[**H.4425**](https://malegislature.gov/Bills/191/H2029.pdf) **–
Language pertaining to requirements for building accessible housing in H.4425**

SECTION 5. Said section 13A of said chapter 22, as so appearing, is hereby further amended by striking out, in line 53, the words “for physically handicapped persons” and inserting in place thereof the following words: - "and accessible".

SECTION 6. Said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the word “elevator”, in line 56, the following words: - “and (3) all public use and common use portions of such multiple dwellings;”

SECTION 7. Said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the word “ninety-one”, in lines 57 to 58, the following words:-

“The rules and regulations of the board shall also establish standards and procedures designed to make accessible to, functional for and safe for use by persons with disabilities residential buildings built before March thirteenth, nineteen hundred and ninety-one undergoing a gut rehabilitation, including any multiple dwelling facility or any building being renovated as part of a change of use from a non-residential use into a multiple dwelling facility”

SECTION 8. Said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the words “equivalent to”, in line 61, the following words: - "or greater than."

SECTION 9. Said section 13A of said chapter 22 of the General Laws, as so appearing, is hereby further amended by inserting after the word “Act”, in line 62, the following words: - ", the Department of Justice’s Americans with Disabilities Act Standards for Accessible Design,".

SECTION 16. Said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the word “changed to a”, in line 94, the following words: - "residential use or a".

SECTION 30. Said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting the following definition of “Gut rehabilitation”: - “Gut rehabilitation,” the general replacement of the interior of a building that may or may not include changes to structural elements such as flooring systems, columns or load bearing interior or exterior walls.

**HIGHLIGHTED CHANGES TO THE STATUTE:**[**M.G.L. Chapter 22, Section 13A**](https://malegislature.gov/laws/generallaws/parti/titleii/chapter22/section13a)

…

The board shall make and from time to time alter, amend, and repeal, in accordance with the provisions of chapter thirty A, rules and regulations designed to make public buildings accessible to, functional for, and safe for use by physically handicapped persons. The board shall also make rules and regulations requiring that any person who has lawful control of improved or enclosed private property used as off-street parking areas for businesses, auditoriums, sporting or recreational facilities, or cultural centers where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for vehicles of handicapped persons or for vehicles used to transport such handicapped persons if the number of parking spaces in any such area is fifteen or more. The parking spaces reserved for vehicles of such handicapped persons shall be clearly marked as such. The rules and regulations of the board shall also establish standards and procedures designed to make adaptable and accessible (1) all dwelling units in multiple dwellings equipped with an elevator and (2) all ground floor dwelling units in multiple dwellings not equipped with an elevator and (3) all public use and common use portions of such multiple dwellings; provided, however, that the dwelling is constructed for first occupancy after March thirteenth, nineteen hundred and ninety-one. The rules and regulations of the board shall also establish standards and procedures designed to make accessible to, functional for and safe for use by persons with disabilities residential buildings built before March thirteenth, nineteen hundred and ninety-one undergoing a gut rehabilitation, including any multiple dwelling facility or any building being renovated as part of a change of use from a non-residential use into a multiple dwelling facility. Said rules and regulations shall include, but not be limited to, detailed architectural standards further defining adaptable dwelling units, and such other provisions necessary to provide rights and remedies substantially equivalent to or greater than the rights and remedies provided by the federal Fair Housing Act, the Department of Justice’s Americans with Disabilities Act Standards for Accessible Design, and regulations thereunder as they pertain to such multiple dwellings.

…

There shall be no construction, reconstruction, alteration or remodeling of a public building except in conformity with said rules and regulations, nor shall the use of any building be changed to a residential use or a use in which the building is open to and used by the public as defined in this section until such building so conforms, and a copy of the plans and specifications have been approved as provided in this section and in section three W of chapter one hundred and forty-three, showing compliance with said rules and regulations; provided, however, that if the board determines that compliance with said rules and regulations is not feasible technologically, or would result in excessive and unreasonable costs without any substantial benefit to physically handicapped persons in a particular case, it may provide for modification of, or substitution for, such rule or regulation. In all petitions for variance, the burden of proof shall be on the party requesting a variance to justify its allowance.

…

''Accessible'', the state of a site, building, facility or portion thereof that complies with this section and any rules or regulations promulgated hereunder and that can be approached, entered and used by physically handicapped persons.

''Adaptable'', can readily be made accessible to, functional for, and safe for use by physically handicapped persons without structural change and without imposing an undue hardship on the owner or other person having the right of ownership pursuant to subsection seven A of section four of chapter one hundred and fifty-one B. With respect to dwelling units, an adaptable kitchen or bathroom need not include additional floor space to meet otherwise applicable accessibility standards, so long as there is sufficient clear floor space so that all elements of the kitchen and bathroom are functional and safe for use by physically handicapped persons.

…

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