SENATE DOCKET, NO. 814 FILED ON: 1/16/2019

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

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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:

SECTION 1. The first paragraph of section 13A of chapter 22 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the second and third sentences and inserting in place thereof the following 3 sentences:-

"Two of the appointive members shall be architects licensed to practice in the commonwealth. One of the appointive members shall be a licensed building inspector. Three of the appointive members shall be selected after consultation with advocacy groups on behalf of persons with disabilities."

SECTION 2. Said section 13A of said chapter 22, as so appearing, is hereby further amended by striking out, in lines 39 and 40, the words “public buildings accessible to, functional

for, and safe for use by physically handicapped persons” and inserting in place thereof the 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 43 and 44, 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 46 to 45, 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 52, 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 55 and 57, 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, provided, in the case of buildings built before March thirteenth, nineteen hundred and ninety-one, the building is unoccupied when renovations occur or is being renovated as part of a change of use into such a multiple dwelling facility."

SECTION 7. Said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the words “equivalent to”, in line 60, 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 61, 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 66, 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 74, 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 lines 79 and 80, 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 lines 87 and 88 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 92, 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 93, 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 “changed to a”, in line 93, the following words:-

"residential use or a".

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

"or facility."

SECTION 17. Said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the word “building”, in line 95, 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 lines 101 and 102, 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 lines 130 and 131, 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 words “for a building”, in line 149, 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 165, 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 176, 178 and 186 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 199, 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 line 203, 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, the places of public accommodation listed in 28 CFR 36.104.