

SENATE No. 1323

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 relative to the Architectural Access Board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	
<i>Mayor Martin J. Walsh</i>	<i>1 City Hall Square, Suite 500, Boston, MA</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>	

<i>Benjamin Swan</i>	<i>11th Hampden</i>	
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>6/24/2015</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>7/21/2015</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>10/14/2015</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>11/18/2015</i>

SENATE No. 1323

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1323) of James E. Timilty, Mayor Martin J. Walsh, Denise Provost, David Paul Linsky and other members of the General Court for legislation relative to the Architectural Access Board. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1183 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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 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

Department of Justice's Americans with Disabilities Act Standards for Accessible Design,
accessible to, functional for and safe for use by persons with disabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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