

**HOUSE . . . . . No. 2874**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kate Lipper-Garabedian***

*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 promoting accessible dwellings for older adults and people with disabilities to remain in their communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>1/20/2023</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/7/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>6/6/2023</i>

**HOUSE . . . . . No. 2874**

By Representative Lipper-Garabedian of Melrose, a petition (accompanied by bill, House, No. 2874) of Kate Lipper-Garabedian, Ruth B. Balsler and James B. Eldridge relative to the taxation of accessible dwellings for older adults and people with disabilities. Revenue.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act promoting accessible dwellings for older adults and people with disabilities to remain in their communities.

*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 59 of the General Laws, as appearing in the 2020 Official Edition,  
2 is hereby amended by inserting after section 5N the following section:-

3 Section 5O. (a) Notwithstanding any other general or special law to the contrary, in any  
4 city or town that accepts this section, an owner of a residential property who has made  
5 modifications to that residential property to improve accessibility or to allow that person to live  
6 independently, shall be exempt from the increased real property tax due to the newly assessed  
7 value of the property as a result of such modifications. Any reduction provided under this  
8 section shall be in addition to any exemption or abatement to which that person is otherwise  
9 entitled.

10 (b) The exemption shall be available only if: (i) the taxpayer is 65 years of age or older;  
11 (ii) the taxpayer is not a dependent of another taxpayer; (iii) the taxpayer occupies the property

12 as that person's principal residence; (iv) the taxpayer's total income does not exceed \$40,000 for  
13 a single individual who is not the head of a household, \$50,000 for a head of a household and  
14 \$60,000 for 2 spouses filing a joint return; and (v) the assessed value of the residence does not  
15 exceed \$600,000.

16 (c) The income limits in this section shall be increased by amounts equal to the income  
17 limits multiplied by the cost-of-living adjustment for the calendar year in which such taxable  
18 year begins, and the valuation limit in this section shall be increased by an amount equal to such  
19 valuation limit multiplied by the cost-of-housing adjustment for the calendar year in which such  
20 taxable year begins. If any such increase in an income or valuation limit is not a multiple of  
21 \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000. If the increase in  
22 the exemption limit is not a multiple of \$10, such increase shall be rounded to the next lowest  
23 multiple of \$10.

24 (d) No exemption shall be allowed for a married individual unless a joint return is filed.

25 (e) An owner of residential property who meets all the requirements of this section and  
26 whose principal place of residence changes during the course of the year, may claim an  
27 exemption for the increased real property tax due the increased assessment value with respect to  
28 each such principal residence actually occupied during the year if modifications were made to  
29 that residence for the purposes of improved accessibility or to allow that person to live  
30 independently.

31 (f) Any exemption provided by this section shall not be counted as income in  
32 determining eligibility or benefits under any other means-tested assistance program, including,

33 but not limited to, all such cash, food, medical, housing, energy and educational assistance  
34 programs.

35 SECTION 2. The first paragraph of section 13A of chapter 22 of the General Laws, as  
36 appearing in the 2020 Official Edition, is hereby amended by striking out the fourth paragraph,  
37 consisting of lines 38 through 63, and inserting in place thereof the following four paragraphs:  
38 The board shall make and from time to time alter, amend, and repeal, in accordance with the  
39 provisions of chapter thirty A, rules and regulations designed to make multiple dwellings and  
40 public buildings accessible to, functional for and safe for use by persons with disabilities. The  
41 board shall also make rules and regulations requiring that any person who has lawful control of  
42 improved or enclosed private property used as off-street parking areas where the public has a  
43 right of access as invitees or licensees, shall reserve parking spaces in said off-street parking  
44 areas for vehicles authorized to display handicapped plates or placards under section 2 of chapter  
45 90; provided, that the parking requirements shall be consistent with the Americans with  
46 Disabilities Act Standards for Accessible Design. The parking spaces reserved for vehicles of  
47 such handicapped persons shall be clearly marked as such. The rules and regulations of the board  
48 shall also establish standards and procedures designed to make adaptable for persons with  
49 physical disabilities for any building, regardless of the date of construction, (1) all dwelling units  
50 in multiple dwellings equipped with an elevator; (2) all ground floor dwelling units in multiple  
51 dwellings not equipped with an elevator; and (3) all public use and common use portions of such  
52 multiple dwellings, providing however, that in any building constructed before March thirteenth,  
53 nineteen hundred and ninety one, such standards and procedures for dwelling units shall apply  
54 only to such units within (1) any non-residential building undergoing a gut rehabilitation as part  
55 of a change in use into a multiple dwelling facility, or (2) any residential building which is

56 vacant undergoing a gut rehabilitation. The rules and regulations of the board shall establish  
57 standards and procedures designed to make accessible to, functional for and safe for use by  
58 persons with physical disabilities residential buildings whenever constructed and without 2 the  
59 restrictions in the above paragraph. Unless otherwise specified, five percent of the units in  
60 lodging or residential facilities for hire, rent or lease, containing twenty or more units, shall meet  
61 this requirement; provided, however, that accessible units shall allow five feet of turning radius  
62 for a wheelchair in the kitchens and bathrooms. In the event that the board determines that the  
63 need, in certain areas of the commonwealth, for such units either exceeds or does not require said  
64 five percent, the board may require that, in said areas a percentage of units less than five percent  
65 or not greater than ten percent be accessible and safe for 2 persons with disabilities; provided,  
66 however, that said accessible units shall allow five feet of turning radius for a wheelchair in the  
67 kitchens and bathrooms. The board may make such determination only if there is sufficient  
68 factual basis, using data from the central registry of the Massachusetts Rehabilitation  
69 Commission and other sources, to establish with a reasonable degree of certainty the present and  
70 future needs for said accessible units in certain areas of the commonwealth. A percentage of less  
71 than five percent shall not be established unless such accessible units, which are not needed by  
72 persons with disabilities cannot be readily hired, rented, or leased to other persons. The rules and  
73 regulations of the board shall include, but not be limited to, detailed architectural standards  
74 further defining adaptable and accessible dwelling units, and such other provisions necessary to  
75 provide rights and remedies substantially equivalent to or greater than the rights and remedies  
76 provided by the federal Fair Housing Act, the Department of Justice's Americans with  
77 Disabilities Act Standards for Accessible Design and regulations thereunder as they pertain to  
78 such multiple dwellings.

79 SECTION 3. Said section 13A of said chapter 22, as so appearing, is hereby further  
80 amended by striking out, in lines 11 and 12, the words “in behalf of the physically handicapped”  
81 and inserting in place thereof the following words:- "on behalf of persons with disabilities".

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

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

88 SECTION 6. Said section 13A of said chapter 22, as so appearing, is hereby further  
89 amended by striking out, in lines 80 and 81, the words “handicapped persons,” and inserting in  
90 place thereof the following words:- "persons with a disability”.

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

94 SECTION 8. Said section 13A of said chapter 22, as so appearing, is hereby further  
95 amended by inserting after the word “building”, in line 93, the following words:- 3 "or facility".

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

98 SECTION 10. Said section 13A of said chapter 22, as so appearing, is hereby further  
99 amended by inserting after the word "changed to a", in line 94, the following words:- "residential  
100 use or a".

101 SECTION 11. Said section 13A of said chapter 22, as so appearing, is hereby further  
102 amended by inserting, in line 94, after the words "which the building" the following words:- "or  
103 facility."

104 SECTION 12. Said section 13A of said chapter 22, as so appearing, is hereby further  
105 amended by inserting after the word "building", in line 96, the following words:- "or facility".

106 SECTION 13. Said section 13A of said chapter 22, as so appearing, is hereby further  
107 amended by striking out, in lines 102 and 103, the words "physically handicapped persons" and  
108 inserting in place thereof the following words:- "persons with a disability".

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

111 SECTION 15. Said section 13A of said chapter 22, as so appearing, is hereby further  
112 amended by striking out, in lines 131 and 132, the word "person" and inserting in place thereof  
113 the following words:- "building, or portion thereof,".

114 SECTION 16. Said section 13A of said chapter 22, as so appearing, is hereby further  
115 amended by inserting after the words "for a building", in line 150, the following words:- "or  
116 facility".

117 SECTION 17. Said section 13A of said chapter 22, as so appearing, is hereby further  
118 amended by inserting after the word "building", in line 166, the following word:- ", facility".

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

122 SECTION 19. Said section 13A of said chapter 22, as so appearing, is hereby further  
123 amended by inserting after the definition of “Construction” the following definitions:-  
124 ““Facility”, all or any portion of a building, structure, site improvement, complex, equipment,  
125 road, walk, passageway, parking lot or other real or personal property, including the site where  
126 the building, property, structure or equipment is located.” “Gut Rehabilitation”, the general  
127 replacement of the interior of a building that may or may not include changes to structural  
128 elements such as flooring systems, columns or load bearing interior or exterior walls.

129 SECTION 20. Said section 13A of said chapter 22, as so appearing, is hereby further  
130 amended by striking out, in line 200, the words “Physically handicapped person” and inserting in  
131 place thereof the following words:- "Person with a disability".

132 SECTION 21. Said section 13A of said chapter 22, as so appearing, is hereby further  
133 amended by striking out, in line 204, the words “Physically handicapped persons” and inserting  
134 in place thereof the following words:- "A person with a disability.

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

138 “Two of the appointive members shall be architects licensed to practice in the  
139 commonwealth. One of the appointive members shall be a licensed building inspector. Three of

140 the appointive members shall be selected after consultation with advocacy groups on behalf of  
141 persons with disabilities”

142 SECTION 23. The first paragraph of section 13A of chapter 22 of the General Laws, as  
143 so appearing, is hereby further amended by striking out the fourth paragraph, in lines 38 through  
144 63, and inserting in place thereof the following four paragraphs:-

145 The board shall make and from time to time alter, amend, and repeal, in accordance with  
146 the provisions of chapter thirty A, rules and regulations designed to make multiple dwellings,  
147 and public buildings and facilities, including but not limited to areas that are not generally in  
148 public use, accessible to, functional for and safe for use by persons with disabilities. The board  
149 shall also make rules and regulations requiring that any person who has lawful control of  
150 improved or enclosed private property used as off-street parking areas where the public has a  
151 right of access as invitees or licensees, shall reserve parking spaces in said off-street parking  
152 areas for vehicles authorized to display handicapped plates or placards under section 2 of chapter  
153 90; provided, that the parking requirements shall be consistent with the Americans with  
154 Disabilities Act Standards for Accessible Design. The parking spaces reserved for vehicles of  
155 such handicapped persons shall be clearly marked as such.

156 The rules and regulations of the board shall also establish standards and procedures  
157 designed to make adaptable for persons with physical disabilities for any building, regardless of  
158 the date of construction, (1) all dwelling units in multiple dwellings equipped with an elevator;  
159 (2) all ground floor dwelling units in multiple dwellings not equipped with an elevator; and (3)  
160 all public use and common use portions of such multiple dwellings, providing however, that in  
161 any building constructed before March thirteenth, nineteen hundred and ninety one, such

162 standards and procedures for dwelling units shall apply only to such units within (1) any non-  
163 residential building undergoing a gut rehabilitation as part of a change in use into a multiple  
164 dwelling facility, or (2) any residential building which is vacant undergoing a gut rehabilitation.

165         The rules and regulations of the board shall establish standards and procedures designed  
166 to make accessible to, functional for and safe for use by persons with physical disabilities  
167 residential buildings whenever constructed and without the restrictions in the above paragraph.  
168 Unless otherwise specified, five percent of the units in lodging or residential facilities for hire,  
169 rent or lease, containing twenty or more units, shall meet this requirement; provided, however,  
170 that accessible units shall allow five feet of turning radius for a wheelchair in the kitchens and  
171 bathrooms. In the event that the board determines that the need, in certain areas of the  
172 commonwealth, for such units either exceeds or does not require said five percent, the board may  
173 require that, in said areas a percentage of units less than five percent or not greater than ten  
174 percent be accessible and safe for persons with disabilities; provided, however, that said  
175 accessible units shall allow five feet of turning radius for a wheelchair in the kitchens and  
176 bathrooms. The board may make such determination only if there is sufficient factual basis,  
177 using data from the central registry of the Massachusetts Rehabilitation Commission and other  
178 sources, to establish with a reasonable degree of certainty the present and future needs for said  
179 accessible units in certain areas of the commonwealth. A percentage of less than five percent  
180 shall not be established unless such accessible units, which are not needed by persons with  
181 disabilities cannot be readily hired, rented, or leased to other persons.

182         The rules and regulations of the board shall include, but not be limited to, detailed  
183 architectural standards further defining adaptable and accessible dwelling units, and such other  
184 provisions necessary to provide rights and remedies substantially equivalent to or greater than

185 the rights and remedies provided by the Federal Fair Housing Act, the Department of Justice's  
186 Americans with Disabilities Act Standards for Accessible Design and regulations thereunder as  
187 they pertain to such multiple dwellings.

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

191 "on behalf of persons with disabilities".

192 SECTION 26. Said section 13A of said chapter 22, as so appearing, is hereby further  
193 amended by inserting after the word "buildings", in line 67, the following words:-

194 "and facilities".

195 SECTION 27. Said section 13A of said chapter 22, as so appearing, is hereby further  
196 amended by inserting after the word "buildings", in line 75, the following words:-

197 "and facilities".

198 SECTION 28. Said section 13A of said chapter 22, as so appearing, is hereby further  
199 amended by striking out, in lines 80 and 81, the words "handicapped persons," and inserting in  
200 place thereof the following words:-

201 "persons with a disability".

202 SECTION 29. Said section 13A of said chapter 22, as so appearing, is hereby further  
203 amended by striking out, in lines 88 and 89 the word "newspaper" and inserting in place thereof  
204 the following words:-

205 “forms of”.

206 SECTION 30. Said section 13A of said chapter 22, as so appearing, is hereby further  
207 amended by inserting after the word “building”, in line 93, the following words:-

208 “or facility, including Areas not generally in Public Use”

209 SECTION 31. Said section 13A of said chapter 22, as so appearing, is hereby further  
210 amended by inserting after the word “building”, in line 94, the following words:-

211 “or facility”.

212 SECTION 32. Said section 13A of said chapter 22, as so appearing, is hereby further  
213 amended by inserting after the word “changed to a”, in line 94, the following words:-

214 “residential use or a”.

215 SECTION 34. Said section 13A of said chapter 22, as so appearing, is hereby further  
216 amended by inserting, in line 94, after the words “which the building” the following words:-

217 “or facility.”

218 SECTION 35. Said section 13A of said chapter 22, as so appearing, is hereby further  
219 amended by inserting after the word “building”, in line 96, the following words:-

220 “or facility”.

221 SECTION 36. Said section 13A of said chapter 22, as so appearing, is hereby further  
222 amended by striking out, in lines 102 and 103, the words “physically handicapped persons” and  
223 inserting in place thereof the following words:-

224 “persons with a disability”.

225 SECTION 374. Said section 13A of said chapter 22, as so appearing, is hereby further  
226 amended by striking out the eighth paragraph, consisting of lines 107 through 127.

227 SECTION 38. Said section 13A of said chapter 22, as so appearing, is hereby further  
228 amended by striking out, in lines 131 and 132, the word “person” and inserting in place thereof  
229 the following words:-

230 “building, or portion thereof,”.

231 SECTION 39. Said section 13A of said chapter 22, as so appearing, is hereby further  
232 amended by inserting after the words “for a building”, in line 150, the following words:-

233 “or facility”.

234 SECTION 40. Said section 13A of said chapter 22, as so appearing, is hereby further  
235 amended by inserting after the word “building”, in line 166, the following word:-

236 “, facility”.

237 SECTION 41. Said section 13A of said chapter 32, as so appearing, is hereby further  
238 amended by striking out, in lines 177, 179 and 187 the words “physically handicapped persons”  
239 and inserting in place thereof, in each instance, the following words:-

240 “persons with a disability”.

241 SECTION 42. Said section 13A of said chapter 22, as so appearing, is hereby further  
242 amended by inserting after the definition of “Alteration”, the following definition:-

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

246 SECTION 43. Said section 13A of said chapter 22, as so appearing, is hereby further  
247 amended by inserting after the definition of “Construction” the following definitions:-

248 “Employee work area” all or any portion of a space used only by employees and used  
249 only for work. Corridors, toilet rooms, kitchenettes and break rooms are considered “employee  
250 work areas” and shall be made accessible in new construction, or where renovation work being  
251 performed is otherwise subject to the jurisdiction of the Board. Corridors, toilet rooms,  
252 kitchenettes and break rooms are not otherwise considered “employee work areas;” provided  
253 however, that where corridors, toilet rooms, kitchenettes and break rooms constitute the path of  
254 travel to or are essential to the use of employees for work, they shall be, when possible,  
255 adaptable.

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

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

262 SECTION 44. Said section 13A of said chapter 22, as so appearing, is hereby further  
263 amended by striking out the definition of “Public building” and inserting in place thereof the  
264 following definition:-

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

273 SECTION 45. Said section 13A of said chapter 22, as so appearing, is hereby further  
274 amended by striking out, in line 200, the words “Physically handicapped person” and inserting in  
275 place thereof the following words:-

276 “Person with a disability”.

277 SECTION 46. Said section 13A of said chapter 22, as so appearing, is hereby further  
278 amended by striking out, in line 204, the words “Physically handicapped persons” and inserting  
279 in place thereof the following words:-

280 “A person with a disability.”

281 SECTION 47. Not later than ninety days after the effective date of this act, the  
282 Architectural Access Board shall promulgate regulations as necessary pursuant to this act’s  
283 amendments of Chapter 22, section 13A.

284 SECTION 48. Chapter 23B of the General Laws is hereby amended by adding the  
285 following 7 sections:-

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

288 “Accessibility features”, accessibility features that meet the specifications of an existing  
289 standard including: (i) accessibility ramp to a zero-step entrance from a driveway or public  
290 sidewalk; (ii) zero-step entrance; (iii) doors with at least 32 inches of clear width; (iv) hallways  
291 and passages with at least 36 inches of clear width; (v) accessible light switches, electrical outlets  
292 and environmental controls; (vi) accessible bathroom; (vii) accessible and useable kitchen  
293 facilities; (viii) retrofitting of an existing unit to include permanently installed lifts or elevators;  
294 (ix) purchase and permanent installation of a backup electric generator for life sustaining  
295 electric-powered medical equipment for devices such as respirators, oxygen concentrators or  
296 dialysis machines; and (x) installation of a permanent home monitoring system for residents with  
297 Alzheimer’s disease and other forms of dementia.

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

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

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

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

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

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

314 “Sensory modification”, alarms, appliances and controls designed to assist sensory  
315 disabled individuals that are installed as a permanent part of the structure to the dwelling unit;  
316 provided, however that sensory modifications shall not include appliances or alarms that can be  
317 removed and reinstalled in another dwelling unit.

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

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

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

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

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

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

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

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

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

- 351 (b) Individuals and other entities shall not be eligible to receive a livable home  
352 modification grant if they are:
- 353 (i) eligible for federal or state disabled access tax credits;
  - 354 (ii) a limited liability company or foreign limited liability company, as defined by section  
355 2 of chapter 156C;
  - 356 (iii) an S Corporation established pursuant to Subchapter S of Chapter 1 of the Internal  
357 Revenue Code, 26 USC §§ 1361 et seq.;
  - 358 (iv) a cooperative housing corporation, as defined by section 4 of chapter 157B; or
  - 359 (v) a corporation or foreign corporation, subject to chapter 156.
- 360 (c) Accessibility modifications that are eligible to be funded through local, state or  
361 federal programs shall not be eligible for livable home modification grants.
- 362 (d) Livable home modification grants shall not be used for the purchase or construction of  
363 residential rental property.
- 364 (e) The department shall not issue more than 1 livable home modification grant to an  
365 eligible individual or in relation to the modification or retrofitting of a dwelling unit.

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

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

- 371 (i) number of grants issued to qualifying individuals;
- 372 (ii) number of applications that did not qualify;
- 373 (iii) total dollar amount of grants issued;
- 374 (iv) average dollar amount of the grants issued;
- 375 (v) number of retrofits by accessibility features; and
- 376 (vi) prognosis and estimated expenses for the individual if the retrofit had not been made,  
377 including: (1) increased likelihood of falls and other related emergency room, hospital or  
378 rehabilitation expenses; (2) loss of independence; and (3) move into a long-term care facility.

379 SECTION 49. The director of the department of housing and community development  
380 shall promulgate regulations necessary to implement and administer this act.

381 SECTION 50. Section 3 of chapter 40A of the General Laws, as appearing in the 2018  
382 Official Edition, is hereby amended by inserting after the last paragraph the following 3  
383 paragraphs:-

384 No zoning ordinance or by-law shall prohibit or require a special permit for the use of  
385 land or structures for an accessory dwelling unit, or the rental thereof, in a single-family  
386 residential zoning district on a lot with 5,000 square feet or more or on a lot of sufficient area to  
387 meet the requirements of title 5 of the state environmental code established by section 13 of  
388 chapter 21A, if applicable; provided, however, that the single-family dwelling or the accessory  
389 dwelling unit is occupied by at least 1 person with disabilities or 1 person who is elderly.

390 As used in this section, “accessory dwelling unit” shall mean a self-contained housing  
391 unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure  
392 as a single-family dwelling or in a detached accessory structure and that: (i) maintains a separate  
393 entrance, either directly from the outside or through an entry hall or corridor shared with the  
394 single dwelling; (ii) shall not be sold separately from the single family dwelling; (iii) is not  
395 smaller in floor area than 450 square feet; (iv) may include up to two bedrooms; and (v) is not  
396 larger in floor area than ½ the floor area of the single family dwelling or 900 square feet,  
397 whichever is smaller; “person with disabilities” shall mean a person who has been determined to  
398 be disabled (i) in accordance with criteria established by local by-law or ordinance, if any, or (ii)  
399 by the Social Security Administration or MassHealth, notwithstanding any local by-law or  
400 ordinance; and “elderly” shall mean a person sixty-five years of age or older.

401 The zoning ordinance or by-law may require that the single-family dwelling or the  
402 accessory dwelling unit be owner-occupied and may limit the total number of accessory dwelling  
403 units in the municipality to a percentage not lower than 5 percent of the total non-seasonal  
404 housing units in the municipality. The use of land or structures for an accessory dwelling unit  
405 may be subject to reasonable regulations concerning dimensional setbacks and the bulk and  
406 height of structures. Not more than 1 additional parking space shall be required for an accessory  
407 dwelling unit but, if parking is required for the single family dwelling, that parking shall either  
408 be retained or replaced. An accessory dwelling unit allowed under this section is considered  
409 owner-occupied upon transfer of title of the single-family dwelling in whole or in part to a trust  
410 in which at least 1 beneficiary is a person with disabilities or a person who is elderly; provided,  
411 however, that either the single-family dwelling or the accessory dwelling unit remains occupied  
412 by that beneficiary. Nothing in this paragraph shall authorize an accessory dwelling unit to

413 violate the building, fire, health or sanitary codes, historic or wetlands laws, or ordinances or by-  
414 laws.