

By Mr. Magnani of Framingham, petition of David P. Magnani and Christopher J. Hodgkins for legislation to strengthen the Architectural Access Board. Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT TO STRENGTHEN THE ARCHITECTURAL ACCESS BOARD.

*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 6 of the General Laws, as appearing in  
2 the 1984 Official Edition, is hereby amended by inserting after  
3 Section 187 the following section: —

4 Section 187A. There shall be in the office a board to be known  
5 as the architectural access board, which shall consist of the  
6 director of the office of handicapped affairs or his designee, the  
7 secretary of the executive office of elder affairs or his designee,  
8 the secretary of the executive office of public safety or his designee,  
9 and six members appointed by the director of the office of  
10 handicapped affairs, with the approval of the governor. Three of  
11 the appointive members shall be selected after consultation with  
12 advocacy groups in behalf of the physically handicapped. At least  
13 two appointive members shall be experienced in the field of  
14 universal design. The director of the office of handicapped affairs  
15 shall be the chairman of the board.

16 Each appointive member shall be appointed for a term of three  
17 years, with the members initially appointed serving staggered  
18 terms. Persons appointed to fill vacancies shall serve for the  
19 unexpired term. Any member shall be eligible for reappointment.  
20 Each appointive member shall be paid for each day while in the  
21 actual performance of official functions at such rate as shall be  
22 approved by the commissioner of administration and shall also  
23 receive from the commonwealth all expenses necessarily incurred  
24 in connection with such official duties.

25 The board shall employ an executive director, who shall  
26 appoint, with the board's approval, such other personnel as may  
27 be required in the performance of the board's duties. The executive  
28 director shall be responsible for the administrative operation of  
29 the board, including development of an annual appropriation  
30 request for the operation of the board, and shall perform such  
31 other tasks as the board shall determine. Employees of the board  
32 shall not be subject to the provisions of chapter thirty-one.

33 The board shall make and from time to time alter, amend, and  
34 repeal, in accordance with the provisions of chapter thirty A, rules  
35 and regulations designed to make public buildings accessible to,  
36 functional for, and safe for use by physically handicapped persons.  
37 The board shall also make rules and regulations requiring that  
38 any person who has lawful control of improved or enclosed private  
39 property used as off-street parking areas for businesses,  
40 auditoriums, sporting or recreational facilities, or cultural centers  
41 where the public has a right of access as invitees or licensees, shall  
42 reserve parking spaces in said off-street parking areas for vehicles  
43 of handicapped persons or for vehicles used to transport such  
44 handicapped persons if the number of parking spaces in any such  
45 area is twenty-five or more. The parking spaces reserved for  
46 vehicles of such handicapped persons shall be clearly marked as  
47 such.

48 The provisions of this section and all rules and regulations made  
49 hereunder shall be enforced by the inspector of buildings, building  
50 commissioner, local inspector and inspector, as defined in chapter  
51 one hundred and forty-three, as to buildings under their respective  
52 jurisdictions. Said rules and regulations shall be deemed to be a  
53 specialized code as referred to in section ninety-six of chapter one  
54 hundred and forty-three, the violation of which shall constitute  
55 gross negligence for the purposes of clause (d) of section sixty G  
56 of chapter one hundred and twelve.

57 The board shall have the power of local and state inspectors  
58 in the enforcement of its rules and regulations, including but not  
59 limited to, the right to enter all public buildings as defined by this  
60 section. The board shall cause the dissemination of the provisions  
61 of this section and all rules and regulations made hereunder to  
62 architects, engineers, contractors, state and local building  
63 inspectors, local building commissioners, state and local public  
64 works officials, the chief executive of each city and town,

65 handicapped persons, and any other person requesting such  
66 information. The board shall take such other steps as may be  
67 necessary and appropriate to encourage and assist all state and  
68 local building inspectors to enforce the provisions of this section,  
69 all rules and regulations made hereunder and decisions of the  
70 board. Such steps shall include but not be limited to providing  
71 training and technical assistance to said inspectors. All public  
72 newspaper solicitation for bids on projects regulated by this  
73 section shall state the requirement of conformity to rules and  
74 regulations of the board.

75 There shall be no construction, reconstruction, alteration or  
76 remodeling of a public building except in conformity with said  
77 rules and regulations, nor shall the use of any building be changed  
78 to a use in which the building is open to and used by the public  
79 as defined in this section until such building so conforms, and a  
80 copy of the plans and specifications have been approved as  
81 provided in this section and in section three W of chapter one  
82 hundred and forty-three, showing compliance with said rules and  
83 regulations; provided, however, that if the board determines that  
84 compliance with said rules and regulations is impracticable in a  
85 particular case, it may provide for modification of, or substitution  
86 for, such rule or regulation. In all petitions for variance, the  
87 burden of proof shall be on the party requesting a variance to  
88 justify its allowance.

89 Five percent of the units in lodging or residential facilities for  
90 hire, rent or lease, containing twenty or more units, shall be  
91 accessible, functional and safe units for physically handicapped  
92 persons.

93 The board shall receive complaints of noncompliance with this  
94 section or with any rule or regulation promulgated hereunder  
95 from any person. Notwithstanding any general or special law to  
96 the contrary, the complainant's name, address and any other  
97 identifying information shall not be released by the board without  
98 the prior written consent of the complainant. If the board finds,  
99 after notice and opportunity for a hearing, that any person is not  
100 in compliance with this section or with any rule or regulation  
101 promulgated hereunder, it may issue an order to compel such  
102 compliance. The board may, when necessary, seek to enforce such  
103 an order by filing an action in superior court. In any such  
104 proceedings, the board or any member thereof may appear *pro*

105 *se* or be presented by the attorney general or by counsel employed  
106 or designated by it for such purpose. The board shall not be  
107 required to pay any entry fee in connection with the institution  
108 of any such proceedings.

109 Any decision the board makes pursuant to this section shall be  
110 subject to review in superior court upon petition of any aggrieved  
111 person within thirty days after the decision for which review is  
112 sought. The court shall enter an order enforcing, modifying, or  
113 setting aside the order of the board, or it may remand the  
114 proceeding to the board for such further action as the court may  
115 direct.

116 Prior to the board's resolution of any complaint, request for  
117 a variance or other matter involving the accessibility of a building  
118 or site, the board shall conduct an on-site inspection unless said  
119 inspection is waived by the board. The board shall conduct said  
120 inspection either itself or through an agent of the board. Said  
121 inspection shall, however, be conducted by an architect at any  
122 time deemed necessary by a majority of the board.

123 The following words, as used in this section, shall have the  
124 following meanings: —

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

129 "Alteration", external or internal rehabilitation or renovation  
130 for which a building permit is needed or for which the cost of such  
131 rehabilitation or renovation equals or exceeds five percent of the  
132 full and fair cash value of the building, or any work determined  
133 to be alteration by a state or local building inspector.

134 "Board", the architectural access board established by this  
135 section.

136 "Construction", work for which a building permit is required,  
137 work determined to be construction by a state or local building  
138 inspector, or work for which a certificate of occupancy is necessary  
139 upon completion.

140 "Physically handicapped person", any person who has a  
141 disability that substantially limits one or more major life activity,  
142 including but not limited to such functions as performing manual  
143 tasks, walking, seeing, hearing, speaking, breathing, learning and  
144 working. Physically handicapped persons include but are not

145 limited to persons who have the inability to walk, difficulty  
146 walking, hearing disabilities, lack of coordination, reaching and  
147 manipulation disabilities, lack of stamina, difficulty interpreting  
148 and reacting to sensory information and extremes in physical size.

149 “Public building”, buildings constructed by the commonwealth  
150 or any political subdivision thereof with public funds and open  
151 to public use, including but not limited to those constructed by  
152 public housing authorities, the Massachusetts Port Authority, the  
153 Massachusetts Parking Authority, the Massachusetts Turnpike  
154 Authority, the Massachusetts Bay Transportation Authority, or  
155 building authorities of any public educational institution, or their  
156 successors; and privately financed buildings that are open to and  
157 used by the public.

158 Buildings that are open to and used by the public shall include  
159 but not be limited to the following buildings: transportation  
160 terminals, institutional buildings, commercial buildings, buildings  
161 having places of assembly with a capacity of more than one  
162 hundred and fifty persons, hotels, motels, dormitories, public  
163 parking garages or lots with a capacity of twenty-five or more  
164 automobiles, public sidewalks and ways, public areas of  
165 apartment buildings and condominiums containing twelve or  
166 more units and of funeral homes, and rest rooms and public areas  
167 of shopping centers and restaurants.

168 “Reconstruction”, the tearing down, removal, demolition or  
169 replacement of a public building or part of a public building.

170 “Remodeling”, modification beyond an interior decoration or  
171 involving any structural change, or the refurbishing, updating or  
172 redecorating of a public building for which the cost of such  
173 refurbishing, updating or redecorating equals or exceeds five  
174 percent of the full and fair cash value of the building.

1 SECTION 2. Section thirteen A of chapter twenty-two of the  
2 General Laws, as most recently amended by section one of chapter  
3 three hundred and forty-six of the acts of nineteen hundred and  
4 eighty-one, is hereby repealed.

The following is a list of the names of the persons who were members of the Board of Directors of the [Organization Name] during the year 1917-1918. The names are listed in alphabetical order.

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100. [Name]

The first part of the document discusses the general situation of the country and the role of the government in the development of the economy. It mentions the need for a comprehensive economic plan and the importance of maintaining a balance between different sectors of the economy.

The second part of the document focuses on the agricultural sector, which is the backbone of the economy. It highlights the challenges faced by farmers, such as lack of access to credit and modern farming techniques, and proposes measures to improve their productivity and income.

The third part of the document addresses the industrial sector, which is crucial for the country's economic growth. It discusses the need for investment in infrastructure and the promotion of small and medium-sized enterprises to diversify the economy and create jobs.

The fourth part of the document deals with the social sector, including education and health. It emphasizes the importance of investing in human capital to ensure a skilled and healthy workforce, which is essential for long-term economic development.

The fifth part of the document discusses the role of the government in the economy, particularly in terms of regulation and public services. It argues for a more active role of the state in providing social services and maintaining a stable macroeconomic environment.

The final part of the document concludes with a summary of the key points and a call for national unity and cooperation to achieve the country's economic and social goals. It expresses confidence in the future and the potential for a bright and prosperous future for the nation.

