

HOUSE No. 2419

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber and Michael J. Moran

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 removing barriers to work that discriminate against persons with disabilities, mobility impairments, and seniors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/16/2021</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>2/16/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/22/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/23/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/23/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/25/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/25/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/6/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>4/1/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>4/8/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>4/29/2021</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>4/29/2021</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>5/6/2021</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>5/6/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>5/6/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>5/18/2021</i>

<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>5/18/2021</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>5/18/2021</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>5/20/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>6/30/2021</i>
<i>Rob Consalvo</i>	<i>14th Suffolk</i>	<i>7/28/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>7/30/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>8/2/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>8/9/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/8/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>11/1/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>11/9/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/1/2022</i>

HOUSE No. 2419

By Representatives Barber of Somerville and Moran of Boston, a petition (accompanied by bill, House, No. 2419) of Christine P. Barber, Michael J. Moran and others relative to the Architectural Access Board and the removal of certain barriers that discriminate against persons with disabilities, mobility impairments and seniors. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act removing barriers to work that discriminate against persons with disabilities, mobility impairments, and seniors.

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 2018 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. The first paragraph of section 13A of chapter 22 of the General Laws, as
9 appearing in the 2018 Official Edition, is hereby further amended by striking out the fourth
10 paragraph, consisting of lines 38 through 51, and inserting in place thereof the following
11 paragraph:

12 The board shall make and from time to time alter, amend, and repeal, in accordance with
13 the provisions of chapter thirty A, rules and regulations designed to make public buildings and
14 facilities, including but not limited to areas that are not generally in public use, accessible to,
15 functional for and safe for use by persons with disabilities. The board shall also make rules and
16 regulations requiring that any person who has lawful control of improved or enclosed private
17 property used as off-street parking areas where the public has a right of access as invitees or
18 licensees, shall reserve parking spaces in said off-street parking areas for vehicles authorized to
19 display handicapped plates or placards under section 2 of chapter 90; provided, that the parking
20 requirements shall be consistent with the Americans with Disabilities Act Standards for
21 Accessible Design. The parking spaces reserved for vehicles of such handicapped persons shall
22 be clearly marked as such.

23 SECTION 3. Said section 13A of said chapter 22, as so appearing, is hereby further
24 amended by striking out, in lines 11 and 12, the words “in behalf of the physically handicapped”
25 and inserting in place thereof the following words:-

26 "on behalf of persons with disabilities".

27 SECTION 4. Said section 13A of said chapter 22, as so appearing, is hereby further
28 amended by inserting after the word “buildings”, in line 67, the following words:-

29 "and facilities".

30 SECTION 5. Said section 13A of said chapter 22, as so appearing, is hereby further
31 amended by inserting after the word “buildings”, in line 75, the following words:-

32 "and facilities".

33 SECTION 6. Said section 13A of said chapter 22, as so appearing, is hereby further
34 amended by striking out, in lines 80 and 81, the words “handicapped persons,” and inserting in
35 place thereof the following words:-

36 "persons with a disability.

37 SECTION 7. Said section 13A of said chapter 22, as so appearing, is hereby further
38 amended by striking out, in lines 88 and 89 the word “newspaper” and inserting in place thereof
39 the following words:-

40 "forms of".

41 SECTION 8. Said section 13A of said chapter 22, as so appearing, is hereby further
42 amended by inserting after the word “building”, in line 93, the following words:-

43 "or facility including Areas not generally in Public Use”

44 ".

45 SECTION 9. Said section 13A of said chapter 22, as so appearing, is hereby further
46 amended by inserting after the word “building”, in line 94, the following words:-

47 "or facility".

48 SECTION 10. Said section 13A of said chapter 22, as so appearing, is hereby further
49 amended by inserting after the word “changed to a”, in line 94, the following words:-

50 "residential use or a".

51 SECTION 11. Said section 13A of said chapter 22, as so appearing, is hereby further
52 amended by inserting, in line 94, after the words “which the building” the following words:-

53 "or facility."

54 SECTION 12. Said section 13A of said chapter 22, as so appearing, is hereby further
55 amended by inserting after the word “building”, in line 96, the following words:-

56 "or facility".

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

60 "persons with a disability".

61 SECTION 14. Said section 13A of said chapter 22, as so appearing, is hereby further
62 amended by striking out the eighth paragraph, consisting of lines 107 through 127.

63 SECTION 15. Said section 13A of said chapter 22, as so appearing, is hereby further
64 amended by striking out, in lines 131 and 132, the word “person” and inserting in place thereof
65 the following words:-

66 "building, or portion thereof,".

67 SECTION 16. Said section 13A of said chapter 22, as so appearing, is hereby further
68 amended by inserting after the words “for a building”, in line 150, the following words:-

69 "or facility".

70 SECTION 17. Said section 13A of said chapter 22, as so appearing, is hereby further
71 amended by inserting after the word “building”, in line 166, the following word:-

72 ", facility".

73 SECTION 18. Said section 13A of said chapter 32, as so appearing, is hereby further
74 amended by striking out, in lines 177, 179 and 187 the words “physically handicapped persons”
75 and inserting in place thereof, in each instance, the following words:-

76 "persons with a disability".

77 SECTION 19. Said section 13A of said chapter 22, as so appearing, is hereby further
78 amended by inserting after the definition of “Alteration”, the following definition:

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

82 SECTION 20. Said section 13A of said chapter 22, as so appearing, is hereby further
83 amended by inserting after the definition of “Construction” the following definitions:-

84 “Employee work area”:-

85 "Employee work area," all or any portion of a space used only by employees and used
86 only for work. Corridors, toilet rooms, kitchenettes and break rooms are considered “employee
87 work areas” and shall be made accessible in new construction, or where renovation work being
88 performed is otherwise subject to the jurisdiction of the Board. Corridors, toilet rooms,
89 kitchenettes and break rooms are not otherwise considered “employee work areas;” provided

90 however, that where corridors, toilet rooms, kitchenettes and break rooms constitute the path of
91 travel to or are essential to the use of employees for work, they shall be, when possible,
92 adaptable.

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

96 SECTION 21. Said section 13A of said chapter 22, as so appearing, is hereby further
97 amended by striking out the definition of “Public building” and inserting in place thereof the
98 following definition:-

99 “Public building”, buildings constructed by the commonwealth or any political
100 subdivision thereof with public funds and open to public use, including, but not limited to, those
101 constructed by public housing authorities, the Massachusetts Port Authority, the Massachusetts
102 Parking Authority, the Massachusetts Department of Transportation, the Massachusetts Bay
103 Transportation Authority, or building authorities of any public educational institution, or their
104 successors; and privately financed buildings that are open to and used by the public, including
105 but not limited to places of public accommodation listed in section 92A of chapter 272 of the
106 General Laws, and 42 U.S.C. section 12181(7).

107 SECTION 21. Said section 13A of said chapter 22, as so appearing, is hereby further
108 amended by striking out, in line 200, the words “Physically handicapped person” and inserting in
109 place thereof the following words:-

110 "Person with a disability".

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

114 "A person with a disability."