

**HOUSE . . . . . No. 2511**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Chris Walsh*

*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 regarding architectural access.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>

**HOUSE . . . . . No. 2511**

By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 2511) of Chris Walsh and others for legislation relative to the Architectural Access Board law. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act regarding architectural access.

*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 appearing in the 2012 Official Edition, is hereby amended by striking out the second and third  
3 sentences and inserting in place thereof the following 3 sentences:- Two of the appointive  
4 members shall be architects licensed to practice in the commonwealth. One of the appointive  
5 members shall be a licensed building inspector. Three of the appointive members shall be  
6 selected after consultation with advocacy groups on behalf of persons with disabilities.

7 SECTION 2. Said section 13A of said chapter 22, as so appearing, is hereby further  
8 amended by striking out, in lines 37 and 38, the words “public buildings accessible to, functional  
9 for, and safe for use by physically handicapped persons” and inserting in place thereof the  
10 following words:- buildings, including areas that are not generally in public use under the  
11 Department of Justice’s Americans with Disabilities Act Standards for Accessible Design,  
12 accessible to, functional for and safe for use by persons with disabilities.

13 SECTION 3. Said section 13A of said chapter 22, as so appearing, is hereby further  
14 amended by striking out, in lines 41 and 42, the following words “for businesses, auditoriums,  
15 sporting or recreational facilities, or cultural centers”.

16 SECTION 4. Said section 13A of said chapter 22, as so appearing, is hereby further  
17 amended by striking out, in lines 44 to 47, inclusive, the words “of handicapped persons or for  
18 vehicles used to transport such handicapped persons if the number of parking spaces in any such  
19 area is fifteen or more. The parking spaces reserved for vehicles of such handicapped persons  
20 shall be clearly marked as such” and inserting in place thereof the following words:- authorized  
21 to display handicapped plates or placards under section 2 of chapter 90; provided, that the  
22 parking requirements shall be consistent with the Americans with Disabilities Act Standards for  
23 Accessible Design.

24 SECTION 5. Said section 13A of said chapter 22, as so appearing, is hereby further  
25 amended by striking out, in line 49, the words “for physically handicapped persons” and  
26 inserting in place thereof the following words:- and accessible.

27 SECTION 6. Said section 13A of said chapter 22, as so appearing, is hereby further  
28 amended by striking out, in lines 52 and 53, the words “; provided, however, that the dwelling is  
29 constructed for first occupancy after March thirteenth, nineteen hundred and ninety-one” and  
30 inserting in place thereof the following words:- and (3) all public use and common use portions  
31 of such multiple dwellings.

32 SECTION 7. Said section 13A of said chapter 22, as so appearing, is hereby further  
33 amended by inserting after the word “to”, in line 57, the following words:- or greater than.

34 SECTION 8. Said section 13A of said chapter 22 of the General Laws, as so appearing, is  
35 hereby further amended by inserting after the word “Act”, in line 57, the following words:- , the  
36 Department of Justice’s Americans with Disabilities Act Standards for Accessible Design.

37 SECTION 9 Said section 13A of said chapter 22, as so appearing, is hereby further  
38 amended by inserting after the word “buildings”, in line 62, the following words:- and facilities.

39 SECTION 10. Said section 13A of said chapter 22, as so appearing, is hereby further  
40 amended by inserting after the word “buildings”, in line 69, the following words:- and facilities.

41 SECTION 11. Said section 13A of said chapter 22, as so appearing, is hereby further  
42 amended by striking out, in line 74, the words “handicapped persons,” and inserting in place  
43 thereof the following words:- persons with a disability.

44 SECTION 12. Said section 13A of said chapter 22, as so appearing, is hereby further  
45 amended by striking out, in line 82 the word “newspaper” and inserting in place thereof the  
46 following words:- forms of.

47 SECTION 13. Said section 13A of said chapter 22, as so appearing, is hereby further  
48 amended by inserting after the word “building”, in line 86, the following words:- or facility.

49 SECTION 14. Said section 13A of said chapter 22, as so appearing, is hereby further  
50 amended by inserting after the word “building”, in line 87, the following words:- or facility.

51 SECTION 15. Said section 13A of said chapter 22, as so appearing, is hereby further  
52 amended by inserting after the word “a”, in line 87, the following words:- residential use or a.

53 SECTION 16. Said section 13A of said chapter 22, as so appearing, is hereby further  
54 amended by striking out, in line 88, the word “is” and inserting in place thereof , the following  
55 words:- or facility is.

56 SECTION 17. Said section 13A of said chapter 22, as so appearing, is hereby further  
57 amended by inserting after the word “building”, in line 89, the following words:- or facility.

58 SECTION 18. Said section 13A of said chapter 22, as so appearing, is hereby further  
59 amended by striking out, in line 95, the words “physically handicapped persons” and inserting in  
60 place thereof the following words:- persons with a disability.

61 SECTION 19. Said section 13A of said chapter 22, as so appearing, is hereby further  
62 amended by striking out the eighth paragraph.

63 SECTION 20. Said section 13A of said chapter 22, as so appearing, is hereby further  
64 amended by striking out, in line 121, the word “person” and inserting in place thereof the  
65 following words:- building, or portion thereof,.

66 SECTION 21. Said section 13A of said chapter 22, as so appearing, is hereby further  
67 amended by inserting after the word “building”, in line 139, the second time it appears, the  
68 following words:- or facility.

69 SECTION 22. Said section 13A of said chapter 22, as so appearing, is hereby further  
70 amended by inserting after the word “building”, in line 154, the following word:- , facility.

71 SECTION 23. Said section 13A of said chapter 32, as so appearing, is hereby further  
72 amended by striking out, in lines 163 and 164, 166 and 173 the words “physically handicapped

73 persons” and inserting in place thereof, in each instance, the following words:- persons with a  
74 disability.

75 SECTION 24. Said section 13A of said chapter 22, as so appearing, is hereby further  
76 amended by inserting after the definition of “Construction” the following definition:- “Facility”,  
77 all or any portion of a building, structure, site improvement, complex, equipment, road, walk,  
78 passageway, parking lot or other real or personal property, including the site where the building,  
79 property, structure or equipment is located.

80 SECTION 25. Said section 13A of said chapter 22, as so appearing, is hereby further  
81 amended by striking out, in line 185, the words “Physically handicapped person” and inserting in  
82 place thereof the following words:- Person with a disability.

83 SECTION 26. Said section 13A of said chapter 22, as so appearing, is hereby further  
84 amended by striking out, in lines 188 and 189, the words “Physically handicapped persons” and  
85 inserting in place thereof the following words:- A person with a disability.

86 SECTION 27. Said section 13A of said chapter 22, as so appearing, is hereby further  
87 amended by striking out the definition of “Public building” and inserting in place thereof the  
88 following definition:- “Public building”, buildings constructed by the commonwealth or any  
89 political subdivision thereof with public funds and open to public use, including, but not limited  
90 to, those constructed by public housing authorities, the Massachusetts Port Authority, the  
91 Massachusetts Convention Center Authority, the Massachusetts Department of Transportation,  
92 the Massachusetts Bay Transportation Authority, or building authorities of any public  
93 educational institution, or their successors; and privately financed buildings that are open to and  
94 used by the public.

95 Buildings that are open to and used by the public shall include, but not be limited to:  
96 transportation terminals, institutional buildings, commercial buildings, buildings having places of  
97 assembly, hotels, motels, dormitories, funeral homes, shopping centers, restaurants, public  
98 parking garages or lots, public sidewalks and ways and public and common use areas of  
99 apartment buildings and condominiums.

100 SECTION 28. Said section 13A of chapter 22, as so appearing, is hereby further amended  
101 by inserting in line 38 after the following words "for use by physically handicapped persons," the  
102 following new sentence:

103 "In adopting these rules and regulations, that board shall take into account relative  
104 differences in the assessed property values of comparable structures in different municipalities,  
105 and it shall take these relative differences into account in developing its compliance thresholds,  
106 to ensure that property owners in municipalities with lower average assessed values do not bear a  
107 heavier burden of regulation than property owners in municipalities with higher average assessed  
108 values. The board may rely upon existing sources of data available from other state agencies in  
109 satisfying this requirement."