

Legislative Endorsement

Bill No. and Title: Bill H 2419 An Act removing barriers to work that discriminate against persons with disabilities, mobility impairments, and seniors

Sponsor(s) and Committee: Rep. Barber, Public Safety and Homeland Security

Legislative History: Hearing:

Legislation Text: SECTION 1. The first paragraph of section 13A of chapter 22 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the second and third sentences and inserting in place thereof the following 3 sentences:-

"Two of the appointive members shall be architects licensed to practice in the Commonwealth. One of the appointive members shall be a licensed building inspector. Three of the appointive members shall be selected after consultation with advocacy groups on behalf of persons with disabilities."

SECTION 2. The first paragraph of section 13A of chapter 22 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out the fourth paragraph, consisting of lines 38 through 51, and inserting in place thereof the following paragraph:

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 and facilities, including but not limited to areas that are not generally in public use, accessible to, functional for and safe for use by persons with disabilities. 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 where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for vehicles authorized to display handicapped plates or placards under section 2 of chapter 90; provided, that the parking requirements shall be consistent with the Americans with Disabilities Act Standards for Accessible Design. The parking spaces reserved for vehicles of such handicapped persons shall be clearly marked as such.

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

"on behalf of persons with disabilities".

SECTION 4. Said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the word "buildings", in line 67, the following words:- "and facilities". SECTION 5. Said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the word "buildings", in line 75, the following words:-

"and facilities".

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

"persons with a disability".

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

"forms of".

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

"or facility including Areas not generally in Public Use".

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

"or facility".

SECTION 10. 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 11. Said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting, in line 94, after the words "which the building" the following words:-

"or facility".

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

"or facility".

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

"persons with a disability".

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

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

"building, or portion thereof,".

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

"or facility".

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

", facility".

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

"persons with a disability".

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

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

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

“Employee work area”:-

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

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

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

“Public building”, buildings constructed by the commonwealth or any political subdivision thereof with public funds and open to public use, including, but not limited to, those constructed by public housing authorities, the Massachusetts Port Authority, the Massachusetts Parking Authority, the Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority, or building authorities of any public educational institution, or their successors; and privately 4 financed buildings that are open to and used by the public, including but not limited to places of public accommodation listed in section 92A of chapter 272 of the General Laws, and 42 U.S.C. section 12181(7).

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

"Person with a disability".

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

"A person with a disability."

<https://malegislature.gov/Bills/192/H2419>

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