

HOUSE No. 2291

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber and Michael J. Moran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act expanding the availability of adaptable housing for people with disabilities and seniors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/18/2023</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>1/18/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/20/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/20/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/25/2023</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/26/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/29/2023</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/1/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/2/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/6/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/8/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/10/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/10/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/11/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/13/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/15/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/17/2023</i>

HOUSE No. 2291

By Representatives Barber of Somerville and Moran of Boston, a petition (accompanied by bill, House, No. 2291) of Christine P. Barber, Michael J. Moran and others relative to the availability of adaptable housing for consumers with disabilities, mobility impairments and seniors. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act expanding the availability of adaptable housing for people with disabilities and seniors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The first paragraph of section 13A of chapter 22 of the General Laws, as
2 amended by section 29 of chapter 39 of the acts of 2021, is hereby further amended by striking
3 out the second and third sentences and inserting in place thereof the following 3 sentences:- Two
4 of the appointive members shall be architects licensed to practice in the commonwealth. One of
5 the appointive members shall be a licensed building inspector. Three of the appointive members
6 shall be selected after consultation with advocacy groups on behalf of persons with disabilities.

7 SECTION 2. Said section 13A of said chapter 22, as so amended, is hereby further
8 amended by striking out the fourth paragraph and inserting in place thereof the following 4
9 paragraphs:- The board shall make and from time to time alter, amend and repeal, in accordance
10 with the provisions of chapter 30A, rules and regulations designed to make multiple dwellings
11 and public buildings and facilities, including, but not limited to, areas that are not generally in
12 public use, accessible to, functional for and safe for use by persons with disabilities. The board

13 shall also make rules and regulations requiring that any person who has lawful control of
14 improved or enclosed private property used as off-street parking areas where the public has a
15 right of access as invitees or licensees, shall reserve parking spaces in said off-street parking
16 areas for vehicles authorized to display handicapped plates or placards under section 2 of chapter
17 90; provided, that the parking requirements shall be consistent with the ADA Standards for
18 Accessible Design. The parking spaces reserved for vehicles of such persons with a disability
19 shall be clearly marked as such. The rules and regulations of the board shall establish standards
20 and procedures designed to make adaptable for persons with physical disabilities for any
21 building, regardless of the date of construction: (i) all dwelling units in multiple dwellings
22 equipped with an elevator; (ii) all ground floor dwelling units in multiple dwellings not equipped
23 with an elevator; and (iii) all public use and common use portions of such multiple dwellings;
24 provided, however, that in any building constructed before March 13, 1991, such standards and
25 procedures for dwelling units shall apply only to such units within: (i) any non-residential
26 building undergoing a gut rehabilitation as part of a change in use into a multiple dwelling
27 facility; or (ii) any residential building which is vacant undergoing a gut rehabilitation. The rules
28 and regulations of the board shall establish standards and procedures designed to make
29 accessible to, functional for and safe for use by persons with physical disabilities residential
30 buildings whenever constructed and without the restrictions in the above paragraph. Unless
31 otherwise specified, 5 per cent of the units in lodging or residential facilities for hire, rent or
32 lease, containing 20 or more units, shall meet this requirement; provided, however, that
33 accessible units shall allow 5 feet of turning radius for a wheelchair in the kitchens and
34 bathrooms. In the event that the board determines that the need, in certain areas of the
35 commonwealth, for such units either exceeds or does not require said 5 percent, the board may

36 require that, in said areas a percentage of units less than 5 per cent or not greater than 10 per cent
37 be accessible and safe for persons with disabilities; provided, however, that said accessible units
38 shall allow 5 feet of turning radius for a wheelchair in the kitchens and bathrooms. The board
39 may make such determination only if there is sufficient factual basis, using data from the central
40 registry of the Massachusetts rehabilitation commission, established in section 74 of chapter 6,
41 and other sources, to establish with a reasonable degree of certainty the present and future needs
42 for said accessible units in certain areas of the commonwealth. A percentage of less than 5 per
43 cent shall not be established unless such accessible units, which are not needed by persons with
44 disabilities cannot be readily hired, rented or leased to other persons. The rules and regulations of
45 the board shall include, but not be limited to, detailed architectural standards further defining
46 adaptable and accessible dwelling units and such other provisions necessary to provide rights and
47 remedies substantially equivalent to or greater than the rights and remedies provided by the
48 federal Fair Housing Act, the ADA Standards for Accessible Design and regulations thereunder
49 as pertaining to such multiple dwellings.

50 SECTION 3. Said section 13A of said chapter 22 is hereby further amended by inserting
51 after the word “buildings”, in lines 67, as appearing in the 2020 Official Edition, the following
52 words:- and facilities.

53 SECTION 4. Said section 13A of said chapter 22 is hereby further amended by inserting
54 after the word “section”, in line 75, as so appearing, the following words:- and facilities.

55 SECTION 5. Said section 13A of said chapter is hereby further amended by striking out,
56 in lines 80 and 81, as so appearing, the words “handicapped persons,” and inserting in place
57 thereof the following words:- persons with a disability.

58 SECTION 6. Said section 13A of said chapter 22 is hereby further amended by striking
59 out, in lines 88 and 89, as so appearing, the word “newspaper” and inserting in place thereof the
60 following words:- forms of.

61 SECTION 7. Said section 13A of said chapter 22, is hereby further amended by inserting
62 after the word “building”, in line 93, as so appearing, the following words:- or facility, including
63 areas not generally in public use,.

64 SECTION 8. Said section 13A of said chapter 22 is hereby further amended by striking
65 out the words “building be changed to a”, in line 94, as so appearing, and inserting in place
66 thereof the following words:- building or facility be changed to a residential use or a.

67 SECTION 9. Said section 13A of said chapter 22 is hereby further amended by inserting
68 after the word “building”, in lines 95 and 96, as so appearing, in each instance, the following
69 words:- or facility.

70 SECTION 10. Said section 13A of said chapter 22, as so appearing, is hereby further
71 amended by striking out, in lines 102 and 103, as so appearing, the words “physically
72 handicapped persons” and inserting in place thereof the following words:- persons with a
73 disability.

74 SECTION 11. Said section 13A of said chapter 22, as amended by section 29 of chapter
75 39 of the acts of 2021, is hereby further amended by striking out the eighth paragraph.

76 SECTION 12. Said section 13A of said chapter 22 is hereby further amended by striking
77 out, in lines 131 and 132, as appearing in the 2020 Official Edition, the word “person” and
78 inserting in place thereof the following words:- building or facility, or portion thereof,.

79 SECTION 13. Said section 13A of said chapter 22 is hereby further amended by inserting
80 after the word “building”, in line 150, as so appearing, the second time it appears, the following
81 words:- or facility.

82 SECTION 14. Said section 13A of said chapter 22 is hereby further amended by inserting
83 after the word “building”, in line 166, as so appearing, the following word:- , facility.

84 SECTION 15. Said section 13A of said chapter 22 is hereby further amended by striking
85 out, in lines 177, 179 and 187, as so appearing, the words “physically handicapped persons” and
86 inserting in place thereof, in each instance, the following words:- persons with a disability.

87 SECTION 16. The fourteenth paragraph of said section 13A of said chapter 22, as so
88 appearing, is hereby further amended by inserting after the definition of “Alteration”, the
89 following definition:- “Areas that are not generally in public use”, areas not intended for use by
90 the public, as designated in the 1991 and 2010 ADA Standards for Accessible Design, and
91 employee work areas.

92 SECTION 17. The fourteenth paragraph of said section 13A of said chapter 22, as so
93 appearing, is hereby further amended by inserting after the definition of “Construction” the
94 following 3 definitions:- “Employee work area”, all or any portion of a space used only by
95 employees and used only for work, including, but not limited to, corridors, toilet rooms,
96 kitchenettes and break rooms if said areas constitute the path of travel to or are essential to the
97 use of employees for work; provided, that all employee work areas shall be made accessible in
98 new construction or where renovation work being performed is otherwise subject to the
99 jurisdiction of the board. Corridors, toilet rooms, kitchenettes and break rooms shall not
100 otherwise be considered employee work areas; provided however, that where corridors, toilet

101 rooms, kitchenettes and break rooms constitute the path of travel to or are essential to the use of
102 employees for work, they shall be, when possible, adaptable. "Facility", all or any portion of a
103 building, structure, site improvement, complex, equipment, road, walk, passageway, parking lot
104 or other real or personal property, including the site where the building, property, structure or
105 equipment is located. "Gut rehabilitation", the general replacement of the interior of a building
106 that may or may not include changes to structural elements such as flooring systems, columns or
107 load bearing interior or exterior walls.

108 SECTION 18. Said section 13A of said chapter 22 is hereby further amended by striking
109 out, in line 200, as so appearing, the words "Physically handicapped person" and inserting in
110 place thereof the following words:- Person with a disability.

111 SECTION 19. Said section 13A of said chapter 22 is hereby further amended by striking
112 out, in line 204, as so appearing, the words "Physically handicapped persons" and inserting in
113 place thereof the following words:- A person with a disability.

114 SECTION 20. Said section 13A of said chapter 22, as so appearing, is hereby further
115 amended by striking out the definition of "Public building", in lines 209 through 226, inclusive,
116 and inserting in place thereof the following definition:- "Public building", (i) a building
117 constructed by the commonwealth or any political subdivision thereof with public funds and
118 open to public use, including, but not limited to, a building constructed by a public housing
119 authority, the Massachusetts Port Authority, the Massachusetts Parking Authority, the
120 Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority or
121 a building authority of any public educational institution, or their successors; or (ii) a privately

122 financed building that is open to and used by the public, including, but not limited to, places of
123 public accommodation listed in section 92A of chapter 272, and 42 U.S.C. section 12181(7).