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Assembly Bill 445: an exception to commercial building code requirements for the installation or operation of a stairway chair lift in a church constructed before 1919.

Testimony of State Representative Todd Novak
Assembly Committee on Housing and Real Estate
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Thank you, Chairman Jagler, and members of the Committee on Housing and Real Estate for holding this public hearing on AB 445.

Currently in Wisconsin, Churches are regulated as commercial buildings, and accessibility requirements stipulate that all public buildings including churches are to be accessible. There are exceptions in the scoping requirements for altar areas or a baptismal fonts. However, IBC requirements stipulate what kind of devices can be used to provide an accessible route in a building. The IBC allows for vertical platform lifts for limited instances and the existing building code allows for vertical platform lifts in a wider range of applications, but neither allows the use of a stairway chairlift nor does SPS 318 elevator code allow the use of a stairway chairlift in a commercial building with very limited exceptions.

Under SPS 318 Stairway chairlifts shall be installed so that the required means of egress is maintained as required in the building code. For new installations, the egress width shall be measured with the stairway chair lift in the unfolded, usable position. For replacement of a previously approved stairway chair lift, the egress width may remain as it has been with the original lift in place, but may not be reduced by the replacement. Stairway chairlifts complying with this section may be installed as a convenience for individuals but are not recognized by the building code as providing accessibility due to the inability of a wheelchair user to use them without assistance.

This classification of churches has become problematic for a church in my district. Jordan Lutheran Church was built in 1860 and is one of the oldest active churches in Wisconsin. Like many churches, Jordan Lutheran Church holds its fellowship activities and meals in the church basement. Unfortunately, there is no way for those who are unable to use the stairs to attend these events. To ensure that the entire congregation can enjoy fellowship together, the church would like to install a stairway chairlift to allow all people to reach the basement. However, under current law it is illegal for the church to install a stairway chairlift because of the stairway width requirements.

AB 445 provides an exception to the building code which would allow select, old churches to install a stairway chairlift even if the stairway doesn't meet the egress width requirements. Under the bill, a church may build a stairway chairlift if: the church was constructed before January 1, 1919, there is a second stairway between the floors connected by the stairway chairlift, and the stairway chairlift meets all other building code requirements. In addition, if the fire chief of the area in which the church is located determines that the installation of the chairlift would render any part of the church unsafe, the fire chief could require the church to comply with other safety measures as a prerequisite for installation.

Thank you for your consideration of AB 445. I am happy to answer any questions that you may have.

Good Morning,

I want to thank Representative Novak for spearheading the introduction of AB 445 in the Assembly, as well as all of the co-sponsors that agreed to sign onto this bill! Also, thanks to all of you that have taken time from your busy schedules to be here today to listen to my testimony.

I am President of the Jordan Lutheran Church in rural Browntown, WI. I am also 5th generation in this church, with my Great, Great, Grandfather Ole Gordee being a charter member of the church in 1859. Ole actually hauled the stone used to build the church by oxcart from several miles away. Currently, we are either the oldest, or 2nd oldest church in the State of Wisconsin still holding regular every Sunday worship services. I believe that speaks volumes for the commitment of our congregation in dedication to caring for the needs of others, both in our community, and across the globe.

I could go on for hours about our congregation's dedication to community and love for the Lord, but I am here today to specifically address AB 445. This bill was written to address a long term impediment for our church in order to meet the needs of the physically handicapped, which includes not only our own church members, but also guests. For myself, this journey to accommodate the physically handicapped began some 25 years ago. It began for me when a dear lady who was one of my Sunday school teachers, was no longer physically able to navigate the stairs from the main church level to the basement. You may, or may not, be aware that in the old Norwegian churches, all of the fellowship meals are prepared and served in the basement. These fellowship gatherings included such events as our famous chicken dinners, routine potlucks, and after funeral luncheons. In addition, the church ladies utilize the basement for such projects as sewing blankets for Lutheran World Relief. It broke my heart that my Sunday school teacher Helen, could no longer participate in these events. At my request, a committee was formed to research installing an elevator, or some other means to accommodate ingress and egress for Helen to the basement. After an exhaustive effort, it was determined by the committee that in our then 135 year old structure, there was not a way to install an elevator, or to widen the stairways as required by commercial building code.

Fast forward to a year and a half ago. At that time I once again began to investigate a means to achieve my goal of bringing the handicapped, or physically disabled elderly, into the basement to participate in fellowship. What I discovered was that current commercial building codes prevented installation of a stairway chairlift, because neither of our stairways met current minimum width requirements. After discovering that legal roadblock, I reached out to Senator Marklein to see if there were any alternatives to be considered. I was advised to begin by checking with my local fire chief to address any possible safety concerns. Following Senator Marklein's advice, I contacted the Browntown Fire Department chief, David Plath. David steered me to the fire inspector for our County, John Walters. I met with John at the church for an inspection of the premises. This inspection by John included square footage numbers, seating capacity in the basement, and stairway dimensions. John subsequently presented the resulting facts of the inspection to the State fire marshal. All 3 fire safety experts agreed that based on the seating capacity in our basement, and having two stairways, along with the ability of the chairlift seat to fold up, there would be adequate travel way routes to safely evacuate the basement in case of an emergency. Once safety concerns regarding the installation of a chairlift at our church were met with approval, AB 445 was drafted to address the needs of older church structures, while at the same time maintaining absolute safety requirements.

I would ask that if you have not already done so, you carefully read through AB 445. I believe that you will find it addresses an important change needed to our building code, while still maintaining the safety of all. Once again, I thank all of you here today for allowing me to speak. I prayerfully ask for your support of AB 445.