

LFC Requester:

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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: 02/04/2026

Check all that apply:

Bill Number: HB295Original Correction Amendment Substitute

Sponsor:	Kathleen Cates and Tara L.	Agency Name	Commission for the Blind 60600
	<u>Lujan</u>	and Code	
Short		Number:	
Title:	<u>Accessibility Act</u>	Person Writing	<u>Kevin Romero</u>
		Phone:	<u>(505) 476-4454</u>
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None		

(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						

(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: House Bill 295 (HB295), or the “Accessibility Act” enacting the Accessibility Act to require accessibility standards for each state agency’s website, mobile application and physical facilities; creates the Office of Accessibility within the Governor’s Commission on Disability; and creating reporting requirements.

FISCAL IMPLICATIONS

No appropriations are included within the legislation. Cost of the Office of Accessibility would occur within the Governor’s Commission on Disability operations budget.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

HB295 decreases the risk that a state agency might procure or maintain a website, mobile application or physical facility that does not meet the standards required under the ADA or Section 504. Failure to procure accessible websites, mobile applications, or physical facilities could have severe performance implications due to the fact that retroactively making websites, mobile applications and physical facilities accessible is significantly more costly than initially procuring or building an accessible website, mobile application, or physical facility.

ADMINISTRATIVE IMPLICATIONS

State agencies incur an increased risk of administrative actions or litigation should a state agency not meet the standards required for websites, mobile applications, and physical facilities under the ADA and Section 504. This includes the employment provisions of Title I of the ADA and the public accommodation provisions of Title II of the ADA. Should a website, mobile application, or physical facility be inaccessible under either Title I or Title II, it is possible that a court might impose a remedy that could include a requirement that the state agency cease using the inaccessible website, mobile application, or physical facility. Such an order might create severe costs and difficulties for the state agency.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Title I of the ADA and Section 504 prohibit discrimination in employment and require provision of reasonable accommodations for employees and applicants for employment. Title II of the ADA and Section 504 impose an obligation on state agencies to make their programs and services accessible to individuals with disabilities. The creation of the Office of Accessibility would not relieve state agencies of their existing obligations under the ADA or Section 504. The creation of the Office of Accessibility would enhance compliance with the provisions of the ADA and Section 504 as they relate to the accessibility of websites, mobile applications, and physical facilities.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The consequences of not enacting HB295 would be that state agency employees and applicants for employment and members of the public who have disabilities may not be able to access websites, mobile applications, and physical facilities. State agencies might maintain websites, mobile applications, or physical facilities that limit the ability of individuals with disabilities to perform the essential functions of their jobs and to fully interact and participate with state agencies websites, mobile applications, and physical facilities. The state would also incur increased legal risk and potential costs and liability under Title I and Title II of the ADA for procuring or maintaining inaccessible systems.

AMENDMENTS