

LFC Requester:

A. Hernandez

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://agencyanalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 3/07/2025*Check all that apply:***Bill Number:** HB 120/sOriginal ☐ Correction ☐Amendment ☐ Substitute ☒

**Sponsor:** Tara L. Lujan and Kathleen Cates

**Short Title:** Accessibility of State Agencies

**Agency Name****and Code****Number:**

General Services Department 350

**Person Writing**

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**Phone:****Email** [Peter.Barrington@gsd.nm.us](mailto:Peter.Barrington@gsd.nm.us)**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	N/A	N/A	N/A	N/A	N/A	N/A

(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:

##### Substitute

The proposed legislation is an Act that requires all state agencies in New Mexico to comply with digital and physical accessibility standards for their websites, mobile applications, and physical facilities. The bill:

- Establishes the **Office of Accessibility** to oversee compliance.
- Sets deadlines for compliance with digital accessibility standards (by **April 1, 2026**) for websites and mobile applications.
- Mandates physical accessibility for all services and facilities.
- Requires state agencies to submit a compliance report every two years starting in **2027**.
- Removes the “private Right of Action” section.

##### Original

The proposed legislation is an Act that seeks to require each state agency website, mobile application and physical facilities to comply with digital and physical accessibility standards. The bill creates an Office of Accessibility within the governor's commission on disability to implement and administer the Accessibility Act, create reporting requirements and a private right of action for the Office of Accessibility.

#### **FISCAL IMPLICATIONS**

##### Substitute

The Substitute Bill has no appropriation therefore state agencies will need to budget for technical and infrastructural changes to their websites, mobile applications, and physical facilities to meet the digital and physical accessibility standards. Agencies will also need to allocate resources for procurement of assistive technologies, software, and physical infrastructure improvements.

The creation of the **Office of Accessibility** will require funding to establish, hire, train, and maintain staff to monitor and enforce these standards.

Removing the Private Right to Action section may eliminate the likelihood of civil action claims for non-compliance.

The other fiscal implications outlined in the original analysis below are still valid.

##### Original

Implementing the provisions of the Accessibility Act through an Office of Accessibility has significant fiscal implications across all domains, which can vary based on the scope specifics of implementation needed to meet the accessibility standards as stipulated in the Accessibility Act. To this end, agencies will need to hire certified accessibility consultants to review compliance with ADA Standards. Building modifications, (e.g., ramps, door widths, and accessible seating) will likely be necessary to comply with accessibility standards. 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.

Retrofitting buildings to meet accessibility standards (e.g., ramps, elevators, restrooms, and signage) can cost tens of thousands to millions of dollars, depending on the extent of non-compliance.

Further, this bill allows for a private right of action, which if the state is found to be non-compliant, could cost millions of dollars in civil action claims. This is extremely problematic considering the historic nature of several state-owned buildings. These buildings would not be able to be compliant considering the infrastructure design and layout and there are no exceptions or exemptions for historic buildings. Therefore, the state, in many cases, would not be able to come into compliance.

## **SIGNIFICANT ISSUES**

### Substitute

The significant issues identified in the original analysis are still valid.

### Original

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).

## **PERFORMANCE IMPLICATIONS**

### Substitute

The performance implications listed in the original analysis are still valid.

### Original

Implementing the Accessibility Act has both immediate and long-term performance implications for an agency, affecting operational efficiency, service delivery, and stakeholder engagement. These implications often vary based on how effectively the implementation is managed.

## **ADMINISTRATIVE IMPLICATIONS**

### Substitute

The administrative implications identified in the original analysis are still valid.

### Original

The implementation of an Accessibility Act has significant administrative implications that impact the internal operations, governance, and resource management of an agency. These implications span policy development, staff training, compliance monitoring, and stakeholder communication.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

### **TECHNICAL ISSUES**

#### Substitute

The substitute provides an exception for a state agency's compliance with those standards. According to the substitute, a state agency is not required to take any action if that action would result in a fundamental alteration in the nature of the services, programs, or activities of the agency, or an undue financial or administrative burden. The substitute does not define "undue financial or administrative burden".

Other technical issues identified in the original analysis are still valid.

#### Original

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**

#### Substitute

Other substantive issues identified in the original analysis are still valid.

#### Original

Ensuring compatibility with a variety of assistive technologies (e.g., JAWS, NVDA, and Voiceover) can be challenging due to varying implementation requirements. Accessibility standards and technologies evolve, requiring ongoing updates and monitoring. Further, there is no standard for agencies to comply with.

### **ALTERNATIVES**

#### Substitute

N/A

#### Original

Instead of the private right to action and funds being spent on civil claims, appropriate funding to the entities based on the findings from the annual report from the office of accessibility.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

#### Substitute

The consequences identified in the original analysis are still valid.

#### Original

Failing to enact or implement provisions of an Accessibility Act can have a wide range of negative consequences for affected agencies. These consequences affect legal compliance, financial stability, public relations, and the quality-of-service delivery. Agencies may face civil lawsuits or class-action suits filed by individuals or advocacy groups representing people with disabilities. Non-compliance could result in the loss of federal funding for programs and services that depend on accessibility compliance.

## **AMENDMENTS**

**N/A**