

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 building a more accessible Massachusetts.

PETITION OF:

NAME:

Michael O. Moore

DISTRICT/ADDRESS:

Second Worcester

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1553 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act building a more accessible Massachusetts.

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 amended by section 29 of chapter 39 of the acts of 2021, is hereby further amended by striking
3 out the second and third sentences and inserting in place thereof the following 3 sentences:- Two
4 of the appointive members shall be architects licensed to practice in the commonwealth. One of
5 the appointive members shall be a licensed building inspector. Three of the appointive members
6 shall be selected after consultation with advocacy groups on behalf of persons with disabilities.

7 SECTION 2. Said section 13A of said chapter 22, as so amended, is hereby further
8 amended by striking out the fourth paragraph and inserting in place thereof the following 4
9 paragraphs:-

10 The board shall make and from time to time alter, amend and repeal, in accordance with
11 the provisions of chapter 30A, rules and regulations designed to make multiple dwellings and

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

21 The rules and regulations of the board shall establish standards and procedures designed
22 to make adaptable for persons with physical disabilities for any building, regardless of the date of
23 construction: (i) all dwelling units in multiple dwellings equipped with an elevator; (ii) all
24 ground floor dwelling units in multiple dwellings not equipped with an elevator; and (iii) all
25 public use and common use portions of such multiple dwellings; provided, however, that in any
26 building constructed before March 13, 1991, such standards and procedures for dwelling units
27 shall apply only to such units within: (i) any non-residential building undergoing a gut
28 rehabilitation as part of a change in use into a multiple dwelling facility; or (ii) any residential
29 building which is vacant undergoing a gut rehabilitation. The rules and regulations of the board
30 shall establish standards and procedures designed to make accessible to, functional for and safe
31 for use by persons with physical disabilities residential buildings whenever constructed and
32 without the restrictions in the above paragraph.

33 Unless otherwise specified, 5 per cent of the units in lodging or residential facilities for
34 hire, rent or lease, containing 20 or more units, shall meet this requirement; provided, however,

35 that accessible units shall allow 5 feet of turning radius for a wheelchair in the kitchens and
36 bathrooms. In the event that the board determines that the need, in certain areas of the
37 commonwealth, for such units either exceeds or does not require said 5 percent, the board may
38 require that, in said areas a percentage of units less than 5 per cent or not greater than 10 per cent
39 be accessible and safe for persons with disabilities; provided, however, that said accessible units
40 shall allow 5 feet of turning radius for a wheelchair in the kitchens and bathrooms.

41 The board may make such determination only if there is sufficient factual basis, using
42 data from the central registry of the Massachusetts rehabilitation commission, established in
43 section 74 of chapter 6, and other sources, to establish with a reasonable degree of certainty the
44 present and future needs for said accessible units in certain areas of the commonwealth. A
45 percentage of less than 5 per cent shall not be established unless such accessible units, which are
46 not needed by persons with disabilities cannot be readily hired, rented or leased to other persons.
47 The rules and regulations of the board shall include, but not be limited to, detailed architectural
48 standards further defining adaptable and accessible dwelling units and such other provisions
49 necessary to provide rights and remedies substantially equivalent to or greater than the rights and
50 remedies provided by the federal Fair Housing Act, the ADA Standards for Accessible Design
51 and regulations thereunder as pertaining to such multiple dwellings.

52 SECTION 3. Said section 13A of said chapter 22, as appearing in the 2022 Official
53 Edition, is hereby further amended by inserting after the word “buildings”, in lines 67, the
54 following words:- “and facilities”.

55 SECTION 4. Said section 13A of said chapter 22, as so appearing, is hereby further
56 amended by inserting after the word “section”, in line 75, the following words:- “and facilities”.

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

63 SECTION 7. Said section 13A of said chapter 22, as so appearing, is hereby further
64 amended by inserting after the word “building”, in line 93, the following words:- “or facility,
65 including areas not generally in public use,”.

66 SECTION 8. Said section 13A of said chapter 22, as so appearing, is hereby further
67 amended by striking out the words “building be changed to a”, in line 94, and inserting in place
68 thereof the following words:- “building or facility be changed to a residential use or a”.

69 SECTION 9. Said section 13A of said chapter 22, as so appearing, is hereby further
70 amended by inserting after the word “building”, in lines 95 and 96, in each instance, the
71 following words:- “or facility”.

72 SECTION 10. Said section 13A of said chapter 22, as so appearing, is hereby further
73 amended by striking out, in lines 102 and 103, the words “physically handicapped persons” and
74 inserting in place thereof the following words:- “persons with a disability”.

75 SECTION 11. Said section 13A of said chapter 22, as amended by section 29 of chapter
76 39 of the acts of 2021, is hereby further amended by striking out the eighth paragraph.

77 SECTION 12. Said section 13A of said chapter 22, as so appearing, is hereby further
78 amended by striking out, in lines 131 and 132, the word “person” and inserting in place thereof
79 the following words:- “building or facility, or portion thereof.”.

80 SECTION 13. Said section 13A of said chapter 22, as so appearing, is hereby further
81 amended by inserting after the word “building”, in line 150, the second time it appears, the
82 following words:- “or facility”.

83 SECTION 14. Said section 13A of said chapter 22, as so appearing, is hereby further
84 amended by inserting after the word “building”, in line 166, as so appearing, the following
85 word:- “, facility”.

86 SECTION 15. Said section 13A of said chapter 22, as so appearing, is hereby further
87 amended by striking out, in lines 177, 179 and 187, the words “physically handicapped persons”
88 and inserting in place thereof, in each instance, the following words:- “persons with a disability”.

89 SECTION 16. The fourteenth paragraph of said section 13A of said chapter 22, as so
90 appearing, is hereby further amended by inserting after the definition of “Alteration”, the
91 following definition:- “‘Areas that are not generally in public use’, areas not intended for use by
92 the public, as designated in the 1991 and 2010 ADA Standards for Accessible Design, and
93 employee work areas’.

94 SECTION 17. The fourteenth paragraph of said section 13A of said chapter 22, as so
95 appearing, is hereby further amended by inserting after the definition of “Construction” the
96 following 3 definitions:- “Employee work area”, all or any portion of a space used only by
97 employees and used only for work, including, but not limited to, corridors, toilet rooms,
98 kitchenettes and break rooms if said areas constitute the path of travel to or are essential to the

99 use of employees for work; provided, that all employee work areas shall be made accessible in
100 new construction or where renovation work being performed is otherwise subject to the
101 jurisdiction of the board. Corridors, toilet rooms, kitchenettes and break rooms shall not
102 otherwise be considered employee work areas; provided however, that where corridors, toilet
103 rooms, kitchenettes and break rooms constitute the path of travel to or are essential to the use of
104 employees for work, they shall be, when possible, adaptable. "Facility", all or any portion of a
105 building, structure, site improvement, complex, equipment, road, walk, passageway, parking lot
106 or other real or personal property, including the site where the building, property, structure or
107 equipment is located. "Gut rehabilitation", the general replacement of the interior of a building
108 that may or may not include changes to structural elements such as flooring systems, columns or
109 load bearing interior or exterior walls.

110 SECTION 18. Said section 13A of said chapter 22, as so appearing, is hereby further
111 amended by striking out, in line 200, the words "Physically handicapped person" and inserting in
112 place thereof the following words:- "Person with a disability".

113 SECTION 19. Said section 13A of said chapter 22, as so appearing, is hereby further
114 amended by striking out, in line 204, the words "Physically handicapped persons" and inserting
115 in place thereof the following words:- "A person with a disability".

116 SECTION 20. Said section 13A of said chapter 22, as so appearing, is hereby further
117 amended by striking out the definition of "Public building", in lines 209 through 226, inclusive,
118 and inserting in place thereof the following definition:- "Public building", (i) a building
119 constructed by the commonwealth or any political subdivision thereof with public funds and
120 open to public use, including, but not limited to, a building constructed by a public housing

121 authority, the Massachusetts Port Authority, the Massachusetts Parking Authority, the
122 Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority or
123 a building authority of any public educational institution, or their successors; or (ii) a privately
124 financed building that is open to and used by the public, including, but not limited to, places of
125 public accommodation listed in section 92A of chapter 272, and 42 U.S.C. section 12181(7).