HOUSE DOCKET, NO. 2306 FILED ON: 1/19/2017

HOUSE . . . . . No. 2078

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 construction and rehabilitation of senior centers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
James J. O'Day	*14th Worcester*	*1/19/2017*
James M. Cantwell	*4th Plymouth*	*1/30/2017*
Daniel M. Donahue	*16th Worcester*	*1/31/2017*
James B. Eldridge	*Middlesex and Worcester*	*1/26/2017*
Barbara A. L'Italien	*Second Essex and Middlesex*	*1/25/2017*
John J. Mahoney	*13th Worcester*	*2/2/2017*
Brian Murray	*10th Worcester*	*2/2/2017*
Chris Walsh	*6th Middlesex*	*2/2/2017*

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HOUSE . . . . . No. 2078

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 2078) of James J. O'Day and others for legislation to establish a senior center assistance board to assist in the construction or rehabilitation of facilities housing senior centers. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3405* OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act relative to the construction and rehabilitation of senior centers.

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

SECTION 1. The General Laws are hereby amended by inserting after chapter 22E the following chapter:-

CHAPTER 22F.

THE SENIOR CENTER ASSISTANCE BOARD

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Board”, the senior center assistance board.

"Capital construction project", a project for the construction, enlargement or renovation of a senior center.

"Construction standards", the standards promulgated by the board, which shall be used to determine the minimum and maximum sizes, including square footage, compliance with health and safety codes, compliance with all applicable provisions of federal, state and local law relative to the accessibility of facilities to handicapped persons, and the scope of design of a senior center.

"Senior center", any facility or building constructed, enlarged or renovated with the intent of housing a senior center.

Section 2. (a) There is hereby established in the executive office of housing and economic development, a senior center assistance board, which shall consist of 5 members to be appointed by the governor, 1 of whom shall be a representative from the Massachusetts Municipal Association and 1 of whom shall be a representative of the Massachusetts Association of Councils on Aging, Inc. The governor shall first appoint 1 member for a period of 1 year, 1 member for a period of 2 years, 1 member for a period of 3 years, 1 member for a period of 4 years and 1 member for a period of 5 years; provided, however, that appointments made upon the expiration of a term of any member shall thereafter be for a period of 5 years. All members shall be residents of the commonwealth and 1 member shall be designated by the governor, from time to time, as chairman. The secretary of the executive office of housing and economic development, or a designee, shall serve as an ex-officio, non-voting member of said board.

(b) The board shall be provided with suitable office space in the executive office of housing and economic development. A majority vote of the board shall constitute action by the

board. Any action decided upon by the board shall be in writing and signed by a majority of said board. Each member of the board shall be reimbursed for any expenses actually incurred by him or her in the performance of his or her duties.

Section 3. All administrative and clerical duties deemed necessary to carry out the provisions of this chapter shall be carried out by employees within the executive office of housing and economic development, subject to the supervision and control of the board.

Section 4. (a) The board shall establish and administer a grant program, to be known as the Senior Center Assistance Program through which the board shall award and prioritize grants to cities and towns for capital construction projects, and to encourage and foster the establishment and building of senior centers in cities and towns which the board deems appropriate.

(b) All such grants made pursuant to this chapter shall be paid from funds in the Senior Center Assistance Fund. No grant shall be approved for any amount greater than 75 per cent of the total construction costs for a senior center. In no case shall a grant include payment for the principal, interest or any other amount obligated to be paid by a city or town in furtherance of a capital construction project. The specific percentage that a city or town is eligible for, if approved, shall be determined in accordance with rules and regulations promulgated by the board pursuant to this act; provided, however, that all grant payments shall be made by the senior center assistance board to a city or town in 3 equal payments over a 3 year period.

Section 5. Between January 1 and May 1 of each year, a city or town may apply to the board for a grant for a capital construction project, including costs incurred for the preparation of preliminary studies, plans, drawings and estimates related thereto. All applications shall comply

with the construction standards promulgated by the board pursuant to this chapter. All application shall be accompanied by required documentation in the form prescribed by the board, including copies of the plans, drawings, estimates and other construction documents, together with such additional information as the board may require.

Section 6. (a) The board shall establish criteria for making a decision to approve or reject the grant application for a capital construction project, and to determine the amount of such a grant; provided, however, that each application shall be placed in one of the following 3 categories as determined by the population of the city or town in which the capital construction project will take place: (1) cities or towns with a population of not more than 25,000; (2) cities and towns with a population of more than 25,000 but not more than 75,000; and (3) cities and towns with a population greater than 75,000. In making a decision to approve or reject an application, the board shall consider each category separately and shall in no case cause applicants from 1 category to compete for funding against applicants from any other category except the category in which the application was placed. The population of a city or town shall be determined pursuant to the most recent census figures.

(b) The board may vote to approve or reject such application after it is satisfied that: (1) the plans so submitted are satisfactory with respect to site, type and adequacy of the proposed construction or renovation; (2) that such a capital construction project is in the best interest of the respective city or town; (3) the city or town has demonstrated the ability and commitment to adequately maintain a new facility according to standards set forth by the senior center assistance board; and (4) the expenses so incurred are reasonable.

(c) After a vote which results in the approval of an application, the board shall then list all approved applications in order of priority and according to the 3 categories pursuant to subsection (a). Subject to availability of funding, the board shall certify to the comptroller for payment to such city or town, not exceeding such expenses, as it may deem proper. A city or town which has an approved capital construction project that has been prioritized by the board shall be notified of their ranking and said project shall not be removed from, or have its position altered on, the priority list until a grant has been awarded to such city or town except when conditions beyond the control of any city or town result in the destruction of an existing senior center, necessitating immediate action from the board.

Section 7. The board may enter into contracts for technical service within the scope of its duties, to provide legal, architectural or other technical advice and assistance to all applicants in the planning, building or renovating of senior centers.

(b) The board shall promulgate rules and regulations necessary to carry out the provisions of this chapter relative to capital construction project applications to be known as “construction standards”; provided, however, that the board shall establish a formula for the equitable distribution of revenues from the Senior Center Assistance Fund for each of the 3 categories of applications pursuant to subsection (a) of section 6.

Section 8. The board may recommend to the general court such legislation as it may deem desirable or necessary to further the purposes of this chapter. The board shall submit biannual reports to the house and senate committees on ways and means and to the joint committee on elder affairs. Said reports shall include, but not be limited to, a listing of applications received and approved by the board to receive a grant under both grant programs,

together with the amount of each such grant, and a listing of cities and towns whose applications have not been approved, together with the reason for failure to approve such applications.

Section 9. (a) Any city or town which engages in a capital construction project using funds from a grant pursuant to this chapter shall not be eligible to apply for or receive a grant pursuant to this chapter for the construction or rehabilitation of the building which was the subject of said capital construction project for a period of 20 years; provided, however, that the board may waive the provisions of this section when conditions beyond the control of a city or towns severely damage or destroy the building which was previously the subject of a capital construction project.

(b) A city or town which engages in a capital construction project using funds from a grant pursuant to this chapter shall not hire an individual or company to work on said project in any manner without proof that said individual or company shall pay to its employees the current prevailing wage in the commonwealth. Such proof shall be furnished to the board in the form of an affidavit signed by the owner of the business contracted to perform work, or the agent of such owner.

SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after section 2QQQQ, inserted by section 14 of chapter 359 of the acts of 2014, the following section:-

There shall be established and set up on the books of the commonwealth a Senior Center Assistance Fund which shall be administered by the senior center assistance board. Notwithstanding any general or special law to the contrary, the following monies shall be credited to the fund: (i) any appropriations, grants, gifts or other monies authorized by the general court or other parties and specifically designated to be credited to the fund; and (ii) any

income derived from the investment of amounts credited to the fund. All amounts credited to the fund shall be used without further appropriation for the purpose of administering the Senior Center Assistance Program and any other program established pursuant to chapter 22F. No expenditure from the fund shall cause the fund to be in deficiency at the close of a fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent year. The fund shall be exempt from the indirect and fringe benefits that would otherwise be assessed pursuant to this chapter.

SECTION 3. Notwithstanding any general or special law to the contrary, any city or town which has certified blueprints for senior center prior to the effective date of this act, and who shall act in furtherance of said blueprints within 1 year of the effective date of this act by commencing the capital construction project, as defined in section 1 of chapter 22F of the General Laws shall not be subject to the construction standards promulgated by the board pursuant to section 5 of said chapter 22F.

SECTION 4. The senior center assistance board shall begin making awards and ranking applications in order of priority pursuant to chapter 22F of the General Laws no later than January 1 of the year following the effective date of this act. Each year thereafter said grants shall be awarded on or before September 1.

SECTION 5. The senior center assistance board shall promulgate the rules and regulations required under subsection (b) of section 7 of chapter 22F of the General Laws no later than September 15 of the year following the effective date of this act.