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MAR 23 2017

March 14, 2017

To Whom It May Concern:

On behalf of AARP VT's 127,000 members we would like to draw your attention to recently enacted legislation that will have positive impacts on the quality of life for older adults residing in your community. **Act 115, Disclosure of Compliance with Accessibility Standards, passed in 2016, requires newly developed single and multi-family units to disclose that accessibility standards at the time of sale have been met.** This law requires the seller of new residential construction to provide a written disclosure to a prospective buyer detailing whether the residential construction is in compliance with the accessibility standards.

Inclusive, accessible communities are critical to our state's economic prosperity. In the next 15 years, the number of adults age 65 and older will represent a quarter of our state's population. Many of these people are expected to reject high-priced institutional care and instead, continue to live in their home, even if they have one or more disabilities. The degree to which they can participate in community life will be determined, in part, by how well their physical environment accommodates them. **Act 115 supports successful aging-in-place by enhancing functionality and safety of newly constructed homes.**

Homes that lack important ease of use and convenience features often make it difficult for older residents to bathe, use stairs, enter and exit, or meet other daily needs. Such barriers may precipitate an unwanted or premature move to an assisted living facility or to an institutionalized setting, which can limit independence and be emotionally taxing and financially burdensome. The main features that make the biggest difference in peoples' lives are primarily structural and are built-in at the time of new construction or remodeling with little to no cost.

Attached you will find an approved form, Disclosure of Compliance, that is required to be used at the time of sale and a copy of Act 115. **We kindly ask for your leadership to increase awareness and understanding of the law's benefits, helping to ensure greater compliance.**

**Please circulate this information to your members and any other parties you see fit.**

Sincerely,

Philene Taormina  
Director of Advocacy AARP VT

Kelly Stoddard Poor  
Director of Outreach AARP VT

Real Possibilities

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JOSHUA R. DIAMOND  
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March 13, 2017

To Whom It May Concern:

To help ensure that Vermont residences are accessible to people with disabilities, we write to draw your attention to, and urge compliance with, Act 115.

Effective May 17, 2016, Act 115 requires that, prior to the sale of a new one family or multifamily dwelling, a seller must provide **written disclosure** to a prospective buyer detailing whether the construction complies with the five residential construction standards below. (Note: Vermont law already requires compliance with these construction standards. Only the disclosure obligation is new).

- At least one first floor exterior door is at least 36 inches wide;
- First floor interior doors between rooms are at least 34 inches wide, and first floor open interior doorways are 32 inches wide, all with thresholds that are level, ramped or beveled;
- Interior hallways are at least 36 inches wide and level;
- Environmental and utility control and outlets are 15-48 inches off the floor for front reach limits and 9-54 inches for side reach limits; and
- Bathroom walls are reinforced to permit the attachment of grab bars.

Act 115 requires sellers to provide this disclosure to prospective buyers on a specific form approved by the Vermont Access Board. The form is available at: [http://firesafety.vermont.gov/sites/firesafety/files/files/forms/dfs\\_accessibilitydisclosure\\_act115\\_form.pdf](http://firesafety.vermont.gov/sites/firesafety/files/files/forms/dfs_accessibilitydisclosure_act115_form.pdf).

Attached, please find a copy of Act 115, the required disclosure form and guidance on complying with this law. If you have questions about Act 115 or the attached materials, please contact the Vermont Access Board at 802-479-7561.

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**Vermont Department of Public Safety**  
**DIVISION OF FIRE SAFETY**

**OFFICE OF THE STATE FIRE MARSHAL & STATE FIRE ACADEMY**

firesafety.Vermont.gov

**DISCLOSURE OF COMPLIANCE**

**-Compliance with Act 115- Accessibility Standards for New Residential Construction Only-**

Effective July 1, 2016 prior to the sale of new residential construction, a seller shall provide written disclosure to a prospective buyer detailing whether the residential construction is in compliance with the standards described in subsection (b) of Act 115. A Violation of subsection (b) of Act 115 shall neither affect marketability nor create a defect in title of the residential construction. Please see attached fact sheet for additional guidance.

**Residential Construction Exemption**

Residential Construction shall not include a single family dwelling built by the owner for the personal occupancy of the owner and the owner's family, or the assembly or placement of residential construction that is prefabricated or manufactured out of state.

Name of Building/Site: \_\_\_\_\_

Physical Location: \_\_\_\_\_  
 (9-1-1 Adress) \_\_\_\_\_ Street Name and Number \_\_\_\_\_

\_\_\_\_\_ City/Town, Zip Code \_\_\_\_\_

Name of Seller: \_\_\_\_\_

Name of Buyer: \_\_\_\_\_

**Subsection (b) Act 115: Residential Construction Requirements See Reverse Side**

1. Is there, at a minimum, one first floor exterior door that is at least 36 Inches Wide? <b>See Back</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Are the first floor, interior doors between rooms at least 34 inches wide or open doorways that are at least 32 inches wide with thresholds that are level, ramped or beveled? <b>See Back</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Are the Interior hallways level and at least 36 inches wide? <b>See Back</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Are the environmental and utility controls and outlets located at heights that are in compliance with standards adopted by the Vermont Access Board? <b>See Back</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Are the bathroom walls reinforced to permit attachment of grab bars? <b>See Back</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>

**CERTIFICATION FROM THE SELLER**

I / We, \_\_\_\_\_ the seller(s) of the above described property under oath disclose the status of compliance with the residential construction requirements in Subsection (b) above.

\_\_\_\_\_  
Signature of Seller or legal representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Seller or legal representative

\_\_\_\_\_  
Date

**ACKNOWLEDGEMENT OF RECEIPT OF THE DISCLOSURE STATEMENT**

We have received a copy of the Disclosure Statement Form and understand the findings in Subsection (b) of ACT 115

\_\_\_\_\_  
Signature of Buyer or legal representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Buyer or legal representative

\_\_\_\_\_  
Date

**Central Office**  
 1311 US Route 302-Suite 600  
 Berlin VT 05641  
 802-479-7561

## Guidance - ADA Requirements

**SCOPE:** The 5 items noted in Subsection (b) of ACT 115 are the same requirements found in ACT 88 passed by the Vermont Legislature in 2000. The new ACT 115 requires disclosure. **A violation shall neither affect marketability nor create a defect in title of the residential construction.**

**1. First Floor Exterior Door: 404.2.3 Clear Width.** A 36 inch wide door is necessary in order to provide the minimum allowable clear opening of 32 inches (815mm) when the door is opened. Clear openings of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees.

- Openings more than 24 inches (610 mm) deep shall provide a clear opening of 36 inches (915 mm) minimum. There shall be no projections into the required clear opening width lower than 34 inches (865 mm) above the finish floor or ground. Projections into the clear opening width between 34 inches (865 mm) and 80 inches (2030 mm) above the finish floor or ground shall not exceed 4 inches (100 mm).

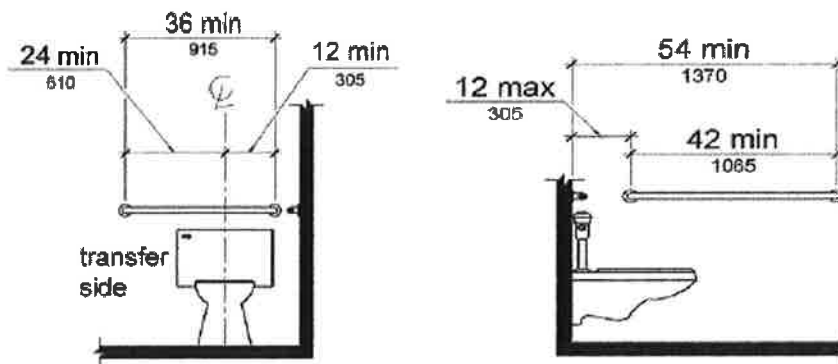
**2. Interior Door Width:** First floor interior doors must be a minimum 34 inches wide in order to provide the minimum 32 inch clear opening.

**3 Interior Hallway Construction:** Hallways are required to be a minimum 36 inches wide and level.

**4. Environmental, Utility and Outlets:** 15-48 inches off the floor for front reach limits and nine inches to 54 inches for side reach limits).

**5. Grab Bars:** In residential dwelling units, grab bars shall not be required to be installed in toilet or bathrooms provided that reinforcement has been installed in walls and located so as to permit the installation of grab bars if installed in the future.

- **Side Wall.** The side wall grab bar shall be 42 inches (1065 mm) long minimum, located 12 inches (305 mm) maximum from the rear wall and extending 54 inches (1370 mm) minimum from the rear wall.
- **Rear Wall.** The rear wall grab bar shall be 36 inches (915 mm) long minimum and extend from the centerline of the water closet 12 inches (305 mm) minimum on one side and 24 inches (610 mm) minimum on the other side.



**ACT No. 115.**

**An act relating to disclosure of compliance with accessibility standards in the sale of residential construction.**

It is hereby enacted by the General Assembly of the State of Vermont: Sec. 1. 20 V.S.A. § 2907 is amended to read:

§ 2907. ACCESSIBILITY STANDARDS; RESIDENTIAL CONSTRUCTION

(a) As used in this chapter, "residential construction" means new construction of one family or multifamily dwellings. "Residential construction" shall not include a single family dwelling built by the owner for the personal occupancy of the owner and the owner's family, or the assembly or placement of residential construction that is prefabricated or manufactured out of state.

(b) Any residential construction shall be built to comply with all the following standards:

(1) At least one first floor exterior door that is at least 36 inches wide. (2) First floor interior doors between rooms that are at least 34 inches

wide or open doorways that are at least 32 inches wide with thresholds that are level, ramped, or beveled.

(3) Interior hallways that are level and at least 36 inches wide.

(4) Environmental and utility controls and outlets that are located at heights that are in compliance with standards adopted by the Vermont Access Board.

(5) Bathroom walls that are reinforced to permit attachment of grab bars.

(c) A violation of this section shall neither affect marketability nor create a defect in title of the residential construction.

(d) Prior to the sale of residential construction, a seller shall provide written disclosure to a prospective buyer detailing whether the residential construction is in compliance with the standards described in subsection (b) of this section. Disclosure shall be made on a form and in a manner prescribed by the Access Board.

**Sec. 2. EFFECTIVE DATE**

This act shall take effect on passage. Date Governor signed bill: May 17, 2016

**No. 115. An act relating to disclosure of compliance with accessibility standards in the sale of residential construction.**

(S.176)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 20 V.S.A. § 2907 is amended to read:

§ 2907. ACCESSIBILITY STANDARDS; RESIDENTIAL  
CONSTRUCTION

(a) ~~For the purposes of~~ As used in this chapter, “residential construction” means new construction of one family or multifamily dwellings. “Residential construction” shall not include a single family dwelling built by the owner for the personal occupancy of the owner and the owner’s family, or the assembly or placement of residential construction that is prefabricated or manufactured out of state.

(b) Any residential construction shall be built to comply with all the following standards:

- (1) At least one first floor exterior door that is at least 36 inches wide.
- (2) First floor interior doors between rooms that are at least 34 inches wide or open doorways that are at least 32 inches wide with thresholds that are level, ramped, or beveled.
- (3) Interior hallways that are level and at least 36 inches wide.
- (4) Environmental and utility controls and outlets that are located at heights that are in compliance with standards adopted by the Vermont ~~access~~ Access Board.

(5) Bathroom walls that are reinforced to permit attachment of grab bars.

(c) A violation of this section shall neither affect marketability nor create a defect in title of the residential construction.

(d) Prior to the sale of residential construction, a seller shall provide written disclosure to a prospective buyer detailing whether the residential construction is in compliance with the standards described in subsection (b) of this section. Disclosure shall be made on a form and in a manner prescribed by the Access Board.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: May 17, 2016