

SENATE No. 1441

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/28/2019</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/29/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/29/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/30/2019</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>1/30/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/8/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>2/8/2019</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>2/25/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>4/10/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>4/22/2019</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>6/5/2019</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>9/11/2019</i>

Mindy Domb

3rd Hampshire

10/1/2019

SENATE No. 1441

By Mr. Moore, a petition (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. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1379 OF 2017-2018.]

The Commonwealth of Massachusetts

**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 2016 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 39 and 40, 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 under the Department of
13 Justice’s Americans with Disabilities Act Standards for Accessible Design, accessible to,
14 functional for and safe for use by persons with disabilities."

15 SECTION 3. Said section 13A of said chapter 22, as so appearing, is hereby further
16 amended by striking out, in lines 43 and 44, the following words “for businesses, auditoriums,
17 sporting or recreational facilities, or cultural centers”.

18 SECTION 4. Said section 13A of said chapter 22, as so appearing, is hereby further
19 amended by striking out, in lines 46 to 45, inclusive, the words “of handicapped persons or for
20 vehicles used to transport such handicapped persons if the number of parking spaces in any such
21 area is fifteen or more. The parking spaces reserved for vehicles of such handicapped persons
22 shall be clearly marked as such” and inserting in place thereof the following words:-

23 "authorized to display handicapped plates or placards under section 2 of chapter 90;
24 provided, that the parking requirements shall be consistent with the Americans with Disabilities
25 Act Standards for Accessible Design."

26 SECTION 5. Said section 13A of said chapter 22, as so appearing, is hereby further
27 amended by striking out, in line 52, the words “for physically handicapped persons” and
28 inserting in place thereof the following words:-

29 "and accessible".

30 SECTION 6. Said section 13A of said chapter 22, as so appearing, is hereby further
31 amended by striking out, in lines 55 and 57, the words “; provided, however, that the dwelling is
32 constructed for first occupancy after March thirteenth, nineteen hundred and ninety-one” and
33 inserting in place thereof the following words:-

34 "and (3) all public use and common use portions of such multiple dwellings, provided, in
35 the case of buildings built before March thirteenth, nineteen hundred and ninety-one, the
36 building is unoccupied when renovations occur or is being renovated as part of a change of use
37 into such a multiple dwelling facility."

38 SECTION 7. Said section 13A of said chapter 22, as so appearing, is hereby further
39 amended by inserting after the words “equivalent to”, in line 60, the following words:-

40 "or greater than."

41 SECTION 8. 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 61, the following words:-

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

45 SECTION 9 Said section 13A of said chapter 22, as so appearing, is hereby further
46 amended by inserting after the word “buildings”, in line 66, the following words:-

47 "and facilities".

48 SECTION 10. Said section 13A of said chapter 22, as so appearing, is hereby further
49 amended by inserting after the word “buildings”, in line 74, the following words:-

50 "and facilities".

51 SECTION 11. Said section 13A of said chapter 22, as so appearing, is hereby further
52 amended by striking out, in lines 79 and 80, the words "handicapped persons," and inserting in
53 place thereof the following words:-

54 "persons with a disability.

55 SECTION 12. Said section 13A of said chapter 22, as so appearing, is hereby further
56 amended by striking out, in lines 87 and 88 the word "newspaper" and inserting in place thereof
57 the following words:-

58 "forms of".

59 SECTION 13. Said section 13A of said chapter 22, as so appearing, is hereby further
60 amended by inserting after the word "building", in line 92, the following words:-

61 "or facility".

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

64 "or facility".

65 SECTION 15. Said section 13A of said chapter 22, as so appearing, is hereby further
66 amended by inserting after the word "changed to a", in line 93, the following words:-

67 "residential use or a".

68 SECTION 16. Said section 13A of said chapter 22, as so appearing, is hereby further
69 amended by inserting, in line 94, after the words “which the building” the following words:-

70 "or facility."

71 SECTION 17. Said section 13A of said chapter 22, as so appearing, is hereby further
72 amended by inserting after the word “building”, in line 95, the following words:-

73 "or facility".

74 SECTION 18. Said section 13A of said chapter 22, as so appearing, is hereby further
75 amended by striking out, in lines 101 and 102, the words “physically handicapped persons” and
76 inserting in place thereof the following words:-

77 "persons with a disability".

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

80 SECTION 20. Said section 13A of said chapter 22, as so appearing, is hereby further
81 amended by striking out, in lines 130 and 131, the word “person” and inserting in place thereof
82 the following words:-

83 "building, or portion thereof,".

84 SECTION 21. Said section 13A of said chapter 22, as so appearing, is hereby further
85 amended by inserting after the words “for a building”, in line 149, the following words:-

86 "or facility".

87 SECTION 22. Said section 13A of said chapter 22, as so appearing, is hereby further
88 amended by inserting after the word “building”, in line 165, the following word:-

89 ", facility".

90 SECTION 23. Said section 13A of said chapter 32, as so appearing, is hereby further
91 amended by striking out, in lines 176, 178 and 186 the words “physically handicapped persons”
92 and inserting in place thereof, in each instance, the following words:-

93 "persons with a disability".

94 SECTION 24. Said section 13A of said chapter 22, as so appearing, is hereby further
95 amended by inserting after the definition of “Construction” the following definition:-

96 ““Facility”, all or any portion of a building, structure, site improvement, complex,
97 equipment, road, walk, passageway, parking lot or other real or personal property, including the
98 site where the building, property, structure or equipment is located.”

99 SECTION 25. Said section 13A of said chapter 22, as so appearing, is hereby further
100 amended by striking out, in line 199, the words “Physically handicapped person” and inserting in
101 place thereof the following words:-

102 "Person with a disability".

103 SECTION 26. Said section 13A of said chapter 22, as so appearing, is hereby further
104 amended by striking out, in line 203, the words “Physically handicapped persons” and inserting
105 in place thereof the following words:-

106 "A 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 the definition of “Public building” and inserting in place thereof the
109 following definition:-

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