

SENATE No. 2878

The Commonwealth of Massachusetts

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

1 by inserting after section ____ the following 31 sections:-

2 SECTION XX. The first paragraph of section 13A of chapter 22 of the General Laws, as
3 appearing in the 2018 Official Edition, is hereby amended by striking out the second and third
4 sentences and inserting in place thereof the following 3 sentences:-

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

9 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
10 amended by striking out, in lines 40 and 41, the words "public buildings accessible to, functional
11 for, and safe for use by physically handicapped persons" and inserting in place thereof the
12 following words:-

13 "buildings, including areas that are not generally in public use, accessible to, functional
14 for and safe for use by persons with disabilities."

15 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
16 amended by striking out, in lines 43 and 45, the following words “for businesses, auditoriums,
17 sporting or recreational facilities, or cultural centers”.

18 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
19 amended by striking out, in lines 47 to 49, 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.” and inserting in place thereof the following words:-

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

25 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
26 amended by striking out, in line 53, the words “for physically handicapped persons” and
27 inserting in place thereof the following words:-

28 "and accessible".

29 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
30 amended by inserting after the word “elevator”, in line 56, the following words:-

31 “and (3) all public use and common use portions of such multiple dwellings;”

32 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
33 amended by inserting after the word “ninety-one”, in lines 57 to 58, the following words:-

34 “The rules and regulations of the board shall also establish standards and procedures
35 designed to make accessible to, functional for and safe for use by persons with disabilities
36 residential buildings built before March thirteenth, nineteen hundred and ninety-one undergoing
37 a gut rehabilitation, including any multiple dwelling facility or any building being renovated as
38 part of a change of use from a non-residential use into a multiple dwelling facility”

39 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
40 amended by inserting after the words “equivalent to”, in line 61, the following words:-

41 "or greater than."

42 SECTION XX. Said section 13A of said chapter 22 of the General Laws, as so appearing,
43 is

44 hereby further amended by inserting after the word “Act”, in line 62, the following
45 words:-

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

48 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
49 amended by inserting after the word “buildings”, in line 67, the following words:-

50 "and facilities".

51 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
52 amended by inserting after the word “buildings”, in line 75, the following words:-

53 "and facilities".

54 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
55 amended by striking out, in lines 80 and 81, the words “handicapped persons,” and inserting in
56 place thereof the following words:-

57 "persons with a disability.”

58 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
59 amended by striking out, in lines 88 and 89 the word “newspaper” and inserting in place thereof
60 the following words:-

61 "forms of".

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

67 "or facility".

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

70 "residential use or a".

71 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further

72 amended by inserting, in line 95, after the words “which the building” the following
73 words:-

74 "or facility."

75 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
76 amended by inserting after the word “building”, in line 96, the following words:-

77 "or facility".

78 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
79 amended by striking out, in lines 102 and 103, the words “physically handicapped persons” and
80 inserting in place thereof the following words:-

81 "persons with a disability".

82 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
83 amended by striking out, in lines 109 and 110, the words “physically handicapped persons” and
84 inserting in place thereof the following words:-

85 "persons with a disability".

86 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
87 amended by striking out, in lines 131 and 132, the word “person” and inserting in place
88 thereof the following words:-

89 "building, or portion thereof,".

90 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further

amended by inserting after the words “for a building”, in line 150, the following words:-
"or facility".

SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
amended by inserting after the word “building”, in line 166, the following word:-
", facility".

SECTION XX. Said section 13A of said chapter 32, as so appearing, is hereby further
amended by striking out, in lines 177, 179 and 187 the words “physically handicapped
persons” and inserting in place thereof, in each instance, the following words:-
"persons with a disability".

SECTION XX. 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 XX. Said section 13A of said chapter 22, as so appearing, is hereby further
amended by striking out, in line 200, the words “Physically handicapped person” and inserting in
place thereof the following words:-
"Person with a disability".

109 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
110 amended by striking out, in line 204, the words “Physically handicapped persons” and inserting
111 in place thereof the following words:-

112 "persons with a disability."

113 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
114 amended by inserting the following definition of “Areas that are not generally in public
115 use”:-

116 “Areas that are not generally in public use,” areas not intended for use by the public, as
117 designated in the 1991 and 2010 Americans with Disabilities Act (ADA) Standards for
118 Accessible Design, and employee work areas.

119 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
120 amended by inserting the following definition of “Employee work area”:-

121 "Employee work area," all or any portion of a space used only by employees and used
122 only for work. Corridors, toilet rooms, kitchenettes and break rooms are considered “employee
123 work areas” and shall be made accessible in new construction, or where renovation work being
124 performed is otherwise subject to the jurisdiction of the Board. Corridors, toilet rooms,
125 kitchenettes and break rooms are not otherwise considered “employee work areas;” provided
126 however, that where corridors, toilet rooms, kitchenettes and break rooms constitute the path of
127 travel to or are essential to the use of employees for work, they shall be, when possible,
128 adaptable.

129 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further

130 amended by inserting the following definition of “Gut rehabilitation”:-

131 “Gut rehabilitation,” the general replacement of the interior of a building that may or may
132 not include changes to structural elements such as flooring systems, columns or load bearing
133 interior or exterior walls.

134 SECTION XX. Said section 13A of said chapter 22, as so appearing, is hereby further
135 amended by striking out the definition of “Public building” and inserting in place thereof the
136 following definition:-

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