

HOUSE No. 2511

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:	DATE ADDED:
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/19/2017</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>2/2/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>2/2/2017</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."