

HOUSE No. 622

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 construction and rehabilitation of senior centers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/11/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>1/24/2019</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/29/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/27/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>2/1/2019</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/1/2019</i>

HOUSE No. 622

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 622) 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.

The Commonwealth of Massachusetts

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

An Act relative to 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:

1 SECTION 1. The General Laws, as appearing in the 2016 Official Edition, are hereby
2 amended by inserting after chapter 22E the following chapter:-

3 CHAPTER 22F.

4 THE SENIOR CENTER ASSISTANCE BOARD

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

7 “Board,” the senior assistance board.

8 “Capital construction project,” a project for the construction, enlargement, or renovation
9 of a senior center.

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

15 “Senior center,” any facility or building constructed, enlarged, or renovated with the
16 intent of housing a senior center.

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

29 (b) The board shall be provided with suitable office space in the executive office of
30 housing and economic development. A majority vote of the board shall constitute action by the
31 board. Any action decided upon by the board shall be in writing and signed by a majority of said

32 board. Each member of the board shall be reimbursed for any expenses actually incurred by him
33 or her in the performance of his or her duties.

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

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

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

50 Section 5. Between January 1 and May 1 of each year, a city or town may apply to the
51 board for a grant for a capital construction project, including costs incurred for the preparations
52 of preliminary studies, plans, drawings, and estimates related thereto. All applications shall
53 comply with the construction standards promulgated by the board pursuant to this chapter. All

54 applications shall be accompanied by required documentation in the form prescribed by the
55 board, including copies of the plans, drawings, estimates, and other construction documents,
56 together with such additional information as the board may require.

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

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

74 (c) After a vote which results in the approval of an application, the board shall then list all
75 approved applications in order of priority and according to the 3 categories pursuant to

76 subsection (a). Subject to availability of funding, the board shall certify to the comptroller for
77 payment to such city or town, not exceeding such expenses, as it may deem proper. A city or
78 town which has an approved capital construction project that has been prioritized by the board
79 shall be notified of their ranking and said project shall not be removed from, or have its position
80 altered on, the priority list until a grant has been awarded to such city or town except when
81 conditions beyond the control of any city or town result in the destruction of an existing senior
82 center, necessitating immediate action from the board.

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

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

91 Section 8. The board may recommend to the general court such legislation as it may
92 deem desirable or necessary to further the purposes of this chapter. The board shall submit
93 biannual reports to the house and senate committees on ways and means and to the joint
94 committee on elder affairs. Said reports shall include, but not be limited to, a listing of
95 applications received and approved by the board to receive grant under both grant programs,
96 together with the amount of each such grant, and a listing of cities and towns whose applications
97 have not been approved, together with reason or failure to approve such applications.

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

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

111 SECTION 2. Chapter 29 of the General Laws, as appearing in the 2016 Official Edition,
112 is hereby amended by inserting after Section 2VVVV the following section:-

113 2WWWW. There shall be established and set up on the books of the Commonwealth a
114 Senior Center Assistance Fund which shall be administered by the senior center assistance board.
115 Notwithstanding any general or special law to the contrary, the following monies shall be
116 credited to the fund: (i) any appropriations, grants, gifts, or other monies authorized by the
117 general court or other parties and specifically designated to be credited to the fund; and (ii) any
118 income derived form the investment of amounted credited to the fund. All amounts credited to
119 the fund shall be used without further appropriation for the purpose of administering the Senior

120 Center Assistance Program and any other program established pursuant to chapter 22F. No
121 expenditure from the fund shall cause the fund to be in deficiency at the close of a fiscal year.
122 Monies deposited in the fund shall be available for expenditure in the subsequent year. The fund
123 shall be exempt from the indirect and fringe benefits that would otherwise be assessed pursuant
124 to this chapter.

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

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

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