

SENATE No. 2676

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-First General Court
(2019-2020)**
—

SENATE, May 4, 2020.

The committee on Public Safety and Homeland Security, to whom was referred the petitions (accompanied by bill, Senate, No. 1359) of Michael J. Barrett for legislation relative to the Architectural Access Board; and (accompanied by bill, Senate, No. 1441) of Michael O. Moore, Michael D. Brady, Anne M. Gobi, William N. Brownsberger and other members of the General Court for legislation relative to the Architectural Access Board, reports the accompanying bill (Senate, No. 2676).

For the committee,
Michael O. Moore

SENATE No. 2676

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the Architectural Access Board.

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 2018 Official Edition, is hereby amended by striking out the second and third
3 sentences and inserting in place thereof the following 3 sentences:-

4 "Two of the appointive members shall be architects licensed to practice in the
5 commonwealth. One of the appointive members shall be a licensed building inspector. Three of
6 the appointive members shall be selected after consultation with advocacy groups on behalf of
7 persons with disabilities."

8 SECTION 2. Said section 13A of said chapter 22, as so appearing, is hereby further
9 amended by striking out, in lines 40 and 41, the words "public buildings accessible to, functional
10 for, and safe for use by physically handicapped persons" and inserting in place thereof the
11 following words:-

12 "buildings, including areas that are not generally in public use, accessible to, functional
13 for and safe for use by persons with disabilities."

14 SECTION 3. Said section 13A of said chapter 22, as so appearing, is hereby further
15 amended by striking out, in lines 43 and 45, the following words “for businesses, auditoriums,
16 sporting or recreational facilities, or cultural centers”.

17 SECTION 4. Said section 13A of said chapter 22, as so appearing, is hereby further
18 amended by striking out, in lines 47 to 49, inclusive, the words “of handicapped persons or for
19 vehicles used to transport such handicapped persons if the number of parking spaces in any such
20 area is fifteen or more.” and inserting in place thereof the following words:-

21 "authorized to display handicapped plates or placards under section 2 of chapter 90;
22 provided, that the parking requirements shall be consistent with the Americans with Disabilities
23 Act Standards for 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 53, the words “for physically handicapped persons” and
26 inserting in place thereof the following words:-

27 "and accessible".

28 SECTION 6. Said section 13A of said chapter 22, as so appearing, is hereby further
29 amended by inserting after the word “elevator”, in line 56, the following words:-

30 “and (3) all public use and common use portions of such multiple dwellings;”

31 SECTION 7. Said section 13A of said chapter 22, as so appearing, is hereby further
32 amended by inserting after the word “ninety-one”, in lines 57 to 58, the following words:-

33 “The rules and regulations of the board shall also establish standards and procedures
34 designed to make accessible to, functional for and safe for use by persons with disabilities
35 residential buildings built before March thirteenth, nineteen hundred and ninety-one undergoing
36 a gut rehabilitation, including any multiple dwelling facility or any building being renovated as
37 part of a change of use from a non-residential use into a multiple dwelling facility”

38 SECTION 8. Said section 13A of said chapter 22, as so appearing, is hereby further
39 amended by inserting after the words “equivalent to”, in line 61, the following words:-

40 "or greater than."

41 SECTION 9. Said section 13A of said chapter 22 of the General Laws, as so appearing, is
42 hereby further amended by inserting after the word “Act”, in line 62, the following
43 words:-

44 ", the Department of Justice’s Americans with Disabilities Act Standards for Accessible
45 Design,".

46 SECTION 10. Said section 13A of said chapter 22, as so appearing, is hereby further
47 amended by inserting after the word “buildings”, in line 67, the following words:-

48 "and facilities".

49 SECTION 11. Said section 13A of said chapter 22, as so appearing, is hereby further
50 amended by inserting after the word “buildings”, in line 75, the following words:-

51 "and facilities".

52 SECTION 12. Said section 13A of said chapter 22, as so appearing, is hereby further
53 amended by striking out, in lines 80 and 81, the words “handicapped persons,” and inserting in
54 place thereof the following words:-

55 "persons with a disability.”

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

59 "forms of".

60 SECTION 14. Said section 13A of said chapter 22, as so appearing, is hereby further
61 amended by inserting after the word “building”, in line 93, the following words:-

62 "or facility".

63 SECTION 15. Said section 13A of said chapter 22, as so appearing, is hereby further
64 amended by inserting after the word “building”, in line 94, the following words:-

65 "or facility".

66 SECTION 16. Said section 13A of said chapter 22, as so appearing, is hereby further
67 amended by inserting after the word “changed to a”, in line 94, the following words:-

68 "residential use or a".

69 SECTION 17. Said section 13A of said chapter 22, as so appearing, is hereby further

70 amended by inserting, in line 95, after the words “which the building” the following
71 words:-

72 "or facility."

73 SECTION 18. Said section 13A of said chapter 22, as so appearing, is hereby further
74 amended by inserting after the word “building”, in line 96, the following words:-

75 "or facility".

76 SECTION 19. Said section 13A of said chapter 22, as so appearing, is hereby further
77 amended by striking out, in lines 102 and 103, the words “physically handicapped persons” and
78 inserting in place thereof the following words:-

79 "persons with a disability".

80 SECTION 20. Said section 13A of said chapter 22, as so appearing, is hereby further
81 amended by striking out, in lines 109 and 110, the words “physically handicapped persons” and
82 inserting in place thereof the following words:-

83 "persons with a disability".

84 SECTION 21. Said section 13A of said chapter 22, as so appearing, is hereby further
85 amended by striking out, in lines 131 and 132, the word “person” and inserting in place
86 thereof the following words:-

87 "building, or portion thereof,".

88 SECTION 22. Said section 13A of said chapter 22, as so appearing, is hereby further

89 amended by inserting after the words “for a building”, in line 150, the following words:-
90 "or facility".

91 SECTION 23. Said section 13A of said chapter 22, as so appearing, is hereby further
92 amended by inserting after the word “building”, in line 166, the following word:-
93 ", facility".

94 SECTION 24. Said section 13A of said chapter 32, as so appearing, is hereby further
95 amended by striking out, in lines 177, 179 and 187 the words “physically handicapped
96 persons” and inserting in place thereof, in each instance, the following words:-
97 "persons with a disability".

98 SECTION 25. Said section 13A of said chapter 22, as so appearing, is hereby further
99 amended by inserting after the definition of “Construction” the following definition:-
100 ““Facility”, all or any portion of a building, structure, site improvement, complex,
101 equipment, road, walk, passageway, parking lot or other real or personal property, including the
102 site where the building, property, structure or equipment is located.”

103 SECTION 26. Said section 13A of said chapter 22, as so appearing, is hereby further
104 amended by striking out, in line 200, the words “Physically handicapped person” and inserting in
105 place thereof the following words:-
106 "Person with a disability".

107 SECTION 27. Said section 13A of said chapter 22, as so appearing, is hereby further
108 amended by striking out, in line 204, the words “Physically handicapped persons” and inserting
109 in place thereof the following words:-

110 "persons with a disability."

111 SECTION 28. Said section 13A of said chapter 22, as so appearing, is hereby further
112 amended by inserting the following definition of “Areas that are not generally in public
113 use”:-

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

117 SECTION 29. Said section 13A of said chapter 22, as so appearing, is hereby further
118 amended by inserting the following definition of “Employee work area”:-

119 "Employee work area," all or any portion of a space used only by employees and used
120 only for work. Corridors, toilet rooms, kitchenettes and break rooms are considered “employee
121 work areas” and shall be made accessible in new construction, or where renovation work being
122 performed is otherwise subject to the jurisdiction of the Board. Corridors, toilet rooms,
123 kitchenettes and break rooms are not otherwise considered “employee work areas;” provided
124 however, that where corridors, toilet rooms, kitchenettes and break rooms constitute the path of
125 travel to or are essential to the use of employees for work, they shall be, when possible,
126 adaptable.

127 SECTION 30. Said section 13A of said chapter 22, as so appearing, is hereby further

128 amended by inserting the following definition of “Gut rehabilitation”:-

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

132 SECTION 31. Said section 13A of said chapter 22, as so appearing, is hereby further
133 amended by striking out the definition of “Public building” and inserting in place thereof the
134 following definition:-

135 “Public building”, buildings constructed by the commonwealth or any political
136 subdivision thereof with public funds and open to public use, including, but not limited to, the
137 places of public accommodation listed in 28 CFR 36.104.