

HOUSE No. 2420

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 relative to expanding the availability of adaptable housing for consumers 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>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>David Allen Robertson</i> | <i>19th Middlesex</i> | <i>3/18/2021</i> |
| <i>Jon Santiago</i> | <i>9th Suffolk</i> | <i>3/18/2021</i> |
| <i>Tram T. Nguyen</i> | <i>18th Essex</i> | <i>4/8/2021</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>Bud L. Williams</i> | <i>11th Hampden</i> | <i>11/9/2021</i> |

HOUSE No. 2420

By Representatives Barber of Somerville and Moran of Boston, a petition (accompanied by bill, House, No. 2420) of Christine P. Barber, Michael J. Moran and others relative to the availability of adaptable housing for consumers 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 relative to expanding the availability of adaptable housing for consumers 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 fourth paragraph,
3 consisting of lines 38 through 63, and inserting in place thereof the following four paragraphs:

4 The board shall make and from time to time alter, amend, and repeal, in accordance with
5 the provisions of chapter thirty A, rules and regulations designed to make multiple dwellings and
6 public buildings accessible to, functional for and safe for use by persons with disabilities. The
7 board shall also make rules and regulations requiring that any person who has lawful control of
8 improved or enclosed private property used as off-street parking areas where the public has a
9 right of access as invitees or licensees, shall reserve parking spaces in said off-street parking
10 areas for vehicles authorized to display handicapped plates or placards under section 2 of chapter
11 90; provided, that the parking requirements shall be consistent with the Americans with

12 Disabilities Act Standards for Accessible Design. The parking spaces reserved for vehicles of
13 such handicapped persons shall be clearly marked as such.

14 The rules and regulations of the board shall also establish standards and procedures
15 designed to make adaptable for persons with physical disabilities for any building, regardless of
16 the date of construction, (1) all dwelling units in multiple dwellings equipped with an elevator;
17 (2) all ground floor dwelling units in multiple dwellings not equipped with an elevator; and (3)
18 all public use and common use portions of such multiple dwellings, providing however, that in
19 any building constructed before March thirteenth, nineteen hundred and ninety one, such
20 standards and procedures for dwelling units shall apply only to such units within (1) any non-
21 residential building undergoing a gut rehabilitation as part of a change in use into a multiple
22 dwelling facility, or (2) any residential building which is vacant undergoing a gut rehabilitation.

23 The rules and regulations of the board shall establish standards and procedures designed
24 to make accessible to, functional for and safe for use by persons with physical disabilities
25 residential buildings whenever constructed and without the restrictions in the above paragraph.
26 Unless otherwise specified, five percent of the units in lodging or residential facilities for hire,
27 rent or lease, containing twenty or more units, shall meet this requirement; provided, however,
28 that accessible units shall allow five feet of turning radius for a wheelchair in the kitchens and
29 bathrooms. In the event that the board determines that the need, in certain areas of the
30 commonwealth, for such units either exceeds or does not require said five percent, the board may
31 require that, in said areas a percentage of units less than five percent or not greater than ten
32 percent be accessible and safe for persons with disabilities; provided, however, that said
33 accessible units shall allow five feet of turning radius for a wheelchair in the kitchens and
34 bathrooms. The board may make such determination only if there is sufficient factual basis,

35 using data from the central registry of the Massachusetts Rehabilitation Commission and other
36 sources, to establish with a reasonable degree of certainty the present and future needs for said
37 accessible units in certain areas of the commonwealth. A percentage of less than five percent
38 shall not be established unless such accessible units, which are not needed by persons with
39 disabilities cannot be readily hired, rented, or leased to other persons.

40 The rules and regulations of the board shall include, but not be limited to, detailed
41 architectural standards further defining adaptable and accessible dwelling units, and such other
42 provisions necessary to provide rights and remedies substantially equivalent to or greater than
43 the rights and remedies provided by the federal Fair Housing Act, the Department of Justice's
44 Americans with Disabilities Act Standards for Accessible Design and regulations thereunder as
45 they pertain to such multiple dwellings.

46 SECTION 2. Said section 13A of said chapter 22, as so appearing, is hereby further
47 amended by striking out, in lines 11 and 12, the words "in behalf of the physically handicapped"
48 and inserting in place thereof the following words:-

49 "on behalf of persons with disabilities".

50 SECTION 3. Said section 13A of said chapter 22, as so appearing, is hereby further
51 amended by inserting after the word "buildings", in line 67, the following words:-

52 "and facilities".

53 SECTION 4. Said section 13A of said chapter 22, as so appearing, is hereby further
54 amended by inserting after the word "buildings", in line 75, the following words:-

55 "and facilities".

56 SECTION 5. Said section 13A of said chapter 22, as so appearing, is hereby further
57 amended by striking out, in lines 80 and 81, the words “handicapped persons,” and inserting in
58 place thereof the following words:-

59 "persons with a disability.

60 SECTION 6. Said section 13A of said chapter 22, as so appearing, is hereby further
61 amended by striking out, in lines 88 and 89 the word “newspaper” and inserting in place thereof
62 the following words:-

63 "forms of".

64 SECTION 7. Said section 13A of said chapter 22, as so appearing, is hereby further
65 amended by inserting after the word “building”, in line 93, the following words:-

66 "or facility".

67 SECTION 8. Said section 13A of said chapter 22, as so appearing, is hereby further
68 amended by inserting after the word “building”, in line 94, the following words:-

69 "or facility".

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

72 "residential use or a".

73 SECTION 10. Said section 13A of said chapter 22, as so appearing, is hereby further
74 amended by inserting, in line 94, after the words “which the building” the following words:-

75 "or facility."

76 SECTION 11. Said section 13A of said chapter 22, as so appearing, is hereby further
77 amended by inserting after the word "building", in line 96, the following words:-

78 "or facility".

79 SECTION 12. Said section 13A of said chapter 22, as so appearing, is hereby further
80 amended by striking out, in lines 102 and 103, the words "physically handicapped persons" and
81 inserting in place thereof the following words:-

82 "persons with a disability".

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

85 SECTION 14. Said section 13A of said chapter 22, as so appearing, is hereby further
86 amended by striking out, in lines 131 and 132, the word "person" and inserting in place thereof
87 the following words:-

88 "building, or portion thereof,".

89 SECTION 15. Said section 13A of said chapter 22, as so appearing, is hereby further
90 amended by inserting after the words "for a building", in line 150, the following words:-

91 "or facility".

92 SECTION 16. Said section 13A of said chapter 22, as so appearing, is hereby further
93 amended by inserting after the word "building", in line 166, the following word:-

94 ", facility".

95 SECTION 17. Said section 13A of said chapter 32, as so appearing, is hereby further
96 amended by striking out, in lines 177, 179 and 187 the words "physically handicapped persons"
97 and inserting in place thereof, in each instance, the following words:-

98 "persons with a disability".

99 SECTION 18. Said section 13A of said chapter 22, as so appearing, is hereby further
100 amended by inserting after the definition of "Construction" the following definitions:-

101 "Facility", all or any portion of a building, structure, site improvement, complex,
102 equipment, road, walk, passageway, parking lot or other real or personal property, including the
103 site where the building, property, structure or equipment is located."

104 "Gut Rehabilitation", the general replacement of the interior of a building that may or
105 may not include changes to structural elements such as flooring systems, columns or load
106 bearing interior or exterior walls.

107 SECTION 19. 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 20. 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:-

"A person with a disability."