

HOUSE No. 2874

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Lipper-Garabedian

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 promoting accessible dwellings for older adults and people with disabilities to remain in their communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>1/20/2023</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/7/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>

HOUSE No. 2874

By Representative Lipper-Garabedian of Melrose, a petition (accompanied by bill, House, No. 2874) of Kate Lipper-Garabedian, Ruth B. Balsler and James B. Eldridge relative to the taxation of accessible dwellings for older adults and people with disabilities. Revenue.

The Commonwealth of Massachusetts

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

An Act promoting accessible dwellings for older adults and people with disabilities to remain in their communities.

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. Chapter 59 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after section 5N the following section:-

3 Section 5O. (a) Notwithstanding any other general or special law to the contrary, in any
4 city or town that accepts this section, an owner of a residential property who has made
5 modifications to that residential property to improve accessibility or to allow that person to live
6 independently, shall be exempt from the increased real property tax due to the newly assessed
7 value of the property as a result of such modifications. Any reduction provided under this
8 section shall be in addition to any exemption or abatement to which that person is otherwise
9 entitled.

10 (b) The exemption shall be available only if: (i) the taxpayer is 65 years of age or older;
11 (ii) the taxpayer is not a dependent of another taxpayer; (iii) the taxpayer occupies the property

12 as that person's principal residence; (iv) the taxpayer's total income does not exceed \$40,000 for
13 a single individual who is not the head of a household, \$50,000 for a head of a household and
14 \$60,000 for 2 spouses filing a joint return; and (v) the assessed value of the residence does not
15 exceed \$600,000.

16 (c) The income limits in this section shall be increased by amounts equal to the income
17 limits multiplied by the cost-of-living adjustment for the calendar year in which such taxable
18 year begins, and the valuation limit in this section shall be increased by an amount equal to such
19 valuation limit multiplied by the cost-of-housing adjustment for the calendar year in which such
20 taxable year begins. If any such increase in an income or valuation limit is not a multiple of
21 \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000. If the increase in
22 the exemption limit is not a multiple of \$10, such increase shall be rounded to the next lowest
23 multiple of \$10.

24 (d) No exemption shall be allowed for a married individual unless a joint return is filed.

25 (e) An owner of residential property who meets all the requirements of this section and
26 whose principal place of residence changes during the course of the year, may claim an
27 exemption for the increased real property tax due the increased assessment value with respect to
28 each such principal residence actually occupied during the year if modifications were made to
29 that residence for the purposes of improved accessibility or to allow that person to live
30 independently.

31 (f) Any exemption provided by this section shall not be counted as income in
32 determining eligibility or benefits under any other means-tested assistance program, including,

33 but not limited to, all such cash, food, medical, housing, energy and educational assistance
34 programs.

35 SECTION 2. The first paragraph of section 13A of chapter 22 of the General Laws, as
36 appearing in the 2020 Official Edition, is hereby amended by striking out the fourth paragraph,
37 consisting of lines 38 through 63, and inserting in place thereof the following four paragraphs:
38 The board shall make and from time to time alter, amend, and repeal, in accordance with the
39 provisions of chapter thirty A, rules and regulations designed to make multiple dwellings and
40 public buildings accessible to, functional for and safe for use by persons with disabilities. The
41 board shall also make rules and regulations requiring that any person who has lawful control of
42 improved or enclosed private property used as off-street parking areas where the public has a
43 right of access as invitees or licensees, shall reserve parking spaces in said off-street parking
44 areas for vehicles authorized to display handicapped plates or placards under section 2 of chapter
45 90; provided, that the parking requirements shall be consistent with the Americans with
46 Disabilities Act Standards for Accessible Design. The parking spaces reserved for vehicles of
47 such handicapped persons shall be clearly marked as such. The rules and regulations of the board
48 shall also establish standards and procedures designed to make adaptable for persons with
49 physical disabilities for any building, regardless of the date of construction, (1) all dwelling units
50 in multiple dwellings equipped with an elevator; (2) all ground floor dwelling units in multiple
51 dwellings not equipped with an elevator; and (3) all public use and common use portions of such
52 multiple dwellings, providing however, that in any building constructed before March thirteenth,
53 nineteen hundred and ninety one, such standards and procedures for dwelling units shall apply
54 only to such units within (1) any non-residential building undergoing a gut rehabilitation as part
55 of a change in use into a multiple dwelling facility, or (2) any residential building which is

56 vacant undergoing a gut rehabilitation. The rules and regulations of the board shall establish
57 standards and procedures designed to make accessible to, functional for and safe for use by
58 persons with physical disabilities residential buildings whenever constructed and without 2 the
59 restrictions in the above paragraph. Unless otherwise specified, five percent of the units in
60 lodging or residential facilities for hire, rent or lease, containing twenty or more units, shall meet
61 this requirement; provided, however, that accessible units shall allow five feet of turning radius
62 for a wheelchair in the kitchens and bathrooms. In the event that the board determines that the
63 need, in certain areas of the commonwealth, for such units either exceeds or does not require said
64 five percent, the board may require that, in said areas a percentage of units less than five percent
65 or not greater than ten percent be accessible and safe for 2 persons with disabilities; provided,
66 however, that said accessible units shall allow five feet of turning radius for a wheelchair in the
67 kitchens and bathrooms. The board may make such determination only if there is sufficient
68 factual basis, using data from the central registry of the Massachusetts Rehabilitation
69 Commission and other sources, to establish with a reasonable degree of certainty the present and
70 future needs for said accessible units in certain areas of the commonwealth. A percentage of less
71 than five percent shall not be established unless such accessible units, which are not needed by
72 persons with disabilities cannot be readily hired, rented, or leased to other persons. The rules and
73 regulations of the board shall include, but not be limited to, detailed architectural standards
74 further defining adaptable and accessible dwelling units, and such other provisions necessary to
75 provide rights and remedies substantially equivalent to or greater than the rights and remedies
76 provided by the federal Fair Housing Act, the Department of Justice's Americans with
77 Disabilities Act Standards for Accessible Design and regulations thereunder as they pertain to
78 such multiple dwellings.

79 SECTION 3. Said section 13A of said chapter 22, as so appearing, is hereby further
80 amended by striking out, in lines 11 and 12, the words “in behalf of the physically handicapped”
81 and inserting in place thereof the following words:- "on behalf of persons with disabilities".

82 SECTION 4. Said section 13A of said chapter 22, as so appearing, is hereby further
83 amended by inserting after the word “buildings”, in line 67, the following words:- "and
84 facilities".

85 SECTION 5. Said section 13A of said chapter 22, as so appearing, is hereby further
86 amended by inserting after the word “buildings”, in line 75, the following words:- "and
87 facilities".

88 SECTION 6. Said section 13A of said chapter 22, as so appearing, is hereby further
89 amended by striking out, in lines 80 and 81, the words “handicapped persons,” and inserting in
90 place thereof the following words:- "persons with a disability”.

91 SECTION 7. Said section 13A of said chapter 22, as so appearing, is hereby further
92 amended by striking out, in lines 88 and 89 the word “newspaper” and inserting in place thereof
93 the following words:- "forms of".

94 SECTION 8. Said section 13A of said chapter 22, as so appearing, is hereby further
95 amended by inserting after the word “building”, in line 93, the following words:- 3 "or facility".

96 SECTION 9. Said section 13A of said chapter 22, as so appearing, is hereby further
97 amended by inserting after the word “building”, in line 94, the following words:- "or facility".

98 SECTION 10. Said section 13A of said chapter 22, as so appearing, is hereby further
99 amended by inserting after the word "changed to a", in line 94, the following words:- "residential
100 use or a".

101 SECTION 11. Said section 13A of said chapter 22, as so appearing, is hereby further
102 amended by inserting, in line 94, after the words "which the building" the following words:- "or
103 facility."

104 SECTION 12. Said section 13A of said chapter 22, as so appearing, is hereby further
105 amended by inserting after the word "building", in line 96, the following words:- "or facility".

106 SECTION 13. Said section 13A of said chapter 22, as so appearing, is hereby further
107 amended by striking out, in lines 102 and 103, the words "physically handicapped persons" and
108 inserting in place thereof the following words:- "persons with a disability".

109 SECTION 14. Said section 13A of said chapter 22, as so appearing, is hereby further
110 amended by striking out the eighth paragraph, consisting of lines 107 through 127.

111 SECTION 15. Said section 13A of said chapter 22, as so appearing, is hereby further
112 amended by striking out, in lines 131 and 132, the word "person" and inserting in place thereof
113 the following words:- "building, or portion thereof,".

114 SECTION 16. Said section 13A of said chapter 22, as so appearing, is hereby further
115 amended by inserting after the words "for a building", in line 150, the following words:- "or
116 facility".

117 SECTION 17. Said section 13A of said chapter 22, as so appearing, is hereby further
118 amended by inserting after the word "building", in line 166, the following word:- ", facility".

119 SECTION 18. Said section 13A of said chapter 32, as so appearing, is hereby further
120 amended by striking out, in lines 177, 179 and 187 the words “physically handicapped persons”
121 and inserting in place thereof, in each instance, the following words:- "persons with a disability".

122 SECTION 19. Said section 13A of said chapter 22, as so appearing, is hereby further
123 amended by inserting after the definition of “Construction” the following definitions:-
124 ““Facility”, all or any portion of a building, structure, site improvement, complex, equipment,
125 road, walk, passageway, parking lot or other real or personal property, including the site where
126 the building, property, structure or equipment is located.” “Gut Rehabilitation”, the general
127 replacement of the interior of a building that may or may not include changes to structural
128 elements such as flooring systems, columns or load bearing interior or exterior walls.

129 SECTION 20. Said section 13A of said chapter 22, as so appearing, is hereby further
130 amended by striking out, in line 200, the words “Physically handicapped person” and inserting in
131 place thereof the following words:- "Person with a disability".

132 SECTION 21. Said section 13A of said chapter 22, as so appearing, is hereby further
133 amended by striking out, in line 204, the words “Physically handicapped persons” and inserting
134 in place thereof the following words:- "A person with a disability.

135 SECTION 22. The first paragraph of section 13A of chapter 22 of the General Laws, as
136 appearing in the 2018 Official Edition, is hereby amended by striking out the second and third
137 sentences and inserting in place thereof the following 3 sentences:-

138 “Two of the appointive members shall be architects licensed to practice in the
139 commonwealth. One of the appointive members shall be a licensed building inspector. Three of

140 the appointive members shall be selected after consultation with advocacy groups on behalf of
141 persons with disabilities”

142 SECTION 23. The first paragraph of section 13A of chapter 22 of the General Laws, as
143 so appearing, is hereby further amended by striking out the fourth paragraph, in lines 38 through
144 63, and inserting in place thereof the following four paragraphs:-

145 The board shall make and from time to time alter, amend, and repeal, in accordance with
146 the provisions of chapter thirty A, rules and regulations designed to make multiple dwellings,
147 and public buildings and facilities, including but not limited to areas that are not generally in
148 public use, accessible to, functional for and safe for use by persons with disabilities. The board
149 shall also make rules and regulations requiring that any person who has lawful control of
150 improved or enclosed private property used as off-street parking areas where the public has a
151 right of access as invitees or licensees, shall reserve parking spaces in said off-street parking
152 areas for vehicles authorized to display handicapped plates or placards under section 2 of chapter
153 90; provided, that the parking requirements shall be consistent with the Americans with
154 Disabilities Act Standards for Accessible Design. The parking spaces reserved for vehicles of
155 such handicapped persons shall be clearly marked as such.

156 The rules and regulations of the board shall also establish standards and procedures
157 designed to make adaptable for persons with physical disabilities for any building, regardless of
158 the date of construction, (1) all dwelling units in multiple dwellings equipped with an elevator;
159 (2) all ground floor dwelling units in multiple dwellings not equipped with an elevator; and (3)
160 all public use and common use portions of such multiple dwellings, providing however, that in
161 any building constructed before March thirteenth, nineteen hundred and ninety one, such

162 standards and procedures for dwelling units shall apply only to such units within (1) any non-
163 residential building undergoing a gut rehabilitation as part of a change in use into a multiple
164 dwelling facility, or (2) any residential building which is vacant undergoing a gut rehabilitation.

165 The rules and regulations of the board shall establish standards and procedures designed
166 to make accessible to, functional for and safe for use by persons with physical disabilities
167 residential buildings whenever constructed and without the restrictions in the above paragraph.
168 Unless otherwise specified, five percent of the units in lodging or residential facilities for hire,
169 rent or lease, containing twenty or more units, shall meet this requirement; provided, however,
170 that accessible units shall allow five feet of turning radius for a wheelchair in the kitchens and
171 bathrooms. In the event that the board determines that the need, in certain areas of the
172 commonwealth, for such units either exceeds or does not require said five percent, the board may
173 require that, in said areas a percentage of units less than five percent or not greater than ten
174 percent be accessible and safe for persons with disabilities; provided, however, that said
175 accessible units shall allow five feet of turning radius for a wheelchair in the kitchens and
176 bathrooms. The board may make such determination only if there is sufficient factual basis,
177 using data from the central registry of the Massachusetts Rehabilitation Commission and other
178 sources, to establish with a reasonable degree of certainty the present and future needs for said
179 accessible units in certain areas of the commonwealth. A percentage of less than five percent
180 shall not be established unless such accessible units, which are not needed by persons with
181 disabilities cannot be readily hired, rented, or leased to other persons.

182 The rules and regulations of the board shall include, but not be limited to, detailed
183 architectural standards further defining adaptable and accessible dwelling units, and such other
184 provisions necessary to provide rights and remedies substantially equivalent to or greater than

185 the rights and remedies provided by the Federal Fair Housing Act, the Department of Justice's
186 Americans with Disabilities Act Standards for Accessible Design and regulations thereunder as
187 they pertain to such multiple dwellings.

188 SECTION 25. Said section 13A of said chapter 22, as so appearing, is hereby further
189 amended by striking out, in lines 11 and 12, the words "in behalf of the physically handicapped"
190 and inserting in place thereof the following words:-

191 "on behalf of persons with disabilities".

192 SECTION 26. Said section 13A of said chapter 22, as so appearing, is hereby further
193 amended by inserting after the word "buildings", in line 67, the following words:-

194 "and facilities".

195 SECTION 27. Said section 13A of said chapter 22, as so appearing, is hereby further
196 amended by inserting after the word "buildings", in line 75, the following words:-

197 "and facilities".

198 SECTION 28. Said section 13A of said chapter 22, as so appearing, is hereby further
199 amended by striking out, in lines 80 and 81, the words "handicapped persons," and inserting in
200 place thereof the following words:-

201 "persons with a disability".

202 SECTION 29. Said section 13A of said chapter 22, as so appearing, is hereby further
203 amended by striking out, in lines 88 and 89 the word "newspaper" and inserting in place thereof
204 the following words:-

205 “forms of”.

206 SECTION 30. Said section 13A of said chapter 22, as so appearing, is hereby further
207 amended by inserting after the word “building”, in line 93, the following words:-

208 “or facility, including Areas not generally in Public Use”

209 SECTION 31. Said section 13A of said chapter 22, as so appearing, is hereby further
210 amended by inserting after the word “building”, in line 94, the following words:-

211 “or facility”.

212 SECTION 32. Said section 13A of said chapter 22, as so appearing, is hereby further
213 amended by inserting after the word “changed to a”, in line 94, the following words:-

214 “residential use or a”.

215 SECTION 34. Said section 13A of said chapter 22, as so appearing, is hereby further
216 amended by inserting, in line 94, after the words “which the building” the following words:-

217 “or facility.”

218 SECTION 35. Said section 13A of said chapter 22, as so appearing, is hereby further
219 amended by inserting after the word “building”, in line 96, the following words:-

220 “or facility”.

221 SECTION 36. Said section 13A of said chapter 22, as so appearing, is hereby further
222 amended by striking out, in lines 102 and 103, the words “physically handicapped persons” and
223 inserting in place thereof the following words:-

224 “persons with a disability”.

225 SECTION 374. Said section 13A of said chapter 22, as so appearing, is hereby further
226 amended by striking out the eighth paragraph, consisting of lines 107 through 127.

227 SECTION 38. Said section 13A of said chapter 22, as so appearing, is hereby further
228 amended by striking out, in lines 131 and 132, the word “person” and inserting in place thereof
229 the following words:-

230 “building, or portion thereof,”.

231 SECTION 39. Said section 13A of said chapter 22, as so appearing, is hereby further
232 amended by inserting after the words “for a building”, in line 150, the following words:-

233 “or facility”.

234 SECTION 40. Said section 13A of said chapter 22, as so appearing, is hereby further
235 amended by inserting after the word “building”, in line 166, the following word:-

236 “, facility”.

237 SECTION 41. Said section 13A of said chapter 32, as so appearing, is hereby further
238 amended by striking out, in lines 177, 179 and 187 the words “physically handicapped persons”
239 and inserting in place thereof, in each instance, the following words:-

240 “persons with a disability”.

241 SECTION 42. Said section 13A of said chapter 22, as so appearing, is hereby further
242 amended by inserting after the definition of “Alteration”, the following definition:-

243 “Areas that are not generally in public use,” areas not intended for use by the public, as
244 designated in the 1991 and 2010 Americans with Disabilities Act (ADA) Standards for
245 Accessible Design, and employee work areas.

246 SECTION 43. Said section 13A of said chapter 22, as so appearing, is hereby further
247 amended by inserting after the definition of “Construction” the following definitions:-

248 “Employee work area” all or any portion of a space used only by employees and used
249 only for work. Corridors, toilet rooms, kitchenettes and break rooms are considered “employee
250 work areas” and shall be made accessible in new construction, or where renovation work being
251 performed is otherwise subject to the jurisdiction of the Board. Corridors, toilet rooms,
252 kitchenettes and break rooms are not otherwise considered “employee work areas;” provided
253 however, that where corridors, toilet rooms, kitchenettes and break rooms constitute the path of
254 travel to or are essential to the use of employees for work, they shall be, when possible,
255 adaptable.

256 “Facility”, all or any portion of a building, structure, site improvement, complex,
257 equipment, road, walk, passageway, parking lot or other real or personal property, including the
258 site where the building, property, structure or equipment is located.”

259 “Gut rehabilitation,” the general replacement of the interior of a building that may or
260 may not include changes to structural elements such as flooring systems, columns or load
261 bearing interior or exterior walls.

262 SECTION 44. Said section 13A of said chapter 22, as so appearing, is hereby further
263 amended by striking out the definition of “Public building” and inserting in place thereof the
264 following definition:-

265 “Public building”, buildings constructed by the commonwealth or any political
266 subdivision thereof with public funds and open to public use, including, but not limited to, those
267 constructed by public housing authorities, the Massachusetts Port Authority, the Massachusetts
268 Parking Authority, the Massachusetts Department of Transportation, the Massachusetts Bay
269 Transportation Authority, or building authorities of any public educational institution, or their
270 successors; and privately financed buildings that are open to and used by the public, including
271 but not limited to places of public accommodation listed in section 92A of chapter 272 of the
272 General Laws, and 42 U.S.C. section 12181(7).

273 SECTION 45. Said section 13A of said chapter 22, as so appearing, is hereby further
274 amended by striking out, in line 200, the words “Physically handicapped person” and inserting in
275 place thereof the following words:-

276 “Person with a disability”.

277 SECTION 46. Said section 13A of said chapter 22, as so appearing, is hereby further
278 amended by striking out, in line 204, the words “Physically handicapped persons” and inserting
279 in place thereof the following words:-

280 “A person with a disability.”

281 SECTION 47. Not later than ninety days after the effective date of this act, the
282 Architectural Access Board shall promulgate regulations as necessary pursuant to this act’s
283 amendments of Chapter 22, section 13A.

284 SECTION 48. Chapter 23B of the General Laws is hereby amended by adding the
285 following 7 sections:-

286 Section 31. As used in section 31 to 37, inclusive, the following words shall have the
287 following meanings, unless the context clearly requires otherwise:-

288 “Accessibility features”, accessibility features that meet the specifications of an existing
289 standard including: (i) accessibility ramp to a zero-step entrance from a driveway or public
290 sidewalk; (ii) zero-step entrance; (iii) doors with at least 32 inches of clear width; (iv) hallways
291 and passages with at least 36 inches of clear width; (v) accessible light switches, electrical outlets
292 and environmental controls; (vi) accessible bathroom; (vii) accessible and useable kitchen
293 facilities; (viii) retrofitting of an existing unit to include permanently installed lifts or elevators;
294 (ix) purchase and permanent installation of a backup electric generator for life sustaining
295 electric-powered medical equipment for devices such as respirators, oxygen concentrators or
296 dialysis machines; and (x) installation of a permanent home monitoring system for residents with
297 Alzheimer’s disease and other forms of dementia.

298 “Commission”, the Massachusetts rehabilitation commission established pursuant to
299 section 74 of chapter 6.

300 “Disability”, a physical or mental impairment that substantially limits one or more major
301 life activities of an individual.

302 “Dwelling unit”, any house or building, or portion thereof, that is occupied, designed to
303 be occupied, or is rented, leased or hired out to be occupied, as a home or residence of 1 or more
304 persons.

305 “Eligible individual”, an individual who has a disability or the caregiver who owns or
306 rents the residency in which the individual who has a disability will reside.

307 “Existing standards”, adaptability features prescribed by the Massachusetts state building
308 code, the specifications of the American National Standards Institute, the Uniform Federal
309 Accessibility Standards pursuant to 24 CFR Part 40 or Fair Housing Accessibility Guidelines
310 pursuant to 24 CFR Part 100.

311 “Post-retrofit documentation”, evidence that the project has been completed including,
312 but not limited to: (i) before and after pictures of the area that is retrofitted; (ii) copies of
313 purchase contracts; (iii) invoices; (iv) cancelled checks; and (v) construction contracts.

314 “Sensory modification”, alarms, appliances and controls designed to assist sensory
315 disabled individuals that are installed as a permanent part of the structure to the dwelling unit;
316 provided, however that sensory modifications shall not include appliances or alarms that can be
317 removed and reinstalled in another dwelling unit.

318 Section 32. (a) Any eligible individual, who intends to retrofit or contract with an
319 individual or company to retrofit an existing dwelling unit; provided, that such retrofitting meets
320 the qualification criteria as established in section 33, and meets the eligibility requirements
321 established by guidelines developed by the department in consultation with the commission,
322 shall be eligible for a livable home modification grant equal to not more than 50 per cent of the
323 total amount spent; provided, that said livable home modification grant shall not exceed \$5,000.

324 (b) An eligible individual who has a disability, a caregiver or a guardian may apply for a
325 livable home modification pursuant to section 34.

326 Section 33. (a) To qualify for a livable home modification grant, the proposed
327 modification or retrofitting of an existing dwelling unit must include at least 1 accessibility
328 feature or sensory modification and meet the requirements of an existing standard.

329 (b) The eligible individual's income in the prior year shall not exceed 120 per cent of the
330 area median income, as determined by the United States Department of Housing and Urban
331 Development. The calculation of an eligible individual's income shall only include the earnings
332 of the individual with a disability and caregiver, if applicable; provided, that this calculation shall
333 not include household income.

334 (c) If the eligible individual who has a disability was not required to file a federal tax
335 return in the prior year, the resident shall be automatically eligible for a livable home
336 modification grant; provided, however, that the eligible individual does not qualify or is not
337 eligible for accessibility modifications funded through other local, state or federal programs.

338 Section 34. (a) Eligible individuals shall apply for a livable home modification grant by
339 making application to the department, which shall issue a certification for an approved
340 application to the individual who has a disability, caregiver or guardian.

341 (b) The department, in consultation with the commission, shall develop application
342 guidelines that include, but shall not be limited to: (i) assessment of the individual who has the
343 disability and the need for the livable home modifications; and (ii) proof of the eligible resident's
344 income and documentation of any disability related exemptions.

345 (c) All applications shall be submitted and received by the department prior to the
346 commencement of construction to modify or retrofit an existing residence to install accessibility
347 features or sensory modifications.

348 Section 35. (a) Livable home modification grants shall only be allowed for the retrofitting
349 or modification of a residential rental property, provided that the owner agrees to maintain the
350 accessibility features or sensory modifications for 10 years.

- 351 (b) Individuals and other entities shall not be eligible to receive a livable home
352 modification grant if they are:
- 353 (i) eligible for federal or state disabled access tax credits;
 - 354 (ii) a limited liability company or foreign limited liability company, as defined by section
355 2 of chapter 156C;
 - 356 (iii) an S Corporation established pursuant to Subchapter S of Chapter 1 of the Internal
357 Revenue Code, 26 USC §§ 1361 et seq.;
 - 358 (iv) a cooperative housing corporation, as defined by section 4 of chapter 157B; or
 - 359 (v) a corporation or foreign corporation, subject to chapter 156.
- 360 (c) Accessibility modifications that are eligible to be funded through local, state or
361 federal programs shall not be eligible for livable home modification grants.
- 362 (d) Livable home modification grants shall not be used for the purchase or construction of
363 residential rental property.
- 364 (e) The department shall not issue more than 1 livable home modification grant to an
365 eligible individual or in relation to the modification or retrofitting of a dwelling unit.

366 Section 36. Applicants shall submit post-retrofit documentation to the department
367 following the completion of the modification or retrofitting of the dwelling unit.

368 Section 37. The department shall, not later than August 31, submit an annual report to the
369 governor, speaker of the house, senate president, and chairs of the joint committee on ways and
370 means for preceding fiscal year. The annual report shall include, but shall not be limited to:

- 371 (i) number of grants issued to qualifying individuals;
- 372 (ii) number of applications that did not qualify;
- 373 (iii) total dollar amount of grants issued;
- 374 (iv) average dollar amount of the grants issued;
- 375 (v) number of retrofits by accessibility features; and
- 376 (vi) prognosis and estimated expenses for the individual if the retrofit had not been made,
377 including: (1) increased likelihood of falls and other related emergency room, hospital or
378 rehabilitation expenses; (2) loss of independence; and (3) move into a long-term care facility.

379 SECTION 49. The director of the department of housing and community development
380 shall promulgate regulations necessary to implement and administer this act.

381 SECTION 50. Section 3 of chapter 40A of the General Laws, as appearing in the 2018
382 Official Edition, is hereby amended by inserting after the last paragraph the following 3
383 paragraphs:-

384 No zoning ordinance or by-law shall prohibit or require a special permit for the use of
385 land or structures for an accessory dwelling unit, or the rental thereof, in a single-family
386 residential zoning district on a lot with 5,000 square feet or more or on a lot of sufficient area to
387 meet the requirements of title 5 of the state environmental code established by section 13 of
388 chapter 21A, if applicable; provided, however, that the single-family dwelling or the accessory
389 dwelling unit is occupied by at least 1 person with disabilities or 1 person who is elderly.

390 As used in this section, “accessory dwelling unit” shall mean a self-contained housing
391 unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure
392 as a single-family dwelling or in a detached accessory structure and that: (i) maintains a separate
393 entrance, either directly from the outside or through an entry hall or corridor shared with the
394 single dwelling; (ii) shall not be sold separately from the single family dwelling; (iii) is not
395 smaller in floor area than 450 square feet; (iv) may include up to two bedrooms; and (v) is not
396 larger in floor area than ½ the floor area of the single family dwelling or 900 square feet,
397 whichever is smaller; “person with disabilities” shall mean a person who has been determined to
398 be disabled (i) in accordance with criteria established by local by-law or ordinance, if any, or (ii)
399 by the Social Security Administration or MassHealth, notwithstanding any local by-law or
400 ordinance; and “elderly” shall mean a person sixty-five years of age or older.

401 The zoning ordinance or by-law may require that the single-family dwelling or the
402 accessory dwelling unit be owner-occupied and may limit the total number of accessory dwelling
403 units in the municipality to a percentage not lower than 5 percent of the total non-seasonal
404 housing units in the municipality. The use of land or structures for an accessory dwelling unit
405 may be subject to reasonable regulations concerning dimensional setbacks and the bulk and
406 height of structures. Not more than 1 additional parking space shall be required for an accessory
407 dwelling unit but, if parking is required for the single family dwelling, that parking shall either
408 be retained or replaced. An accessory dwelling unit allowed under this section is considered
409 owner-occupied upon transfer of title of the single-family dwelling in whole or in part to a trust
410 in which at least 1 beneficiary is a person with disabilities or a person who is elderly; provided,
411 however, that either the single-family dwelling or the accessory dwelling unit remains occupied
412 by that beneficiary. Nothing in this paragraph shall authorize an accessory dwelling unit to

413 violate the building, fire, health or sanitary codes, historic or wetlands laws, or ordinances or by-
414 laws.