

**HOUSE . . . . . No. 205**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Carol A. Doherty***

*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 establishing a livable home modification grant program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/17/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/22/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/22/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/22/2021</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/22/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/26/2021</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>2/26/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/17/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/31/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>8/30/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>10/6/2021</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>10/6/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>10/6/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>10/7/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>10/7/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>10/9/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>10/11/2021</i>

**HOUSE . . . . . No. 205**

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By Ms. Doherty of Taunton, a petition (accompanied by bill, House, No. 205) of Carol A. Doherty and others for legislation to authorize a livable home modification grant program. Children, Families and Persons with Disabilities.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act establishing a livable home modification grant program.

*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. Chapter 23B of the General Laws is hereby amended by adding the  
2 following 7 sections:-

3 Section 31. As used in section 31 to 37, inclusive, the following words shall have the  
4 following meanings, unless the context clearly requires otherwise:-

5 “Accessibility features”, accessibility features that meet the specifications of an existing  
6 standard including: (i) accessibility ramp to a zero-step entrance from a driveway or public  
7 sidewalk; (ii) zero-step entrance; (iii) doors with at least 32 inches of clear width; (iv) hallways  
8 and passages with at least 36 inches of clear width; (v) accessible light switches, electrical outlets  
9 and environmental controls; (vi) accessible bathroom; (vii) accessible and useable kitchen  
10 facilities; (viii) retrofitting of an existing unit to include permanently installed lifts or elevators;  
11 (ix) purchase and permanent installation of a backup electric generator for life sustaining  
12 electric-powered medical equipment for devices such as respirators, oxygen concentrators or

13 dialysis machines; and (x) installation of a permanent home monitoring system for residents with  
14 Alzheimer’s disease and other forms of dementia.

15 “Commission”, the Massachusetts rehabilitation commission established pursuant to  
16 section 74 of chapter 6.

17 “Disability”, a physical or mental impairment that substantially limits one or more major  
18 life activities of an individual.

19 “Dwelling unit”, any house or building, or portion thereof, that is occupied, designed to  
20 be occupied, or is rented, leased or hired out to be occupied, as a home or residence of 1 or more  
21 persons.

22 “Eligible individual”, an individual who has a disability or the caregiver who owns or  
23 rents the residency in which the individual who has a disability will reside.

24 “Existing standards”, adaptability features prescribed by the Massachusetts state building  
25 code, the specifications of the American National Standards Institute, the Uniform Federal  
26 Accessibility Standards pursuant to 24 CFR Part 40 or Fair Housing Accessibility Guidelines  
27 pursuant to 24 CFR Part 100.

28 “Post-retrofit documentation”, evidence that the project has been completed including,  
29 but not limited to: (i) before and after pictures of the area that is retrofitted; (ii) copies of  
30 purchase contracts; (iii) invoices; (iv) cancelled checks; and (v) construction contracts.

31 “Sensory modification”, alarms, appliances and controls designed to assist sensory  
32 disabled individuals that are installed as a permanent part of the structure to the dwelling unit;

33 provided, however that sensory modifications shall not include appliances or alarms that can be  
34 removed and reinstalled in another dwelling unit.

35 Section 32. (a) Any eligible individual, who intends to retrofit or contract with an  
36 individual or company to retrofit an existing dwelling unit; provided, that such retrofitting meets  
37 the qualification criteria as established in section 33, and meets the eligibility requirements  
38 established by guidelines developed by the department in consultation with the commission,  
39 shall be eligible for a livable home modification grant equal to not more than 50 per cent of the  
40 total amount spent; provided, that said livable home modification grant shall not exceed \$5,000.

41 (b) An eligible individual who has a disability, a caregiver or a guardian may apply for a  
42 livable home modification pursuant to section 34.

43 Section 33. (a) To qualify for a livable home modification grant, the proposed  
44 modification or retrofitting of an existing dwelling unit must include at least 1 accessibility  
45 feature or sensory modification and meet the requirements of an existing standard.

46 (b) The eligible individual's income in the prior year shall not exceed 120 per cent of the  
47 area median income, as determined by the United States Department of Housing and Urban  
48 Development. The calculation of an eligible individual's income shall only include the earnings  
49 of the individual with a disability and caregiver, if applicable; provided, that this calculation shall  
50 not include household income.

51 (c) If the eligible individual who has a disability was not required to file a federal tax  
52 return in the prior year, the resident shall be automatically eligible for a livable home  
53 modification grant; provided, however, that the eligible individual does not qualify or is not  
54 eligible for accessibility modifications funded through other local, state or federal programs.

55 Section 34. (a) Eligible individuals shall apply for a livable home modification grant by  
56 making application to the department, which shall issue a certification for an approved  
57 application to the individual who has a disability, caregiver or guardian.

58 (b) The department, in consultation with the commission, shall develop application  
59 guidelines that include, but shall not be limited to: (i) assessment of the individual who has the  
60 disability and the need for the livable home modifications; and (ii) proof of the eligible resident's  
61 income and documentation of any disability related exemptions.

62 (c) All applications shall be submitted and received by the department prior to the  
63 commencement of construction to modify or retrofit an existing residence to install accessibility  
64 features or sensory modifications.

65 Section 35. (a) Livable home modification grants shall only be allowed for the retrofitting  
66 or modification of a residential rental property, provided that the owner agrees to maintain the  
67 accessibility features or sensory modifications for 10 years.

68 (b) Individuals and other entities shall not be eligible to receive a livable home  
69 modification grant if they are:

70 (i) eligible for federal or state disabled access tax credits;

71 (ii) a limited liability company or foreign limited liability company, as defined by section  
72 2 of chapter 156C;

73 (iii) an S Corporation established pursuant to Subchapter S of Chapter 1 of the Internal  
74 Revenue Code, 26 USC §§ 1361 et seq.;

75 (iv) a cooperative housing corporation, as defined by section 4 of chapter 157B; or

76 (v) a corporation or foreign corporation, subject to chapter 156.

77 (c) Accessibility modifications that are eligible to be funded through local, state or  
78 federal programs shall not be eligible for livable home modification grants.

79 (d) Livable home modification grants shall not be used for the purchase or construction of  
80 residential rental property.

81 (e) The department shall not issue more than 1 livable home modification grant to an  
82 eligible individual or in relation to the modification or retrofitting of a dwelling unit.

83 Section 36. Applicants shall submit post-retrofit documentation to the department  
84 following the completion of the modification or retrofitting of the dwelling unit.

85 Section 37. The department shall, not later than August 31, submit an annual report to the  
86 governor, speaker of the house, senate president, and chairs of the joint committee on ways and  
87 means for preceding fiscal year. The annual report shall include, but shall not be limited to:

88 (i) number of grants issued to qualifying individuals;

89 (ii) number of applications that did not qualify;

90 (iii) total dollar amount of grants issued;

91 (iv) average dollar amount of the grants issued;

92 (v) number of retrofits by accessibility features; and

93 (vi) prognosis and estimated expenses for the individual if the retrofit had not been made,  
94 including: (1) increased likelihood of falls and other related emergency room, hospital or  
95 rehabilitation expenses; (2) loss of independence; and (3) move into a long-term care facility.

96 SECTION 2. The director of the department of housing and community development  
97 shall promulgate regulations necessary to implement and administer this act.