of implementation needed to meet the accessibility standards stipulated in the Act. The General Services Department, Facilities Management Division (FMD) will need to identify staff and resources and hire certified accessibility consultants to review compliance with ADA Standards. Building modifications, (e.g., ramps, door widths, and accessible seating) will likely be necessary in order to comply with accessibility standards. Retrofitting buildings to meet accessibility standards (e.g., ramps, elevators, restrooms, signage) can cost tens of thousands to millions of dollars, depending on the extent of non-compliance.

Hiring consultants to evaluate existing facilities, websites, and mobile applications can be expensive. Costs may range from \$5,000 to \$50,000+ per facility or digital platform, depending on complexity. Costs to train staff on accessibility standards and compliance can range from \$500 to \$5,000 per session, depending on the size of the organization.

SIGNIFICANT ISSUES

The Facilities Management Division (FMD) of the General Services Department (GSD) has property control authority and jurisdiction of all land assets and state-owned facilities assigned to all executive branch agencies, which consists of over 1.5 billion square feet of space and approximately 800 buildings and structures statewide. The Accessibility Act as written will have a significant financial and performance impact on GSD/FMD.

FMD will have to coordinate with agencies to appropriately hire certified accessibility consultants to provide assessments of accessibility of each of their assigned facilities, the assessment data and information will need to be collated and incorporated into the agency's annual Infrastructure Capital Improvement Program (ICIP) requests, which will then need to be reviewed, and verified by FMD. Additionally, the Governor's Commission on Accessibility may also need to be included in the reviews and verification process to ensure enhanced accessibility standards are being addressed in the assessments.

Considerations include the current state of physical and digital compliance within each agency's assigned facilities, which include, but are not limited to, all agencies must ensure that all facilities must comply with the ADA Standards, ensuring features like ramps, door widths, and accessible seating are incorporated and are fully accessible to people with mobility challenges, such as wheelchair users. This includes accessible entrances, elevators, parking spaces, and restrooms.

Further, agency websites must comply with Web Content Accessibility Guidelines (WCAG), often mandated by laws like the ADA or Section 508 of the Rehabilitation Act. Mobile apps should adhere to mobile-specific accessibility standards (e.g., Apple's Accessibility Guidelines and Android Accessibility APIs).

Additionally, HB 36 would have substantial implications for FMD due to its responsibility for managing, maintaining, and improving state-owned facilities. The bill's requirement for comprehensive physical accessibility assessments will likely identify deficiencies across a large portfolio of state buildings, many of which are aging and were constructed prior to modern accessibility standards.

FMD may face increased pressure to prioritize accessibility upgrades over other deferred maintenance or capital needs. Public reporting of facility-specific accessibility barriers could elevate expectations for corrective action even when funding is not available.

The bill creates a potential role ambiguity between the Office of Accessibility and GSD, as the Office provides assessments and recommendations while FMD retains responsibility for facilities planning, design, and execution of improvements.

PERFORMANCE IMPLICATIONS

HB 36 may improve FMD's long-term performance by providing clearer data on accessibility needs and supporting more informed capital planning. Standardized assessments could help integrate accessibility considerations earlier in project design and renovation efforts.

In the short to medium term, however, FMD performance related to facility condition, capital project delivery, and deferred maintenance reduction may be negatively affected if accessibility

upgrades compete with limited capital resources.

FMD may also experience increased scrutiny of facilities performance metrics, as accessibility becomes a more visible and publicly reported component of facility adequacy.

Implementing the Accessibility Act has both immediate and long-term performance implications for GSD/FMD, affecting operational efficiency, service delivery, and stakeholder engagement. These implications often vary based on how effectively the implementation is managed and GSD/FMD will need additional resources both human and monetary to address the increased performance requirements stipulated in the Act.

ADMINISTRATIVE IMPLICATIONS

In June of 2025 FMD completed a Statewide ADA Transition Plan for GSD's facilities as well as GSD's digital accessibility. This plan was submitted to the Governor's Office on July 1, 2025. The Statewide ADA Transition plan provides a roadmap for GSD to identify and address accessibility compliance for the over 783 facilities under its jurisdiction in a timely manner. It also includes a transition plan to address the agency's IT systems to ensure digital compliance.

The NM Accessibility Act coupled with the federal Americans with Disabilities Act (ADA) and the Statewide ADA Transition Plan, enhance the current ADA requirements, to include digital and mobile applications. However, the administrative implications for GSD/FMD will be significant. Going forward, it will be incumbent on GSD/FMD to ensure that any conflicts and/or duplications between the Accessibility Act and ADA are eliminated in the contract document for new construction, which will also have significant administrative impacts to the contract development with Architectural and Engineering (A&E) firms and General Contractors hired by GSD/FMD. Additionally, the implementation of an Accessibility Act will significantly impact GSD/FMD's internal operations, governance, and resource management of Capital Improvements statewide. These implications span, to name a few, policy development, staff training, compliance monitoring, and stakeholder communication.

HB 36 would significantly increase FMD's administrative workload. FMD would likely need to:

- Conduct or support detailed accessibility assessments of state-owned facilities;
- Coordinate with the Office of Accessibility on data collection, site evaluations, and corrective action planning;
- Provide documentation and analysis to meet the 120-day reporting requirement;
- Integrate accessibility findings into capital outlay planning and facilities prioritization processes; and
- Respond to increased interagency and public inquiries regarding facility accessibility.

These responsibilities require additional staff time, coordination, and technical expertise, particularly in accessibility standards and compliance. The bill does not provide additional funding to GSD or FMD to absorb these duties.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The implementation of the Accessibility Act may duplicate efforts that are promulgated by the Americans with Disabilities Act (ADA).

TECHNICAL ISSUES

Retrofitting older structures to meet physical accessibility standards (e.g., ADA) can be costly and technically challenging. Adding elevators or widening doorways in historic buildings may face architectural or regulatory constraints. Limited space may complicate the installation of ramps, accessible restrooms, or other accommodation. Accessibility features such as automatic doors, elevators, or tactile surfaces may require frequent maintenance to remain functional.

OTHER SUBSTANTIVE ISSUES

Ensuring compatibility with a variety of assistive technologies (e.g., JAWS, NVDA, Voiceover) can be challenging due to varying implementation requirements. Accessibility standards and technologies evolve, requiring ongoing updates and monitoring.

Public availability of agency-specific accessibility assessments may expose agencies to increased scrutiny or potential litigation if deficiencies are documented but not promptly addressed.

ALTERNATIVES

Alternative to this bill is to increase funding to GSD's Statewide ADA Transition Plan to begin the implementation of the plan roadmap.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB 36 is not enacted, accessibility planning and implementation would continue to occur in a decentralized and inconsistent manner across state agencies, potentially slowing progress toward equitable access to government facilities and services.

AMENDMENTS

Potential amendments could clarify standards, define agency roles related to facilities oversight, or provide ongoing funding for remediation.